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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 51

**[Docket Nos. PRM–51–14, et al.; NRC–2011–0189]**

## Environmental Impacts of Severe Reactor and Spent Fuel Pool Accidents

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying 15 petitions for rulemaking submitted by the petitioners identified in the table in Section IV, ''Availability of Documents.'' The petitioners requested that the NRC rescind its regulations that ''reach generic conclusions about the environmental impacts of severe reactor and/or spent fuel pool accidents and therefore prohibit considerations of those impacts in reactor licensing proceedings.''

**DATES:** The dockets for petitions for rulemaking (PRM) PRM–51–14, PRM–51–15, PRM–51–16, PRM–51–17, PRM–51–18, PRM–51–19, PRM–51–20, PRM–51–21, PRM–51–22, PRM–51–23, PRM–51–24, PRM–51–25, PRM–51–26, PRM–51–27, and PRM–51–28 are closed on August 12, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2011–0189 when contacting the NRC about the availability of information for any of these petitions. 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–2011–0189. 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.* For the convenience of the reader, instructions about obtaining information regarding the 15 petitions and other materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Tobin, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2328; email: *Jennifer.Tobin@nrc.gov.*

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## I. Background

The 15 petitions were filed in August 2011 in response to the publication of the NRC's Near-Term Task Force (NTTF) report, ''Recommendations for Enhancing Reactor Safety in the 21st Century, NTTF Review of Insights from the Fukushima Dai-ichi Accident,'' dated July 12, 2011. The NTTF report provided the NRC staff's recommendations to enhance U.S. nuclear power plant safety following the March 11, 2011, Fukushima accident in Japan. Based upon their interpretation of the NTTF report, the petitioners requested that the NRC rescind all regulations in part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR) ''to the extent that they reach generic conclusions about the environmental impacts of severe reactor and/or spent fuel pool accidents and therefore prohibit considerations of those impacts in reactor licensing proceedings.'' [1] The NRC's regulations in 10 CFR part 51 implement Section 102(2) of the National Environmental Policy Act of 1969, as amended (NEPA).[2] The petitioners challenged the regulations that make generic environmental findings for license renewal proceedings regarding the environmental impacts of severe reactor accidents and spent fuel storage.

The NTTF report, the 15 petitions, along with their NRC assigned docket numbers, and other pertinent documents are listed in Section IV, ''Availability of Documents,'' of this document. The NRC published a notice of receipt of the petitions in the **Federal Register** (FR) on November 10, 2011 (76 FR 70067).[3] As explained in the November 10, 2011, notice, the Commission stated that it was:

> reviewing the [NTTF report], including the issues presented in the 15 petitions for rulemaking. The petitioners specifically cite the [NTTF report] as rationale for the PRMs [petitions for rulemaking]. The NRC will consider the issues raised by these PRMs through the process the Commission has established for addressing the recommendations from the [NTTF report] and is not providing a separate opportunity for public comment on the PRMs at this time.[4]

As such, the NRC staff placed the 15 petitions into abeyance pending the outcome of deliberations regarding the recommendations from the NTTF report. Although activities related to the NTTF report are ongoing, the NRC staff determined that sufficient information is now available to address the 15 petitions.

### *A. Nuclear Power Plant License Renewal Actions and Table B–1*

Under NEPA, the NRC must consider the environmental impacts of a major

[1] See, *e.g.,* San Luis Obispo Mothers for Peace Petition for Rulemaking, PRM–51–15 at 2 (August 11, 2011). All of the petitions have the same, or essentially the same, request for rulemaking.

[2] 10 CFR 51.1(a).

[3] The petitioners also requested a suspension of ongoing reactor licensing proceedings. In its notice of the petitions' receipt, the Commission referenced its September 9, 2011, decision, CLI–11–05, denying the petitioners' suspension requests. 76 FR at 70068 *citing Union Electric Company d/b/a Ameren Missouri (Callaway Plant, Unit 2), et al.,* CLI–11–05, 74 NRC 141, 173–76 (2011).

[4] 76 FR 70069.

Federal action in an Environmental Impact Statement.[5] The Commission has determined that power plant license renewal is a major Federal action that requires an Environmental Impact Statement.[6] On many environmental issues related to license renewal, the Commission ''found that it could draw generic conclusions applicable to all existing nuclear power plants, or to a specific subgroup of plants.'' [7] Therefore, in accordance with 10 CFR 51.95(c), for nuclear power plant license renewal actions, the NRC relies upon NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (GEIS). This environmental impact statement was initially published in May 1996 (1996 GEIS) and then revised and updated in June 2013 (2013 GEIS).[8] The GEIS describes the potential environmental impacts of renewing the operating license of a nuclear power plant for an additional 20 years. The NRC classifies the environmental impacts of license renewal as either generic or site-specific. Generic issues (*i.e.,* environmental impacts common to all nuclear power plants) are addressed in the GEIS. Site-specific issues are addressed initially by the license renewal applicant (*i.e.,* a nuclear power plant licensee seeking a renewal of its operating license under the NRC's license renewal regulations in 10 CFR part 54), in its environmental report, which is required by 10 CFR 51.45, and then by the NRC in the supplemental environmental impact statement (SEIS) to the GEIS prepared for each license renewal application. The criteria for a license renewal applicant's environmental report are set forth in 10 CFR 51.53(c).

Under the NRC's current regulatory framework in 10 CFR part 51 for evaluating the potential environmental impacts of renewing a nuclear power reactor's operating license for an additional 20 years, neither the applicant's environmental report nor the NRC's SEIS are required to address issues previously determined to be generic, as addressed in the GEIS, absent new and significant information. The findings of the GEIS are codified in Table B–1 in appendix B to subpart A of 10 CFR part 51 (Table B–1).[9] In Table B–1, generic issues are designated as ''Category 1'' issues and site-specific issues are designated as ''Category 2'' issues. All of the NRC regulations cited by the petitioners pertain, either directly or indirectly, to generic findings in the GEIS that are, in turn, codified in Table B–1. The petitioners object to those Table B–1 findings that make generic conclusions with respect to the potential environmental impacts of severe reactor and spent fuel pool accidents, namely, the findings for ''Severe accidents'' and ''Onsite storage of spent nuclear fuel.'' [10] The NRC defines ''severe reactor accidents'' as ''those that could result in substantial damage to the reactor core, whether or not there are serious off-site consequences.'' [11]

In accordance with 10 CFR 2.335(a),[12] NRC rules and regulations, such as Table B–1, generally cannot be challenged in NRC adjudicatory proceedings, including site-specific license renewal proceedings for a nuclear power plant before the NRC's Atomic Safety and Licensing Board. Therefore, the petitioners request the rescission of the generic findings in Table B–1 so that they can challenge the NRC environmental impact findings now included in Table B–1 in future license renewal proceedings.

In Table B–1, the ''Severe accidents'' issue has been classified as a Category 2, or site-specific, issue with an impact level finding of ''small.'' [13] Although not classified as a generic issue, the Table B–1 ''Severe accidents'' finding states that:

> [t]he *probability-weighted consequences* of atmospheric releases, fallout onto open bodies of water, releases to groundwater, and societal and economic impacts from severe accidents *are small for all plants.* However, alternatives to mitigate severe accidents must be considered for all plants that have not considered such alternatives.[14]

The Commission has clarified that despite the Category 2 label, the severe-accidents-impact finding in Table B–1 equates to a generic environmental issue resolved by rule.[15]

The Table B–1 ''Onsite storage of spent nuclear fuel'' issue has been classified as a Category 1, or generic, issue also with an impact level finding of ''small'' since Table B–1's inception in 1996. The ''Onsite storage of spent nuclear fuel'' finding states that: The expected increase in the volume of spent fuel from an additional 20 years of operation can be safely accommodated onsite during the license renewal term with small environmental effects through dry or pool storage at all plants. For the period after the licensed life for reactor operations, the impacts of onsite storage of spent nuclear fuel during the continued storage period are discussed in NUREG–2157 and as stated in § 51.23(b), shall be deemed incorporated into this issue.[16]

The 2013 amendments to the Table B–1 ''Onsite storage of spent nuclear fuel'' finding were made to comport with the U.S. Court of Appeals decision in *New York* v. *NRC,* 681 F.3d 471 (D.C. Cir. 2012), which vacated the NRC's 2010 final rule that updated the NRC's ''waste confidence'' decision and rule

[5] 42 U.S.C. 4332(c).

[6] 10 CFR 51.2(b)(2).

[7] *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI–01–17, 54 NRC 3,11 (2001).

[8] The NRC regulation, 10 CFR 51.95(c), requires, for the consideration of potential environmental impacts of renewing a nuclear power plant's operating license under 10 CFR part 54, that the NRC prepare an environmental impact statement, which is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' issued in June 2013. At the time the petitions were filed in 2011, 10 CFR 51.95(c) referred to the initial 1996 GEIS. The NRC published a notice of issuance for the updated 2013 GEIS on June 20, 2013 (78 FR 37325).

[9] Table B–1 was amended to reflect the June 2013 GEIS update. The NRC rule amending Table B–1 and other 10 CFR part 51 regulations was published in the **Federal Register** on June 20, 2013 (78 FR 37282).

[10] The petitions were filed in August 2011, before the June 2013 final rule that revised Table B–1 and other provisions of 10 CFR part 51 was published. The 2013 amendments to the Table B–1, ''Severe accidents'' finding, however, were of a minor, editorial nature (consisting of no more than deleting a regulatory reference). Otherwise, the language of Table B–1, ''Severe accidents'' finding is the same as the language that was in effect when the petitions were filed in 2011.

[11] NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' Vol.1, Chapter 1 at 1–27 (2013).

[12] The NRC regulation, 10 CFR 2.335(a) states, in pertinent part, that ''no rule or regulation of the Commission, or any provision thereof, concerning the licensing of production and utilization facilities, source material, special nuclear material, or byproduct material, is subject to attack by way of discovery, proof, argument, or other means in any adjudicatory proceeding subject to this [10 CFR part 2].'' Paragraphs 2.335(b)–(d) provide exceptions to the provision in 10 CFR 2.335(a).

[13] For most Table B–1 NEPA issues, the NRC determined whether the impacts of license renewal would have a small, moderate, or large environmental impact. The statement of considerations for the June 20, 2013, rulemaking stated that ''[a] small impact means that the environmental effects are not detectable, or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource. A moderate impact means that the environmental effects are sufficient to alter noticeably, but not destabilize, important attributes of the resource. A large impact means that the environmental effects would be clearly noticeable and would be sufficient to destabilize important attributes of the resource'' (78 FR 37285).

[14] 10 CFR part 51, subpart A, appendix B, Table B–1, ''Severe accidents'' finding (emphasis added).

[15] *Entergy Nuclear Generating Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI–12–15, 75 NRC 704, 709 (2012).

[16] 10 CFR part 51, subpart A, app. B, Table B–1, ''Onsite storage of spent nuclear fuel'' finding. Spent fuel is initially stored in spent fuel pools. Following a sufficient period of time to allow the spent fuel to cool, spent fuel may be removed from the pool and placed in large casks on the licensee controlled site (''dry'' storage).

(75 FR 81032, 81037; December 23, 2010). On September 19, 2014, the NRC issued the final ''continued storage'' rule [17] (formerly known as the waste confidence rule), which addressed the *New York vs. NRC* decision.

*B. NTTF Report*

Following the March 11, 2011, Fukushima Dai-ichi accident, the Commission directed the NRC staff to establish a task force to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to its regulatory system and to make recommendations to the Commission for its policy direction.[18] The NRC staff formed the NTTF, which submitted the NTTF report to the Commission in SECY–11–0093, ''Near-Term Report and Recommendations for Agency Actions Following the Events in Japan,'' dated July 12, 2011. The 15 petitions were filed in August 2011.

The NTTF report provided various NRC staff recommendations to the Commission concerning the enhancement of reactor safety and a general implementation strategy, which included several proposals for new regulatory requirements. Recognizing that rulemaking and subsequent implementation would take several years to accomplish, the NTTF also recommended interim actions necessary to enhance reactor protection, severe reactor accident mitigation, and emergency preparedness while rulemaking activities were conducted.[19] In addition, the NTTF report concluded that a sequence of events like the Fukushima accident is unlikely to occur in the United States and therefore, ongoing power reactor operations and related licensing activities do not pose an imminent risk to public health and safety.

The NRC staff further refined the NTTF recommendations in SECY–11–0124, ''Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report,'' and SECY–11–0137, ''Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned,'' both of which described the NRC staff's recommendations for enhancing reactor safety and the priority for implementing those recommendations. Based on those recommendations, the NRC has issued orders and initiated rulemaking activities to enhance the safety of reactors as a result of lessons learned from the Fukushima Dai-ichi accident. The petitioners contend that the recommendations of the NTTF report provide the justification for their request that the NRC rescind regulations in 10 CFR part 51 to the extent that they reach generic conclusions with respect to potential environmental impacts of severe reactor and spent fuel pool accidents and that preclude consideration of those conclusions in individual license renewal proceedings. Specifically, the petitions request that the NRC amend the following regulations: 10 CFR 51.45, 10 CFR 51.53, 10 CFR 51.95, and Table B–1.

*C. Other NRC Regulations Identified by the Petitioners*

The NRC regulation, 10 CFR 51.45, sets forth the general requirements for an environmental report, which the NRC defines as a document submitted to the Commission by an applicant for a permit, license, or other form of permission, or an amendment to or renewal of a permit, license or other form of permission, in order to aid the Commission in complying with Section 102(2) of NEPA.[20] Paragraph 51.45(b) requires that the environmental report contain a description of the proposed action, a statement of its purposes, and a description of the environment affected. Section 51.45 also contains a list of items that the environmental report should discuss, such as the impact of the proposed action on the environment, any adverse effects that cannot be avoided if the proposed action were to be implemented, and alternatives to the proposed action.[21]

The NRC regulation, 10 CFR 51.53(c), describes the applicant's preparation of an environmental report for the renewal of a nuclear power plant's operating license. Paragraph 51.53(c)(3)(i) states that the environmental report is not required to include analyses of the potential environmental impacts identified as Category 1 issues in Table B–1. Paragraphs (c)(3)(ii)(A)–(P) of 10 CFR 51.53, describe the requirement to conduct environmental impact analyses for those Category 2 issues in Table B–1 that must be addressed on a site-specific basis by the license renewal applicant in its environmental report. In addition, paragraph 51.53(c)(3)(iv), requires the environmental report to include any new and significant information regarding the environmental impacts of license renewal of which the applicant is aware.

The NRC regulation, 10 CFR 51.95, describes the preparation of a post-construction environmental impact statement by the NRC, such as at the license renewal stage. Both 10 CFR 51.53 and 10 CFR 51.95 were among the regulations amended by the NRC to reflect the June 2013 update to the GEIS.[22]

*D. Several Petitions Concern Actions Outside of License Renewal*

Several of the petitions were filed in relation to new reactor licensing proceedings, as opposed to proceedings concerning the renewal of an existing nuclear power plant's operating license. The petitions filed for combined license (COL) actions are: PRM–51–14, –51–17, –51–18, –51–21, –51–23, –51–24, –51–25, –51–27, and –51–28; PRM–51–16 was filed for an operating license (OL) action. The generic findings to which the petitioners object concern only license renewal actions conducted pursuant to 10 CFR part 54. Specifically, the NRC's 10 CFR part 51 regulations that reach generic conclusions regarding severe accident or spent fuel storage issues in Table B–1 do not apply to new reactor applications made under the provisions of 10 CFR part 52 for either an early site permit (ESP) or a COL, or to a construction permit (CP) or OL application (*e.g.,* the Watts Bar 2 application) made under the provisions of 10 CFR part 50. The NRC makes no generic conclusions about severe reactor and spent fuel pool accidents when preparing environmental impacts statements for ESP, COL, CP, or OL applications. For these types of applications, the NRC performs a site-specific environmental review to address the potential environmental impacts.

## II. Environmental Impacts of Severe Reactor Accidents and Spent Fuel Pool Accidents

*A. Overview*

The petitioners assert that the lessons learned from the Fukushima Dai-ichi event, as documented in the recommendations of the NTTF report, provide ''new and significant'' information that would affect the NRC's analysis of severe reactor and spent fuel pool accidents when considering whether to renew a nuclear power plant's operating license for an additional 20 years in accordance with the NRC's regulations in 10 CFR part 54,

[17] 79 FR 56238.

[18] Tasking Memorandum—COMGBJ–11–0002—NRC Actions Following the Events in Japan, March 21, 2011.

[19] *http://www.nrc.gov/reactors/operating/ops-experience/japan-dashboard.html.*

[20] 10 CFR 51.14(a) (definition of ''environmental report'').

[21] 10 CFR 51.45(b)(1)–(5).

[22] The NRC rule amending these regulations was published in the **Federal Register** on June 20, 2013 (78 FR 37282).

''Requirements for Renewal of Operating Licenses for Nuclear Power Plants.'' It is upon this basis that the petitioners request that the NRC rescind all regulations in 10 CFR part 51 that ''reach generic conclusions about the environmental impacts of severe reactor and/or spent fuel pool accidents and therefore prohibit considerations of those impacts in reactor licensing proceedings.'' [23]

Under NEPA case law, the standard for considering whether information is ''new and significant'' is that it must present ''a seriously different picture of the environmental impact of the proposed project from what was previously envisioned.'' [24] If the information is ''new and significant,'' and if the agency has not yet taken the proposed action, then the agency is required to supplement its environmental impact statement.[25] The NRC has determined that the NTTF report recommendations do not constitute ''new and significant'' information.

The NTTF report recommendations do not challenge the generic determinations in Table B–1. The NTTF report did not explicitly consider the complex analysis underlying the determinations in Table B–1, did not recommend changing the generic determinations in Table B–1 regarding severe reactor and spent fuel pool accidents, and did not make any recommendations relating to nuclear power plant license renewals. Any NRC regulatory action that has been taken or could have been taken as a result of the information presented in the NTTF report would not have been deferred to the license renewal stage; any such action would have been taken as part of the NRC's ongoing safety program.

*B. Severe Reactor Accidents*

First, the petitioners requested that the NRC rescind all of its regulations that reach generic conclusions about the environmental impacts of severe reactor accidents. As set forth in both Table B–1 and 10 CFR 51.53(c)(3)(ii)(L), ''Severe accidents'' is listed as a Category 2 or site-specific issue, rather than a generic issue because the Commission determined the agency should consider severe accident mitigation measures on a site-specific basis for those reactors for which the agency had not previously performed a similar analysis. However, as noted above, the Commission has confirmed that because the agency made a generic determination regarding severe accident impacts in the GEIS that is codified in Table B–1, the impacts portion of the issue has been resolved by rule.[26]

GEIS Severe Accident Analysis

When the NRC promulgated the license renewal rule and the severe accidents finding in Table B–1 in 1996, the NRC conducted a detailed analysis in the GEIS to determine that the probability weighted environmental impacts of severe accidents are small. The Commission summarized this analysis in the associated **Federal Register** notice.

The GEIS provides an analysis of the consequences of severe accidents for each site in the country. The analysis adopts standard assumptions about each site for parameters such as evacuation speeds and distances traveled, and uses site-specific estimates for parameters such as population distribution and meteorological conditions. These latter two factors were used to evaluate the exposure indices for these analyses. The methods used result in predictions of risk that are adequate to illustrate the general magnitude and types of risks that may occur from reactor accidents. Regarding site-evacuation risk, the radiological risk to persons as they evacuate is taken into account within the individual plant risk assessments that form the basis for the GEIS. In addition, 10 CFR part 50 requires that licensees maintain up-to-date emergency plans. This requirement will apply in the license renewal term as well as in the current licensing term.

As was done in the GEIS analysis, the use of generic source terms (one set for PWRs and another for BWRs) is consistent with the past practice that has been used and accepted by the NRC for individual plant Final Environmental Impact Statements (FEISs). The purpose of the source term discussion in the GEIS is to describe whether or not new information on source terms developed after the completion of the most recent FEISs indicates that the source terms used in the past under-predict environmental consequences. The NRC has concluded that analysis of the new source term information developed over the past 10 years indicates that the expected frequency and amounts of radioactive release under severe accident conditions are less than that predicted using the generic source terms. A summary of the evolution of this research is provided in NUREG–1150, ''Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants'' (December 1990), and its supporting documentation. Thus, the analyses performed for the GEIS represent adequate, plant-specific estimates of the impacts from severe accidents that would generally over-predict, rather than under-predict, environmental consequences. Therefore, the GEIS analysis of the impacts of severe accidents for license renewal is retained and is considered applicable to all plants.[27]

In preparing the 2013 GEIS, the NRC staff specifically considered and evaluated severe reactor accidents and found that the conclusions reached in the 1996 GEIS remained valid. Specifically, the NRC staff considered areas where new information showed increases in the consequences of severe accidents and compared them to areas where the new information showed decreases in the impacts from severe accidents.[28] The NRC staff found that information showed that the areas that reflected an increase in impacts could potentially account for a 470 percent increase.[29] But, the NRC staff found that the areas that reflected a decrease in impacts could account for a 500 percent to 10,000 percent reduction.[30]

The petitions for rulemaking and supporting affidavit do not challenge with any specificity the analyses underlying the 1996 GEIS. The NTTF report, upon which the petitioners' rely, largely described the accident sequence at Fukushima, considered the NRC's current regulatory framework, and recommended areas for improvement. Indeed, the NTTF report concluded that a sequence of events like the Fukushima accident is unlikely to occur in the United States and, therefore, ongoing power reactor operations and related licensing activities do not pose an imminent risk to public health and safety. As a result, on their face, the

[23] See, *e.g.,* San Luis Obispo Mothers for Peace Petition for Rulemaking, PRM–51–15 at 1 (August 11, 2011). All of the petitions have the same, or essentially the same, request for rulemaking.

[24] *Union Electric Company d/b/a Ameren Missouri (Callaway Plant, Unit 2), et al,* CLI–11–05, 74 NRC 141, 167–68 (2011) *quoting Hydro Resources, Inc.,* CLI–99–22, 50 NRC 3, 14 (1999) (''To merit this additional review, information must be both 'new' and 'significant,' and it must bear on the proposed action or its impacts. As we have explained, '[t]he new information must present 'a seriously different picture of the environmental impact of the proposed project from what was previously envisioned' '') (alteration in the original.); *Sierra Club* v. *Froehlke,* 816 F.2d 205, 210 (5th Cir. 1987) (''In making its determination whether to supplement an existing EIS because of new information, the [United States Army, Corps of Engineers] should consider 'the extent to which the new information presents a picture of the likely environmental consequences associated with the proposed action not envisioned by the original EIS'.'') (alteration added); *Wisconsin* v. *Weinberger,* 745 F.2d 412, 418 (7th Cir.1984) (supplementation required where new information ''provides a seriously different picture of the environmental landscape.''); and *see* NRC Regulatory Guide 4.2, Supplement 1, Revision 1, ''Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses,'' Chapter 5 (June 2013).

[25] 10 CFR 51.92(a).

[26] *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI–01–17, 54 NRC 3,11 (2001).

[27] 61 FR 28467, 28480. *See also* NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' Vol. 1, Chapter 5 at 5–1 to 5–116 (1996).

[28] NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' Vol. 1, Rev. 1, appendix E at E–46 to E–47 (2013).

[29] *Id.*

[30] *Id.*

safety conclusions in the NTTF report do not appear to relate to the environmental analysis challenged by the petitioners. Moreover, the petitioners have not demonstrated that any information in the NTTF report undermines the environmental analysis in the GEIS. For example, the petitioners have not shown, or even alleged, that the source terms relied on by the NRC staff were inadequate, that the analysis ignored or marginalized an exposure pathway, or that the NRC's consideration of evacuation times was unreasonable. Moreover, the petitioners do not suggest that any errors in the severe accident analysis underlying the Table B–1 findings were significant enough to overcome the substantial margins noted by the Commission in 1996 and confirmed by the NRC staff in the 2013 update, let alone provide a ''seriously different picture'' of the likelihood and consequences of a severe accident beyond that already considered. Therefore, the findings of the NTTF report do not indicate that the NRC should revise the 2013 GEIS, or present a seriously different picture of the environmental consequences of severe accidents beyond those already considered by the agency.

Petitioners' Focus on License Renewal Regulations

The petitioners largely focus their arguments on a claim that currently operating reactors will need to undertake expensive improvements to comply with the NRC's post-Fukushima requirements and that the agency's environmental review must account for these costs. But these arguments reflect a misunderstanding of our regulatory process. As stated in the 2013 GEIS:

As of the publication date of [the 2013] GEIS, the NRC's evaluation of the consequences of the Fukushima events is ongoing. As such, the NRC will continue to evaluate the need to make improvements to existing regulatory requirements based on the task force report and additional studies and analyses of the Fukushima events as more information is learned. *To the extent that any revisions are made to NRC regulatory requirements, they would be made applicable to nuclear power reactors regardless of whether or not they have a renewed license.* Therefore, no additional analyses have been performed in this GEIS as a result of the Fukushima events. In the event that the NRC identifies information from the Fukushima events that constitutes new and significant information with respect to the environmental impacts of license renewal, the NRC will discuss that information in its site-specific supplemental EISs (SEISs) to the GEIS, as it does with all such new and significant information.[31]

As that paragraph from the 2013 GEIS explains, if the NRC finds that an additional requirement should be imposed upon a reactor licensee the NRC will impose that requirement regardless of its license renewal posture. The renewal of a nuclear power plant's operating license does not, in any way, prescribe the NRC's ongoing safety surveillance of that plant. The regulations that the petitioners want rescinded pertain only to license renewal findings, not the NRC's ongoing safety surveillance.

The NRC continues to address severe accident-related issues in the day to day regulatory oversight of nuclear power plant licensees. The NRC's regulatory efforts have reduced severe accident risks beyond what was considered in the 1996 and 2013 GEIS. In some cases, such as the NRC's response to the accident at Fukushima Dai-ichi, these regulatory activities are ongoing. The NRC will continue to evaluate the need to make improvements to existing regulatory requirements as more information is learned.

*C. Spent Fuel Pool Accidents*

Last, the petitioners contend that the NTTF report provides new and significant information that warrants rescinding the NRC's regulations codifying the GEIS' generic environmental determinations of the impacts of onsite storage of spent nuclear fuel during the period of license renewal. The evaluation of the environmental impacts of the onsite storage of spent nuclear fuel during the license renewal term, including potential spent fuel pool accidents, was documented in the 1996 GEIS and reaffirmed in the 2013 GEIS. The NRC found that the probability of a fuel cladding fire is low even in the event of a ''worst probable cause of a loss of spent-fuel pool coolant (a severe seismic-generated accident causing a catastrophic failure of the pool).'' [32] Based on these evaluations, the ''Onsite storage of spent nuclear fuel'' NEPA issue in Table B–1 has been classified as a Category 1, or generic, issue with an impact level finding of ''small.'' As noted above, the NTTF report primarily focused on describing the Fukushima accident, analyzing the agency's current regulatory structure, and making recommendations for improving the agency's regulatory process. The NTTF report did not specifically address the agency's environmental analysis for on-site spent fuel storage or the agency's prior studies showing that the risk of an accident in a spent fuel pool would be small. Moreover, the petitioners have not provided any specific explanation of how information in the NTTF report would invalidate the findings in the GEIS and thereby call into question the regulations in 10 CFR part 51.

Moreover, the NRC has thoroughly considered the question of spent fuel pool accidents before and after promulgating the 1996 GEIS, and these studies have consistently found that the probability of a spent fuel pool fire is low. Spent fuel pools are large, robust structures that contain thousands of gallons of water. Spent fuel pools have thick, reinforced, concrete walls and floors lined with welded, stainless-steel plates. After removal from the reactor, spent fuel assemblies are placed into these pools and stored under at least 20 feet of water, which provides adequate shielding from radiation. Redundant monitoring, cooling, and make-up water systems are part of the spent fuel pool system. Spent fuel pools at operating U.S. nuclear power plants were designed and licensed to maintain a large inventory of water to protect and cool spent fuel under normal and accident conditions, including earthquakes. Domestic and international operational experience and past NRC studies (*e.g.,* NUREG–1353, NUREG–1738, and SECY–13–0112) [33] have borne out that spent fuel pools are effectively designed to prevent accidents that could affect the safe storage of spent fuel. Regarding spent fuel pool accidents, the petitioners' primary concern is a ''seismically induced'' spent fuel pool fire (*i.e.,* an earthquake damaging the structure of the spent fuel pool and thereby causing a complete or partial drainage of the pool's water.) [34] With

[31] NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' Vol. 1, Rev. 1, Chapter 1, Section 1.9. at 1–33 and 1–34 (2013) (citations omitted) (emphasis added).

[32] See also NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' Vol. 1, Chapter 6 at 6–72 to 6–75 (1996).

[33] These studies include NUREG–1353, ''Regulatory Analysis for the Resolution of Generic Issue 82, 'Beyond Design Basis Accidents in Spent Fuel Pools' '' (April 1989); NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants'' (February 2001); and SECY–13–0112, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling-Water Reactor'' (October 2013).

[34] Potential spent fuel pool fires caused by a successful terrorist strike were the subject of rulemaking petitions filed in 2006 (PRM–51–10) and 2007 (PRM–51–12). These petitions also requested the rescission of the generic finding in Table B–1 concerning onsite spent fuel storage. The NRC denied these petitions in 2008 (73 FR 46204; August 8, 2008). In its denial notice, the NRC

Continued

respect to the March 2011 Fukushima accident, a Japanese government report, issued in June 2011, found that the Fukushima Dai-ichi, Unit 4 spent fuel pool, the one believed to have sustained the most serious damage, actually remained ''nearly undamaged.'' [35] The report noted that visual inspections found no water leaks or serious damage to the Unit 4 spent fuel pool. On April 25, 2014, the NRC issued a report entitled, ''NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4,'' which confirmed that the structural integrity of the Unit 4 spent fuel pool was not compromised.

The accident at the Fukushima Dai-ichi nuclear facility in Japan also led to additional questions about the safe storage of spent fuel and whether the NRC should require the expedited transfer of spent fuel from spent fuel pools to dry cask storage at nuclear power plants in the United States. This issue was identified by NRC staff subsequent to the NTTF report along with the understanding that further study was needed to determine if regulatory action was warranted. Consequently, a regulatory analysis was conducted on the expedited transfer of spent fuel from pools to dry cask storage. The results of this analysis were provided to the Commission in COMSECY–13–0030, ''Staff Evaluation and Recommendation for Japan Lessons Learned Tier 3 Issue on Expedited Transfer of Spent Fuel,'' dated November 12, 2013. The Commission subsequently concluded that regulatory action need not be pursued in SRM–COMSECY–13–0030, issued on May 23, 2014. Nothing that the petitioners provided in these petitions invalidates this conclusion.

On August 26, 2014, the Commission approved the ''continued storage'' final rule and its associated generic environmental impact statement amending 10 CFR part 51 to revise the generic determination on the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor. The continued storage GEIS [36] also concluded that the environmental impacts from spent fuel pool fires are small during the short-term storage timeframe (the 60 years of continued storage after the end of a reactor's licensed life for operation), which is consistent with the finding of the license renewal GEIS. Therefore, the petitioners have not shown that the NTTF report contains any new and significant information that would alter the analysis of spent fuel pool accidents in the GEIS. On the contrary, the NRC's ongoing studies of this issue have consistently supported the finding in Table B–1 that the environmental impacts of spent fuel pool accidents would be small.

## III. Determination of Petitions

For the reasons described in Section II of this document, the NRC has concluded that there is no basis to rescind the NRC's generic conclusions in Table B–1 concerning the environmental impacts of the ''Severe accidents'' and ''Onsite storage of spent nuclear fuel'' issues nor to amend any other NRC regulation. Therefore, the NRC is denying the petitions in accordance with 10 CFR 2.803.

## IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated. For more information on accessing ADAMS, see the **ADDRESSES** section of this document.

| Document | ADAMS Accession No./Web link/**Federal Register** citation |
|---|---|
| CLI–99–22, *Hydro Resources, Inc.,* July 23, 1999 | *http://www.nrc.gov/reading-rm/doc-collections/commission/orders/1999/1999-022cli.pdf.* |
| CLI–01–17, *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), July 19, 2001. | *http://www.nrc.gov/reading-rm/doc-collections/commission/orders/2001/2001-017cli.pdf.* |
| CLI–11–05, Union Electric Company d/b/a Ameren Missouri (Callaway Plant, Unit 2), September 9, 2011. | *http://www.nrc.gov/reading-rm/doc-collections/commission/orders/2011/2011-05cli.pdf.* |
| CLI–12–15, *Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station),* June 7, 2012. | *http://www.nrc.gov/reading-rm/doc-collections/commission/orders/2012/2012-15cli.pdf.* |
| COMGBJ–11–0002, NRC Actions Following the Events in Japan, March 21, 2011. | *http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj.pdf.* |
| COMSECY–13–0030, Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel, November 12, 2013. | ML13329A918. |
| ***Federal Register*** notice—Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation, December 23, 2010. | 75 FR 81032. |
| ***Federal Register*** notice—Environmental Review for Renewal of Nuclear Power Plant Operating Licenses, June 5, 1996. | 61 FR 28467. |
| ***Federal Register*** notice—License Renewal of Nuclear Power Plants; Generic Environmental Impact Statement and Standard Review Plans for Environmental Reviews, June 20, 2013. | 78 FR 37325. |
| ***Federal Register*** notice—Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses, June 20, 2013. | 78 FR 37282. |
| ***Federal Register*** notice—Taxpayers and Ratepayers United, et al.; Environmental Impacts of Severe Reactor and Spent Fuel Pool Accidents, November 10, 2011. | 76 FR 70067. |
| ***Federal Register*** notice—The Attorney General of Commonwealth of Massachusetts, The Attorney General of California; Denial of Petitions for Rulemaking, August 8, 2008. | 73 FR 46204. |

described spent fuel pools as ''massive, extremely-robust structures designed to safely contain the spent fuel discharged from a nuclear reactor under a variety of normal, off-normal, and hypothetical accident conditions (*e.g.,* loss of-electrical power, floods, earthquakes, or tornadoes).'' 73 FR at 46206.

The NRC's denials of PRM–51–10 and PRM–51–12 were upheld in court. *New York* v. *U.S. Nuclear Regulatory Commission,* 589 F.3d 551 (2nd Cir. 2009).

[35] See ''Report of Japanese Government to the IAEA Ministerial Conference on Nuclear Safety-The Accident at TEPCO's Fukushima Nuclear Power Stations,'' IV–91. English version available at *http://www.kantei.go.jp/foreign/kan/topics/201106/iaea_houkokusho_e.html,* last visited on April 22, 2013.

[36] NUREG–2157, Appendix F, Section F.1.3, Page F–16, ''Conclusion.''

| Document | ADAMS Accession No./Web link/**Federal Register** citation |
|---|---|
| Recommendations for Enhancing Reactor Safety in the 21st Century, Recommendations for Enhancing Reactor Safety in the 21st Century, Near-Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident, July 12, 2011. | ML111861807. |
| Regulatory Guide 4.2, Supplement 1, Rev. 1, June 2013 ..... | ML13067A354. |
| NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4, April 25, 2014. | ML14111A099. |
| NUREG–1353, Regulatory Analysis for the Resolution of Generic Issue 82, Beyond Design Basis Accidents in Spent Fuel Pools, April 1989. | ML082330232. |
| NUREG–1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, June 20, 2013. | ML13107A023. |
| NUREG–1738, Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants, February 2001. | ML010430066. |
| NUREG–2157, Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel, September, 2014. | ML14196A107. |
| Petition submitted by Commonwealth of Massachusetts (PRM-51-10), September 19, 2006. | ML062640409. |
| Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses, Chapter 5, Revision 1, June 20, 2013. | ML13106A244. |
| PRM 51–14 submitted by Gene Stilp, on behalf of Taxpayers and Ratepayers United (Bell Bend—COL), August 11, 2011. | ML112430559. |
| PRM 51–15 submitted by Diane Curran, on behalf of San Luis Obispo Mothers for Peace (Diablo Canyon—LR), August 11, 2011. | ML11236A322. |
| PRM 51–16 submitted by Diane Curran, on behalf of Southern Alliance for Clean Energy (Watts Bar—OL), August 11, 2011. | ML11223A291. |
| PRM 51–17 submitted by Mindy Goldstein, on behalf of Center for a Sustainable Coast, Georgia Women's Action for New Directions f/k/a/ Atlanta Women's Action for New Directions, and Southern Alliance for Clean Energy (Vogtle—COL), August 11, 2011. | ML11223A043. |
| PRM 51–18 submitted by Mindy Goldstein, on behalf of Southern Alliance for Clean Energy, National Parks Conservation Association, Dan Kipnis, and Mark Oncavage (Turkey Point—COL), August 11, 2011. | ML11223A044. |
| PRM 51–19 submitted by Deborah Brancato, on behalf of Riverkeeper, Inc. & Hudson River Sloop Clearwater, Inc. (Indian Point—LR), August 11, 2011. | ML11229A712. |
| PRM 51–20 submitted by Paul Gunter, on behalf of Beyond Nuclear, Seacoast Anti-Pollution League and Sierra Club of New Hampshire (Seabrook—LR), August 11, 2011. | ML11223A371. |
| PRM 51–21 submitted by Michael Mariotte, on behalf of Nuclear Information and Resource Service, Beyond Nuclear, Public Citizen, and SOMDCARES (Calvert Cliffs—COL), August 11, 2011. | ML11223A344. |
| PRM 51–22 submitted by Raymond Shadis, on behalf of Friends of the Coast and New England Coalition (Seabrook—LR), August 11, 2011. | ML11223A465. |
| PRM 51–23 submitted by Robert V. Eye, on behalf of Intervenors in South Texas Project Nuclear Operating Co., Application for Units 3 and 4 Combined Operating License (South Texas—COL), August 11, 2011. | ML11223A472. |
| PRM 51–24 submitted by Robert V. Eye, on behalf of Intervenors in Luminant Generation Company, LCC, Application for Comanche Peak Nuclear Power Plant Combined License (Comanche Peak—COL), August 11, 2011. | ML11223A477. |
| PRM 51–25 submitted by Mary Olson, on behalf of the Ecology Party of Florida, Nuclear Information (Levy—COL), August 11, 2011. | ML11224A074. |
| PRM 51–26 submitted by Terry Lodge, on behalf of Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario, Don't Waste Michigan, and the Green Party of Ohio (Davis-Besse—LR), August 11, 2011. | ML112450527. |
| PRM 51–27 submitted by Terry Lodge, on behalf of Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental Alliance of Southwestern Ontario, Don't Waste Michigan, Sierra Club, Keith Gunter, Edward McArdle, Henry Newman, Derek Coronado, Sandra Bihn, Harold L. Stokes, Michael J. Keegan, Richard Coronado, George Steinman, Marilyn R. Timmer, Leonard Mandeville, Frank Mantei, Marcee Meyers, and Shirley Steinman (Fermi—COL), August 11, 2011. | ML112450528. |
| PRM 51–28 submitted by Barry White, on behalf of Citizens Allied for Safe Energy, Inc (Turkey Point—COL), August 11, 2011. | ML11224A232. |
| Report of Japanese Government to the IAEA Ministerial Conference on Nuclear Safety—The Accident at TEPCO's Fukushima Nuclear Power Stations, June 2011. | *http://www.kantei.go.jp/foreign/kan/topics/201106/iaea_houkokusho_e.html.* |
| SECY–11–0093, Near-Term Report and Recommendations for Agency Actions Following the Events in Japan, July 12, 2011. | ML11186A959. |

| Document | ADAMS Accession No./Web link/**Federal Register** citation |
|---|---|
| SECY-11-0124, Recommended Actions to be Taken Without Delay from the Near Term Task Force Report, September 9, 2011. | ML11245A127. |
| SECY–11–0137, Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned, October 3, 2011. | ML11269A204. |
| SECY–13–0112, Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling-Water Reactor, October 9, 2013. | ML13256A334. |
| SRM–COMSECY–13–0030, Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel, May 23, 2014. | ML14143A360. |

Dated at Rockville, Maryland, this 4th day of August, 2015.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2015–19843 Filed 8–11–15; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 23

**[Docket No. FAA–2015–2903; Special Conditions No. 23–270–SC]**

## Special Conditions: Honda Aircraft Company, Model HA–420, HondaJet; Ventilation Requirements in High Altitude Operations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Honda Aircraft Company, Model HA–420 airplane. This airplane will have a novel or unusual design feature associated with high altitude operations above 41,000 feet. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** The effective date of these special conditions is August 12, 2015.

We must receive your comments by September 11, 2015

**ADDRESSES:** Send comments identified by docket number FAA–2015–2903 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

*Docket:* Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Leslie B. Taylor, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106; telephone (816) 329–4134; facsimile (816) 329–4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined, in accordance with 5 U.S. Code 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

| Special condition No. | Company/airplane model |
|---|---|
| 23–243–SC ..... | Embraer Model EMB–505. |
| 23–102–SC ..... | Cessna Model 525A. |
| 25–ANM–108 .... | Gulfstream Aerospace Corporation, Model Gulfstream V. |

### Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

### Background

On October 11, 2006, Honda Aircraft Company applied for a type certificate for their new model HA–420. On October 10, 2013, Honda Aircraft Company requested an extension with an effective application date of October 1, 2013. This extension changed the type certification basis to amendment 23–62.

The HA–420 is a four to five passenger (depending on configuration), two crew, lightweight business jet with a 43,000-foot service ceiling and a maximum takeoff weight of 9963 pounds. The airplane is powered by two GE-Honda Aero Engines (GHAE) HF–120 turbofan engines.

This airplane will have a novel or unusual design feature associated with high altitude operations above 41,000 feet. During the development of the supersonic transport special conditions, it was noted that certain pressurization

failures resulted in hot ram or bleed air being used to maintain pressurization. Such a measure can lead to cabin temperatures that exceed human tolerance limits following probable and improbable failures. The current part 23 does not address this hazard.

**Type Certification Basis**

Under the provisions of 14 CFR 21.17, Honda Aircraft Company must show that the HA–420 meets the applicable provisions of part 23, as amended by amendment 23–0 through amendment 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the HA–420 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the HA–420, must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and they become part of the type certification basis under § 21.17(a)(2). Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model.

**Novel or Unusual Design Features**

The HA–420 will incorporate the following novel or unusual design features: Will operate at altitudes above 41,000 feet where the ventilation requirements in § 23.831, amendment 23–62, are inadequate above that altitude.

**Applicability**

As discussed above, these special conditions are applicable to the HA–420. Should Honda Aircraft Company apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

**Conclusion**

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances, identified above, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, notice and opportunity for prior public comment hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

**List of Subjects in 14 CFR Part 23**

Aircraft, Aviation safety, Signs and symbols.

**Citation**

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

**The Special Conditions**

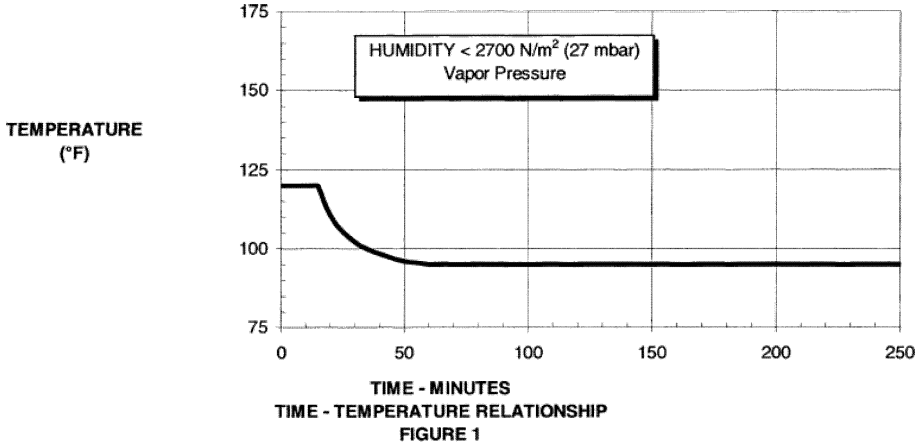
■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Honda Aircraft Company, HA–420 airplanes.

*1. Air Conditioning*

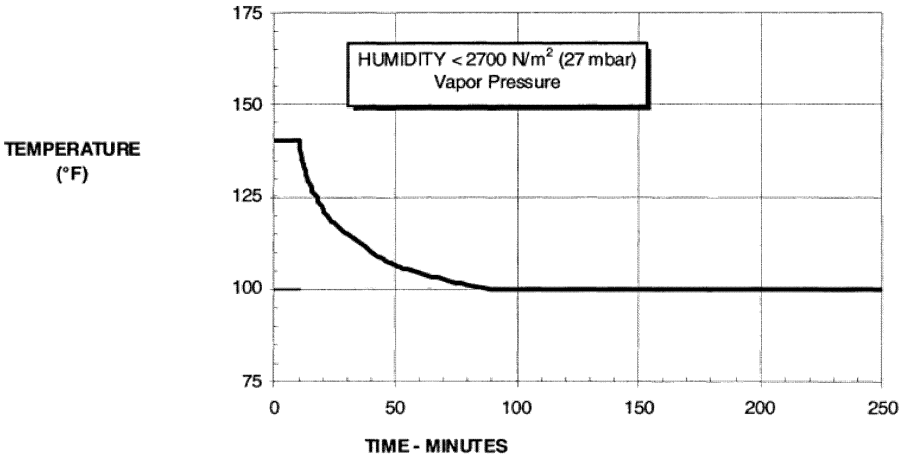
In addition to the requirements of § 23.831(c) through (d), amendment 23–62, the applicant must design the cabin cooling system to meet the following conditions during flight above 15,000 feet mean sea level:

a. After any probable failure, the cabin temperature-time history may not exceed the values shown in figure 1.

b. After any improbable failure, the cabin temperature-time history may not exceed the values shown in figure 2.




TIME - TEMPERATURE RELATIONSHIP
FIGURE 1




TIME - TEMPERATURE RELATIONSHIP
FIGURE 2

Issued in Kansas City, Missouri on August 3, 2015.

**Earl Lawrence,**

*Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–19835 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 15 CFR Part 902

### 50 CFR Part 648

**[Docket No. 150401329–5659–02]**

**RIN 0648–BF00**

## Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 9

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing regulations consistent with Framework Adjustment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. This action will further enhance catch monitoring and address discarding catch before it has been sampled by observers (known as slippage) in the Atlantic mackerel fishery. Framework 9 implements slippage consequence measures, and a requirement that slippage events be reported via the vessel monitoring system. For allowable slippage events, due to safety, mechanical failure, or excess catch of spiny dogfish, vessels must move 15 nm (27.8 km) from the location of the slippage event. For non-allowable slippage events, due to reasons other than those listed previously, vessels must terminate their fishing trip. Slippage events have the potential to substantially affect analysis or extrapolations of incidental catch, including river herring and shad, and these measures are designed to address this issue.

**DATES:** Effective September 11, 2015.

**ADDRESSES:** Copies of the framework document, including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. The framework document is also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS, Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

**FOR FURTHER INFORMATION CONTACT:** Carly Bari, Fishery Policy Analyst, (978) 281–9224.

**SUPPLEMENTARY INFORMATION:**

## Background

NMFS implemented measures to improve catch monitoring of the mackerel, squid, and butterfish fisheries through Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) (79 FR 10029, February 24, 2014). The focus of Amendment 14 was to improve evaluation of the incidental catch of river herring (alewife and blueback herring) and shad (American shad and hickory shad), and to address incidental catch of river herring and shad. NMFS disapproved three measures that were initially included in Amendment 14 including: A dealer reporting requirement; a cap that, if achieved, would require vessels discarding catch before it had been sampled by observers (known as slippage) to return to port; and a recommendation of 100-percent observer coverage on midwater trawl vessels and 100-, 50-, and 25-percent observer coverage on bottom trawl mackerel vessels, with the industry contributing $325 per day toward observer costs.

Currently, through Amendment 14 regulations, slippage events are prohibited for vessels issued a limited access mackerel permit or a longfin squid/butterfish moratorium permit and carrying a NMFS-approved observer except in circumstances which allow slippage events including: Safety; mechanical failure; and excess catch of spiny dogfish. Additionally, following a slippage event, vessels are currently required to submit a Released Catch Affidavit within 48 hours of the end of the fishing trip. In response to the disapproval of the slippage measures in Amendment 14, the Mid-Atlantic Fishery Management Council developed Framework Adjustment 9 to the Atlantic Mackerel, Squid, and Butterfish FMP to further enhance catch monitoring and to address slippage in the Atlantic mackerel fishery. Framework 9, through this final rule, adds slippage consequence measures and slippage reporting requirements to build upon the current measures and to address monitoring the catch of river herring and shad. On May 19, 2015, NMFS published a proposed rule for Framework 9 management measures (80 FR 28575); the public comment period for the proposed rule ended on June 18, 2015.

## Final Action

Framework 9 requires Tier 1, 2, and 3 mackerel vessels on observed trips to move 15 nm (27.8 km) following an excepted slippage event, which includes safety, mechanical failure, or excess catch of spiny dogfish. These vessels are also required to terminate a fishing trip and immediately return to port following a non-excepted slippage event, which would be due to any reason other than those listed above. In addition to submitting a Released Catch Affidavit, vessels carrying an observer are required to report slippage events through the vessel monitoring system daily catch report for mackerel and longfin squid.

## Comments and Responses

NMFS received three comments in response to the proposed rule for this action. Two were from industry groups, including Garden State Seafood Association (GSSA) (a New Jersey fishing industry advocacy group), and Seafreeze (a Rhode Island fishing company and seafood dealer). One comment was from the Herring Alliance, an environmental advocacy group.

*Comment 1:* GSSA and Seafreeze both commented in opposition to the 15-nm (27.8-km) move along provision for allowable slippage events. Both commenters suggested that this provision causes significant safety and economic implications and are not known to have a positive impact on the river herring resource. Seafreeze noted that the 15-nm (27.8-km) move along provision causes economic hardship because the vessel may have to move away from the targeted resource and lose the opportunity to harvest fish.

*Response:* Due to low observer coverage in this fishery and the low rate of slippage events, very few trips would likely be impacted by this slippage consequence and therefore the economic impact of this provision would be minimal. Additionally, NMFS does not expect that moving 15 nm (27.8 km) following an allowable slippage event will by itself cause any safety concerns. If the net is slipped due to the safety of the crew, then the vessel would likely be going back to port or to another area to avoid the safety issue. The intent of the slippage consequence measures are to discourage slippage events in order to allow catch to be fully accounted for by observers, which will provide better information on river herring and shad.

*Comment 2:* The Herring Alliance commented in support of all the proposed management measures but noted that these measures would be more effective if there is an increase in observer coverage in the Atlantic mackerel fishery.

*Response:* NMFS will be implementing the Framework as proposed. NMFS and the Councils are currently developing additional measures to increase observer coverage in the Atlantic mackerel fishery.

## Changes From the Proposed Rule

This final rule contains an additional change that would reinstate regulations that were inadvertently removed. This reinstated regulation, at § 648.24(b)(6), describes the river herring and shad catch cap in the Atlantic mackerel fishery. This change in the regulations was identified, described, and made available for public comment in the proposed rule for the 2014 Atlantic mackerel, squid, and butterfish specifications (79 FR 1813, January 10, 2014). The fishery is already operating under the river herring and shad cap, this rule is simply reinstating this regulatory text.

This final rule also contains additional regulation changes that were mistakenly omitted in the 2015–2017 Atlantic mackerel, squid, and butterfish specifications final rule (80 FR 14870, March 20, 2015). One regulation change, in § 648.14(g)(2)(ii)(G), would prohibit all vessels with a valid mackerel permit from fishing for, possessing, transferring, receiving, or selling more than 20,000 lb (9.08 mt) of mackerel per trip or per day after 95 percent of the river herring and shad catch cap has been harvested. Another regulation change, in §§ 648.22(b)(3)(v)–(vii) and 648.24(c)(1), would eliminate the three-phased butterfish management season. These measures were identified, described, and made available for public comment in the proposed rule for the 2015–2017 Atlantic mackerel, squid, and butterfish specifications (79 FR 68202, November 14, 2014).

This final rule also contains changes to the wording and format of the regulatory text for the measures included in Framework 9. This includes revising the definition of ''Slippage in the Atlantic mackerel and longfin squid fisheries'' in § 648.2, as well as wording and format changes made to §§ 648.11(n)(3) and 648.14(g)(2)(vi)–(x) to make consistent with proposed regulations for Framework Adjustment 4 to the Atlantic Herring FMP which includes similar management measures to this action. All of these changes are intended to clarify the purpose of these measures and ensure compliance.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator (AA) has determined that this framework adjustment is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

The Council prepared an EA for Framework 9, and the AA concluded that there will be no significant impact on the human environment as a result of this rule. A copy of the EA is available upon request (see **ADDRESSES**).

This final rule is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of Executive Order 12866.

This action contains collection-of-information requirements subject to the paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648–0679. Framework 9 requires all limited access mackerel vessels carrying an observer to report all slippage events on the VMS mackerel and longfin squid daily catch report. This information collection is intended to improve monitoring the catch of river herring and shad in the Atlantic mackerel fishery. The burden estimates for these new requirements apply to all limited access mackerel vessels. Time and cost burdens that were previously approved through Amendment 14 and OMB Control Number 0648–0679, include estimated time of 5 minutes to complete daily catch reports, for a total time burden of 264 hours. In a given fishing year, NMFS estimates that the additional reporting requirements included in Framework 9 will not cause any additional time or cost burden from that which was previously approved. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

Notwithstanding any other provisions of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

NMFS, pursuant to section 604 of the Regulatory Flexibility Act, has prepared a FRFA, included in the preamble of this final rule, in support of the management measures in this action. The FRFA describes the economic impact that this final rule, along with other non-preferred alternatives, will have on small entities.

The FRFA incorporates the economic impacts and analysis summaries in the IRFA, a summary of the significant issues raised by the public in response to the IRFA, and NMFS's responses to those comments. A copy of the IRFA, RIR, and the EA are available upon request (see **ADDRESSES**).

*A Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA, a Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments*

Two of the public comments raised general concerns on the economic impact of the rule on affected entities, but did not quantify those concerns or relate these issues to the IRFA. Those comments, and NMFS's responses, are contained elsewhere in this preamble and are not repeated here. No changes were made in the final rule as a result of these comments.

*Description and Estimate of Number of Small Entities to Which the Rule Will Apply*

This rule applies to Atlantic mackerel limited access permits. Based on permit data for 2013, 150 separate vessels hold mackerel limited access permits, 114 entities own those vessels, and, based on current Small Business Administration (SBA) definitions, 107 of these are small entities. Of the 107 small entities, 4 had no revenue in 2013 and those entities with no revenue are considered small entities for the purpose of this analysis. All of the entities that had revenue fell into the finfish or shellfish categories, and the SBA definitions for those categories for 2014 are $20.5 million for finfish fishing and $5.5 million for shellfish fishing. Of the entities with revenues, their average revenues in 2013 were $1,201,419. 70 had primary revenues from finfish fishing and 33 had their primary revenues from shellfish fishing.

*Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

This final rule contains collection-of-information requirements subject to the PRA that have been approved by the OMB under Control Number 0648–0679.

Framework 9 requires all limited access mackerel vessels carrying an observer to report all slippage events on the VMS mackerel and longfin squid daily catch report. This information collection is intended to improve monitoring the catch of river herring and shad in the Atlantic mackerel fishery. The burden estimates for these new requirements apply to all limited access mackerel vessels. Time and cost burdens that were previously approved through Amendment 14 and OMB Control Number 0648–0679, include estimated time of 5 minutes to complete daily catch reports, for a total time burden of 264 hours, and estimated cost of $0.60 per transmission of daily catch reports, for a total public cost of $1,901. In a given fishing year, NMFS estimates that the additional reporting requirements included in Framework 9 will not cause any additional time or cost burden from that which was previously approved.

*Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impacts on Small Entities Consistent With the Stated Objectives of Applicable Statues*

This action is not expected to have more than minimal impact on the affected small entities compared to recent operation of the fishery (2011–2013, and 2014 landings to date appear similar to 2013). First, the primary impact should only be that vessels will not slip catches before observers have a chance to observe/sample them, which should have almost no economic impact on vessels. Slippage for reasons besides safety, mechanical issues, and spiny dogfish are already prohibited, and this proposed action would require vessels to move 15 nm (27.8 km) before fishing again if a slippage for those excepted reasons occurs (vessels could not fish within 15 nm (27.8 km) of the slippage event for the remainder of the trip). Total small entity mackerel revenues over 2011–2013 averaged $2.0 million, for an average of approximately $19,000 per affected small entity (107), compared to their average revenues of $1,201,419 in 2013 as described above. Given the small relative value of mackerel for most affected entities, the infrequency of slippage, and given the consequence of excepted slippages is only to move 15 nm (27.8 km), it seems likely that the economic impacts should be minimal for affected small entities. This is especially true since only a small portion of trips are observed, and the measures only apply to observed trips.

If slippages have been masking higher river herring and shad landings, it is possible that prohibiting slippages

could lead to the mackerel fishery closing earlier (because of the river herring and shad cap) than it otherwise would if more slippages were occurring. However, given the very low mackerel catches in recent years (less than 20 percent of the quota), it is more likely that catch increases might be limited rather than actually having decreased catches, so small entities should not be more than minimally impacted compared to recent fishery operations. In addition, if vessels are prohibited from targeting mackerel due to the cap, they will likely partially mitigate any foregone revenue by fishing for other species (*e.g.* squid, butterfish, herring, etc.).

**List of Subjects**

*15 CFR Part 902*

Reporting and recordkeeping requirements.

*50 CFR Part 648*

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: August 6, 2015.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 15 CFR part 902 and 50 CFR part 648 are amended as follows:

**15 CFR Chapter IX**

## PART 902—NOAA INFORMATION COLLECTION REQUIREMENT UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

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

■ 2. In § 902.1, amend the table in paragraph (b), under the entry for ''50 CFR'' by revising the entry for ''§ 648.11'' to read as follows:

**§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

* * * * *

(b) * * *

| CFR part or section where the information collection requirement is located | Current OMB Control No. (all numbers begin with 0648–) |
|---|---|
| * * * * * | |
| 50 CFR | |
| * * * * * | |
| 648.11 ..... | –0202, –0546, –0555, and –0679 |
| * * * * * | |

**50 CFR Chapter VI**

## PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 3. The authority citation for part 648 continues to read as follows:

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

■ 4. In § 648.2, the definition for ''Slippage in the Atlantic mackerel and longfin squid fisheries'' is removed and a definition for ''Slip(s) or slipping catch in the Atlantic mackerel and longfin squid fisheries'' is added in alphabetical order to read as follows:

**§ 648.2 Definitions.**

* * * * *

*Slip(s) or slipping catch in the Atlantic mackerel and longfin squid fisheries* means discarding catch from a vessel issued an Atlantic mackerel or longfin squid permit that is carrying a NMFS-approved observer prior to the catch being brought on board or prior to the catch being made available for sampling and inspection by a NMFS-approved observer after the catch in onboard. Slip(s) or slipping catch includes releasing fish from a codend or seine prior to the completion of pumping the fish on board and the release of fish from a codend or seine while the codend or seine is in the water. Slippage or slipped catch refers to fish that are slipped. Slippage or slipped catch does not include operational discards, discards that occur after the catch is brought on board and made available for sampling and inspection by a NMFS-approved observer, or fish that inadvertently fall out of or off fishing gear as gear is being brought on board the vessel.

* * * * *

■ 5. In § 648.11, paragraphs (n)(3)(i) introductory text, (n)(3)(i)(B), and (n)(3)(ii) are revised and paragraphs (n)(3)(iii) and (iv) are added to read as follows:

**§ 648.11 At-sea sea sampler/observer coverage.**

* * * * *

(n) * * *

(3) * * *

(i) No vessel issued a limited access Atlantic mackerel permit or a longfin squid/butterfish moratorium permit may slip catch, as defined at § 648.2, except in the following circumstances:

* * * * *

(B) A mechanical failure, including gear damage, precludes bringing some or all of the catch on board the vessel for sampling and inspection; or

* * * * *

(ii) If a vessel issued any limited access Atlantic mackerel permit slips catch, the vessel operator must report the slippage event on the Atlantic mackerel and longfin squid daily VMS catch report and indicate the reason for slipping catch. Additionally, vessels issued a limited Atlantic mackerel permit or a longfin squid/butterfish moratorium permit, the vessel operator must complete and sign a Released Catch Affidavit detailing: The vessel name and permit number; the VTR serial number; where, when, and the reason for slipping catch; the estimated weight of each species brought on board or slipped on that tow. A completed affidavit must be submitted to NMFS within 48 hr of the end of the trip.

(iii) If a vessel issued a limited access Atlantic mackerel permit slips catch for any of the reasons described in paragraph (n)(3)(i) of this section, the vessel operator must move at least 15 nm (27.8 km) from the location of the slippage event before deploying any gear again, and must stay at least 15 nm (27.8 km) from the slippage event location for the remainder of the fishing trip.

(iv) If catch is slipped by a vessel issued a limited access Atlantic mackerel permit for any reason not described in paragraph (n)(3)(i) of this section, the vessel operator must immediately terminate the trip and return to port. No fishing activity may occur during the return to port.

■ 6. In § 648.14, paragraph (g)(2)(ii)(G) is added, paragraphs (g)(2)(vi) and (vii) are revised, and paragraphs (g)(2)(viii), (ix), and (x) are added to read as follows:

**§ 648.14 Prohibitions.**

* * * * *

(g) * * *

(2) * * *

(ii) * * *

(G) Fish for, possess, transfer, receive, or sell; or attempt to fish for, possess, transfer, receive, or sell; more than 20,000 lb (9.08 mt) of mackerel per trip; or land, or attempt to land more than 20,000 lb (9.08 mt) of mackerel per day after 95 percent of the river herring and shad cap has been harvested, if the vessel holds a valid mackerel permit.

* * * * *

(vi) Slip catch, as defined at § 648.2, unless for one of the reasons specified

at § 648.11(n)(3)(i) if issued a limited access Atlantic mackerel permit, or a longfin squid/butterfish moratorium permit.

(vii) For vessels with a limited access Atlantic mackerel permits, fail to move 15 nm (27.8 km), as required by § 648.11(n)(3)(iii).

(viii) For vessels with a limited access Atlantic mackerel permit, fail to immediately return to port as required by § 648.11(n)(3)(iv).

(ix) Fail to complete, sign, and submit a Released Catch Affidavit if fish are released pursuant to the requirements at § 648.11(n)(3)(ii).

(x) Fail to report or fail to accurately report a slippage event on the VMS mackerel and longfin squid daily catch report, as required by § 648.11(n)(3)(ii).

* * * * *

■ 7. In § 648.22, paragraphs (b)(3)(v) through (vii) are revised and (b)(3)(viii) is removed.

The revisions read as follows:

**§ 648.22 Atlantic mackerel, squid, and butterfish specifications.**

* * * * *

(b) * * *

(3) * * *

(v) The butterfish mortality cap will be based on a portion of the ACT (set annually during specifications) and the specified cap amount will be allocated to the longfin squid fishery as follows: Trimester I—43 percent; Trimester II—17 percent; and Trimester III—40 percent.

(vi) Any underages of the cap for Trimester I that are greater than 25 percent of the Trimester I cap will be reallocated to Trimester II and III (split equally between both trimesters) of the same year. The reallocation of the cap from Trimester I to Trimester II is limited, such that the Trimester II cap may only be increased by 50 percent; the remaining portion of the underage will be reallocated to Trimester III. Any underages of the cap for Trimester I that are less than 25 percent of the Trimester I quota will be applied to Trimester III of the same year. Any overages of the cap for Trimester I and II will be subtracted from Trimester III of the same year.

(vii) *Performance review.* The Squid, Mackerel, and Butterfish Committee shall conduct a detailed review of fishery performance relative to the butterfish ACL in conjunction with review for the mackerel fishery, as outlined in this section.

* * * * *

■ 8. In § 648.24, paragraph (b)(6) is added and paragraphs (c)(1)(i) through (iii) are removed.

The revisions read as follows:

**§ 648.24 Fishery closures and accountability measures.**

* * * * *

(b) * * *

(6) *River herring and shad catch cap.* The river herring and shad cap on the mackerel fishery applies to all trips that land more than 20,000 lb (9.08 mt) of mackerel. NMFS shall close the directed mackerel fishery in the EEZ when the Regional Administrator project that 95 percent of the river herring/shad catch cap has been harvested. Following closures of the directed mackerel fishery, vessels must adhere to the possession restrictions specified in § 648.26.

* * * * *

[FR Doc. 2015–19823 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–22–P

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## SOCIAL SECURITY ADMINISTRATION

## 20 CFR Part 404

**[Docket No. SSA–2011–0081]**

**RIN 0960–AG28**

## Revised Listings for Growth Disorders and Weight Loss in Children; Correcting Amendments

**AGENCY:** Social Security Administration.

**ACTION:** Final rule; Correcting amendments.

**SUMMARY:** We published a document in the **Federal Register** revising our rules on April 13, 2015. That document inadvertently included incorrect values in table II of listing 105.08(B)(1)(c) of appendix 1 to subpart P of 20 CFR part 404. This document corrects the final regulation by revising this table.

**DATES:** Effective August 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cheryl A. Williams, Office of Medical Listings Improvement, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

**SUPPLEMENTARY INFORMATION:** We published a final rule in the **Federal Register** of April 13, 2015 (80 FR 19522) titled, Revised Listings for Growth Disorders and Weight Loss in Children. The final rule, among other things, amended 20 CFR part 404. We inadvertently included incorrect values in table II of listing 105.08(B)(1)(c) of appendix 1 to subpart P of part 404. This document amends the table and corrects the final regulation.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income).

### List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Blind, Disability benefits; Old-Age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements; Social Security.

Accordingly, 20 CFR part 404, subpart P is corrected by making the following correcting amendments:

## PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

**Authority:** Secs. 202, 205(a)–(b) and (d)–(h), 216(i), 221(a), (i), and (j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. In appendix 1 to subpart P of part 404, revise table II of listing 105.08(B)(1)(c) to read as follows:

### Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

*105.08 Growth failure due to any digestive disorder* (see 105.00G), documented by A and B:

* * * * *

B. * * *

1. * * *

c. * * *

TABLE II—FEMALES BIRTH TO ATTAINMENT OF AGE 2

[Third percentile values for weight-for-length]

| Length (centimeters) | Weight (kilograms) | Length (centimeters) | Weight (kilograms) | Length (centimeters) | Weight kilograms) |
|---|---|---|---|---|---|
| 45.0 | 1.613 | 64.5 | 5.985 | 84.5 | 10.071 |
| 45.5 | 1.724 | 65.5 | 6.200 | 85.5 | 10.270 |
| 46.5 | 1.946 | 66.5 | 6.413 | 86.5 | 10.469 |
| 47.5 | 2.171 | 67.5 | 6.625 | 87.5 | 10.670 |
| 48.5 | 2.397 | 68.5 | 6.836 | 88.5 | 10.871 |
| 49.5 | 2.624 | 69.5 | 7.046 | 89.5 | 11.074 |
| 50.5 | 2.852 | 70.5 | 7.254 | 90.5 | 11.278 |
| 51.5 | 3.081 | 71.5 | 7.461 | 91.5 | 11.484 |
| 52.5 | 3.310 | 72.5 | 7.667 | 92.5 | 11.691 |
| 53.5 | 3.538 | 73.5 | 7.871 | 93.5 | 11.901 |
| 54.5 | 3.767 | 74.5 | 8.075 | 94.5 | 12.112 |
| 55.5 | 3.994 | 75.5 | 8.277 | 95.5 | 12.326 |
| 56.5 | 4.220 | 76.5 | 8.479 | 96.5 | 12.541 |
| 57.5 | 4.445 | 77.5 | 8.679 | 97.5 | 12.760 |
| 58.5 | 4.669 | 78.5 | 8.879 | 98.5 | 12.981 |
| 59.5 | 4.892 | 79.5 | 9.078 | 99.5 | 13.205 |
| 60.5 | 5.113 | 80.5 | 9.277 | 100.5 | 13.431 |
| 61.5 | 5.333 | 81.5 | 9.476 | 101.5 | 13.661 |
| 62.5 | 5.552 | 82.5 | 9.674 | 102.5 | 13.895 |
| 63.5 | 5.769 | 83.5 | 9.872 | 103.5 | 14.132 |

Dated: July 23, 2015.

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

[FR Doc. 2015–19825 Filed 8–11–15; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[TD 9729]**

**RIN 1545–BJ42**

## Basis in Interests in Tax-Exempt Trusts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations that provide rules for determining a taxable beneficiary's basis in a term interest in a charitable remainder trust (CRT) upon a sale or other disposition of all interests in the trust to the extent that basis consists of a share of adjusted uniform basis. The final regulations affect taxable beneficiaries of CRTs.

**DATES:** *Effective date:* These final regulations are effective on August 13, 2015.

*Applicability date:* These final regulations apply to sales and other dispositions of interests in CRTs occurring on or after January 16, 2014, except for sales or dispositions occurring pursuant to a binding commitment entered into before January 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Allison R. Carmody at (202) 317–5279 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

This document contains amendments to 26 CFR part 1. On October 31, 2008, the Treasury Department and the IRS published Notice 2008–99 (2008–47 IRB 1194) to designate a transaction and substantially similar transactions as Transactions of Interest under § 1.6011–4(b)(6) of the Income Tax Regulations and to ask for public comments on how the transactions might be addressed in published guidance. After studying the transaction and comments received from the public in response to Notice 2008–99, the Treasury Department and the IRS filed a notice of proposed rulemaking (REG–154890–03) relating to basis in interests in tax-exempt trusts in the **Federal Register** on January 16, 2014. No comments were received from the public in response to the notice of proposed rulemaking. No public hearing was requested or held. The proposed regulations are adopted without change by this Treasury decision.

### Explanation of Provisions

These final regulations provide a special rule for determining the basis in certain CRT term interests in transactions to which section 1001(e)(3) applies. Such transactions are those in which the sale or other disposition of the CRT term interest is part of a transaction in which all interests in the CRT are transferred. In these cases, these final regulations provide that the basis of a term interest of a taxable beneficiary is the portion of the adjusted uniform basis assignable to that interest reduced by the portion of the sum of the following amounts assignable to that interest: (1) The amount of undistributed net ordinary income described in section 664(b)(1); and (2) the amount of undistributed net capital gain described in section 664(b)(2). These final regulations do not affect the CRT's basis in its assets but rather are for the purpose of determining a taxable beneficiary's gain arising from a transaction described in section 1001(e)(3). The rules in these final regulations are limited in application to charitable remainder annuity trusts and charitable remainder unitrusts as defined in section 664.

### Effect on Other Documents

Notice 2008–99 provides that, when the Treasury Department and the IRS have gathered enough information to make an informed decision as to whether this transaction is a tax avoidance type of transaction, the Treasury Department and the IRS may take one or more actions, including removing the transaction from the transactions of interest category in published guidance, designating the transaction as a listed transaction, or providing a new category of reportable transaction. Because the Treasury Department and the IRS believe that these final regulations address the proper tax treatment of the transaction described in Notice 2008–99,

transactions that are the same as, or substantially similar to, transactions described in Notice 2008–99 are no longer considered ''transactions of interest,'' effective for transactions entered into on or after January 16, 2014. However, the ''transaction of interest'' identification for transactions that are the same as, or substantially similar to, the transaction described in Notice 2008–99 continues to apply for transactions entered into before January 16, 2014, and to transactions entered into on or after January 16, 2014, pursuant to a binding commitment entered into before January 16, 2014. For example, disclosure and other obligations under sections 6011, 6111, and 6112 continue to apply for these transactions entered into before January 16, 2014, and to transactions entered into on or after January 16, 2014, pursuant to a binding commitment entered into before January 16, 2014.

**Effective/Applicability Date**

These final regulations apply to sales and other dispositions of interests in CRTs occurring on or after January 16, 2014, except for sales or dispositions occurring pursuant to a binding commitment entered into before January 16, 2014. However, the fact that a sale or disposition occurred, or a binding commitment to complete a sale or disposition was entered into, before January 16, 2014, does not preclude the IRS from applying legal arguments available to the IRS before issuance of these final regulations in order to contest the claimed tax treatment of such a transaction.

**Availability of IRS Documents**

The IRS notice cited in this preamble is published in the Internal Revenue Bulletin and is available at the IRS Web site at *http://www.irs.gov* or the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**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 also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these final regulations, and the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these final regulations because the final regulations do not impose a collection of information on small entities. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Drafting Information**

The principal author of these final regulations is Allison R. Carmody of the Office of Associate Chief Counsel (Passthroughs and Special Industries). Other personnel from the Treasury Department and the IRS participated in their development.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

■ Accordingly, 26 CFR part 1 is amended as follows:

## PART 1—INCOME TAXES

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

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

**§ 1.1001–1 [Amended]**

■ **Par. 2.** Section 1.1001–1, paragraph (f)(4), is amended by removing the language ''paragraph (c)'' and adding ''paragraph (d)'' in its place.

■ **Par. 3.** Section 1.1014–5 is amended by:

■ 1. In paragraph (a)(1), first sentence, removing the language ''paragraph (b)'' and adding ''paragraph (b) or (c)'' in its place.

■ 2. Redesignating paragraph (c) as paragraph (d) and adding paragraph (c).

■ 3. In newly redesignated paragraph (d), adding *Example 7* and *Example 8.*

The additions read as follows:

**§ 1.1014–5 Gain or loss.**

* * * * *

(c) *Sale or other disposition of a term interest in a tax-exempt trust*—(1) *In general.* In the case of any sale or other disposition by a taxable beneficiary of a term interest (as defined in § 1.1001–1(f)(2)) in a tax-exempt trust (as defined in paragraph (c)(2) of this section) to which section 1001(e)(3) applies, the taxable beneficiary's share of adjusted uniform basis, determined as of (and immediately before) the sale or disposition of that interest, is—

(i) That part of the adjusted uniform basis assignable to the term interest of the taxable beneficiary under the rules of paragraph (a) of this section reduced, but not below zero, by

(ii) An amount determined by applying the same actuarial share applied in paragraph (c)(1)(i) of this section to the sum of—

(A) The trust's undistributed net ordinary income within the meaning of section 664(b)(1) and § 1.664–1(d)(1)(ii)(*a*)(*1*) for the current and prior taxable years of the trust, if any; and

(B) The trust's undistributed net capital gains within the meaning of section 664(b)(2) and § 1.664–1(d)(1)(ii)(*a*)(*2*) for the current and prior taxable years of the trust, if any.

(2) *Tax-exempt trust defined.* For purposes of this section, the term *tax-exempt trust* means a charitable remainder annuity trust or a charitable remainder unitrust as defined in section 664.

(3) *Taxable beneficiary defined.* For purposes of this section, the term *taxable beneficiary* means any person other than an organization described in section 170(c) or exempt from taxation under section 501(a).

(4) *Effective/applicability date.* This paragraph (c) and paragraph (d) *Example 7* and *Example 8* of this section apply to sales and other dispositions of interests in tax-exempt trusts occurring on or after January 16, 2014, except for sales or dispositions occurring pursuant to a binding commitment entered into before January 16, 2014.

(d) * * *

*Example 7.* (a) Grantor creates a charitable remainder unitrust (CRUT) on Date 1 in which Grantor retains a unitrust interest and irrevocably transfers the remainder interest to Charity. Grantor is an individual taxpayer subject to income tax. CRUT meets the requirements of section 664 and is exempt from income tax.

(b) Grantor's basis in the shares of X stock used to fund CRUT is $10x. On Date 2, CRUT sells the X stock for $100x. The $90x of gain is exempt from income tax under section 664(c)(1). On Date 3, CRUT uses the $100x proceeds from its sale of the X stock to purchase Y stock. On Date 4, CRUT sells the Y stock for $110x. The $10x of gain on the sale of the Y stock is exempt from income tax under section 664(c)(1). On Date 5, CRUT uses the $110x proceeds from its sale of Y stock to buy Z stock. On Date 5, CRUT's basis in its assets is $110x and CRUT's total undistributed net capital gains are $100x.

(c) Later, when the fair market value of CRUT's assets is $150x and CRUT has no undistributed net ordinary income, Grantor and Charity sell all of their interests in CRUT to a third person. Grantor receives $100x for the retained unitrust interest, and Charity receives $50x for its interest. Because the entire interest in CRUT is transferred to the third person, section 1001(e)(3) prevents section 1001(e)(1) from applying to the transaction. Therefore, Grantor's gain on the sale of the retained unitrust interest in CRUT is determined under section 1001(a), which

provides that Grantor's gain on the sale of that interest is the excess of the amount realized, $100x, over Grantor's adjusted basis in the interest.

(d) Grantor's adjusted basis in the unitrust interest in CRUT is that portion of CRUT's adjusted uniform basis that is assignable to Grantor's interest under § 1.1014–5, which is Grantor's actuarial share of the adjusted uniform basis. In this case, CRUT's adjusted uniform basis in its sole asset, the Z stock, is $110x. However, paragraph (c) of this section applies to the transaction. Therefore, Grantor's actuarial share of CRUT's adjusted uniform basis (determined by applying the factors set forth in the tables contained in § 20.2031–7 of this chapter) is reduced by an amount determined by applying the same factors to the sum of CRUT's $0 of undistributed net ordinary income and its $100x of undistributed net capital gains.

(e) In determining Charity's share of the adjusted uniform basis, Charity applies the factors set forth in the tables contained in § 20.2031–7 of this chapter to the full $110x of basis.

*Example 8.* (a) Grantor creates a charitable remainder annuity trust (CRAT) on Date 1 in which Grantor retains an annuity interest and irrevocably transfers the remainder interest to Charity. Grantor is an individual taxpayer subject to income tax. CRAT meets the requirements of section 664 and is exempt from income tax.

(b) Grantor funds CRAT with shares of X stock having a basis of $50x. On Date 2, CRAT sells the X stock for $150x. The $100x of gain is exempt from income tax under section 664(c)(1). On Date 3, CRAT distributes $10x to Grantor, and uses the remaining $140x of net proceeds from its sale of the X stock to purchase Y stock. Grantor treats the $10x distribution as capital gain, so that CRAT's remaining undistributed net capital gains amount described in section 664(b)(2) and § 1.664–1(d) is $90x.

(c) On Date 4, when the fair market value of CRAT's assets, which consist entirely of the Y stock, is still $140x, Grantor and Charity sell all of their interests in CRAT to a third person. Grantor receives $126x for the retained annuity interest, and Charity receives $14x for its remainder interest. Because the entire interest in CRAT is transferred to the third person, section 1001(e)(3) prevents section 1001(e)(1) from applying to the transaction. Therefore, Grantor's gain on the sale of the retained annuity interest in CRAT is determined under section 1001(a), which provides that Grantor's gain on the sale of that interest is the excess of the amount realized, $126x, over Grantor's adjusted basis in that interest.

(d) Grantor's adjusted basis in the annuity interest in CRAT is that portion of CRAT's adjusted uniform basis that is assignable to Grantor's interest under § 1.1014–5, which is Grantor's actuarial share of the adjusted uniform basis. In this case, CRAT's adjusted uniform basis in its sole asset, the Y stock, is $140x. However, paragraph (c) of this section applies to the transaction. Therefore, Grantor's actuarial share of CRAT's adjusted uniform basis (determined by applying the factors set forth in the tables contained in § 20.2031–7 of this chapter) is reduced by an amount determined by applying the same factors to the sum of CRAT's $0 of undistributed net ordinary income and its $90x of undistributed net capital gains.

(e) In determining Charity's share of the adjusted uniform basis, Charity applies the factors set forth in the tables contained in § 20.2031–7 of this chapter to determine its actuarial share of the full $140x of basis.

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

Approved: July 13, 2015.

**Mark J. Mazur,**

*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2015–19846 Filed 8–11–15; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2015–0740]**

## Drawbridge Operation Regulation; Trent River, New Bern, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, at New Bern, NC. The deviation is necessary to allow the participants of the annual Neuse River Historic New Bern Bike Ride (a two day event) to safely complete their ride without interruptions from bridge openings. This deviation allows the bridge draw span to remain in the closed-to-navigation position for one and a half hours each day to accommodate the race.

**DATES:** This deviation is effective from 8 a.m. September 12, 2015 to 9:30 a.m. on September 13, 2015.

**ADDRESSES:** The docket for this deviation, [USCG–2015–0740] 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 Mr. Jim Rousseau, Coast Guard; telephone (757) 398–6557, email *james.l.rousseau2@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The event coordinator for the annual Neuse River Historic New Bern Bike Ride, with approval from the North Carolina Department of Transportation, owner of the drawbridge, has requested a temporary deviation from the operating schedule to accommodate the Neuse River Bridge Historic New Bern Bike Ride.

The US 70/Alfred C. Cunningham Bridge operating regulations are set out in 33 CFR 117.843(a). The US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, a double bascule lift Bridge, in New Bern, NC, has a vertical clearance in the closed position of 14 feet above mean high water.

Under this temporary deviation, the drawbridge will be allowed to remain in the closed-to-navigation position from 8 a.m. to 9:30 a.m. each day on Saturday and Sunday, September 12 and 13, 2015 while cyclists are participating in the annual Neuse River Bridge Historic New Bern Bike Ride.

Under the regular operating schedule the bridge opens on signal several times a day for recreational vessels transiting to and from the local marinas upstream. During the timeframe for the race the morning hours have shown the fewest recorded vessel transits.

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

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

Dated: August 6, 2015.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2015–19770 Filed 8–11–15; 8:45 am]

BILLING CODE 9110–04–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG–2015–0510]**

**RIN 1625–AA00**

# Safety Zone; TriMet Tilikum Crossing Bridge Fireworks Display, Willamette River, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Willamette River in the vicinity of the TriMet Tilikum Crossing Bridge in Portland, OR. This safety zone is necessary to help ensure the safety of the maritime public during a fireworks display and will do so by prohibiting unauthorized persons and vessels from entering the safety zones unless authorized by the Sector Columbia River Captain of the Port or his designated representatives.

**DATES:** This rule is effective from 8:30 p.m. until 9:30 p.m. on August 22, 2015.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2015–0510]. To view documents mentioned in this preamble as being available in the docket, go to *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 rulemaking. 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 rule, call or email Ken Lawrenson, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

## A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a Notice of Proposed Rulemaking (NPRM) with respect to this rule. Waiting for a 30 day notice period to run would be impracticable. The Coast Guard did not receive the necessary information in time for this regulation to undertake both an NPRM prior to the scheduled event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** due to the late notification of this event and because the event will have occurred before comments could have been taken. Additionally, waiting for a 30 day notice period to run would be impracticable as delayed promulgation may result in injury or damage to persons and vessels from the hazards associated with fireworks displays.

## B. Basis and Purpose

The legal basis for this rule is: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1; which collectively authorize the Coast Guard to establish regulatory safety zones for safety and environmental purposes.

Fireworks displays create hazardous conditions for the maritime public because of the large number of vessels that congregate near the displays, as well as the noise, falling debris, and explosions that occur during the event. This safety zone is necessary in order to reduce vessel traffic congestion in the proximity of fireworks discharge sites and to prevent vessel traffic within the fallout zone of the fireworks.

## C. Discussion of the Temporary Final Rule

This rule establishes one safety zone in the Sector Columbia River Captain of the Port Zone.

The safety zone will encompass all waters, bank to bank of the Willamette River, in Portland, Oregon enclosed by the Marquam and Ross Island Bridges. This event will be held on Saturday August 22, 2015 from 8:30 p.m. to 9:30 p.m.

## D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

### *1. Regulatory Planning and Review*

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard has made this determination based on the fact that the safety zone created by this rule will not significantly affect the maritime public because vessels may still coordinate their transit with the Coast Guard in the vicinity of the safety zone.

### *2. Impact on Small Entities*

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

This rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to operate in the area covered by the safety zone. The rule will not have a significant economic impact on a substantial number of small entities because the safety zones will only be in effect for a limited period of time. Additionally, vessels can still transit through the zone with the permission of the Captain of the Port. Before the effective period, we will publish advisories in the Local Notice to Mariners available to users of the river. Maritime traffic will be able to schedule their transits around the safety zone.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

*3. Assistance for Small Entities*

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

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

*4. Collection of Information*

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

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

*6. Protest Activities*

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

*7. Unfunded Mandates Reform Act*

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

*8. Taking of Private Property*

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

*9. Civil Justice Reform*

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

*10. Protection of Children*

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

*11. Indian Tribal Governments*

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

*12. Energy Effects*

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

*13. Technical Standards*

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

*14. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of one safety zone during fireworks displays to protect maritime public. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–510 to read as follows:

**§ 165.T13–510 Safety Zone; TriMet Tilikum Crossing Bridge. Fireworks Display, Willamette River, Portland, OR.**

(a) *Safety Zones.* The following area is a designated safety zone:

(1) *Location.* The safety zone will encompass all waters, bank to bank of the Willamette River, in Portland, Oregon enclosed by the Marquam and Ross Island Bridges.

(2) *Enforcement Period.* This event will be held on Saturday August 22, 2015 from 8:30 p.m. to 9:30 p.m.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated

representative. The Captain of the Port may be assisted by other Federal, State, or local agencies with the enforcement of the safety zone.

(c) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16 or the Coast Guard Sector Columbia River Command Center via telephone at (503) 861–6211.

(d) *Definitions.* As used in this section, designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Sector Columbia River Captain of the Port to assist in enforcing the security zones described in paragraph (a) of this section.

Dated: June 23, 2015.

**D.J. Travers,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.*

[FR Doc. 2015–19815 Filed 8–11–15; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 36

**RIN 2900–AP25**

## Loan Guaranty: Adjustable Rate Mortgage Notification Requirements and Look-Back Period

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as final, without change, a proposed rule of the Department of Veterans Affairs (VA) to amend its regulations that govern adjustable rate mortgages made in conjunction with the Home Loan Guaranty program. These revisions align VA's disclosure and interest rate adjustment requirements with the implementing regulations of the Truth in Lending Act (TILA), as recently revised by the Consumer Financial Protection Bureau (CFPB). This rulemaking will ensure VA remains consistent with other applicable consumer finance and housing regulations governing adjustable rate mortgages.

**DATES:** *Effective Date:* This rule is effective September 11, 2015.

**FOR FURTHER INFORMATION CONTACT:** John Bell III, Assistant Director for Loan Policy (262), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 632–8786. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

### The January 29, 2015 Proposed Rule

On January 29, 2015, VA published a proposed rule in the **Federal Register** at 80 FR 4812, to revise VA's regulations governing adjustable rate mortgages set forth at 38 CFR 36.4312(d). VA proposed two amendments in this rulemaking to ensure VA regulations remain aligned with TILA and the implementing regulations set forth by the CFPB. First, VA proposed amending 38 CFR 36.4312(d)(6) so that the requirements for the disclosures and notifications that must be provided to borrowers prior to an interest-rate adjustment are cross-referenced to those set forth in the TILA implementing regulations at 12 CFR 1026.20(c) and (d). Second, VA proposed amending 38 CFR 36.4312(d)(2) to require that lenders adjust interest rates based on the most recent interest rate index figure available 45 days prior to the interest rate adjustment, instead of the interest rate index available 30 days prior to the interest rate adjustment, as is currently required in VA's regulations.

The public comment period for the proposed rule closed on March 30, 2015. VA received two comments. The comments received on the proposed rule are discussed below. VA adopts without change the proposed rule that revises VA's adjustable rate mortgage regulations at 38 CFR 36.4312(d) to ensure consistency with other Federal agency regulations.

VA received one public comment on the proposed rule from a lender who participates in the VA Home Loan program. The commenter expressed support for the rule as written and stated that VA's alignment with CFPB's rules will reduce the regulatory burden [on lenders] and ensure protection for Veterans and Servicemembers.

VA received one public comment on the proposed rule from an individual. The commenter stated that a three-year look-back period would be detrimental to veterans and their spouses. The commenter explained that veterans and their spouses currently have a good chance of moving to an assisted living facility of their choice or staying at home with a caregiver, but that with a three-year look-back period, the majority of these individuals will no longer have that choice. The commenter explained that this would result in these veterans relying on Medicaid and going to a facility not of their choosing, which would be more expensive.

VA believes the commenter mistook the purpose of VA's proposal, as the term look-back often relates to the period preceding the date that a person applies for Medicaid. VA does not believe this regulatory change has any impact on veterans moving to an assisted living facility, staying with a caregiver, or relying on Medicaid, as the commenter stated. Instead, this change helps ensure VA alignment with other Federal laws and current lender practices with regard to adjustable rate mortgages. See 80 FR 4814. It provides veteran borrowers who have adjustable rate mortgages more advanced notice and detailed disclosures regarding a change in their interest rates, thereby affording them a better opportunity to respond to such changes and stay in their homes. Therefore, VA is adopting the proposed rule without change.

### Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order

12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for VA Regulations Published from FY 2004 to FYTD.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

**Paperwork Reduction Act**

Although this document contains a provision constituting a collection of information at 38 CFR 36.4312(d)(6), under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this final rule. The information collection provisions for this final rule are currently approved by OMB and have been assigned OMB control number 3170–0015.

**Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612).

This rule aligns the disclosure and look-back requirements for adjustable rate mortgages to the revised requirements in the 2013 TILA servicing rule published by the CFPB. VA does not have discretion not to align these requirements with the new TILA requirements established by CFPB and implemented by CFPB in the 2013 TILA servicing rule. The revised disclosure and look-back requirements began applying to VA adjustable rate mortgages in January 2015, regardless of VA action. VA is publishing this rulemaking because it is important for VA regulations to be consistent with TILA and its implementing regulations. In this rule, VA will adopt the minimum 45-day look-back period to clarify that lenders making VA-guaranteed adjustable rate mortgages must meet the TILA minimum notification requirements. As discussed in the preamble to VA's proposed rule, CFPB noted in its rulemaking that the majority of adjustable rate mortgages in the conventional market already have look-back periods of 45 days or longer. 80 FR 4813. Additionally, the revisions to the disclosure requirements simply align VA requirements with the CFPB's 2013 TILA servicing rule and the procedures currently followed in the conventional mortgage lending market. See id.

Accordingly, the Secretary certifies that the adoption of this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.114, Veterans Housing—Guaranteed and Insured Loans.

**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, Department of Veterans Affairs, approved this document on August 6, 2015, for publication.

**List of Subjects in 38 CFR Part 36**

Condominiums, Flood insurance, Housing, Indians, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Dated: August 7, 2015.

**Michael Shores,**

*Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.*

For the reasons set forth in the preamble, VA amends 38 CFR part 36 as follows:

## PART 36—LOAN GUARANTY

■ 1. The authority citation for part 36 continues to read as follows:

**Authority:** 38 U.S.C. 501 and as otherwise noted.

■ 2. Amend § 36.4312 by revising paragraphs (d)(2) and (6) and adding an information collection parenthetical to the end of the section to read as follows:

**§ 36.4312 Interest rates.**

* * * * *

(d) * * *

(2) *Frequency of interest rate changes.* Interest rate adjustments must occur on an annual basis, except that the first adjustment may occur no sooner than 36 months from the date of the borrower's first mortgage payment. The adjusted rate will become effective the first day of the month following the adjustment date; the first monthly payment at the new rate will be due on the first day of the following month. To set the new interest rate, the lender will determine the change between the initial (*i.e.,* base) index figure and the current index figure. The initial index figure shall be the most recent figure available before the date of the note. For loans where the date of the note is before January 10, 2015, the current index figure shall be the most recent index figure available 30 days before the date of each interest rate adjustment. For loans where the date of the note is on or after January 10, 2015, the current index figure shall be the most recent index figure available 45 days before the date of each interest rate adjustment.

* * * * *

(6) *Disclosures.* The lender must provide the borrower with disclosures in accordance with the timing, content, and format required by the regulations implementing the Truth in Lending Act (15 U.S.C. 1601 *et seq.*) at 12 CFR 1026.20(c) and (d). A copy of these disclosures will be made a part of the lender's permanent record on the loan.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 3170–0015.)

[FR Doc. 2015–19775 Filed 8–11–15; 8:45 am]

BILLING CODE 8320–01–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2015–0177; FRL–9932–30–Region 4]**

## Approval and Promulgation of Implementation Plans; Alabama, Mississippi and South Carolina; Certain Visibility Requirements for the 2008 Ozone Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve portions of submissions from Alabama, Mississippi, and South Carolina for inclusion into each State's implementation plan. This action pertains to the Clean Air Act (CAA or Act) infrastructure requirements for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a state implementation plan (SIP) for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. These submissions are commonly referred to as ''infrastructure SIP submissions''. Specifically, EPA is approving the portions of the submissions from Alabama, Mississippi, and South Carolina that pertain to a certain visibility requirement related to the 2008 8-hour ozone infrastructure SIPs for each state. All other applicable infrastructure requirements for the 2008 8-hour ozone NAAQS associated with these States' infrastructure submissions have been or will be addressed in separate rulemakings.

**DATES:** This direct final rule is effective on October 13, 2015 without further notice, unless EPA receives relevant adverse comment by September 11, 2015. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0177, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* 404–562–9019.
4. *Mail:* ''EPA–R04–OAR–2015–0177,'' Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. ''EPA–R04–OAR–2015–0177''. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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

**FOR FURTHER INFORMATION CONTACT:** Nacosta Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9140. Ms. Ward can be reached via electronic mail at *ward.nacosta@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for the ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time in which the state develops and submits the submission for a new or revised NAAQS.

On March 27, 2008, EPA promulgated a revised NAAQS for ozone based on 8-hour average concentrations. EPA revised the level of the 8-hour ozone NAAQS to 0.075 parts per million. *See* 77 FR 16436. States were required to submit infrastructure SIP submissions for the 2008 8-hour ozone NAAQS to EPA by March 2011. Infrastructure SIPs for the 2008 8-hour ozone NAAQS were provided on August 20, 2012, for Alabama; on May 29, 2012, and resubmitted July 26, 2012, for Mississippi; and on July 17, 2012, for South Carolina. Through this action, EPA is proposing approval of the

visibility requirements of section 110(a)(2)(J) for the infrastructure SIP submissions from the states of Alabama, Mississippi, and South Carolina for the 2008 8-hour ozone NAAQS. All other applicable infrastructure requirements for the 2008 8-hour ozone NAAQS associated with these States have been or will be addressed in separate rulemakings.[1]

## II. What is EPA's analyses of submittals from Alabama, Mississippi and South Carolina for Section 110(a)(2)(J) in relation to visibility?

EPA's September 13, 2013, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)''notes that EPA does not treat the visibility protection aspects of section 110(a)(2)(J) as applicable for purposes of the infrastructure SIP approval process. EPA recognizes that states are subject to visibility protection and regional haze program requirements under Part C of the Act (which includes sections 169A and 169B). However, in the event of the establishment of a new primary NAAQS, the visibility protection and regional haze program requirements under part C of the CAA do not change. Thus, EPA does not expect state infrastructure SIP submittals to address the visibility component of this element. Below provides more detail on how Alabama, Mississippi and South Carolina addressed the visibility requirements of section 110(a)(2)(J).

*a. Alabama*

As noted above, there are no newly applicable visibility protection obligations after the promulgation of a new or revised NAAQS. Thus, EPA has determined that states do not need to address the visibility component of 110(a)(2)(J) in infrastructure SIP submittals. In accordance with EPA's guidance, Alabama did not address the section 110(a)(2)(J) visibility element in its infrastructure SIP submission. Because states do not need to address this element, EPA has made the determination that Alabama's infrastructure SIP submission for the section 110(a)(2)(J) visibility element related to the 2008 8-hour ozone NAAQS is approvable.

*b. Mississippi*

Mississippi referenced its regional haze program as germane to the visibility component of section 110(a)(2)(J). As noted above, EPA has determined that states do not need to address the visibility component of 110(a)(2)(J) in infrastructure SIP submittals so Mississippi does not need to rely on its regional haze program to fulfill its obligations under section 110(a)(2)(J). As such, EPA has made the preliminary determination that it does not need to address the visibility protection element of section 110(a)(2)(J) in Mississippi's infrastructure SIP submission related to the 2008 8-hour ozone NAAQS.

*c. South Carolina*

South Carolina referenced its regional haze program as germane to the visibility component of section 110(a)(2)(J). As noted above, EPA has determined that states do not need to address the visibility component of 110(a)(2)(J) in infrastructure SIP submittals so South Carolina does not need to rely on its regional haze program to fulfill its obligations under section 110(a)(2)(J). As such, EPA has made the preliminary determination that it does not need to address the visibility protection element of section 110(a)(2)(J) in South Carolina's infrastructure SIP submission related to the 2008 8-hour ozone NAAQS.

## III. Final Action

Today, EPA is approving the portions of the submissions from Alabama, Mississippi, and South Carolina that relate visibility requirements of 110(a)(2)(J) for the 2008 8-hour ozone infrastructure SIPs for each state. EPA is approving of these portions of these submissions because they are consistent with section 110 of the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a non-controversial revision and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comment be filed. This rule will be effective on *October 13, 2015* without further notice unless the Agency receives relevant adverse comment by *September 11, 2015.* If EPA receives such comments, EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. EPA will address all relevant adverse comment received during the comment period in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so by September 11, 2015. If no such comments are received, this rule will be effective on *October 13, 2015* and no further action will be taken on the proposed rule.

## IV. Statutory and Executive Order Reviews

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

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

[1] With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting, interstate transport, and visibility protection requirements, EPA took action on the infrastructure SIP submissions for Alabama, Mississippi and South Carolina for the 2008 8-hour ozone NAAQS on 80 FR 17689 (April 2, 2015), 80 FR 11131 (March 2, 2015), and 80 FR 11136 (March 2, 2015), respectively. EPA took action for the PSD portions of the Alabama, Mississippi and South Carolina infrastructure submissions on March 18, 2015. *See* 80 FR 14019.

health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

With the exception of South Carolina, the SIPs involved in this action are not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. With respect to today's action as it relates to South Carolina, this direct final rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located in the York County, South Carolina Area. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' EPA notes that today's action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 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* section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

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

Dated: July 30, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

## PART 52—[APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS]

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

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

## Subpart B—Alabama

■ 2. Section 52.50(e), is amended by adding a new entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS'' at the end of the table to read as follows:

**§ 52.50 Identification of plan.**

* * * * *

(e) * * *

EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| 110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS. | Alabama | 8/20/2012 | 8/12/2015 [Insert citation of publication]. | Addressing the visibility requirements of 110(a)(2)(J) only. |

## Subpart Z—Mississippi

■ 3. Section 52.1270(e), is amended by adding a new entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS'' at the end of the table to read as follows:

**§ 52.1270 Identification of plan.**

* * * * *

(e) * * *

EPA-APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| 110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS. | Mississippi | 7/26/2012 | 8/12/2015 [Insert citation of publication]. | Addressing the visibility requirements of 110(a)(2)(J) only. |

## Subpart PP—South Carolina

4. Section 52.2120(e), is amended by adding a new entry for ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS'' at the end of the table to read as follows:

**§ 52.2120 Identification of plan.**

* * * * *

(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

| Provision | State effective date | EPA approval date | Explanation |
|---|---|---|---|
| * | * | * | * | * | * | * |
| 110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone NAAQS. | 7/17/2012 | 8/12/2015 [Insert citation of publication]. | Addressing the visibility requirements of 110(a)(2)(J) only. |

[FR Doc. 2015–19840 Filed 8–11–15; 8:45 a.m.]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2015–0336; FRL–9932–25–Region 4]**

## Approval and Promulgation of Implementation Plans; Florida; Miscellaneous Changes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the State Implementation Plan (SIP) revision submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) on May 1, 2015. This SIP revision seeks to make changes to the SIP to remove certain Stage I vapor control requirements and to make administrative changes to the SIP that would remove gasoline vapor control rules that no longer serve a regulatory purpose, including rules related to the Stage II vapor control requirements for new and upgraded gasoline dispensing facilities in Broward, Miami-Dade, and Palm Beach Counties (hereinafter referred to as the ''Southeast Florida Area''). EPA has determined that Florida's May 1, 2015, SIP revision is approvable because it is consistent with the Clean Air Act (CAA or Act).

**DATES:** This direct final rule is effective October 13, 2015 without further notice, unless EPA receives adverse comment by September 11, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0336, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4–ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* ''EPA–R04–OAR- 2015–0336,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch (formerly Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. ''EPA–R04–OAR–2015–0336'' EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Air Regulatory Management Section, Air Planning and

Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Sheckler's phone number is (404) 562–9222. She can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

On November 6, 1991, EPA designated and classified the Southeast Florida Area as a moderate ozone nonattainment area for the 1-hour ozone national ambient air quality standards (NAAQS). The nonattainment designation was based on the Area's design value for the 1987–1989 three-year period. The ''moderate'' classification triggered various statutory requirements for this Area, including the requirement pursuant to section 182(b)(3) of the CAA for the Area to require all owners and operators of gasoline dispensing systems to install and operate a system for gasoline vapor recovery of emissions from the fueling of motor vehicles known as ''Stage II.'' [1] On January 8, 1993, FDEP submitted a SIP revision to address the Stage II requirements for the Area. EPA approved that SIP revision, containing Florida's Stage II rules in a notice published on March 24, 1994. *See* 59 FR 13883. At that time, the State had a SIP-approved Stage I program (*see* 47 FR 19992 (May 10, 1982)) in place for ozone nonattainment areas to recover gasoline vapors that would otherwise be released when gasoline is transferred from a gasoline tanker truck to a storage tank.[2]

On November 8, 1993, FDEP submitted to EPA a request to redesignate the Southwest Florida Area to attainment for the 1-hour ozone standard and an associated maintenance plan. The maintenance plan, as required under section 175A of the CAA, showed that nitrogen oxides and volatile organic compounds emissions in the Area would remain below the 1990 ''attainment year'' levels through the ten-year period from 1995–2005. In making these projections, FDEP factored in the emissions benefit of the Area's Stage II program, thereby maintaining this program as an active part of its 1-hour ozone SIP. The redesignation request and maintenance plan was approved by EPA, effective April 25, 1995. *See* 60 FR 10325 (February 24, 1995). Subsequently, the maintenance plan was extended by FDEP to 2015 and this extension was approved by EPA, effective April 13, 2004. *See* 69 FR 7127 (February 13, 2004).

On May 31, 2007, FDEP submitted a SIP revision for the purpose of removing Stage II vapor control requirements for new and upgraded gasoline dispensing facilities in the Area; phasing out Stage II requirements for existing facilities in the Area by December 31, 2009; requiring new and upgraded gasoline dispensing facilities and new bulk gasoline plant statewide to employ Stage I; and phasing in Stage I requirements for existing gasoline dispensing facilities. This SIP revision included a demonstration pursuant to section 110(l) of the CAA that the removal of the Stage II requirements from the SIP would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA.[3] EPA approved Florida's May 31, 2007, SIP revision on June 1, 2009.[4] *See* 74 FR 26103.

## II. Analysis of the State's Submittal

Florida's May 1, 2015, SIP revision seeks to make changes to the SIP to remove certain Stage I requirements and to make administrative changes to the SIP that would remove gasoline vapor control rules that no longer serve a regulatory purpose, including the rules related to the Stage II program that ended on December 31, 2009. Specifically, Florida's May 1, 2015, SIP revision requests the removal of the following rules from the Florida SIP:

- Rule 62–252.100, ''Purpose and Scope''—this section contains introductory language that serves no regulatory purpose.
- Rule 62–252.200, ''Definitions''—this section contains definitions that are rendered unnecessary as they exist in Federal regulations at 40 CFR part 63, subpart CCCCCC—National Emissions Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, or are otherwise no longer needed.[5]
- Rule 62–252.400, ''Gasoline Dispensing Facilities-Stage II Vapor Recovery''—this section contains requirements for Stage II vapor recovery systems. This section is obsolete because the rule phased itself out on December 31, 2009.
- Rule 62–252.500, ''Gasoline Tanker Trucks''—this section contains Stage I gasoline vapor control requirements that apply to gasoline tanker trucks or trailers. The individual requirements of this section are superseded by 40 CFR part 63, subpart CCCCCC, addressed by requirements in 62–252.300, or do not have an air quality impact such that removal would interfere with attainment or maintenance of the NAAQS in any area in Florida.
- Rule 62–252.800, ''Penalties''—this section contains language describing the penalty for violation of Chapter 62.252. The rule is duplicative of language in section 403.062 of the Florida Statues and therefore is unnecessary.
- Rule 62–252.900, ''Form''—this section contains the form adopted under 62–252.500 for annual reporting of pressure and vacuum testing to the State for gasoline cargo tanks. The form is no longer necessary with the removal of 62–252.500.

EPA is also approving an amendment to Rule 62–252.300, Gasoline Dispensing Facilities-Stage I Vapor Recovery, to remove obsolete and duplicative language and reorganize the rule accordingly. The specific changes that Florida is requesting are as follows:

- Remove subsection 62–252.300(1)(b) because the Stage II Program was phased out by December 31, 2009.
- Remove subsections 62–252.300(4)(a) and (c) because these compliance schedules duplicate the prohibition and control technology requirements in subsections 62–252.300(2) and (3).
- Remove subsection 62–252.300(4)(b) because the Stage II

[1] Stage II is a system designed to capture displaced vapors that emerge from inside a vehicle's fuel tank when gasoline is dispensed into the tank. There are two basic types of Stage II systems, the balance type and the vacuum assist type.

[2] The State later revised its Stage I program to cover the entire state and provided this change to EPA on May 31, 2007, as a SIP revision. EPA approved Florida's expansion of the Stage I program on June 1, 2009. *See* 74 FR 26103.

[3] Section 110(l) requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act. EPA evaluates each section 110(l) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which the EPA has not yet made designations. The degree of analysis focused on any particular NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision.

[4] On September 16, 2008, EPA originally published a direct final rule approving the phasing out the Stage II gasoline vapor recovery requirements for the Southeast Florida Area (see 73 FR 53378); however, EPA subsequently withdrew this direct final rule due to adverse comments (see 73 FR 63639, October 27, 2008). On June 1, 2009, after responding to the adverse comment for EPA's September 16, 2008, direct final rule, EPA finalized its approval to phase out the Stage II gasoline vapor recovery requirements for the Southeast Florida Area by December 31, 2009. *See* 74 FR 26103.

[5] EPA promulgated subpart CCCCCC on January 10, 2008, after the statewide implementation of the State's Stage I program.

Program was phased out by December 31, 2009.

• Remove the outdated compliance schedules in subsections 62–252.300(4)(d) and (e) because these compliance dates have passed. Stage I Vapor Recovery at gasoline dispensing facilities throughout Florida was completed as of January 2010.

• Renumber the remaining subsections in section 62–252.300 to reflect the changes identified above.

To the extent that any of the rule changes identified above relate to the Stage II program, EPA is proposing to approve those changes because, as previously mentioned, EPA approved the phase out of the Stage II program by December 31, 2009, along with the State's demonstration that the removal of the Stage II program from the SIP would not interfere with air quality or any other applicable requirement of the CAA. *See* 74 FR 26103. To the extent that the changes relate to the Stage I program, EPA has preliminarily determined that these changes will not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA, and therefore satisfy section 110(l), because they remove obsolete language due, in part, to superseding Federal requirements in 40 CFR part 63, subpart CCCCCC; remove requirements that are addressed in 62–252.300; or remove requirements that do not have an air quality impact such that removal would interfere with attainment or maintenance of the NAAQS in any area in Florida.[6]

## III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of FDEP Regulation 62–252.300 entitled ''Gasoline Dispensing Facilities-Stage I Vapor Recovery'' effective September 24, 2013. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

## IV. Final Action

EPA is approving Florida's May 1, 2015, SIP revision which makes changes to the SIP identified in Section II, above, to certain remove Stage I requirements and to make administrative changes to the SIP that would remove gasoline vapor control rules that no longer serve a regulatory purpose, including the rules related to the Stage II program that ended on December 31, 2009.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 13, 2015 without further notice unless the Agency receives adverse comments by September 11, 2015.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 13, 2015 and no further action will be taken on the proposed rule.

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

## V. Statutory and Executive Order Reviews

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

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

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

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

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

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

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

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

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

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

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

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

[6] EPA has also evaluated the applicability of CAA section 193 to the proposed SIP revision. Section 193 is a general savings clause stating that no control requirement in effect before November 15, 1990, in any nonattainment area for any air pollutant may be modified after November 15, 1990 in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant. Although EPA incorporated portions of Florida's Stage I program into the SIP in 1982 to comply with a previous ozone standard (47 FR 19992 (May 10, 1982)), EPA has determined that section 193 is not applicable to this proposed action because Florida does not currently have any ozone nonattainment areas. Furthermore, EPA did not incorporate Florida's Stage II program into the SIP until March 24, 1994.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 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* section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

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

Dated: July 30, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart K—Florida

■ 2. Section 52.520(c) is amended under Chapter 62–252 by:

■ a. Removing the entries for ''62–252–.100,'' ''62–252–.200,'' ''62–252–.400,'' ''62–252–.500,'' ''62–252–.800'', and ''62–252–.900'' and

■ b. Revising the entry for ''62–252–.300.''

The revision reads as follows:

**§ 52.520 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED FLORIDA REGULATIONS

| State citation (Section) | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| 62–252.300 ..... | Gasoline Dispensing Facilities Stage I Vapor Recovery. | 5/1/2015 | 8/12/2015 [Insert citation of publication]. | |
| * | * | * | * | * |

* * * * *

[FR Doc. 2015–19721 Filed 8–11–15; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

**[EPA–HQ–OAR–2010–0505; FRL–9931–76–OAR]**

**RIN 2060–AS49**

## Oil and Natural Gas Sector: Definitions of Low Pressure Gas Well and Storage Vessel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action finalizes amendments to new source performance standards (NSPS) for the Oil and Natural Gas Sector. On March 23, 2015, the Environmental Protection Agency (EPA) re-proposed its definition of ''low pressure gas well'' for notice and comment to correct a procedural defect with its prior rulemaking that included this definition. The EPA also proposed to amend the NSPS to remove provisions concerning storage vessels connected or installed in parallel and to revise the definition of ''storage vessel.'' This action finalizes the definition of ''low pressure gas well'' and the amendments to the storage vessel provisions.

**DATES:** The final rule is effective on August 12, 2015.

**ADDRESSES:** The EPA has established a docket for this rulemaking under Docket ID Number EPA–HQ–OAR–2010–0505. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in regulations.gov or in hard copy at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 EPA Docket Center is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** For further information on this action, contact Mr. Matthew Witosky, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–2865; facsimile number: (919) 541–3470; email address: *witosky.matthew@epa.gov.* For further information on the EPA's Oil and Natural Gas Sector regulatory program for air, contact Mr. Bruce Moore, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–5460; facsimile number: (919) 541–3470; email address: *moore.bruce@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this reconsideration action apply to me?*

Categories and entities potentially affected by this action include:

| Category | NAICS code [1] | Examples of regulated entities |
|---|---|---|
| Industry | 211111 | Crude Petroleum and Natural Gas Extraction. |
| | 211112 | Natural Gas Extraction. |
| | 221210 | Natural Gas Distribution. |
| | 486110 | Pipeline Distribution of Crude Oil. |
| | 486210 | Pipeline Transportation of Natural Gas. |
| Federal government | | Not affected. |
| State/local/tribal government | | Not affected. |

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative as listed in 40 CFR 60.4 (General Provisions).

*B. How do I obtain a copy of this document and other related information?*

In addition to being available in the docket, an electronic copy of this action is available on the World Wide Web (WWW). Following signature by the EPA Administrator, a copy of this proposed action will be posted at the following address: *http://www.epa.gov/airquality/oilandgas/actions.html.*

*C. Judicial Review*

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this final rule is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by October 13, 2015. Under section 307(d)(7)(B) of the CAA, only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established in this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements. Section 307(d)(7)(B) of the CAA further provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for us to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the EPA, Room 3000, EPA WJC West Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

## II. Background

*A. Low Pressure Gas Wells*

On August 23, 2011 (76 FR 52758), the EPA proposed the Oil and Natural Gas Sector NSPS (40 CFR part 60, subpart OOOO). Among the elements of the proposed rule were provisions for reduced emission completion (REC), also known as ''green completion'' of hydraulically fractured gas wells. In the proposal, the EPA solicited comment on situations where conducting a REC would be infeasible. Several commenters highlighted technical issues that prevent the implementation of a REC on what they referred to as ''low pressure'' gas wells because of the lack of the necessary reservoir pressure to flow at rates appropriate for the transportation of solids and liquids from a hydraulically fractured gas well completion against additional backpressure which would be caused by the REC equipment. Based on our analysis of the public comments received, we determined that there are certain wells where a REC is technically infeasible because of the characteristics of the reservoir and the well depth that will not allow the flowback to overcome the gathering system pressure due to the additional backpressure imposed by the REC surface equipment.

On August 16, 2012, the EPA published the final NSPS (77 FR 49490). Under the 2012 NSPS, a REC is not required for well completions of low pressure gas wells. Rather, the 2012 final NSPS requires at 40 CFR 60.5375(f) that well completions of low pressure gas wells using hydraulic fracturing meet the requirements for combustion of flowback emissions and to the general duty to safely maximize resource recovery and minimize releases to the atmosphere required under 40 CFR 60.5375(a)(4).

The 2012 NSPS includes a definition of ''low pressure gas well'' that is based on a mathematical formula that takes into account a well's depth, reservoir pressure, and flow line pressure. Section 60.5430 defines low pressure gas well as ''a well with reservoir pressure and vertical well depth such that 0.445 times the reservoir pressure (in psia) minus 0.038 times the vertical well depth (in feet) minus 67.578 psia is less than the flow line pressure at the sales meter.''

Following publication of the 2012 NSPS, a group of petitioners, led by the Independent Petroleum Association of America (IPAA), representing independent oil and natural gas owners and operators, submitted a joint petition for administrative reconsideration of the rule. The petitioners questioned the technical merits of the low pressure well definition and asserted that the public had not had an opportunity to comment on the definition because it was added in the final rule.[1]

On March 24, 2014, the petitioners submitted to the EPA a suggested alternative definition [2] for consideration. The petitioners' definition is based on the fresh water hydrostatic gradient of 0.433 pounds per square inch per foot (psi/ft). The petitioners assert that this approach is straightforward and has been recognized for many years in the oil and natural gas industry and by governmental agencies and professional organizations. As expressed in the paper submitted by the

[1] Letter from James D. Elliott, Spilman, Thomas & Battle PLLC, to Lisa P. Jackson, EPA Administrator, October 15, 2012; Petition for Administrative Reconsideration of Final Rule ''Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews,'' 77 FR 49490 (August 16, 2012).

[2] Email from James D. Elliott, Spilman, Thomas & Battle PLLC, to Bruce Moore, EPA, March 24, 2014.

petitioners, the alternative definition for consideration by the EPA, as stated by the petitioners, would be ''a well where the field pressure is less than 0.433 times the vertical depth of the deepest target reservoir and the flow-back period will be less than three days in duration.''

On July 17, 2014, the EPA proposed clarifying amendments to the gas well completion provisions of the NSPS. In the July proposal, we re-proposed the definition of ''low pressure gas well'' for notice and comment. We also discussed the alternative definition provided by the IPAA. Specifically, we expressed concern that the IPAA alternative definition is too simplistic and may not adequately account for the parameters that must be considered when determining whether a REC would be feasible for a given hydraulically fractured gas well. We expressed disagreement with the petitioners' assertion that the EPA definition is too complicated and that it would pose difficulty or hardship for smaller operators. However, we agreed with the petitioners that the public should have been provided an opportunity to comment on the 2012 definition of ''low pressure gas well,'' and we, therefore, re-proposed the 2012 definition for notice and comment. In addition, we solicited comment on the alternative definition suggested by the petitioners.

On August 18, 2014, prior to the close of the public comment period for the July 17, 2014, proposal, the IPAA, on behalf of the independent oil and natural gas owner and operator petitioners, submitted a comment to the EPA via the email address to the Air and Radiation Docket provided in the proposed rule.

The EPA published final amendments in the **Federal Register** at 79 FR 79018 on December 31, 2014, which finalized the definition of ''low pressure gas well'' unchanged from the 2012 definition. Subsequent to the December 31, 2014, publication of the final amendments, the EPA became aware that the comment submitted by the IPAA was not made part of the record in the docket and, thus, was not available to be considered by the EPA in its decision-making process prior to finalizing the amendments. On March 23, 2015 (80 FR 15180), the EPA re-proposed the definition of ''low pressure gas well'', and took comment on IPAA's alternative definition to correct the procedural defect.

*B. Storage Vessels Connected in Parallel*

In the December 31, 2014, final rule, the EPA finalized amendments to the NSPS to address, among other issues, the affected facility status of storage vessel affected facilities. The final action included amendments related to storage vessels ''connected in parallel'' or ''installed in parallel.'' As we explained in the final rule preamble (79 FR 79027), ''Although we believe it is an unlikely occurrence, we note that, when two or more storage vessels receive liquids in parallel, the total throughput is shared between or among the parallel vessels and, in turn, this causes the PTE of each vessel to be a fraction of the total PTE.'' To address such isolated occurrences where storage vessels are installed or connected to reduce the potential to emit (PTE) and, therefore, avoid being subject to 40 CFR part 60, subpart OOOO, we amended the NSPS to address situations in which two or more storage vessels could be installed or connected in parallel which could, in some cases, lower the PTE of the individual storage vessels to levels below the 6 tons per year (tpy) applicability threshold provided in 40 CFR 60.5365(e). Specifically, we amended 40 CFR 60.5365(e)(4) to provide that a storage vessel that is being placed into service, and is connected in parallel with a storage vessel affected facility, is immediately subject to the same requirements as the affected facility with which it is being connected in parallel. We also amended the definitions for ''returned to service'' and ''storage vessel'' in 40 CFR 60.5430 to provide that two or more storage vessels connected in parallel are considered equivalent to a single storage vessel with throughput equal to the total throughput of the storage vessels connected in parallel.

Following publication of the December 2014 final rule, we became aware that the terms ''connected in parallel'' and ''installed in parallel'' inadvertently included storage vessels beyond those we attempted to address as described above. On February 19, 2015, the Gas Processors Association (GPA) submitted a petition for administrative reconsideration of the December 31, 2014, amendments. The GPA asserted that ''it is quite common for multiple storage vessels to be situated next to each other and connected in parallel. Sometimes the storage vessels are operated in parallel, sometimes they are operated in series, and sometimes they are operated one-at-a-time with the connecting valves closed.'' The GPA further asserted that this configuration has existed for decades and that ''this language potentially has large impacts to how our members evaluate affected facility status.'' For the reasons discussed above, we proposed to remove the regulatory provisions relative to storage vessels ''installed in parallel'' or ''connected in parallel.''

## III. Summary of Final Amendments

This section presents a summary of the provisions of the final action with brief explanations where appropriate. In some cases, additional detailed discussions are provided in section IV and V of this preamble, as well as the Response to Comment document. The final amendments include revisions to certain reconsidered aspects of the 2012 NSPS as follows: (1) Definition of ''low pressure gas well''; (2) definition of ''returned to service''; (3) definition of ''storage vessel''; (4) revision of 40 CFR 60.5365(e)(4) to remove the phrases ''or is installed in parallel with any storage vessel affected facility,'' and ''or with which it is installed in parallel.''

*A. Low Pressure Gas Wells*

The EPA is finalizing its definition of ''low pressure gas well.'' For the purposes of 40 CFR part 60, subpart OOOO, our definition of low pressure gas well is for a singular purpose—to identify the wells that cannot implement a REC because of a lack of necessary reservoir pressure to flow gas at rates appropriate for the transportation of solids and liquids from a hydraulically fractured gas well against additional backpressure that would be caused by the REC equipment, thereby making a REC infeasible (80 FR 15182).

In response to comments, we are amending the definition of ''low pressure gas well'' in this final action by changing ''vertical depth'' to ''true vertical depth.'' This change more accurately reflects our intent when formulating the definition of ''low pressure gas well.''

*B. Storage Vessels Connected in Parallel*

The EPA is revising the definition of ''storage vessel'' to remove references to ''connected in parallel'' and ''installed in parallel'' from the current definition, and making associated changes to 40 CFR 60.5365(e)(4). We are not making any changes to the proposed definition of ''storage vessel.''

## IV. Significant Changes Since Proposal

There is only one significant change since proposal, which is to refer to ''true vertical depth'' (instead of ''vertical depth'') in the definition of ''low pressure gas well.'' Several commenters took issue that the proposal definition of ''low pressure gas well'' does not take into account the ''true vertical depth'' of the well, as the ''vertical depth'' of the

well can overstate actual vertical depth because well bores may not be absolutely vertical. The commenters concluded that measured vertical depth often exceeds the true vertical depth of a well bore. The commenters believe this is an important distinction, especially for directional or horizontal wells, that should be clarified in the definition.

We agree with the commenters that ''true vertical depth'' is more accurate terminology that better represents our intent. In light of the above considerations, we are amending the definition of ''low pressure gas well'' in this action by changing ''vertical depth'' to ''true vertical depth.''

## V. Summary of Significant Comments and Responses

This section summarizes the significant comments on our proposed amendments and our responses.

### *A. Definition of ''Low Pressure Gas Well''*

*Comment:* One commenter noted that the EPA's defense of the low pressure well definition focuses on the level of burden the definition imposes on the industry. The commenter contended that the EPA is missing the point with this response. The commenter contended that their concern is not the hardship imposed by the calculation required by the definition but rather that the definition does not accurately depict what historically has been considered to be a low pressure gas well. Thus, according to the commenter, the current definition would require RECs to be performed on marginally cost-effective wells.

*Response:* In the 2012 rulemaking, EPA concluded that the BSER for well completion was a combination of REC and combustion; however, in response to comment that REC is not technically feasible for ''low pressure gas wells'' due to the inability of such wells to attain a gas velocity sufficient to clean up the well when flowing against the backpressure imposed by the surface equipment and the flow line pressure, the EPA exempted ''low pressure gas wells'' from REC in the 2012 NSPS. The EPA subsequently re-proposed its ''low pressure gas well'' definition in response to an administrative petition that notice or an opportunity to comment was not provided for the EPA's 2012 definition of ''low pressure gas well.'' However, rather than commenting on parameters for defining ''technical infeasibility'' to implement REC, the commenter asks the EPA to consider other burdens and hardships in defining ''low pressure wells.'' In the 2015 re-proposal of the ''low pressure gas well'' definition, the EPA did not propose or otherwise contempt exempting well completions from performing REC for reasons beyond technical infeasibility. This request is thus beyond the purpose and scope of this re-proposal, which is to provide a low pressure well definition that would accurately describe wells for which REC is technically infeasible due to low pressure and, therefore, exempt from the REC requirements under 40 CFR part 60, subpart OOOO.

*Comment:* Several commenters expressed support for the alternative definition of ''low pressure gas well'' provided by IPAA as being more representative of current industry practice of defining these wells.

According to one commenter, the alternative definition is based on the fresh water gradient, is widely used in industry, and appropriately describes the well conditions where installation of REC equipment is impractical. The commenter stated that the fresh water gradient (*i.e.,* 0.433 psi/ft or 8.33 pounds(lbs)/gallon (gal) $\times$ 0.052 $\times$ True Vertical Depth (TVD)) represents normally pressured wells based on the hydrostatic overhead pressure of fresh water that increases linearly with TVD. If reservoir pressure is less than the hydrostatic pressure of water, the well will not flow on its own because of the overhead pressure of fracture fluids in the wellbore that will be higher than the reservoir pressure which may make REC equipment impractical. The commenter added that whether a well's productive reservoir pressure is above or below the water gradient may be readily confirmed by reading offset reservoir pressure data in the development field or by evaluating certain wireline well logs that may be run after drilling a well before well completion begins.

Another commenter stated that the EPA's current definition does not accurately define what industry has historically defined and recognized as a low pressure well. According to the commenter, because EPA's definition does not accurately delineate low pressure wells, the current definition will subject a subset of wells to RECs where the operation of a separator is not physically possible, thereby making the wells uneconomical as a result of being subject to REC requirements. The commenter included a table showing the values calculated using the EPA's definition for various well depths and flow line pressures. According to the commenter, the alternate definition would classify all of the values in the table as a low pressure well, while the EPA's definition would only consider about a quarter of the wells as low pressure.

The commenter further stated that the permeability of the reservoir and other reservoir characteristics play a critical role in determining when a well is low pressure well or under-pressured. In addition to overcoming the hydrostatic pressure and sale line pressure, the separator necessary for the REC adds to the pressure which must be overcome for gas to flow from the reservoir. The commenter stated that the separator pressure is arguably the controlling parameter on when a REC is feasible versus the sales line pressure. Unlike the sales line pressure, which is easily known, the commenter contended that the separator pressure can vary greatly depending on gas and liquid rates, liquid composition, and equipment limitations. The commenter pointed out that the EPA's definition does not take separator pressure into account, thereby making the definition overly conservative. The commenter admitted that the alternative definition does not contain an adjustment for separator pressure either, but the definition is more accurate and is inclusive of wells recognized by the industry as ''low pressure.''

In addition to the pressure associated with the separator, the commenter stated that in order for a separator to function, there must be a sufficient volume of gas (at appropriate pressure) to lift the associated liquids and overcome the pressure of the separator. The commenter added that if that gas rate is not achieved, the well will load up and a REC will not be possible. According to the commenter, the gas rate necessary for a REC varies based on reservoir pressure and casing/tubing diameter. The commenter provided a graph of Coleman curves to illustrate this point, which illustrates that as the pressure and casing diameter increase, so must the gas rate.

*Response:* The EPA believes that the alternative definition of ''low pressure gas well,'' based only on fresh water gradient, may not adequately account for the parameters that must be taken into account when determining whether a REC would be feasible for a given hydraulically fractured gas well. We believe that, to determine whether the flowback gas has sufficient pressure to flow into a flow line, it is necessary to account for reservoir pressure, well depth, and flow line pressure. In addition, it is important for any such determination to take into account pressure losses in the surface equipment used to perform the REC. The EPA's definition in the proposed rule was developed to account for these factors.

The EPA agrees that there must be a sufficient volumetric flow of gas (caused by adequate reservoir pressure) to lift the associated liquids and overcome the pressure of the separator, enabling the gas to be collected (*i.e.,* enter the flow line). However, the EPA disagrees that the current definition, which we re-proposed for notice and comment, does not take into account the additional backpressure caused by the REC equipment, including a separator. The model uses an energy balance to determine the pressure drop based on the calculated velocity, and then the model accounts for pressure losses caused by REC equipment, including the separator. The result of the model is a prediction of the pressure of the flowback gas immediately before it enters the flow line. The result can be compared to the actual flow line pressure available to the well. For wells with insufficient pressure to produce into the flow line, as predicted using the EPA equation, combustion must be used to control emissions. For wells with sufficient pressure to produce into the flow line, gas capture in combination with combustion must be used to control emissions.

According to some of the commenters, the EPA's definition of low pressure gas well should be revised because it does not comport with what the industry has historically considered to be a low pressure gas well. We are not making a determination on the similarity of the two definitions because we do not believe that the two must be the same for purposes of the Oil and Gas NSPS. The EPA has provided a definition of ''low pressure gas well'' in the NSPS in order to designate a class of wells where a REC is not technically feasible. Our definition of ''low pressure gas well'' in the NSPS is for a singular purpose—to identify the wells that cannot implement a REC because of a lack of necessary reservoir pressure to flow gas at rates appropriate for the transportation of solids and liquids from a hydraulically fractured gas well during flowback against additional backpressure which would be caused by the REC equipment, thereby making a REC technically infeasible (80 FR 15182). To the extent that the industry definition is different from the EPA definition, the industry likely defines a particular well as being low pressure for a variety of reasons.[3] As such, it is not clear that a REC is not technically infeasible for all of the wells that the industry has historically considered to be ''low pressure wells.''

*B. Revisions to the Alternate Definition*

*Comment:* One commenter stated that the alternative definition should also be clarified to state ''where field reservoir pressure is less than 0.433 times the *true* vertical depth of the reservoir.'' According to the commenter, referring to reservoir pressure adds clarity and true vertical depth is a well-known standard term in the industry to differentiate from ''measured depth,'' where measured depth is the length of the well. The commenters stated this is an important distinction, especially for directional or horizontal wells, that should be clarified in the low pressure well definition.

Another commenter similarly suggested that instead of defining the term ''low pressure gas well'' in terms of the ''vertical depth'' of the deepest target reservoir, it should instead by defined in terms of the ''true vertical depth.'' The commenter cited to the Schlumberger online Oil Field Glossary, which defines ''true vertical depth'' as follows:

The vertical distance from a point in the well (usually the current or final depth) to a point at the surface, usually the elevation of the rotary kelly bushing (RKB). This is one of two primary depth measurements used by the drillers, the other being measured depth. TVD is important in determining bottomhole pressures, which are caused in part by the hydrostatic head of fluid in the wellbore. For this calculation, measured depth is irrelevant and TVD must be used. For most other operations, the driller is interested in the length of the hole or how much pipe will fit into the hole. For those measurements, measured depth, not TVD, is used. While the drilling crew should be careful to designate which measurement they are referring to, if no designation is used, they are usually referring to measured depth. Note that measured depth, due to intentional or unintentional curves in the wellbore, is always longer than true vertical depth.

The commenter stated that it would be better to use ''true vertical depth'' because the measured vertical depth can overstate actual vertical depth because well bores may not be absolutely vertical. Thus, measured vertical depth often exceeds the true vertical depth of a well bore.

One commenter stated that the IPAA's proposed definition for ''low pressure well'' was based on the weight of fresh water (8.33 lbs/gal) which is stacked on top of itself, and is known as hydrostatic pressure. Converting the density of fresh water to a pressure gradient results in 8.33 lb/gal being equal to 0.433 psi/ft. Therefore, the pressure of fresh water in the well bore is 0.433 psi/ft times the vertical well depth.

The commenter added that in reality, the fluid flowing to the surface could be fresh water, re-used hydraulic fracturing water, re-used, produced water, or a mixture. Additionally, in the beginning of the operation, the commenter stated that initial fluids flowing to the surface are essentially the fracturing fluids put down hole. At the end of the operation, the fluids flowing to the surface will mainly consist of reservoir fluids, and the water will be more of a brine water and not fresh water. The commenter added that brine water has a greater density, and more reservoir pressure will be required to lift the fluid to the surface. The commenter contended that the use of a fresh water gradient of 0.433 psi/ft should be used to keep the definition conservative and simple.

As an alternative, or in addition, to a fresh water gradient, the commenter recommended that the density of brine water influenced by sand or proppant should be used to more accurately reflect the pressure of the water column in the well bore. The commenter pointed out that the EPA appears to have utilized a gradient of 0.4645 psi/ft in the ''Lessons Learned from Natural Gas STAR Partners; Reduced Emissions Completions for Hydraulically Fractured Natural Gas Wells'' paper developed as a part of the EPA's Natural Gas STAR Program. The commenter stated that this is evidenced by the gradients listed in Exhibit 5 of the paper. Additionally, to perform a REC, the commenter contended that the downhole reservoir pressure must be sufficient enough to lift the hydraulic fracturing fluid to the surface and through the separation equipment and piping, with the resulting gas still having enough backpressure for it to get into the natural gas gathering line. According to the commenter, to combust flowback emissions the downhole reservoir pressure must be sufficient enough to lift the hydraulic fracturing fluid to the surface and through the separation equipment and piping, with the resulting gas still having enough backpressure to flow to a flare or enclosed combustion device.

To reflect these realities, the commenter proposed that no emission

[3] ''USEPA's proposed low pressure well definition forces controls on a segment of the industry that have no or minimal beneficial impact on the environment while imposing significant additional costs that will make drilling and operating such wells uneconomical.'' (James Elliott, Spilman Thomas & Battle, PLLC, on behalf of Independent Petroleum Association of America et al., August 8, 2014)

control be required when the following scenario exists:

A well where the reservoir pressure is less than 0.4645 times the vertical depth of the deepest target reservoir.

At reservoir pressures below this value, the commenter contends that insufficient pressure exists for any gas to flow to a flare, enclosed combustion device or the process. Consequently, the commenter proposes that combustion through a flare or enclosed combustion device be required when the following scenario exists:

A well where the reservoir pressure is less than 0.4645 times the vertical depth of the deepest target reservoir plus the gathering or sales line pressure.

At reservoir pressures less than the sum of the water column pressure and the sales line pressure, the commenter contended that the recovered gas will not naturally flow into the sales line. The commenter stated that the proposed rule does not require compression of recovered gas into the sales line. The commenter further states that the EPA has recognized this type of simpler approach in estimating the level of pressure necessary for recovered gas to flow into a gathering or sales line in their Gas STAR document cited above. In this Gas STAR paper, a table (Exhibit 5) is provided that shows the pressures necessary for various well depths. For instance, the commenter pointed out that the document indicates that the reservoir pressure necessary to flow recovered gas into a sales line for a 10,000-foot well would be 4,645 psig plus the sales line pressure.

*Response:* We agree with the commenters that ''true vertical depth'' is more accurate terminology that better represents our intent. Although we are not adopting the alternative definitions for the reasons presented above, we are amending the current definition of low pressure gas well to include ''true vertical depth.''

*C. Storage Vessel Requirements*

*Comment:* One commenter acknowledged the EPA's proposal to remove provisions relating to storage vessels ''installed in parallel'' or ''connected in parallel'' because these provisions ''inadvertently'' encompassed storage vessels the Agency did not intend to address. However, the commenter contended that the EPA does not identify those vessels that it believes were inadvertently covered in the December 2014 rule, nor does it propose alternative regulatory language that would ensure adequate control measures for vessels connected or installed in parallel that were intended to be covered under the December 2014 rule.

Given that storage vessels, including those installed or connected in parallel, can be significant sources of emissions, the commenter opposed the EPA's proposal to simply remove any provisions addressing these vessels. Instead of removing all provisions regarding vessels installed or connected in parallel, as the Agency proposed, the commenter urged the EPA to instead clarify its existing requirements for such vessels. The commenter suggested that the EPA could, for instance, clarify that pollution control measures apply to storage vessels operated in parallel in the relevant regulatory provisions addressing storage vessel affected facilities and the definitions of ''returned to service'' and ''storage vessel.''

*Response:* The change to the definition of ''storage vessel'' is intended to preserve the original basis on individual storage vessels to determine affected facility status, while addressing the potential situation where the flow of crude oil, condensate, intermediate hydrocarbon liquids, or produced water is divided into two or more tanks operated in parallel (*i.e.,* sharing the emissions at the correlated fraction of what a single tank would emit). Through comments submitted on the March 2015 proposed rule, the public has informed us that many storage vessels that are configured in parallel may not be operated or constructed to divide their potential to emit continuously, if ever. The EPA has now reconsidered our attempt to include storage vessels connected in parallel to address the specific situation resulting in circumvention. We believe that we do not have sufficient data to evaluate the scope of storage vessels that would fall under the amended definition and for which we did not intend to cover.

We believe that we have sufficient provisions under the General Provisions at 40 CFR 60.12 ''Circumvention'' to address the specific situation where storage vessels are divided into smaller tanks to avoid applicability of the rule and which was our intent with the previous amended definition. Therefore, we do not believe that our reverting to the prior definition of ''storage vessel'' will affect our ability to ensure control of these storage vessels. Consequently, as proposed, we are finalizing the removal of provisions made in the 2014 amendment relating to storage vessels ''installed in parallel'' or ''connected in parallel.''

## V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

*B. Paperwork Reduction Act (PRA)*

This action does not impose an information collection burden under the PRA. OMB has previously approved the information collection requirements contained in the existing regulations and has assigned OMB control number 2060–0673. This action does not change the information collection requirements previously finalized and, as a result, does not impose any additional burden on industry.

*C. Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action is a reconsideration of an existing rule and imposes no new impacts or costs.

*D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

*E. Executive Order 13132: Federalism*

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

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

This action does not have tribal implications as specified in Executive Order 13175. This action is a reconsideration of an existing rule and imposes no new impacts or costs. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

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

*I. National Technology Transfer and Advancement Act (NTTAA)*

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the level of protection provided to human health or the environment. This action is a reconsideration of an existing rule and imposes no new impacts or costs.

*K. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 60**

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Reporting and recordkeeping.

Dated: July 31, 2015.

**Gina McCarthy,**

*Administrator.*

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

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

## Subpart OOOO—Standards of Performance for Crude Oil and Natural Gas Production, Transmission, and Distribution

■ 2. Section 60.5365(e)(4) is revised to read as follows:

**§ 60.5365 Am I subject to this subpart?**

* * * * *

(e) * * *

(4) For each new, reconstructed, or modified storage vessel with startup, startup of production, or which is returned to service, affected facility status is determined as follows: If a storage vessel is reconnected to the original source of liquids or is used to replace any storage vessel affected facility, it is a storage vessel affected facility subject to the same requirements as before being removed from service, or applicable to the storage vessel affected facility being replaced, immediately upon startup, startup of production, or return to service.

* * * * *

■ 3. Section 60.5430 is amended by revising the definitions for ''Low pressure gas well,'' ''Returned to service,'' and the first three sentences in the introductory text of ''Storage vessel'' to read as follows:

**§ 60.5430 What definitions apply to this subpart?**

* * * * *

*Low pressure gas well* means a well with reservoir pressure and vertical well depth such that 0.445 times the reservoir pressure (in psia) minus 0.038 times the true vertical well depth (in feet) minus 67.578 psia is less than the flow line pressure at the sales meter.

* * * * *

*Returned to service* means that a Group 1 or Group 2 storage vessel affected facility that was removed from service has been:

(1) Reconnected to the original source of liquids or has been used to replace any storage vessel affected facility; or

(2) Installed in any location covered by this subpart and introduced with crude oil, condensate, intermediate hydrocarbon liquids or produced water.

* * * * *

*Storage vessel* means a tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support. A well completion vessel that receives recovered liquids from a well after startup of production following flowback for a period which exceeds 60 days is considered a storage vessel under this subpart. A tank or other vessel shall not be considered a storage vessel if it has been removed from service in accordance with the requirements of § 60.5395(f) until such time as such tank or other vessel has been returned to service. * * *

* * * * *

[FR Doc. 2015–19733 Filed 8–11–15; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 84

**[Docket Number CDC–2015–0004; NIOSH–280]**

**RIN 0920–AA60**

## Closed-Circuit Escape Respirators; Extension of Transition Period

**AGENCY:** Centers for Disease Control and Prevention, HHS.

**ACTION:** Final rule.

**SUMMARY:** In March 2012, the Department of Health and Human Services (HHS) published a final rule establishing a new standard for the certification of closed-circuit escape respirators (CCERs) by the National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention (CDC). The new standard was originally designed to take effect over a 3-year transition period. HHS has determined that extending the concluding date for the transition is necessary to allow sufficient time for respirator manufacturers to meet the demands of the mining, maritime, railroad and other industries. Pursuant to this final action, NIOSH extends the phase-in period until 1 year after the date that the first approval is granted to certain CCER models.

**DATES:** This rule is effective on August 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Rachel Weiss, Program Analyst; 1090 Tusculum Avenue, MS: C–46, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

**SUPPLEMENTARY INFORMATION:**

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## I. Public Participation

On January 29, 2015, HHS published an interim final rule to amend the transition deadline established in 42 CFR 84.301 (80 FR 4801), and invited interested persons or organizations to participate in this rulemaking by submitting written views, arguments, recommendations, and data. Comments were invited on any topic related to this rulemaking and specifically on the following question related to this rulemaking:

Will a compliance date 6 months after the date that the first approval is granted in each of three categories of CCER types provide sufficient time for respirator manufacturers to develop production capacity to meet expected market demand, while not causing undue loss of sales revenue that may be expected from achieving the first successful design for the given size?

We received four submissions to the docket: One from a respirator manufacturer, one from a mining association, one from a coal company, and one from three coal companies and another mining association. A summary of comments and HHS responses are found in Section III, below.

## II. Background

### *A. History of Rulemaking*

Under Title 42 of the Code of Federal Regulations (42 CFR) part 84—Approval of Respiratory Protective Devices, NIOSH approves respirators used by workers in mines and other workplaces for protection against hazardous atmospheres. The Mine Safety and Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA) require U.S. employers to supply NIOSH-approved respirators to their employees whenever the employer requires the use of respirators.

A closed-circuit escape respirator (CCER) is an apparatus in which the wearer's exhalation is rebreathed after the carbon dioxide in the exhaled breath has been effectively removed and a suitable oxygen supply has been restored from a source within the device (*e.g.,* compressed, chemical, or liquid oxygen). CCERs are used in certain industrial and other work settings during emergencies to enable users to escape from atmospheres that can be immediately dangerous to life and health. The CCER, known in the mining industry as a self-contained self-rescuer, is used by miners to escape dangerous atmospheres in mines. It is also used by certain Navy and Coast Guard personnel, such as crews working below decks on vessels, where it is referred to as an emergency escape breathing device, and in the railroad industry, where it is known as an emergency escape breathing apparatus. To a lesser extent, it is also used by non-mining workers who work in tunnels, underground, or in confined spaces.

Requirements for the certification of CCERs were updated in a 2012 final rule, in which HHS codified a new Subpart O and removed only those technical requirements in 42 CFR part 84—Subpart H that were uniquely applicable to CCERs. All other applicable requirements of 42 CFR part 84 were unchanged. The purpose of these updated requirements is to enable NIOSH and MSHA to more effectively ensure the performance, reliability, and safety of CCERs.

The effective date for the new standard in Subpart O was April 9, 2012. Beginning on that date, any new application for a certificate of approval for a CCER would be required to meet the new Subpart O standard. Manufacturers were allowed to continue to manufacture, label, and sell respirators certified to the prior Subpart H standard until April 9, 2015.

On January 29, 2015, HHS published an interim final rule to amend the compliance deadline established in 42 CFR 84.301 (80 FR 4801). The interim final rule amended 42 CFR 84.301 to allow NIOSH to extend the original 3-year period for continued manufacturing, labeling, and sale of CCERs approved under Subpart H to allow for the orderly implementation of the new testing and certification requirements of Subpart O. The amendments authorized the continued manufacturing, labeling, and selling of CCERs approved under the former standard in Subpart H until either April 9, 2015 or 6 months after the date that NIOSH first approves a CCER model under the capacity rating categories Cap 1 (for mining applications) and Cap 3 (mining and non-mining) described in 42 CFR 84.304, whichever date came later.

### *B. Need for Rulemaking*

HHS has determined that extending the concluding date for the transition is necessary to allow sufficient time for respirator manufacturers to meet the demands of the mining, maritime, railroad, and other industries. Two manufacturers recently received NIOSH approval for their small-capacity non-mining respirators; however, no large-capacity units designed for underground coal mining and other industries have received NIOSH approval to date. HHS published the interim final rule in response to concerns expressed by mining industry and maritime stakeholders that an adequate number of new CCERs would not be available for purchase by the Subpart O compliance deadline, leaving miners, sailors, and other workers with insufficient protection.

### *C. Scope*

Pursuant to this final rule, which amends 42 CFR 84.301, NIOSH will extend the deadline for Subpart O compliance until 1 year after the date on which NIOSH approves the first CCER in each of the following three categories, described in 42 CFR 84.304: Cap 1 mining, Cap 3 mining, and Cap 3 non-mining.

CCER Cap 1 non-mining and Cap 2 mining and non-mining categories are not included in this rulemaking. Approval TC–13G–0001 was issued to Avon Protection Systems, Inc. on July 24, 2014 for its ER–2 emergency escape breathing device (EEBD). The ER–2 EEBD is certified by NIOSH as a Cap 1, 20-liter, CCER for use in non-mining applications. A second approval for a Cap 1 non-mining CCER was awarded to Ocenco Incorporated on December 2, 2014. The Cap 2 mining and non-mining categories are not included in this rulemaking because there are no units previously approved under Subpart H that are equivalent to the Cap 2 categories.

Approval TC–13G–003 was issued to Avon Protection Systems on May 13, 2015, for a Cap 1 unit for use in mining applications. The Avon approval triggered a 6-month transition for the category of Cap 1 mining respirators, in accordance with the language of the interim final rule. With the publication of this final rule, that extension is

continued for an additional 6 months, until May 13, 2016.

**III. Response to Public Comments**

As discussed above in the Public Participation section, HHS received four submissions to the rulemaking docket. Although the commenters were unanimous in their support of an extension, they cited a variety of reasons for the insufficiency of the 6-month extension established in the interim final rule.

*Comment:* Six months is an arbitrary date and HHS should have consulted respirator manufacturers regarding the amount of time necessary for approved devices to be available to end-users. The phase-in period should be extended from 6 to 16 months after the first approval to allow time for other manufacturers to obtain NIOSH approval and establish production capabilities, for the end-user to make procurement decisions, and for the manufacturer to finalize production activities after receiving procurement orders.

*Response:* NIOSH works closely with respirator manufacturers and did consult with several regarding the implementation of Subpart O. We also reached out to end-users and other stakeholders to learn about their current and future respirator needs. Although we received anecdotal reports that user demand is greater than the availability of units capable of being produced under the new standard, users did not validate those reports. Consequently, after consulting with manufacturers and end-users, we originally determined that the compliance deadline, 3 years after publication of the new Subpart O standard, offered ample time for manufacturers to develop, produce, and deploy Subpart O CCERs. However, because only a handful of units were submitted to NIOSH for approval testing during the 3 years since the establishment of Subpart O, we decided to accommodate manufacturers by extending the transition period to 6 months after the first approval in each category. Based on our experience, we considered that the 6 month extension would allow for an estimated 8 weeks to begin production and another 8 weeks to develop sufficient capacity. We understand that this extension may still not be adequate for manufacturers to develop and produce CCERs in sufficient quantity to meet the needs of end-users. Accordingly, HHS agrees to extend the transition period further, as discussed below.

*Comment:* The 6-month extension after a first approval could create a monopoly if the first manufacturer to receive approval receives the approval long before competitors and then saturates the market, thus disincentivizing competitors.

*Response:* HHS has provided an extended implementation period for the development and provision of an adequate supply of Subpart O CCERs. This implementation period does not restrict the opportunity for competition but does provide substantial incentive for timely development of compliant new technology, which is in the interest of worker safety. We expect that manufacturers who have been in the CCER market have incentive to stay in the market. We are not amending the regulatory text based on this comment.

*Comment:* HHS did not contact the two respirator manufacturers that have received approval for Cap 1 non-mining devices concerning the amount of time needed to produce units sufficient to meet demand.

*Response:* We did communicate with both manufacturers that have units approved and asked for input on production times. However, we did not receive timely feedback on this point. Because both companies received approvals for Cap 1 non-mining devices prior to publication of the interim final rule, and because those approvals were granted many months before the April 9, 2015 Subpart O transition deadline, we did not find it appropriate to offer an extension for this category. Accordingly, we are not offering an extension for Cap 1 non-mining CCERs in this final rule.

*Comment:* HHS could amend the rule text to allow the Subpart H standard to be extended until 6 months after the date of the NIOSH approval of ''two or more'' respirator models under each category. The extension of the transition period must be of sufficient duration to accommodate the approval of multiple devices, in order to give the mining industry a choice in the selection of CCERs.

*Response:* The intent of this rulemaking is to permit the first awardee time to build a practical volume of inventory to meet market needs. We do not agree with the suggestion to amend the text to offer an extension after two or more models are approved because this would diminish the incentive of the remaining manufacturers (without an approved device) to be timely in the development of their Subpart O CCERs. Thus, we are not amending the regulatory text to offer an extension after two or more models are approved.

*Comment:* The 6-month extension will not allow time for manufacturers to fill purchase orders and may result in mines not being able to obtain sufficient numbers of units to meet MSHA requirements. This could result in mines having to stop operations until additional units could be obtained. Further, if only one type of respirator is approved under Subpart O and is the only new device available on the market and that device utilizes a different technology from the types of respirator used in a particular mine, the mine might be forced to mix units. Mixing units would require additional training and could result in added stress and confusion during an emergency.

*Response:* We agree to extend the Subpart O transition deadline beyond the 6 months offered in the interim final rule. This should alleviate concerns regarding the availability of units. Regarding the mixing of units of different technologies, underground mines have been permitted to co-mingle respirator types in the past. This can be done safely provided all persons are trained on the available respirator types. We are not aware that co-mingling of respirators has jeopardized worker safety and do not anticipate any such safety concerns as a result of this action.

*Comment:* Significant delays in certification processing may occur because NIOSH is still refining the test equipment and training certification testing personnel and because there is no indication that any CCER will meet the Cap 3 requirements.

*Response:* Respirator application processing comprises several different steps, including initial review, quality assurance review, laboratory testing, and final review; NIOSH is able to process multiple respirator applications simultaneously. Approval processing and testing typically takes between 4 and 6 months, depending on the completeness of the application and respirator complexity. Although our laboratory is only able to conduct certification testing on one CCER at a time, we do not anticipate any NIOSH-caused delays in the certification process as a result of equipment or personnel development. Nevertheless, HHS's interest is in ensuring at least one supplier of Subpart O CCERs in categories where Subpart H units currently exist. The extension offered in this final rule is designed to begin after NIOSH testing and approval of one application is complete.

We do expect NIOSH approval of Cap 3 CCERs to occur in short order. Because two manufacturers have recently received approvals for Cap 1 CCERs for non-mining applications, NIOSH expects that manufacturers will be able to meet the Cap 3 requirements, which require less of a performance increase from existing respirators in the

general class than did the development of respirators to meet the Cap 1 requirements.

*Comment:* HHS must consider the cumulative effect on coal companies of expected advancements in respirator technology. The mining industry will only be able to accommodate one technology change in the coming years—either CCERs that comply with the Subpart O standard or CCERs that have adopted new R&D developments for additional functionalities, such as seamless changeover between units and verbal communication.

*Response:* HHS agrees that the scenario outlined in the comment is undesirable, but notes that Subpart O, as its forerunner, Subpart H, is a performance standard, not a design standard. HHS does not foresee any reason that desirable new technologies such as the ones identified in the comment cannot be incorporated into CCER designs which meet the Subpart O performance requirements. Although the schedule for adoption of additional functionalities is beyond the control of NIOSH and we cannot predict the timing of future R&D developments, extension of the transition deadline is one way to better accommodate any new technologies which may be imminently achievable in practical CCER designs.

*Comment:* The rule should recognize the significant distinctions between the underground coal mining industry and the maritime, railroad, and other industries.

*Response:* HHS agrees that this action should distinguish mining applications from non-mining and we did attempt to structure the extension to recognize the different needs of the different industries. For example, the maritime and railroad industries use Cap 1 non-mining devices; because two Cap 1 non-mining CCERs have already been approved, Cap 1 non-mining devices are not addressed in this rulemaking. We are not amending the regulatory text based on this comment.

## IV. Summary of Final Rule

This final rule amends 42 CFR 84.301 to allow NIOSH to extend the original 3-year period for continued manufacturing, labeling, and sale of CCERs approved under Subpart H to allow for the orderly implementation of the new testing and certification requirements of Subpart O. This provision allows NIOSH to extend the original transition period to allow manufacturers to obtain NIOSH approval, establish production capacity, and complete the modification of existing CCER designs, if necessary, or develop new designs that comply with the new testing and certification requirements. An extension also ensures that a constant supply of approved CCERs will remain available for purchase. The new Subpart O standard will continue to be applied to all new CCER designs that are submitted for approval. In accordance with this final rule, all types of CCERs approved under Subpart H that were manufactured and labeled as NIOSH-approved, and sold by April 9, 2015, and including those units manufactured and labeled as NIOSH-approved and sold during the extended periods established by this rule, may continue to be used as NIOSH-approved respirators until the end of their service life.

In response to the public comments, HHS is amending § 84.301(a) and thereby authorizes the continued manufacturing, labeling, and selling of CCERs approved under the former standard in Subpart H until 1 year after the date that NIOSH first approves a CCER model under the capacity rating categories Cap 1 (for mining applications) and Cap 3 (mining and non-mining) described in 42 CFR 84.304. This extension is in accordance with the comment requesting an increase in the duration of the extension from 6 to 16 months, as we understand that the 16-month request includes at least 5 months for manufacturers to receive NIOSH approval after a first approval in a given category (leaving 11 months, in the commenter's estimation, for completion of the manufacturing and procurement processes). We anticipate that most applications will have been submitted to NIOSH by the time a first approval is granted, and find that building additional time into the extension for the approval process will unnecessarily delay the Subpart O transition.

We have also amended the paragraph to clarify that a Cap 1 device under Subpart O is comparable to a device with a rated service time of less than 20 minutes under Subpart H, and a Cap III device under Subpart O is comparable to a device with a rated service time of greater than 50 minutes under Subpart H. Finally, we have removed reference to April 9, 2015 in paragraph (a), as that date has passed.

HHS received no comments on the provisions of paragraphs (b) or (c) and, accordingly, they are unchanged. Paragraph (b) clarifies that any non-major modifications to those approved devices must continue to meet the prior Subpart H standard. CCERs with major modifications that will result in a new NIOSH approval must conform to the new Subpart O standard. Paragraph (c) states that Subpart O applies to all CCERs submitted to NIOSH for approval after the effective date of the final rule, April 9, 2012.

## V. Regulatory Assessment Requirements

### *A. Executive Order 12866 and Executive Order 13563*

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule is not being treated as a ''significant'' action under E.O. 12866. It amends existing 42 CFR 84.301 to allow NIOSH to extend the deadline for a respirator certification standard established in 2012, and does not result in any costs to affected stakeholders; it does not raise any novel legal or policy issues. Accordingly, HHS has not prepared an economic analysis and the Office of Management and Budget (OMB) has not reviewed this rulemaking.

The rule does not interfere with State, local, or tribal governments in the exercise of their governmental functions.

### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires each agency to consider the potential impact of its regulations on small entities including small businesses, small governmental units, and small not-for-profit organizations. HHS certifies that this final rule will not have a significant economic impact on a substantial number of small entities, including both small manufacturers of CCERs and the small mining operators that are required to purchase them, within the meaning of the RFA.

### *C. Paperwork Reduction Act*

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* requires an agency to invite public comment on and to obtain OMB approval of any rule of general applicability that requires recordkeeping, reporting, or disclosure requirements.

NIOSH has obtained approval from OMB to collect information from respirator manufacturers under ''Information Collection Provisions in

42 CFR part 84—Tests and Requirements for Certification and Approval of Respiratory Protective Devices'' (OMB Control No. 0920–0109, exp. November 30, 2017), which covers information collected under 42 CFR part 84. This rulemaking does not increase the reporting burden on respirator manufacturers.

*D. Small Business Regulatory Enforcement Fairness Act*

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the Department will report the promulgation of this rule to Congress prior to its effective date. The report will state that the Department has concluded that this rule is not a ''major rule'' because it is not likely to result in an annual effect on the economy of $100 million or more.

*E. Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased annual expenditures in excess of $100 million by State, local or tribal governments in the aggregate, or by the private sector.

*F. Executive Order 12988 (Civil Justice)*

This rule has been drafted and reviewed in accordance with Executive Order 12988, ''Civil Justice Reform,'' and will not unduly burden the Federal court system. NIOSH has provided clear deadline extension requirements that will be applied uniformly to all applications from manufacturers of CCERs in certain categories. This rule has been reviewed carefully to eliminate drafting errors and ambiguities.

*G. Executive Order 13132 (Federalism)*

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

*H. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)*

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this rule on children. HHS has determined that the rule would have no effect on children.

*I. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)*

In accordance with Executive Order 13211, HHS has evaluated the effects of this rule on energy supply, distribution or use, and has determined that the rule will not have a significant adverse effect.

*J. Plain Writing Act of 2010*

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS has attempted to use plain language in promulgating the final rule consistent with the Federal Plain Writing Act guidelines.

**List of Subjects in 42 CFR Part 84**

Incorporation by reference, Mine safety and health, Occupational safety and health, Personal protective equipment, Respirators.

**Final Rule**

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR part 84 as follows:

## PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

■ 1. The authority citation for part 84 is revised to read as follows:

**Authority:** 29 U.S.C. 651 *et seq.;* 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

■ 2. Revise § 84.301 to read as follows:

**§ 84.301 Applicability to new and previously approved CCERs.**

(a) The continued manufacturing, labeling, and sale of CCERs previously approved under subpart H is authorized for units intended to be used in mining applications with durations comparable to Cap 1 (all CCERs with a rated service time ≤20 minutes), and units intended to be used in mining and non-mining applications with durations comparable to Cap 3 (all CCERs with a rated service time ≥50 minutes), until 1 year after the date of the first NIOSH approval of a respirator model under each respective category specified.

(b) Any manufacturer-requested modification to a device approved under the former subpart H standard must comply with the former subpart H standard and address an identified worker safety or health concern to be granted an extension of the NIOSH approval. Major modifications to the configuration that will result in a new approval number must meet and be issued approvals under the requirements of this subpart O.

(c) This subpart O applies to all CCERs submitted to NIOSH for a certificate of approval after April 9, 2012.

Dated: August 5, 2015.

**Sylvia M. Burwell,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2015–19750 Filed 8–11–15; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 68b

**RIN 0925–AA10**

**[Docket No. NIH–2007–0930]**

## National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Final rule.

**SUMMARY:** The National Institutes of Health (NIH), through the Department of Health and Human Services (HHS), is issuing regulations to implement provisions of the Public Health Service Act authorizing the NIH Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes (UGSP). The purpose of the program is to recruit appropriately qualified undergraduate students from disadvantaged backgrounds to conduct research in the intramural research program as employees of the NIH by providing scholarship support.

**DATES:** This final rule is effective September 11, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jerry Moore, NIH Regulations Officer, Office of Management Assessment, NIH, 6011 Executive Boulevard, Room 601, MSC 7669, Rockville MD 20852; by email at *jm40z@nih.gov;* by fax on 301–402–0169 (not a toll-free number); or by telephone

on 301–496–4607 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On June 10, 1993, the NIH Revitalization Act of 1993 (Pub. L. 103–43) was enacted. Section 1631 of this law amended the Public Health Service (PHS) Act by adding section 487D (42 U.S.C. 288–4). Section 487D authorizes the Secretary, acting through the Director of the NIH, to carry out a program of entering into contracts with individuals under which the Director agrees to provide scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the NIH. In return, the individuals agree to serve as employees of the NIH in positions that are needed by the NIH and for which the individuals are qualified. The individuals must be enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education and must be from disadvantaged backgrounds. Section 487D of the PHS Act further states that, concerning penalties for breach of scholarship contract, the provisions of section 338E of the PHS Act shall apply to the program to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

The 1993 amendment of the PHS Act led to the establishment of the UGSP. The purpose of the program, since it began selecting participants in 1997, is to recruit appropriately qualified undergraduate students from disadvantaged backgrounds to conduct research in the intramural research program as employees of the NIH by providing scholarship support. The UGSP provides a diverse and highly qualified cadre of individuals seeking careers compatible with NIH employment opportunities.

The NIH is amending title 42 of the Code of Federal Regulations by adding Part 68b governing the administration of the UGSP. This final rule establishes program regulations necessary to implement and enforce important aspects of the UGSP. In general, this final rule specifies the scope and purpose of the program, the eligibility criteria, the application process, the selection criteria, and the terms and conditions of the program.

The rationale used by the NIH in developing the eligibility and selection criteria of this final rule is explained as follows. For eligibility, the definition for ''Individual from Disadvantaged Background'' used in section § 68b.2 of this proposed rule is the same definition used for other similar programs in HHS such as the NIH Loan Repayment Program and the Health Resources and Services Administration Scholarships for Disadvantaged Students Program. That is, an individual from a disadvantaged background, as section § 68b.2 states, means ''an individual who: (1) Comes from an environment that inhibited (but did not prevent) him or her from obtaining the knowledge, skills, and abilities required to enroll in an undergraduate institution; or (2) comes from a family with an annual income below established low-income thresholds. These low-income thresholds are based on family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs.'' Previously, the UGSP used this definition, but switched to another definition that did not take into consideration any other factors other than economics in defining ''Individual from a Disadvantaged Background.'' The program used that approach for several UGSP cycles and noted a decrease in the qualifications of applicants. The NIH believes that returning to the original definition, stated above, will ensure the largest, most diverse pool of applicants for the UGSP.

Regarding selection criteria, the applications are prioritized in § 68b.5 to give preference to students that have already completed two years of undergraduate studies and have excellent grades in the core science courses because the NIH wants to ensure a pool of candidates that likely possess the traits required to complete their undergraduate training and their required service obligation to the NIH.

The NIH announced its intentions to take this rulemaking action, through HHS, in the notice of proposed rulemaking (NPRM) titled ''National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes'' published in the **Federal Register** on May 28, 2014 (79 FR 30531–30535). In the NPRM we provided a sixty day public comment period. The comment period expired July 28, 2014. We received a total of two comments. One respondent questioned the need for the program, and expressed concerns about the impact of government spending on taxpayers. This respondent stated that the program was ''an unnecessary gouging of taxpayers'' and that ''graduate students can pay their own way and do not need to be coddled by taking tax dollars from working people making $30,000 a year.'' We disagree with these comments and did not consider other comments made by the respondent as relevant because the comments did not specifically address the proposed regulations. The UGSP does not provide scholarship support to graduate or professional school students. Furthermore, for the past 15 years, the UGSP has been instrumental in funding over 200 undergraduate students from disadvantaged backgrounds. With the support of the UGSP, 59 percent of these students have gone onto acquire a terminal graduate degree and 23 percent are currently pursuing terminal graduate degrees. Many of these students could not foresee completing their undergraduate academic training without UGSP support. The UGSP has been very successful at creating a very high caliber cadre of professionals who effectively support the ongoing biomedical research and public health goals of NIH.

The second respondent expressed concern that the rule might have an internal conflict between eligibility and selection criteria set forth in § 68b.2 and § 68b.5, respectively. The respondent suggested that matriculating through the first two years of undergraduate studies and achieving junior and senior class undergraduate status indicates that an individual has overcome obstacles that would have rendered the individual disadvantaged, therefore placing priority on recruiting undergraduate students at the junior and senior year grade levels would be contradictory and it undermines the program's initiative to recruit students from disadvantaged backgrounds.

We disagree with the respondent's reasoning. Accomplishing academic success and research experience does not preclude or nullify environmental or financial disadvantage. Disadvantaged backgrounds affect individuals at a host of training levels, which is evidenced by the NIH Loan Repayment Programs and other Federal aid programs for professionals that recognize and award individuals from disadvantaged backgrounds after achieving a fair amount of success, *i.e.,* matriculation into and graduation from professional school).

The UGSP has very specific reasons for placing priority on recruiting upperclassman candidates. First, students who have matriculated into their junior and senior years of undergraduate study have usually completed the challenging core courses required to pursue research-specific careers. Since students selected into the

UGSP are under contract to maintain a minimum 3.5 GPA, this achievement minimizes the potential for attrition due to academic performance below the required eligible GPA. Additionally, this early achievement also greatly solidifies a candidate's choice to seek a research-centered career. Furthermore, these upperclassman students also are more likely already to have had a research experience, giving them an opportunity to explore whether they enjoy research and are committed to a career path where a post-graduation work commitment at NIH would be beneficial. Combined these criteria increase the UGSP's likelihood of selecting a high performing student that will complete their undergraduate studies and successfully pursue a career that involves some aspect of social, behavioral or biomedical research. This specific pool of academically successful junior and senior undergraduate candidates also frequently meets the exceptional financial need criteria and qualifies as being from a disadvantaged background. Therefore, the eligibility criteria in § 68b.2 and the selection criteria in § 68b.5 are not in conflict, and placing priority on selecting junior and senior undergraduates allow the UGSP to accomplish the objectives of both sets of criteria.

Consequently, we did not make any changes to what we proposed in the previous NPRM in response to the two public comments that we received. The final rule is the same as what we proposed in the previous NPRM.

The following is provided as public information.

**Regulatory Impact Analysis**

We have examined the impacts of this final rule as required by Executive Order 12866, Regulatory Planning and Review (September 30, 1993); Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011); the Regulatory Flexibility Act (September 19, 1980, 5 U.S.C. chapter 6); section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4); and Executive Order 13132, Federalism (August 4, 1999).

**Executive Order 12866**

Executive Order 12866, supplemented by Executive Order 13563, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). Based on our analysis, we believe that the final rule is not a major rule and it will not constitute an economically significant regulatory action. Therefore, a regulatory assessment is not required.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C., chapter 6) requires agencies to analyze options that would minimize any significant impact of the rule on small entities. For the purpose of this analysis, small entities include small business concerns as defined by the Small Business Administration, usually businesses with fewer than 500 employees. Applicants who are eligible to apply for the UGSP are individuals and not small entities. It is certified that this final rule will not have a significant impact on a significant number of small entities. Therefore, a Regulatory Flexibility Analysis is not required.

**Section 202(a) of the Unfunded Mandates Reform Act of 1995**

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written statement that includes an assessment of anticipated costs and benefits before proposing ''any rule that includes any federal mandate that may result in the expenditure by state, local, and tribal organizations, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation with base year of 1995) in any one year.'' The inflation-adjusted threshold for 2014 is approximately $141 million. Participation in the UGSP is voluntary and not mandated. Therefore, it is certified that this final rule does not mandate any spending by state, local, or tribal government in the aggregate or by the private sector.

**Executive Order 13132**

Executive Order 13132, Federalism, requires that federal agencies consult with state and local government officials in the development of regulatory policies with federalism implications. This final rule has been reviewed as required under the Executive Order and it has been determined that the proposed rulemaking does not have any federalism implications. It is certified that this final rule will not have an effect on the States or on the distribution of power and responsibilities among the various levels of government.

**Paperwork Reduction Act**

This final rule does not contain any new information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The application and contract forms used by the NIH Undergraduate Scholarship Program have been approved by OMB under OMB No. 0925–0299 (expires August 31, 2016).

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance-numbered program affected by the proposed regulations is:

93.187—NIH Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds

**List of Subjects in 42 CFR Part 68b**

Education of disadvantaged, Health—medical research, Student aid—education.

For reasons presented in the preamble, title 42 of the Code of Federal Regulations is amended by adding part 68b to read as set forth below.

## PART 68b—NATIONAL INSTITUTES OF HEALTH (NIH) UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES (UGSP)

Sec.

68b.1 What is the scope and purpose of the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes?
68b.2 Definitions.
68b.3 Who is eligible to apply for a Scholarship Program award?
68b.4 How is an application made for a Scholarship Program award?
68b.5 How will applicants be selected to participate in the Scholarship Program?
68b.6 What will an individual be awarded for participating in the Scholarship Program?
68b.7 What does an individual have to do in return for the Scholarship Program award?
68b.8 Under what circumstances can the period of obligated service be deferred to complete approved graduate training?
68b.9 What will happen if an individual does not comply with the terms and conditions of participating in the Scholarship Program?
68b.10 When can a Scholarship Program payment obligation be discharged in bankruptcy?
68b.11 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?

68b.12 What other regulations and statutes apply?

**Authority:** 42 U.S.C. 288–4.

### § 68b.1 What is the scope and purpose of the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes?

This part applies to the award of scholarships under the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes, authorized by section 487D of the Public Health Service Act (42 U.S.C. 288–4), to undergraduate students attending schools, as the term is defined in this part. The purpose of this program is to help ensure an adequate supply of trained health professionals for the National Institutes of Health, which has the mission to uncover new knowledge that will lead to better health.

### § 68b.2 Definitions.

As used in this part:

*Academic year* means all or part of a 9-month period during which an applicant is enrolled in an undergraduate school as a full-time student.

*Acceptable level of academic standing* means the level at which a full-time student retains eligibility to continue in attendance under the school's standards and practices.

*Act* means the Public Health Service Act, as amended.

*Applicant* means an individual who applies to and meets the eligibility criteria for the UGSP.

*Application* means forms that have been completed in such manner, and containing such agreements, assurances, and information, as determined to be necessary by the Director.

*Approved graduate training* means graduate programs leading to a doctoral-level degree (*e.g.,* Ph.D., M.D., D.O., D.D.S., D.V.M., M.D./Ph.D., and equivalent degrees) in a profession needed by the National Institutes of Health.

*Director* means the Director of the National Institutes of Health or his/her designee.

*Full-time student* means an individual registered for a sufficient number of credit hours to be classified as full-time, as defined by the school attended.

*Individual from Disadvantaged Background* means:

(1) An individual who—

(i) Comes from an environment that inhibited (but did not prevent) him or her from obtaining the knowledge, skills, and abilities required to enroll in an undergraduate institution; or

(ii) Comes from a family with an annual income below established low-income thresholds.

(2) These low-income thresholds are based on family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary of Health and Human Services for use in the U.S. Department of Health and Human Services' health professions programs. The Secretary periodically publishes these income levels in the **Federal Register**.

*Scholarship Program* means the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes authorized by section 487D of the Act (42 U.S.C. 288–4).

*Scholarship Program participant or participant* means an individual whose application to the Scholarship Program has been approved and whose contract has been signed by the Director.

*Scholarship Program Review Committee* means the committee that reviews, ranks, and accepts or declines applications for Program participation. This committee also ascertains whether a participant will be awarded continued scholarship support after his or her initial acceptance.

*School* means a 4-year college or university that:

(1) Is accredited by an agency recognized by the Commission on Recognition of Post-Secondary Accreditation; and

(2) Is located in a State.

*State* means one of the several U.S. States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, Palau, Marshall Islands, and the Federated States of Micronesia.

### 68b.3 Who is eligible to apply for a Scholarship Program award?

(a) To be eligible for a scholarship under this part, applicants must meet the following requirements:

(1) Applicants must be accepted for enrollment, or be enrolled, as full-time undergraduate students in a school;

(2) Applicants must have an overall grade point average of at least 3.5 or a 3.5 average in their major field of study (on a 4.0 scale) or be ranked within the top five percent of their current class (or those students entering, if applying in their freshman year);

(3) Applicants must come from a disadvantaged background as defined by § 68b.2;

(4) Applicants must meet the citizenship requirements for federal employment; and

(5) Applicants must submit an application to participate in the Scholarship Program together with a signed contract as outlined in sections 487D(a) and (f) of the Act.

(b) Any applicant who owes an obligation for service to a State or other entity under an agreement entered into before filing an application under this part is ineligible for an award unless a written statement satisfactory to the Director is submitted from the State or entity that:

(1) There is no potential conflict in fulfilling the service obligation to the State or entity and the Scholarship Program, and

(2) The Scholarship Program service obligation will be served before the service obligation for professional practice owed to the State or entity.

### § 68b.4 How is an application made for a Scholarship Program award?

Each individual desiring a scholarship under this part must submit an application (including a signed contract as required under section 487D(a) of the Act) in such form and manner as the Director may prescribe.

### § 68b.5 How will applicants be selected to participate in the Scholarship Program?

(a) *General.* In deciding which applications for participation in the Scholarship Program will be approved, the Director will place the applications into categories based upon the selection priorities described in paragraph (b) of this section. Except for renewal awards (see paragraph (e) of this section), the Director will then evaluate each applicant under paragraph (c) of this section.

(b) *Priorities.* (1) First priority will be given to applicants who have completed at least 2 years of undergraduate course work, including four core science courses, and are classified by their educational institutions as juniors or seniors as of the beginning of the academic year of scholarship. (Core science courses include, but are not limited to, biology, chemistry, physics, and calculus.)

(2) Second priority will be given to applicants who have completed four core science courses, as defined above.

(3) Third priority will be given to applicants who are matriculated freshmen or sophomores.

(c) *Selection.* In selecting participants and determining continuation of program support, the Director will take into consideration those factors determined necessary to ensure effective participation in the Scholarship Program. These factors may include, but are not limited to:

(1) Biomedical research experience and performance,

(2) Academic performance,

(3) Career goals, and

(4) Recommendations.

(d) *Duration of Scholarship award.* Subject to the availability of funds appropriated for the Scholarship Program, the Director may, at his/her discretion, award scholarships under this part for a period of one, two, or three academic years.

(e) *Continuation of scholarship support.* Subject to the availability of funds for the Scholarship Program, the Director may continue scholarship support if:

(1) The participant requests a continuation of scholarship support;

(2) The scholarship will not extend the total period of Scholarship Program support beyond 4 years; and

(3) The participant is eligible for continued participation in the Scholarship Program, as determined by the Scholarship Program Review Committee.

**§ 68b.6 What will an individual be awarded for participating in the Scholarship Program?**

(a) *Amount of scholarship.* (1) Subject to a maximum annual award of $20,000, a scholarship award for each school year will consist of:

(i) Tuition;

(ii) Reasonable educational expenses, including required fees, books, supplies, and required educational equipment;

(iii) Reasonable living expenses for the academic year as documented in the school's financial aid budget; and

(iv) For purposes of this section, ''required fees'' means those fees that are charged by the school to all students pursuing a similar curriculum, and ''required educational equipment'' means educational equipment that must be purchased by all students pursuing a similar curriculum at that school.

(2) The Director may enter into an agreement with the school in which the participant is enrolled for the direct payment of tuition and reasonable educational expenses on the participant's behalf.

(b) *Payment of scholarship: Leave-of-absence; repeated course work.* The Director will suspend scholarship payments to or on behalf of a participant if the school:

(1) Approves a leave-of-absence for the participant for health, personal, or other reasons; or

(2) Requires the participant to repeat course work for which the Director has previously made scholarship payments under § 68b.6. However, if the repeated course work does not delay the participant's graduation date, scholarship payments will continue except for any additional costs relating to the repeated course work. Any scholarship payments suspended under this paragraph will be resumed by the Director upon notification by the school that the participant has returned from the leave-of-absence or has completed the repeated course work and is pursuing as a full-time student the course of study for which the scholarship was awarded.

**§ 68b.7 What does an individual have to do in return for the Scholarship Program award?**

(a) *General.* For each academic year of scholarship support received, participants must serve as full-time employees of the National Institutes of Health:

(1) For not less than 10 consecutive weeks of each year during which the participant receives the scholarship; and

(2) For 12 months for each academic year for which the scholarship has been provided.

(b) *Beginning of service.* The period of obligated service under paragraph (a)(2) of this section must begin within 60 days of obtaining the undergraduate degree, except for participants who receive a deferment under § 68b.8.

**§ 68b.8 Under what circumstances can the period of obligated service be deferred to complete approved graduate training?**

(a) *Requested deferment.* Upon the request of any participant receiving an undergraduate degree, the Director may defer the beginning date of the obligated service to allow the participant to complete an approved graduate training program. Individuals desiring a deferment under this part must submit a request in such form and manner as the Director may prescribe.

(b) *Altering deferment.* Before altering the length or type of approved graduate training for which the period of obligated service was deferred under paragraph (a) of this section, the participant must request and obtain the Director's approval of the alteration.

(c) *Additional terms of deferment.* The Director may prescribe additional terms and conditions for deferment under paragraphs (a) and (b) of this section as necessary to carry out the purposes of the Scholarship Program.

(d) *Beginning of service after deferment.* Any participant whose period of obligated service has been deferred under paragraph (a) of this section must begin the obligated service within 30 days of the expiration of their deferment.

**§ 68b.9 What will happen if an individual does not comply with the terms and conditions of participating in the Scholarship Program?**

(a) When a participant fails to maintain an acceptable level of academic standing, is dismissed from the school for disciplinary reasons, or voluntarily terminates the course of study or program for which the scholarship was awarded before completing the course of study or program, the participant must, instead of performing any service obligation, pay to the United States an amount equal to all scholarship funds awarded under § 68b.6. Payment of this amount must be made within 3 years of the date the participant becomes liable to make payment under this paragraph (a).

(b) If, for any reason not specified in § 68b.11(b), a participant fails to begin or complete the period of obligated service incurred under § 68b.7, including failing to comply with the applicable terms and conditions of a deferment granted by the Director, the participant must pay to the United States an amount determined by the penalties set forth in section 487D(e) of the Act. Payment of this amount shall be made within one year of the date that the participant failed to begin or complete the period of obligated service, as determined by the Director.

**§ 68b.10 When can a Scholarship Program payment obligation be discharged in bankruptcy?**

Any payment obligation incurred under § 68b.9 may be discharged in bankruptcy under Title 11 of the United States Code only if such discharge is granted after the expiration of the seven-year period beginning on the first date that payment is required and only if the bankruptcy court finds that a nondischarge of the obligation would be unconscionable.

**§ 68b.11 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?**

(a) Any obligation of a participant for service or payment to the federal government under this part will be canceled upon the death of the participant.

(b) The Director may waive or suspend any service or payment obligation incurred by the participant upon request whenever compliance by the participant:

(1) Is impossible, or

(2)(i) Would involve extreme hardship, and

(ii) If enforcement of the service or payment obligation would be unconscionable, as required by section 487 D(e) of the Act, 42 U.S.C. 288–4(e).

(c) The Director may approve a request for a suspension of the service or payment obligations for a period of one year. A renewal of this suspension may also be granted.

(d) Compliance by a participant with a service or payment obligation will be considered impossible if the Director determines, on the basis of information and documentation as may be required, that the participant suffers from a physical or mental disability resulting in the permanent inability of the participant to perform the service or other activities that would be necessary to comply with the obligation.

(e) In determining whether to waive or suspend any or all of the service or payment obligations of a participant as imposing an undue hardship and being against equity and good conscience, the Director, on the basis of information and documentation as may be required, will consider:

(1) The participant's present financial resources and obligations;

(2) The participant's estimated future financial resources and obligations; and

(3) The extent to which the participant has problems of a personal nature, such as physical or mental disability or terminal illness in the immediate family, which so intrude on the participant's present and future ability to perform as to raise a presumption that the individual will be unable to begin or complete the obligation incurred.

**§ 68b.12 What other regulations and statutes apply?**

Several other regulations and statutes apply to this part. These include, but are not necessarily limited to:

(a) Debt Collection Act of 1982 (31 U.S.C. 3701 *et seq.*);

(b) Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 note);

(c) Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*);

(d) Federal Debt Collection Procedures Act of 1990 (28 U.S.C. 176); and

(e) Privacy Act of 1974 (5 U.S.C. 552a).

Dated: March 27, 2015.

**Francis S. Collins,**

*Director, National Institutes of Health.*

Approved: July 29, 2015.

**Sylvia M. Burwell,**

*Secretary.*

[FR Doc. 2015–19739 Filed 8–11–15; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 622

**[Docket No. 150305220–5683–02]**

**RIN 0648–BE76**

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 22

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Regulatory Amendment 22 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP)(Regulatory Amendment 22), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule revises the annual catch limits (ACLs) for gag grouper (gag) and wreckfish and the directed commercial quota for gag, based upon revisions to the acceptable biological catch (ABC) and the optimum yield (OY) for gag and wreckfish. The purpose of this final rule is to help achieve OY and prevent overfishing of gag and wreckfish in the South Atlantic region while minimizing, to the extent practicable, adverse social and economic effects to the snapper-grouper fishery.

**DATES:** This rule is effective September 11, 2015, except for the amendments to §§ 622.190(b) and 622.193(r)(1) which are effective August 12, 2015.

**ADDRESSES:** Electronic copies of Regulatory Amendment 22, which includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2015/reg_am22/index.html.*

**FOR FURTHER INFORMATION CONTACT:** Mary Janine Vara, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** Gag and wreckfish are in the snapper-grouper fishery and are managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On June 4, 2015, NMFS published a proposed rule for Regulatory Amendment 22 and requested public comment through July 6, 2015 (80 FR 31880). The proposed rule and Regulatory Amendment 22 set forth the rationale for the actions contained in this final rule. A summary of the actions implemented by Regulatory Amendment 22 and this final rule is provided below.

### Management Measures Contained in This Final Rule

This final rule revises the commercial and recreational ACLs and directed commercial quotas for gag for the 2015 through the 2019 fishing years and subsequent fishing years, and revises the commercial and recreational ACLs for wreckfish for the 2015 through the 2020 fishing years and subsequent fishing years.

### Comments and Responses

NMFS received a total of six unique comment submissions (some containing several comments) from three individuals, two fishing associations, and one Federal agency on Regulatory Amendment 22 and the proposed rule. Two comments were supportive of the actions contained in the regulatory amendment and proposed rule, one comment stated the commenter had no comments, and three of the comments expressed concerns regarding red snapper regulations, venting fish, fishery closures, sector allocations, tag programs, reporting requirements, and changing the Marine Recreational Information Program on accuracy and reliability; NMFS determined these comments were beyond the scope of the proposed rule and, therefore, they have not been addressed in this final rule. A summary of the comments relevant to Regulatory Amendment 22 and the proposed rule and NMFS's responses are included below.

*Comment 1:* One commenter questioned whether the 2012, 2013, and 2014 catch years were included in the gag stock assessment, and asked why the recreational ACL will be lowered when the recreational sector caught only a percentage of the recreational ACL during those 3 years.

*Response:* The stock assessment for gag was initially conducted in 2006 and then updated in 2014 using data through 2012, and the recreational ACL is changing because of that stock assessment. Based on that stock assessment, the Council's Scientific and Statistical Committee (SSC) recommended new ABC levels for gag. This final rule sets the total ACL equal to 95 percent of the SSC's recommended

ABC. The ABC and total ACL for gag will initially decrease from 2014 levels but will gradually increase after 2015 as the biomass increases, and will exceed 2014 levels in 2018. The sector allocations of 51 percent commercial and 49 percent recreational that were established in Amendment 16 to the FMP (74 FR 30964, June 29, 2009) are applied to the total ACL to determine each sector's ACL. Thus, the recreational ACL is decreased because the ABC and total ACL are decreased. NMFS determined that Regulatory Amendment 22 is based on the best scientific information available.

**Classification**

The NMFS Regional Administrator, Southeast Region, has determined that this final rule is necessary for the conservation and management of South Atlantic gag and wreckfish and is consistent with Regulatory Amendment 22, the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding the certification and NMFS has not received any new information that would affect its determination. No changes to the final rule were made in response to public comments. As a result, a final regulatory flexibility analysis was not required and none was prepared.

The NOAA Assistant Administrator for Fisheries (AA) finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the commercial ACLs (commercial quotas) for wreckfish contained at §§ 622.190(b) and 622.193(r)(1) in this final rule. The final rule increases the commercial ACLs for wreckfish in the South Atlantic exclusive economic zone (EEZ) to help achieve OY and prevent overfishing of wreckfish, while minimizing adverse social and economic effects on wreckfish. Implementing these increased commercial ACLs immediately provides timely opportunity for commercial wreckfish fishermen to achieve OY for the fishery, thereby helping to achieve the intent of this final rule.

In addition, eliminating the 30-day delay in effectiveness will allow fishermen to access wreckfish during the summer when weather and sea conditions are most favorable for harvest. Wreckfish are taken far offshore and in deep water. Therefore, to enhance safety-at-sea, implementing the opportunity for commercial wreckfish fishermen to continue fishing right away would mean that fishermen will not need to fish later in the fishing year when weather can be poor, which is more likely to happen if these ACLs are implemented with a 30-day delay in effectiveness.

**List of Subjects in 50 CFR Part 622**

Annual catch limits, Fisheries, Fishing, Gag, Quotas, South Atlantic, Wreckfish.

Dated: August 7, 2015.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

## PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.190, the last sentence in the introductory text of paragraph (a), and paragraphs (a)(7) and (b), are revised to read as follows:

**§ 622.190 Quotas.**

* * * * *

(a) * * * The quotas are in gutted weight, that is eviscerated but otherwise whole, except for the quotas in paragraphs (a)(4) through (7) of this section which are in both gutted weight and round weight.

* * * * *

(7) *Gag*—(i) For the 2015 fishing year—295,459 lb (134,018 kg), gutted weight; 348,642 lb (158,141 kg), round weight.

(ii) For the 2016 fishing year—297,882 lb (135,117 kg), gutted weight; 351,501 (159,438 kg), round weight.

(iii) For the 2017 fishing year—318,231 lb (144,347 kg), gutted weight; 375,513 lb (170,330 kg), round weight.

(iv) For the 2018 fishing year—335,188 lb (152,039 kg), gutted weight; 395,522 lb (179,406 kg), round weight.

(v) For the 2019 and subsequent fishing years—347,301 lb (157,533 kg), gutted weight; 409,816 lb (185,889 kg), round weight.

* * * * *

(b) *Wreckfish.* (1) The quotas for wreckfish apply to wreckfish shareholders, or their employees, contractors, or agents. The quotas are given round weight. See § 622.172 for information on the wreckfish shareholder under the ITQ system.

(i) For the 2015 fishing year—411,350 lb (186,585 kg).

(ii) For the 2016 fishing year—402,515 (182,578 kg).

(iii) For the 2017 fishing year—393,490 lb (178,484 kg).

(iv) For the 2018 fishing year—385,985 lb (175,080 kg).

(v) For the 2019 fishing year—376,960 lb (170,986 kg).

(vi) For the 2020 and subsequent fishing years—369,645 lb (167,668 kg).

(2) [Reserved]

* * * * *

■ 3. In § 622.193, paragraphs (c) and (r) are revised to read as follows:

**§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).**

* * * * *

(c) *Gag*—(1) *Commercial sector.* If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable directed commercial quota, specified in § 622.190(a)(7), the AA will file a notification with the Office of the Federal Register to close the commercial sector for gag for the remainder of the fishing year. The commercial ACL for gag is 322,677 lb (146,364 kg), gutted weight, 380,759 lb (172,709 kg), round weight, for 2015; 325,100 lb (147,463 kg), gutted weight, 383,618 lb (174,006 kg), round weight, for 2016; 345,449 lb (197,516 kg), gutted weight, 407,630 lb (184,898 kg), round weight, for 2017; 362,406 lb (164,385 kg), gutted weight, 427,639 lb (193,974 kg), round weight, for 2018; and 374,519 lb (169,879 kg), gutted weight, 441,932 lb (200,457 kg), round weight, for 2019 and subsequent fishing years.

(2) *Recreational sector.* (i) If recreational landings, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL, specified in paragraph (c)(2)(iv) of this section, and gag are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the gag recreational sector for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limits for gag in or from the South Atlantic EEZ are zero.

These bag and possession limits also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) Without regard to overfished status, if gag recreational landings exceed the recreational ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the recreational ACL for that fishing year by the amount of the overage.

(iii) Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iv) The recreational ACL for gag is 310,023 lb (148,025 kg), gutted weight, 365,827 (165,936 kg), round weight, for 2015; 312,351 lb (149,137 kg), gutted weight, 368,574 lb (175,981 kg), round weight, for 2016; 331,902 lb (158,472 kg), gutted weight, 391,644 lb (186,997 kg), round weight, for 2017; 348,194 lb (166,251 kg), gutted weight, 410,869 lb (196,176 kg), round weight, for 2018; and 359,832 lb (171,807 kg), gutted weight, 424,602 lb (202,733 kg), round weight, for 2019 and subsequent fishing years.

* * * * *

(r) *Wreckfish*—(1) *Commercial sector.* The ITQ program for wreckfish in the South Atlantic serves as the accountability measure for commercial wreckfish. The commercial ACL for wreckfish is equal to the applicable commercial quota specified in § 622.190(b).

(2) *Recreational sector.* (i) If recreational landings for wreckfish, as estimated by the SRD, exceed the recreational ACL specified in paragraph (r)(2)(ii) of this section, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

(ii) The recreational ACL for wreckfish is 21,650 (9,820 kg), round weight, for 2015; 21,185 lb (9,609 kg), round weight, for 2016; 20,710 lb (9,394 kg), round weight, for 2017; 20,315 lb (9,215 kg), round weight, for 2018; 19,840 lb (8,999 kg), round weight, for 2019; and 19,455 lb (8,825 kg), round weight, for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2015–19806 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register
Vol. 80, No. 155
Wednesday, August 12, 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 THE INTERIOR

### National Park Service

### 36 CFR Part 2

**[NPS–WASO–AILO–15846; PCU00RP14.R50000, PPWOCRADI0]**

**RIN 1024–AD84**

### Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes—Reopening of Public Comment Period

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule; Reopening of Public Comment Period.

**SUMMARY:** The National Park Service is reopening the public comment period for the proposed rule to amend its regulations to authorize agreements between the National Park Service and federally recognized Indian tribes to allow the gathering and removal of plants or plant parts by designated tribal members for traditional purposes. Reopening the comment period for 45 days will allow more time for the public to review the proposal and submit comments.

**DATES:** The comment period for the proposed rule published on April 20, 2015 (80 FR 21674), is reopened. Comments must be received by 11:59 p.m. EST on September 28, 2015.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Park Service, Joe Watkins, Office of Tribal Relations and American Cultures, 1201 Eye Street NW., Washington, DC 20005.

*Instructions*: All submissions must include the words ''National Park Service'' or ''NPS'' and must include the Regulation Identifier Number 1024–AD84 for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** National Park Service, Joe Watkins, Office of Tribal Relations and American Cultures, 1201 Eye Street NW., Washington, DC 20005, 202–354–2126, *joe_watkins@nps.gov.*

**SUPPLEMENTARY INFORMATION:** On April 20, 2015, the National Park Service (NPS) published in the **Federal Register** (80 FR 21674) a proposed rule to amend its regulations authorize agreements between the NPS and federally recognized Indian tribes to allow the gathering and removal of plants or plant parts by designated tribal members for traditional purposes. The 90-day public comment period for this proposal closed on July 20, 2015. In order to give the public additional time to review and comment on the proposal, we are reopening the public comment period from August 12, 2015 through September 28, 2015. If you already commented on the proposed rule you do not have to resubmit your comments.

To view comments received through the Federal eRulemaking portal, go to *http://www.regulations.gov/* and enter 1024–AD84 in the search box. 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, we cannot guarantee that we will be able to do so.

Dated: August 5, 2015.

**Michael Bean,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2015–19717 Filed 8–11–15; 8:45 am]

**BILLING CODE 4310–EJ–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R04–OAR–2015–0336; FRL–9932–24–Region 4]**

### Approval and Promulgation of Implementation Plans; Florida; Miscellaneous Changes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) revision submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) on May 1, 2015. This SIP revision seeks to make changes to the SIP to remove certain Stage I vapor control requirements and to make administrative changes to the SIP that would remove gasoline vapor control rules that no longer serve a regulatory purpose, including rules related to the Stage II vapor control requirements for new and upgraded gasoline dispensing facilities in Broward, Miami-Dade, and Palm Beach Counties (hereinafter referred to as the ''Southeast Florida Area''). EPA has preliminarily determined that Florida's May 1, 2015, SIP revision is approvable because it is consistent with the Clean Air Act (CAA or Act). In the Final Rules Section of this **Federal Register**, EPA is approving the State's implementation plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

**DATES:** Written comments must be received on or before September 11, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0336 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail*: ''EPA–R04–OAR–2015–0336'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch (formerly Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier*: Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Sheckler's phone number is (404) 562–9222. She can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: July 30, 2015.

**Heather McTeer Toney**

*Regional Administrator, Region 4.*

[FR Doc. 2015–19720 Filed 8–11–15; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2015–0177; FRL–9932–29–Region 4]**

## Approval and Promulgation of Implementation Plans; Alabama, Mississippi, and South Carolina; Certain Visibility Requirements for the 2008 Ozone Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve portions of submissions from Alabama, Mississippi, and South Carolina for inclusion into each State's implementation plan. This proposed action pertains to the Clean Air Act (CAA or Act) infrastructure requirements for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a state implementation plan (SIP) for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. These submissions are commonly referred to as ''infrastructure SIPs submissions.'' Specifically, EPA is proposing to approve the portions of the submissions from Alabama, Mississippi, and South Carolina that pertain to a certain visibility requirement related to the 2008 8-hour ozone infrastructure SIPs for each state. All other applicable infrastructure requirements for the 2008 8-hour ozone NAAQS associated with these States' infrastructure submissions have been or will be addressed in separate rulemakings. In the Rules and Regulations section of this **Federal Register**, EPA is approving the State's implementation plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

**DATES:** Written comments must be received on or before September 11, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0177, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* 404–562–9019.
4. *Mail:* ''EPA–R04–OAR–2015–0177,'' Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Nacosta Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9140. Ms. Ward can be reached via electronic mail at *ward.nacosta@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

### List of Subjects in 40 CFR Part 52

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

Dated: July 30, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

[FR Doc. 2015–19839 Filed 8–11–15; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### 45 CFR Chapter XIII, Subchapter B

**RIN 0970–AC63**

### Head Start Performance Standards; Extension of Comment Period

**AGENCY:** Office of Head Start, Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The Administration for Children and Families extends the comment period for the notice of proposed rulemaking entitled, ''Head Start Performance Standards.'' We take this action to respond to requests from the public for more time to submit comments. The notice of proposed rulemaking and our request for comments appeared in the **Federal Register** on June 19, 2015. We initially set August 18, 2015 as the deadline for the comment period. To allow the public more time, we extend the comment period for an additional 30 days.

**DATES:** ACF extends the comment period for notice of proposed rulemaking entitled, ''Head Start Performance Standards'' published on June 19, 2015 (80 FR 35430), to September 17, 2015. Submit either electronic or written comments by September 17, 2015.

**ADDRESSES:** Follow online instructions at *www.regulations.gov* to submit comments. This approach is our preferred method for receiving comments. Additionally, you may send comments via the United States Postal Service to: Office of Head Start, Attention: Director of Policy and Planning, 1250 Maryland Avenue SW., Washington, DC 20024.

To ensure we can effectively respond to your comment(s), clearly identify the issue(s) on which you are commenting. Provide the page number, identify the column, and cite the paragraph from the **Federal Register** document, (i.e, On page 10999, second column, § 1305.6(a)(1)(i) . . .). All comments received are a part of the public record and will be posted for public viewing on *www.regulations.gov,* without change. That means all personal identifying information (such as name or address) will be publicly accessible. Please do not submit confidential information, or otherwise sensitive or protected information. We accept anonymous comments. If you wish to remain anonymous, enter ''N/A'' in the required fields.

**FOR FURTHER INFORMATION CONTACT:** Colleen Rathgeb, Office of Head Start Policy and Planning Division Director, (202) 358–3263, *OHS_NPRM@acf.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** HHS published the Head Start Performance Standards notice of proposed rulemaking in the **Federal Register** on June 19, 2015 (80 FR 35430), with a deadline for public comments on August 18, 2015. In response to requests for more time from the public, we extend the comment period from August 18, 2105, to September 17, 2015.

**Mark H. Greenberg,**

*Acting Assistant Secretary for Children and Families.*

Approved: August 5, 2015.

**Sylvia Matthews Burwell,**

*Secretary.*

[FR Doc. 2015–19747 Filed 8–11–15; 8:45 am]

**BILLING CODE P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1823 and 1852

**RIN 2700–AE16**

### NASA FAR Supplement: Safety and Health Measures and Mishap Reporting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Proposed rule.

**SUMMARY:** NASA proposes to amend the NASA FAR Supplement (NFS) to revise a current clause related to safety and health measures and mishaps reporting by narrowing the application of the clause, resulting in a decrease in the reporting burden on contractors while reinforcing the measures contractors at NASA facilities must take to protect the safety of their workers, NASA employees, the public, and high value assets. The revision to this proposed rule is part of NASA's retrospective plan under Executive Order (EO) 13563 completed in August 2011.

**DATES:** Interested parties should submit written comments to the address shown below on or before October 13, 2015 to be considered in the formation of the final rule.

**ADDRESSES:** Interested parties may submit comments, identified by RIN number 2700–AE16 via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Marilyn E. Chambers via email at *marilyn.chambers@nasa.gov*. NASA's full plan can be accessed on the Agency's open government Web site at *http://www.nasa.gov/open/.*

**FOR FURTHER INFORMATION CONTACT:** Marilyn E. Chambers, NASA, Office of Procurement, via email at *marilyn.chambers@nasa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

The NFS clause at 1852.223–70, Safety and Health, is currently used when the—

- Contractor's work will be conducted completely or partly on premises owned or controlled by the Government;
- Work includes construction, alteration, or repair of facilities in excess of the simplified acquisition threshold;
- Work, regardless of place of performance, involves hazards that could endanger the public, astronauts and pilots, the NASA workforce (including contractor employees working on NASA contracts), or high value equipment or property, and the hazards are not adequately addressed by Occupational Safety and Health Administration (OSHA) or Department of Transportation (DOT) regulations (if applicable); or
- Assessed risk and consequences of a failure to properly manage and control the hazard(s) warrants use of the clause.

The clause may be excluded, regardless of place of performance, when the contracting officer, with the approval of the installation official(s) responsible for matters of safety and occupational health, determines that the application of OSHA and DOT regulations constitutes adequate safety and occupational health protection. Similar requirements apply to the flow down of the clause to subcontracts.

In addition to requiring the contractor to report certain mishaps or close calls, the clause currently requires the contractor to investigate these incidents and provide a report to the contracting officer both reporting on the incident and corrective action taken in response to the incident. The clause also contains reporting requirements related to the contract safety and health plan which is required under certain NASA contracts as set forth in 1823.7001(c).

While the clause requires the contractor to take all reasonable safety and occupational health measures in

performing this contract, it does not specify what these measures should include. Additionally, while the clause provides for remedies available to the Government in the event of the contractor's failure or refusal to comply with safety and health measures and to institute prompt corrective action, it does not specify applicable remedies.

This proposed rule addresses both reducing the burden on contractors under the current clause, being more specific on the safety and health measures the contractor must take when working on a Federal facility, and the remedies the Government may take for failure to maintain an effective safety and health program.

The clause title is revised from ''Safety and Health'' to ''Safety and Health Measures and Mishap Reporting'' to emphasize the purpose of the clause, which is to ensure contractors working at Federal facilities are taking appropriate measures to protect the safety of their workers, other individuals working at the facility, and the public. The new title will also distinguish this clause from a similarly entitled provision at 1852.223.73, Safety and Health Plans, which has caused some confusion in the past. To reduce the burden on contractors, the clause prescription is revised to require it in solicitations and contracts above the simplified action threshold and to require it only for contracts involving performance at a Federal facility. The applicability to subcontracts is also revised to apply to subcontracts above the simplified action threshold where performance is at a Federal facility.

## II. Discussion and Analysis

NASA is proposing to amend NFS 1823.7001(a) to revise the title of the clause at 1852.223–70 from Safety and Health to Safety and Health Measures and Mishap Reporting. The clause prescription will be revised to apply only to solicitations and contracts above the simplified action threshold and to require it only for contracts involving performance at a Federal facility. The flow down to subcontracts is also revised to apply to subcontracts above the simplified action threshold where performance is at a Federal facility.

Paragraph (b) of the clause is expanded to list safety and occupational health measures a contractor shall take in performing the contract. The contractor shall maintain an effective worksite safety and health program with organized and systematic methods to—

1. Comply with Federal, State, and local safety and occupational health laws and with the safety and occupational health requirements of this contract;

2. Describe and assign the responsibilities of managers, supervisors, and employees;

3. Inspect regularly for and identify, evaluate, prevent, and control hazards;

4. Orient and train employees to eliminate or avoid hazards; and

5. Periodically review the program's effectiveness.

These measures are recognized by the Office of Safety and Health Administration and industry as standards for finding hazards and developing a workplace plan for prevention and control of those hazards. Additionally, paragraph (b) is revised to add wording concerning authorized Government representatives rights to have access to and to examine the work site and related records under the contract in order to determine the adequacy of the Contractor's safety and occupational health measures.

Paragraph (d) is revised to remove text describing various accidents, incidents, or exposures which constitute a mishap or close call in favor of a reference to NASA Procedural Requirement (NPR) 8621.1, Mishap and Close Call Reporting, Investigating, and Recordkeeping, which contains a listing and description of the types of mishaps (types A, B, C, or D) or close calls the contractor must report to the contracting officer. NPR 8621.1 can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=8621&s=1B.*

To reduce the burden on contractors, paragraph (e) is revised to eliminate a requirement for the contractor to investigate all work-related incidents, accidents, and close calls, to determine their causes and furnish a report to the contracting officer and replace with a requirement to cooperate with any Government-authorized investigation by providing access to their employees and relevant information in the possession of the contractor regarding the mishap or close call.

Paragraph (f) is revised to eliminate the requirement for the contracting officer to notify the contractor ''in writing'' of any noncompliance. Emergency circumstances may necessitate that this communication be done orally. Additionally, the term ''this clause'' is removed and replaced with ''the health and safety requirements of this contract'' to include any health or safety requirements contained elsewhere in the schedule. To reduce the burden on contractors, the requirement to report corrective action to the contracting officer is removed. In addition to a stop work order currently addressed in section (2) of paragraph (f), the remedies available to the Government when the contractor fails or refuses to take action to correct a serious or imminent danger to safety and health are revised to include requiring the contractor to remove and replace any contractor or subcontractor personnel performing under this contract who fail to comply with or violate applicable requirements of the clause; and that the contractor's failure to comply with the requirements of this clause may be included in appropriate databases of past performance and may be considered in any responsibility determination or evaluation of past performance.

The clause flow down requirements in paragraphs (g) and (h) are simplified and reduced to apply only to subcontracts above the simplified acquisition threshold when the work will be conducted completely or partly on Federally-controlled facilities.

Paragraph (i) is deleted. The requirement to provide Government representatives access to and the right to examine the work site in order to determine the adequacy of the contractor's safety and occupational health measures under this clause has been moved to paragraph (e).

Paragraph (j) is deleted. Safety and health plan requirements are addressed elsewhere in the NFS.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

## IV. Regulatory Flexibility Act

NASA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the changes in the proposed rule reduce the burden on contractors. However, an initial regulatory flexibility analysis has been

performed and is summarized as follows:

This proposed revision to NFS clause 1852.223–70 is undertaken to reduce burden on contractors by (1) changing the applicability of the NFS clause to only contracts over the simplified acquisition threshold and to only those performed on Federal facilities, and (2) by removing reporting requirements relating to mishap investigations and health and safety plans.

The objective of this proposed rule is to (1) set forth safety program requirements for contractors performing on a Federal facility and (2) to protect the public, Agency and contractor workforce and assets from harm and manage the risk to which they are exposed by preventing the recurrence of close calls and mishaps. NASA's constant attention to safety is the cornerstone upon which we build mission success. NASA is committed to protecting the safety and health of the public, team members, and those assets that the Nation entrusts to NASA. It is NASA policy to report and track to resolution all corrective actions resulting from investigations of mishaps, incidents, nonconformances, anomalies, and safety and mission assurance audits and to distribute and use lessons learned to improve activities and operations. This is a vital component of NASA's safety program. The legal basis for this proposed rule is Executive Order 13563, Improving Regulation and Regulatory Review, as part of its retrospective analysis of existing rules.

This proposed rule will apply to small entities performing contracts with an estimated values over the simplified acquisition threshold on Federal Facilities. The System for Award Management (SAM) data shows approximately 154 firms receive contracts to which NFS clause 1852.223–70 will apply. Of those 154 firms, 84 were identified as small businesses.

Two reporting requirements are contained in the proposed clause. One is to notify the contracting officer of mishaps (types A, B, C, or D) or close calls as described in NASA Procedural Requirement (NPR) 8621.1, Mishap and Close Call Reporting, Investigating, and Recordkeeping. The other is to provide a quarterly report on the number of mishaps, specifying lost time frequency rate, number of lost time injuries, exposure, and accident/incident dollar losses. This information is collected so that NASA can analyze mishap data to look for mishap trends and determine ways to improve the safety of its workforce and high-value assets and reduce the risk to its missions. This mishap information would be initially collected a company manager or supervisor. It may be reviewed by the firm's official responsible for safety, usually an occupational health and safety. Lost time frequency rate, number of lost time injuries, exposure, and accident/incident dollar losses reports would be prepared by a safety official.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

Proposed changes to NFS clause 1852.223–70 were designed to reduce burden on contractors by reducing the applicability of the clause and reducing the paperwork burden. The information requested in the clause is essential to the NASA health and safety program. Further and differing compliance or reporting requirements or timetables for small entities are not feasible. Having an effective safety program is crucial to all businesses as it reduces injuries, lost time, property damage and creates a more safe and effective workplace for employees.

NASA invites comments from small business concerns and other interested parties on the expected impact of this proposed rule on small entities concerning the existing regulations in subparts affected by this proposed rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 in correspondence.

## V. Paperwork Reduction Act

The proposed rule contains information collection requirements that require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. chapter 35). This information collection is in use without an OMB Control Number. Accordingly, NASA has submitted a request to OMB for approval of an information collection concerning Safety and Health Measures and Mishap Reporting that the Agency has begun.

A. Public reporting burden for this collection of information is estimated to be approximately 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. It is estimated that approximately 154 respondents will provide a total of 308 notifications of Type A, B, C, or D Mishap, or Close Call notifications (approximately 2 notifications per respondent per year). Additionally, each of 154 respondents will submit one quarterly report four times a year. Thus, responses from respondents are estimated to include 2 mishap notifications and 4 quarterly reports for a total of 6 responses annually per respondent. Based on these figures, the combined total number of responses per year for all respondents will be 308 mishap reports and 616 quarterly reports for a total of 924 total responses for all respondents. It is estimated to take a respondent approximately 4 hours to gather the required information and notify the contracting officer of a Type A, B, C, or D Mishap or Close Call. It is estimated to take respondents approximately 5 hours to prepare and submit each quarterly report specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses. The annual reporting burden is estimated as follows:

*Estimated Number of Respondents:* 154.

*Responses per respondent:* 6.

*Total Annual responses:* 924.

*Estimated Hours per Response:* 4.67.

*Estimated Total Annual Burden Hours:* 4,312.

B. Request for Comments Regarding Paperwork Burden. Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the NFS, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

## List of Subjects in 48 CFR 1823 and 1852

Government procurement.

**Cynthia Boots,**

*Alternate Federal Register Liaison.*

Accordingly, 48 CFR parts 1823 and 1852 are proposed to be amended as follows:

## PART 1823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG–FREE WORKPLACE

■ 1. The authority citation for part 1823 is revised to read as follows:

**Authority:** 51 U.S.C. 20113(a) and 48 CFR chapter 1.

■ 2. Revise section 1823.7001 to read as follows:

**1823.7001 NASA solicitation provisions and contract clauses.**

(a) Insert the clause at 1852.223–70, Safety and Health Measures and Mishap Reporting, in solicitations and contracts above the simplified acquisition threshold when the work will be conducted completely or partly on federally-controlled facilities.

(b) The clause prescribed in paragraph (a) of this section may be excluded, with the approval of the installation official(s) responsible for matters of safety and occupational health.

(c) The contracting officer shall insert the provision at 1852.223–73, Safety and Health Plan, in solicitations containing the clause at 1852.223–70. This provision may be modified to identify specific information that is to be included in the plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer shall include the plan in any resulting contract. Insert the provision with its Alternate I, in Invitations for Bid containing the clause at 1852.223–70.

(d)(1)The contracting officer shall insert the clause at 1852.223–75, Major Breach of Safety or Security, in all solicitations and contracts with estimated values of $500,000 or more, unless waived at a level above the contracting officer with the concurrence of the project manager and the installation official(s) responsible for matters of security, export control, safety, and occupational health.

(2) Insert the clause with its Alternate I if—

(i) The solicitation or contract is with an educational or other nonprofit institution and contains the termination clause at FAR 52.249–5; or

(ii) The solicitation or contract is for commercial items and contains the clause at FAR 52.212–4.

(3) For contracts with estimated values below $500,000, use of the clause is optional.

(e) For all solicitations and contracts exceeding the micro-purchase threshold that do not include the clause at 1852.223–70, Safety and Health, the contracting officer shall insert the clause at 1852.223–72, Safety and Health (Short Form).

## PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1852 continues to read as follows:

**Authority:** 51 U.S.C. 20113(a) and 48 CFR chapter 1.

■ 4. Revise section 1852.223–70 to read as follows:

**1852.223–70 Safety and health measures and mishap reporting.**

As prescribed in 1823.7004(1)(a), insert the following clause:

**Safety and Health Measures and Mishap Reporting**

**(XX/XX)**

(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. NASA's safety priority is to protect: (1) The public, (2) astronauts and pilots, (3) the NASA workforce (including contractor employees working on NASA contracts), and (4) high-value equipment and property.

(b) The Contractor shall take all reasonable safety and occupational health measures in performing this contract. The Contractor shall maintain an effective worksite safety and health program with organized and systematic methods to—

(1) Comply with Federal, State, and local safety and occupational health laws and with the safety and occupational health requirements of this contract;

(2) Describe and assign the responsibilities of managers, supervisors, and employees;

(3) Inspect regularly for and identify, evaluate, prevent, and control hazards;

(4) Orient and train employees to eliminate or avoid hazards; and

(5) Periodically review the program's effectiveness. Authorized Government representatives shall have access to and the right to examine the work site and related records under this contract in order to determine the adequacy of the Contractor's safety and occupational health measures.

(c) The Contractor shall take, or cause to be taken, any other safety, and occupational health measures the Contracting Officer may reasonably direct. To the extent that the Contractor may be entitled to an equitable adjustment for those measures under the terms and conditions of this contract, the equitable adjustment shall be determined pursuant to the procedures of the changes clause of this contract; provided, that no adjustment shall be made under this Safety and Health clause for any change for which an equitable adjustment is expressly provided under any other clause of the contract.

(d) The Contractor shall immediately notify the Contracting Officer or a designee of any Type A, B, C, or D Mishap, or close calls as defined in NASA Procedural Requirement (NPR) 8621.1, Mishap and Close Call Reporting, Investigating, and Recordkeeping. In addition, service contractors (excluding construction contracts) shall provide quarterly reports specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses.

(e) The Contractor shall cooperate with any Government-authorized investigation of Type A, B, C, or D Mishaps, or Close Calls reported pursuant to paragraph (d) of this clause by providing access to employees; and relevant information in the possession of the Contractor regarding the mishap or close call.

(f)(1) The Contracting Officer may notify the Contractor in writing of any noncompliance with the health and safety requirements of this contract and specify corrective actions to be taken. When the Contracting Officer becomes aware of noncompliance that may pose a serious or imminent danger to safety and health of the public, astronauts and pilots, the NASA workforce (including contractor employees working on NASA contracts), or high value mission critical equipment or property, the Contracting Officer shall notify the Contractor orally, with written confirmation. The Contractor shall promptly take corrective action.

(2) If the Contractor fails or refuses to institute prompt corrective action, the Contracting Officer may invoke the stop-work order clause in this contract. In addition to other remedies available to the Government—

(i) The Contractor shall remove and replace any Contractor or subcontractor personnel performing under this contract who fail to comply with or violate applicable requirements of this clause; and

(ii) The Contractor's failure to comply with the requirements of this clause may be included in the appropriate databases of past performance and may be considered in any responsibility determination or evaluation of past performance.

(g) The Contractor shall insert the substance of this clause, including this paragraph (g) in all subcontracts above the simplified acquisition threshold when the work will be conducted completely or partly on federally-controlled facilities.

(End of clause)

[FR Doc. 2015–19772 Filed 8–11–15; 8:45 am]

BILLING CODE 7510–13–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 622

**RIN 0648–BE93**

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 15

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Gulf of Mexico (Gulf) Fishery Management Council (Council) has submitted Amendment 15 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico

(FMP) for review, approval, and implementation by NMFS. Amendment 15 includes actions to revise the maximum sustainable yield (MSY), overfishing threshold, and overfished threshold definitions and values for three species of penaeid shrimp, and to revise the FMP framework procedures.

**DATES:** Written comments must be received on or before October 13, 2015.

**ADDRESSES:** You may submit comments on Amendment 15, identified by ''NOAA–NMFS–2015–0097'' by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0097,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 15, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2015/Am%2015/index.html.*

**FOR FURTHER INFORMATION CONTACT:** Susan Gerhart, telephone: 727–824–5305, or email: *Susan.Gerhart@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

The FMP being revised by Amendment 15 was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

## Background

Amendment 15 would revise the MSY, overfishing threshhold, and the overfished threshold definitions and values for brown, white, and pink shrimp in the Gulf. MSY is the largest average catch that can continuously be taken from a stock under existing environmental conditions. Overfishing occurs when the rate of removal is too high and jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis. A stock or stock complex is considered overfished when its biomass has declined below the capacity of the stock or stock complex to produce MSY on a continuing basis.

The criteria and values for MSY, overfishing threshold, and overfished threshold for penaeid shrimp were established in Amendment 13 to the FMP (71 FR 56039, September 26, 2006). Historically, Gulf penaeid shrimp stocks were assessed with a virtual population analysis (VPA), which reported output in terms of number of parents. However, the 2007 pink shrimp stock assessment VPA incorrectly determined pink shrimp were undergoing overfishing because the model could not accommodate low effort. In 2009, NMFS stock assessment analysts determined that the stock synthesis model was the best choice for modeling Gulf shrimp populations. The Council's Scientific and Statistical Committee accepted the stock synthesis model as best scientific information available and Amendment 15 modifies the stock status determination criteria to match the biomass-based outputs of the stock synthesis model. These revisions to the penaeid shrimp stock status criteria are expected to have little to no change in the biological, physical, or ecological environments because these changes are only to the stock status reference points and will not have a direct impact on the actual harvest of penaeid shrimp.

Amendment 15 would also revise the FMP framework procedures. Framework procedures for a FMP allow changes in specific management measures and parameters that can be made more efficiently than changes made through a FMP plan amendment. Amendment 15 would make changes to the framework procedures to allow for modification of accountability measures under the standard documentation process of the open framework procedure. Also, outdated terminology, such as ''total allowable catch'' would be removed. Additionally, the phrase ''transfer at sea provisions'' would be removed from the list of framework procedures because this phrase was inadvertently included in the final rule for the Generic Annual Catch Limit Amendment (76 FR 82044, December 29, 2011).

A proposed rule that would implement measures outlined in Amendment 15 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

## Consideration of Public Comments

The Council has submitted Amendment 15 for Secretarial review, approval, and implementation. Comments received by October 13, 2015, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: August 7, 2015.

**Alan D. Risenhoover,**

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

[FR Doc. 2015–19822 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–22–P

# Notices

Federal Register

Vol. 80, No. 155

Wednesday, August 12, 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.

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

**AGENCY:** Advisory Committee on Rules of Criminal Procedure, Judicial Conference of the United States.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Criminal Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

**DATES:** September 28–29, 2015. *Time:* 8:30 a.m.

**ADDRESSES:** United States Court of Appeals, William K. Nakamura Courthouse, Sixth Floor Judges Conference Room, 1010 Fifth Avenue, Seattle WA 98104.

**FOR FURTHER INFORMATION CONTACT:** Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: August 6, 2015.

**Rebecca A. Womeldorf,**

*Rules Committee Secretary.*

[FR Doc. 2015–19755 Filed 8–11–15; 8:45 am]

**BILLING CODE 2210–55–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Doc. No. AMS–DA–15–0028]**

### Notice of Request for Extension of a Currently Approved Information Collection for Export Certificate Request Forms

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension of and revision to the currently approved information collection Export Certificate Request Forms OMB No. 0581–0283.

**DATES:** Comments on this notice must be received by October 13, 2015 to be assured of consideration.

**ADDRESSES:** Comments may be sent to Office of the Deputy Administrator, USDA/AMS/Dairy Programs, Room 2968–S, 1400 Independence Avenue SW., Washington, DC 20090–6465 or may be submitted at the Federal eRulemaking Portal: *http://www.regulations.gov.* Comments should reference the docket number and the date and page of issue in the **Federal Register**. All comments received will be available for public inspection during regular business hours at the above address or at *www.regulations.gov.* The identity of the individuals or entities submitting comments will be made public.

*Additional information:* Contact Dana Coale, Office of the Deputy Administrator, USDA/AMS/Dairy Programs, Room 2968–S, 1400 Independence Avenue SW., Washington, DC 20090–6465; Tel: 202–720–4392, Fax: 202–690–3410 or via email at: *dana.coale@ams.usda.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Export Certificate Request Forms.

*OMB Number:* 0581–0283.

*Expiration Date of Approval:* January 31, 2016.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* The dairy grading program is a voluntary user fee program authorized under the Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621–1627). The regulations governing inspection and grading services of manufactured or processed dairy products are contained in 7 CFR part 58. International markets are increasing for United States dairy products. Importing countries are requiring certification as to production methods and sources of raw ingredients for dairy products. USDA, AMS, Dairy Grading Branch is the designated agency for issuing sanitary certificates for dairy products in the United States. Exporters must request export certificates from USDA, AMS, Dairy Grading Branch if the importing country requires them.

*Need and Use of the Information:* In order for AMS to provide the required information on the export sanitary certificates it must collect the information from the exporter. The information required on the sanitary certificates varies from country to country requiring specific forms for each country to collect the information. Such information includes: Identity of the importer and exporter, to describe consignment specifics, and identify border entry point at the country of destination. There are currently 16 different export certificate request forms with ongoing negotiations with at least 5 more countries on possible new sanitary certificates. The information gathered using these forms is only used to create the export sanitary certificate. There has been a change in the overall burden of this submission. The number of export certificate requests has increased significantly since 2012.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 0.20 hours per response.

*Respondents:* Businesses or other for-profit.

*Estimated Number of Respondents:* 250.

*Estimated Total Annual Responses:* 42,084.

*Estimated Number of Responses per Respondent:* 168.

*Estimated Total Annual Burden on Respondents:* 8,592 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including

the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Dana Coale, Office of the Deputy Administrator, USDA/AMS/Dairy Programs, Room 2968–S, 1400 Independence Avenue SW., Washington, DC 20090–6465; Tel: 202–720–4392, Fax: 202–690–3410 or via email at: *dana.coale@ams.usda.gov*.

All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 3, 2015.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2015–19327 Filed 8–11–15; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**[Docket No. FSIS–2015–0035]**

### National Advisory Committee on Microbiological Criteria for Foods

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice is announcing that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold meetings of the full Committee and subcommittees on September 9–11, 2015. The Committee will discuss: (1) Effective Salmonella Control Strategies for Poultry and (2) Virulence Factors and Attributes that Define Foodborne Shiga Toxin-producing *Escherichia coli* (STEC) as Severe Human Pathogens.

**DATES:** The full Committee will hold an open meeting on Wednesday, September 9, 2015 from 10:00 a.m. to 12:00 p.m. The Subcommittee on Effective Salmonella Control Strategies for Poultry and the Subcommittee on Virulence Factors and Attributes that Define Foodborne Shiga Toxin-producing *Escherichia coli* (STEC) as Severe Human Pathogens will hold concurrent open subcommittee meetings on Wednesday, June 9, 2015 from 1 p.m. to 5 p.m., Thursday, September 10, 2015 from 8:30 a.m. to 5:00 p.m., and Friday, September 11, 2015 from 8:30 a.m. to 5:00 p.m.

**ADDRESSES:** The September 9, 2015, full Committee meeting will be held at the Residence Inn by Marriott, Washington DC, 333 E Street SW., Washington, DC 20024. The subcommittee meetings will be held at the Patriot's Plaza III, 1st Floor Auditorium and Conference Rooms, 355 E. Street SW., Washington, DC 20024. All documents related to the full Committee meeting will be available for public inspection in the FSIS Docket Room, USDA, 355 E. Street SW., Patriots Plaza 3, Room 8–164, Washington, DC 20250–3700, between 8:30 a.m. and 4:30 p.m., Monday through Friday, as soon as they become available. The NACMCF documents will also be available on the Internet at *http://www.fsis.usda.gov/Regulations_&_Policies/Federal_Register_Notices/index.asp.*

FSIS will finalize an agenda on or before the meeting dates and post it on the FSIS Web page at *http://www.fsis.usda.gov/News/Meetings_&_Events/.* Please note that the meeting agenda is subject to change due to the time required for Committee discussions; thus, sessions could start or end earlier or later than anticipated. Please plan accordingly if you would like to attend a particular session or participate in a public comment period.

Also, the official transcript of the September 9, 2015, full Committee meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address and will also be posted on *http://www.fsis.usda.gov/About/NACMCF_Meetings/.*

The mailing address for the contact person is: Karen Thomas-Sharp, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue SW., Patriots Plaza 3, Mailstop 3777, Room 9–47, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Persons interested in making a presentation, submitting technical papers, or providing comments at the September 1, plenary session should contact Karen Thomas: Phone: (202) 690–6620; Fax (202) 690–6334; Email: *Karen.thomas-sharp@fsis.usda.gov* or at the mailing address above. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas by September 1, 2015.

**SUPPLEMENTARY INFORMATION:**

#### Background

The NACMCF was established in 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing on the FSIS Internet Web page at *http://www.fsis.usda.gov/About/NACMCF_Charter/.*

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense.

Mr. Brian Ronholm, Deputy Under Secretary for Food Safety, USDA, is the Committee Chair; Dr. Susan T. Mayne, Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Dr. James Rogers, FSIS, is the Executive Secretary.

#### Documents Reviewed by NACMCF

FSIS will make all materials reviewed and considered by NACMCF regarding its deliberations available to the public. Generally, these materials will be made available as soon as possible after the full Committee meeting. Further, FSIS intends to make these materials available in electronic format on the FSIS Web page (*www.fsis.usda.gov*), as well as in hard copy format in the FSIS Docket Room. FSIS will try to make the materials available at the start of the full Committee meeting when sufficient time is allowed in advance to do so.

*Disclaimer:* NACMCF documents and comments posted on the FSIS Web site are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy.

In order to meet the electronic and information technology accessibility standards in Section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the Internet copies of the documents.

Copyrighted documents will not be posted on the FSIS Web site, but will be

available for inspection in the FSIS Docket Room.

### Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/federal-register-notices.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update also is available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service, which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

### USDA Nondiscrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, and audiotape) should contact USDA's Target Center at (202) 720–2600 (voice and TTY). To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC on: August 6, 2015.

**Alfred V. Almanza,**

*Acting Administrator.*

[FR Doc. 2015–19748 Filed 8–11–15; 8:45 am]

BILLING CODE 3410–DM–P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

**[FNS–2015–0013]**

## Request for Information: SNAP and WIC Seeking Input Regarding Procurement and Implementation of Electronic Benefit Transfer (EBT) Services; Extension of Comment Period

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice; Extension of Comment Period.

**SUMMARY:** The Food and Nutrition Service (FNS) is interested in identifying ways to stimulate increased competition in the Electronic Benefit Transfer (EBT) marketplace and identify procurement or systems features that are barriers to new entrants. FNS is also seeking suggestions which will improve procurement of the delivery of EBT transaction processing services through modifications to, or replacement of, the existing business model. The procurement and implementation of EBT systems by State agencies administering the Supplemental Nutrition Assistance Program (SNAP) and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) needs to be sustainable for all parties involved.

The landscape of EBT is in a heightened state of change, due in part to the recent decision by one of three primary companies providing EBT transaction processing services for SNAP and WIC to no longer solicit or accept any new prepaid card business, including for SNAP and WIC EBT services. In addition, there are numerous EBT projects moving toward the October 1, 2020, statutorily-mandated deadline for WIC Program implementation.

This Request for Information (RFI) seeks to obtain input from EBT stakeholders and other financial payment industry members and interested parties, regarding options and alternatives available to improve the procurement and current operational aspects of EBT. In this document, FNS has posed various questions to prompt stakeholder responses. We intend to consider and follow up on the alternatives and suggestions that appear to be most viable from both a technical and a cost/benefit standpoint.

Interested stakeholders are invited to respond to any or all of the questions that follow, and to identify issues which may not be listed.

FNS is extending the comment period to provide additional time for interested parties to review this Request for Information.

**DATES:** The comment period for the notice that was published on June 23, 2015 (80 FR 35932) has been extended from August 24, 2015 to October 24, 2015. To be assured of consideration, comments must be received on or before October 24, 2015.

**ADDRESSES:** Comments may be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* Follow the online instructions for submitting comments electronically. Comments can also be mailed or delivered to: Andrea Gold, Director, Retailer Policy and Management Division, Supplemental Nutrition Assistance Program, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 424, Alexandria, Virginia 22302.

All comments submitted in response to this notice will be included in the record and will be made available to the public at *www.regulations.gov.* Please be advised that the substance of the comments and the identity of the individuals or entities commenting will be subject to public disclosure.

**FOR FURTHER INFORMATION CONTACT:** Andrea Gold, Director, Retailer Policy and Management Division, Supplemental Nutrition Assistance Program, (703) 305–2434, or via email at *andrea.gold@fns.usda.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

All SNAP State agencies and some WIC State agencies conduct EBT using magnetic stripe cards similar to debit or credit cards. Almost all EBT systems today are integrated such that all of the service requirements are provided within a single system to the relevant State agencies, often referred to as a turnkey system. Over the years, some States have obtained SNAP EBT services by contracting for individual EBT service components to one or more service providers (such as authorization platform, retailer management, transaction switching, client help desk services, and card production). A few State agencies have performed certain EBT services themselves, to control costs or meet the needs of State operations. These State-operated services may include such functions as transaction authorization, retailer training and management, EBT card distribution, and management and customer service.

In the WIC Program, several of the State agencies use smart card or chip

card systems, sometimes referred to as off-line systems, while others have chosen an on-line system using a magnetic stripe reader. The trend in WIC, for State agencies choosing both mag-stripe and smart card solutions, is toward contracted EBT services via a turnkey processor.

Contractors compete for State EBT business in a comparatively small marketplace. FNS has long encouraged healthy competition in this marketplace because the Agency believes it helps to control costs, ensures a level playing field for businesses who are interested in supporting EBT delivery processes, and encourages innovation. Two of the biggest concerns for FNS and State agencies with the limited competition within the EBT market, are the increased risk for sustainability of the industry over time, and the impact limited competition could have on pricing.

Up until most recently, in the SNAP EBT environment, there have been three dominant primary EBT contractors with State agency EBT contracts. In the WIC EBT environment, these same three on-line EBT SNAP contractors have also provided EBT on-line services for WIC. There are also two other off-line EBT contractors for WIC.

In January 2014, one of the primary contractors announced that the firm would no longer solicit or accept any new prepaid card business, which includes their EBT services. The firm is in the process of fulfilling its existing contracts but is not pursuing any further business in this area. As a result, only two of those three active primary EBT contractors remain in the market. There has been a new entrant to the SNAP market, a company that has been active in the WIC market; however, at this time, it is unclear whether any other firms will choose to enter this market. State agencies have acquired EBT service through one of two major approaches: Procurements dedicated to a single State agency, and multi-state procurements. The latter approach leverages pricing through economies of scale and standardizes requirements and contract provisions in a way that can reduce the burden on contractors of responding to separate contract solicitations by many State agencies. Typical contracts have a base period such as 5 years with several optional extension years, but there are situations where State procurement rules dictate a shorter timeframe with limited renewals. Due to the burden to develop re-procurements and manage the potential transition to a new contractor when an incumbent does not win award, it is not unusual to see a State agency choose to exercise the optional years, resulting in contract lengths of 7–10 years. It is safe to say that FNS and State agencies are interested in the best value and service for EBT projects regardless of the size of a specific State agency.

The Agricultural Act of 2014, Public Law 113–79 (the Act) has also brought important changes to the SNAP EBT landscape that impacts States and SNAP EBT contractors looking forward.

That legislation removed the requirement for States and their contractors to provide no cost point-of-sale (POS) devices to all authorized SNAP retailers who were not already using a commercial payment provider. The Act also changed manual voucher processing used when retailer sales do not warrant the cost to receive a POS device from the government and for back up during system outages and disasters.

On the WIC side, while there is no new legislation at play, most of the 90 WIC State agencies are beginning to convert to an EBT delivery model to meet the October 1, 2020, deadline mandated by the Healthy Hunger-Free Kids Act of 2010, Public Law 111–296. These State agencies are acquiring services from the on-line and off-line contractors.

In sum, EBT services have developed a pricing model that has evolved since the early projects were initiated in the 1980s. Currently, contractors will bid to provide all the services, including cards, benefit account management, purchase authorization, customer service, retailer equipage and settlement to food retailers for a single cost for each household or case served in a month. Sometimes retailer equipage, pay-phone surcharges for toll-free calls and other fees have been separated from the case-month price. This pricing model allows for fluctuations in caseload related to economic changes or other growth factors. To the degree other pricing models exist, they have not taken root within either SNAP or WIC to date. Pricing can be, and often is, set up in tiers to reduce the case-month fee when certain caseload thresholds are reached either due to increases (or decreases) in household participation or if multiple State agencies have contracted together for economies of scale with the same requirements and contract standards. The major functional components of on-line EBT for SNAP and WIC are outlined in Appendix A, and off-line smart card WIC EBT is described in Appendix B.

**Request for Information**

This RFI seeks to obtain input from EBT stakeholders, other financial payments industry members and other interested parties regarding options and alternatives available to improve the procurement and operational aspects of EBT. FNS has posed various questions below to prompt stakeholder responses, and, before those, has also noted a few primary concerns and key objectives for this effort.

**Primary Concerns**

- Less available competition and potential that smaller State agencies may not receive affordable proposals, or even any proposals, in response to State agency solicitations.
- An increase in procurement activity and system conversions by SNAP State agencies as those using the services of the departing company migrate to the remaining processors.
- Significant increase in procurement activity and system implementation by WIC State agencies leading up to the October 1, 2020, deadline for WIC State agencies to convert to an EBT delivery system.
- Management of risks associated with greater activity in a shorter period of time.

**Main Objectives**

FNS is inviting stakeholder input on how the opportunities and risks associated with these changes can best be recognized and managed. There are two main objectives:

1. Increased competition for EBT services, including that which can possibly be achieved through changes or alternatives to the current business model.
2. More stability and sustainability for this market, including that which can possibly be achieved through alternative pricing models and contract terms.

**Questions**

The Agency will consider all comments, and plans to follow up on alternatives and suggestions that appear to be most viable from both a technical and a cost/benefit standpoint. Responses will help inform any future actions or guidance issued by the Agency, including guidance to States on issuing EBT Requests for Proposals (RFPs).

Interested stakeholders are invited to respond to any or all of the following questions, and to identify other issues which may not be listed. Responses which clearly reference the pertinent question below would facilitate FNS' review of the stakeholder feedback.

**Procurement**

1. Do State agency procurements provide sufficient information about the operational characteristics of their EBT projects for new entrants to the EBT market? If not, are there alternatives for potential vendors to obtain the information needed?

2. How do State Agency requirements, (such as call center response standards, transaction processing requirements, card issuance timeframes and adjustment policies), compare to commercial practices? Would adjusting some of these requirements to closely resemble the commercial world increase the interest of potential new vendors, or impact contract costs or willingness of current vendors to bid? If so, what requirements or practices should be considered?

3. Are the amounts for liquated damages and penalty clauses currently required by State agencies reasonable? If not, what would be more reasonable amounts or ways for State agencies to safeguard against such problems as project delays, unscheduled system downtime, and below-standard processing times, etc.?

4. Can more economies of scale be realized without increasing complexity through any of the following:

a. Multi-state shared services for commercial call center services, card production and delivery, training and other services?

b. The inclusion of more agencies/programs?

5. Are there requirements for vendor experience that are necessary to establish minimum qualifications to bid to provide EBT services? Are there requirements you have seen that should not be used because you believe that they unnecessarily limit competition?

6. Would any vendors be interested in providing select service components (*i.e.* call centers, transaction processing, training, etc.) if there were an option to offer proposals for one or some rather than all of the service components? What pricing model(s) would work best for separate services when not bundled into the cost per case month pricing (CPCM)?

7. What alternative procurement models might State Agencies consider to ensure they receive viable competitive bids?

8. Should State agencies pursue coalition procurements with the benefits they bring, such as economies of scale, or does it tend to limit competition or discourage new entrants into the marketplace?

**Pricing**

9. Does the impact of the EBT vendor assuming development and implementation costs before they begin processing transactions pose a major barrier to entering the market?

10. Are there ways to separate EBT system development/startup costs from operational costs to reduce risk for new entrants when bidding on a project? If so, what are they? [1]

11. Are there other changes to the CPCM pricing model that would encourage potential vendors to enter the EBT market?

12. The tiered pricing model involves tiers within the CPCM pricing model, adjusted at smaller or larger intervals for different caseload levels. How can State consortia which want to procure together better realize economies of scale given their varying caseload sizes, and still benefit from a blended CPCM price based on their collective caseload volumes?

13. Are there pricing models other than the CPCM model that would be advantageous in reducing pricing risk to the vendor and still maintain sustainable prices for the State agencies? How can the disadvantages to State agencies in forecasting expenses be overcome, if costs are no longer tied to caseload levels?

**Managing Risk**

Several stakeholders have advised FNS that too many procurements occurring in close succession may increase the risk that smaller State Agencies may receive fewer or even no bids, as vendors will devote scarce resources to preparing proposals for the most potentially profitable customers. Similarly, if too many implementations or conversions are scheduled in close succession, it may mean that vendors will not have sufficient technical resources to assign their top team to each one. Both of these situations represent risks which FNS would like to help State Agencies manage and mitigate.

14. Besides sharing known and estimated RFP release dates and conversion dates, what can FNS do to help State Agencies manage these risks and ensure smooth transitions?

**Other Questions**

15. Are there other areas or issues that we have not specifically asked for a response on which you would like to offer comment related to the two main objectives of this RFI?

Dated: August 6, 2015.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

Attached: Appendix A: EBT Functions for Online SNAP and WIC EBT
Appendix B: EBT Functions for Offline WIC EBT Cards (Smart Cards)
Appendix C: Web sites to RFP and other EBT information:

## Appendix A—EBT Functions for On-Line SNAP and WIC EBT

(1) Account setup and benefit authorization—support for on-line accounts for SNAP or WIC households authorized to receive benefits;

(2) Card issuance and participant training—provide cards, equipment (PIN pads, card readers and training materials);

(3) Participant account maintenance—receive daily and monthly benefit updates from State agency systems, aging benefits and reporting;

(4) Transaction processing—approval or denial of food purchases made at authorized SNAP and WIC retailers/vendors; WIC processing includes, but is not limited to, matching of food item UPC, price and quantity;

(5) Customer service—24 x 7 toll-free call support with help desk customer service representatives and Interactive Voice Response and web portal services inquiries related to purchase activities and balances from cardholders, merchants and State agency staff;

(6) Retailer participation—support commercial third party switching services and installation and maintenance of payment terminals in smaller retail locations. Manual backup vouchers for authorizations during system interruptions or for low volume SNAP merchants;

(7) EBT settlement—daily payment to authorized retailers for approved purchases; reconciliation via reports and data file exchanges, WIC also includes food item detail;

(8) EBT reporting—administrative and batch data exchange for reporting card account activities by card number and retail location; daily financial settlement reporting and reconciliation; and,

(9) Disaster Benefit Services (SNAP only)—providing card and benefit services for natural disasters.

## Appendix B—EBT Functions for Offline WIC EBT (Smart Cards)

WIC off-line EBT processing relies on State agencies to load a smart card chip with WIC food balances that can be read in grocery store lanes. Card and Personal Identification Number (PIN) support is provided by the State agency using the clinic system that tracks and determines participant benefits. Purchases are authorized off-line in the grocery lane (without an on-line authorization) and a daily claim file is sent to the WIC EBT host for processing payment

[1] SNAP procurements involve acquiring an operational process with costs for start-up activities included in the monthly operational cost-per-case-month. WIC procurements are conversions from paper to electronic delivery with deliverables and milestones for start-up that may be priced separately.

to the WIC vendors. A hot card file, reconciliation file and authorized product list (APL) (containing the list of approved Universal Product Codes (UPC) and price look-up (PLU) codes called the APL file) are provided to the WIC grocer via the EBT host (an FTP server).

(1) EBT host processing—processing of daily WIC claim files containing WIC transaction purchases, editing for Not-to-Exceed price limits, and pick-up of hot card, APL and reconciliation files to authorized WIC retail vendors.

(2) Retail vendor equipage & integrated support (State agency option)

(3) Customer Service (State agency option)—toll-free call center support including customer service representatives, Interactive Voice Response (IVR) and/or web portal services for cardholder and retailer and State agency staff inquiries.

(4) EBT Reporting—administrative and batch data to support all processing and authorization activities.

(5) Settlement and Reconciliation—similar to SNAP settlement but also includes food product information.

### Appendix C—Web sites to RFP and Other EBT Information

SNAP EBT Status—*http://www.fns.usda.gov/ebt/general-electronic-benefit-transfer-ebt-information*

WIC EBT Status—*http://www.fns.usda.gov/wic/wic-ebt-activities*

WIC Technology Partners (Provides links to new and updated solicitations)—*http://www.wictechnologypartners.com/solicitations/RFP-B2Z12017/index.php*

[FR Doc. 2015–19794 Filed 8–11–15; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

### Notice of Change to Announcement of Requirements and Registration for the U.S. Tall Wood Building Prize Competition

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice of change to Announcement of Requirements and Registration for the U.S. Tall Wood Building Prize Competition.

**SUMMARY:** The U.S. Department of Agriculture (USDA) in a cooperative partnership with the Softwood Lumber Board and the Binational Softwood Lumber Council is conducting a prize competition funding initiative to support the demonstration of tall wood buildings in the United States. The U.S. Tall Wood Building Prize Competition (the ''Competition'') is being conducted to showcase the architectural and commercial viability of advanced wood products in tall building construction in order to support employment opportunities in rural communities, maintain the health and resiliency of the Nation's forests, and advance sustainability in the built environment.

On October 10, 2014, USDA published official competition rules in the **Federal Register** in Notice 79 FR 61275. The competition rules note that the Prize Purse is a combined pool from the Competition Partners of $2 million and that the Prize Purse may increase, but will not decrease. The rules also state that any increases in the Prize Purse will be posted on the Competition Web site (*www.tallwoodbuildingcompetition.org*) and published in the **Federal Register**. The Softwood Lumber Board has committed an additional $1 million to support the competition. By way of this notice, USDA is informing the public that the combined competition prize purse is now $3 million in accordance with the competition's official rules.

The Prize Purse will be used to fund one or more awards; the number of awards made will depend on the estimated amount of Eligible Expenses proposed by the winning Project Proponent Team(s). Award(s) will be made to the winning Project Proponent Team(s) to cover incremental costs of transitioning their building from a traditional structure to a wood structure, *i.e.,* those costs incurred only because of the Project Proponent Team's innovative use of wood products in the demonstration structure. Additional details may be found in the original **Federal Register** Notice.

**Authority:** 15 U.S.C. 3719.

Dated: August 7, 2015.

**Lillian Salerno,**

*Administrator, Rural Business-Cooperative Service.*

[FR Doc. 2015–19820 Filed 8–11–15; 8:45 am]

BILLING CODE 3410–XY–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–351–841]**

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

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

**DATES:** *Effective Date:* August 12, 2015.

**SUMMARY:** In response to requests from DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively, Petitioners), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet and strip (PET film) from Brazil.[1] On February 6, 2015, the Department published, in the **Federal Register**, a notice of revocation of the antidumping duty order on PET film from Brazil, effective November 10, 2013.[2] Accordingly, this administrative review covers Terphane Ltda. and Terphane Inc. (collectively, Terphane) for the period of review (POR) November 1, 2013, through November 9, 2013. As we currently have no evidence of any reviewable entries, shipments or sales of subject PET film by Terphane during the POR, we are issuing a preliminary no shipment determination.[3]

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

**SUPPLEMENTARY INFORMATION:**

### Scope of the Order

The products covered by this order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States.[4]

### Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 76956 (December 23, 2014).

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

[3] Terphane is the only respondent in this review.

[4] For a full description of the scope of the order, *see* ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet and Strip from Brazil: 2013–2014,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

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

*Preliminary Determination of No Shipments*

Based on information Terphane submitted after the initiation of this administrative review and information collected from U.S. Customs and Border Protection (CBP), the Department has preliminarily determined that the record evidence indicates that Terphane currently had no reviewable entries during the POR. In addition, the Department finds that it is not appropriate to rescind the review with respect to Terphane but, rather, to complete the review and issue appropriate instructions to CBP based on the final results of this review, as is our practice.[5]

**Assessment Rates**

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003). We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

**Disclosure and Public Comment**

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.[6] Parties are reminded that written comments or case briefs are not the place for submitting new factual material. Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.[7] Parties who submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the day of publication of this notice. A request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.[8] Issues raised in the hearing will be limited to those raised in case briefs. The Department will issue the final results of administrative review, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the preliminary results were issued, unless the deadline for the final results is extended.[9]

**Notification to Importers**

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

This notice is published in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(f).

Dated: August 3, 2015.

**Ronald K. Lotentzen,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015–19845 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See, e.g., Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke the Order (in Part); 2011–2012,* 78 FR 15686 (March 12, 2013) and the accompanying Decision Memorandum at 7 to 8.

[6] *See* 19 CFR 351.309(c)(ii).

[7] *See* 19 CFR 351.309(d).

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

[9] *See* 19 CFR 351.214(i).

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–924]**

### Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2013–2014

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

**SUMMARY:** The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (''PET film'') from the People's Republic of China (''PRC'') for the period of review (''POR'') November 1, 2013, through October 31, 2014. This review covers four PRC companies.[1] The Department is rescinding the review with respect to Fuwei Films (Shandong) Co., Ltd. (''Fuwei Films''), Sichuan Dongfang Insulating Material Co., Ltd. (''Dongfang''), and Tianjin Wanhua Co., Ltd. (''Wanhua''). Further, the Department preliminarily finds that Shaoxing Xiangyu Green Packing Co., Ltd. (''Green Packing'') is part of the PRC-wide entity.

**DATES:** *Effective Date:* August 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Hill, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded.[2] PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 76956 (December 23, 2014).

[2] For a complete description of the scope of the order, *see* ''Decision Memorandum for the Preliminary Results of 2013–2014 Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (''Preliminary Decision Memorandum'').

written description of the scope of the order is dispositive.

**Partial Rescission**

On December 1, 2014, Green Packing requested administrative review of subject merchandise exported by itself, and Mitsubishi Polyester Film, Inc. and SKC, Inc. (collectively ''Petitioners'') requested an administrative review of subject merchandise exported by Dongfang, Fuwei Films, Green Packing, and Wanhua. Subsequently, on March 23, 2015, Petitioners timely withdrew their request for an administrative review of each company. No other parties requested a review with respect to Dongfang, Fuwei Films, and Wanhua. Therefore, the Department, pursuant to 19 CFR 351.213(d)(1), is rescinding this administrative review with respect to each company. However, as Green Packing requested administrative review of itself and did not withdraw its request, the Department is continuing its review of Green Packing's exports of subject merchandise during the POR.

**Methodology**

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''the Act''). For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. This memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *https://access.trade.gov/login.aspx* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Results of Review**

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this administrative review.[3] Because Green Packing failed to establish that it is entitled to a separate rate for the POR, we are treating Green Packing as part of the PRC-wide entity.[4] The rate previously established for the PRC-wide entity in this proceeding is 76.72 percent.[5]

**Disclosure and Public Comment**

Interested parties may submit case briefs and/or written comments, filed electronically using ACCESS, within 30 days of the date of publication of these preliminary results of review.[6] Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs.[7] Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue, a summary of the argument not to exceed five pages, and a table of authorities.[8]

Further, interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice.[9] Electronically filed case briefs/written comments and hearing requests must be received successfully in their entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[10] Hearing requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those issues raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

**Assessment Rates**

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review.[11] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. The Department intends to instruct CBP to liquidate entries of subject merchandise from the PRC-wide entity, including entries of subject merchandise from Green Packing, at 76.72 percent (the PRC-wide rate).[12]

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above which have a separate rate, the cash deposit rate will be the rate established in the final results of this review (except, if the rate is zero or de minimis, then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, 76.72 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice. These deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013). Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity's rate is not subject to change.

[4] *See* Preliminary Decision Memorandum.

[5] *See Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039, 55041 (September 24, 2008).

[6] *See* 19 CFR 351.309(c).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c).

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

[10] *Id.*

[11] *See* 19 CFR 351.212(b)(1).

[12] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

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

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: July 30, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Preliminary Results Decision Memorandum**

Summary
Background
Partial Rescission
Scope of the Order
Discussion of the Methodology
  Non-Market Economy Status
  PRC-Wide Entity
Recommendation

[FR Doc. 2015–19359 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

**[Docket No. 150706577–5577–01]**

**RIN 0693–XC051**

### Government Use of Standards for Security and Conformance Requirements for Cryptographic Algorithm and Cryptographic Module Testing and Validation Programs

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice; Request for information.

**SUMMARY:** NIST is seeking public comment on the potential use of certain International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) standards for cryptographic algorithm and cryptographic module testing, conformance, and validation activities, currently specified by Federal Information Processing Standard (FIPS) 140–2. The National Technology Transfer and Advancement Act (NTTAA) directs federal agencies to adopt voluntary consensus standards wherever possible. The responses to this request for information will be used to plan possible changes to the FIPS or in a decision to use all or part of the ISO/IEC standards for testing, conformance and validation of cryptographic algorithms and modules.

**DATES:** Comments on the potential use of ISO/IEC 19790:2014 must be received no later than 5 p.m., EST on September 28, 2015.

**ADDRESSES:** Written comments concerning the potential use of ISO/IEC 19790:2014 should be sent to: Information Technology Laboratory, ATTN Use of ISO/IEC 19790, Mail Stop 7730, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899.

Electronic comments should be sent to: *UseOfISO@nist.gov.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Diane Honeycutt, telephone (301) 975–8443, MS 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899 or via email at *DHoneycutt@nist.gov.*

**SUPPLEMENTARY INFORMATION:** The National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113, directs federal agencies with respect to their use of and participation in the development of voluntary consensus standards. The NTTAA's objective is for federal agencies to adopt voluntary consensus standards, wherever possible, in lieu of creating proprietary, non-consensus standards. As the implementation of commercial cryptography, which is used to protect U.S. non-national security information and information systems, is now commoditized and built, marketed and used globally, NIST is seeking comments on using the ISO/IEC 19790:2014 Security Requirements for Cryptographic Modules standard as the U.S. Federal Standard for cryptographic modules (*http://www.iso.org/iso/catalogue_detail.htm?csnumber=59142*).

The standards for cryptographic module testing, conformance, and validation activities are currently specified by Federal Information Processing Standard (FIPS) 140–2. This standard is used to ensure encryption technologies used by the U.S. Government meet minimally acceptable requirements and can demonstrate an acceptable level of conformance to the Standard that is commensurate with the risk the U.S. Government finds acceptable when using encryption technologies to protect U.S. Government information and information systems.

NIST is interested in the commercial and market effects to U.S. industry and the potential changes to visibility in cryptographic modules conformance to standards, as well as the ISO/IEC 19790:2014 standards ability to meet requirements for the U.S. Government. NIST is also interested in comments on the possible uses of ISO/IEC 19790:2014 that range from use of only selected sections, continuing with a FIPS requirement that cites a baseline version of the ISO/IEC 19790:2014, and/or full use of the ISO/IEC standard. NIST is also interested in feedback on the impacts of a potential U.S. Government requirement for use and conformance using a standard with a fee-based model where organizations must purchase copies of the ISO/IEC 19790:2014.

NIST is particularly interested in comments from commercial implementers of cryptography, testing and conformance organizations, users of cryptography, and organizations who currently require or cite FIPS 140–2 as a normative reference, on the benefits versus risks in using ISO/IEC 19790:2014 rather than FIPS 140–2 from perspectives of technology, implementations, risks and impacts to commercial IT markets. NIST requests comments on the following questions regarding the use of ISO/IEC 19790:2014, but comments on other cryptographic test and conformance issues will also be considered.

(1) Have your customers or users asked for either ISO/IEC 19790:2014 or FIPS 140–2 validations in cryptographic products?

(2) Have the markets you serve asked for either validation and have you noticed any changes in what the markets you serve are asking for?

(3) Do you think the ISO/IEC 19790:2014 standard specifies tests and provides evidence of conformance for cryptographic algorithms and modules better, equally or less as compared to FIPS 140–2 and in what areas?

(4) Is there a difference in risk that you perceive would be mitigated or accepted in use of one standard versus the other?

(5) Are the requirements in ISO/IEC 19790:2014 specific enough for your organization to develop a cryptographic module that can demonstrate conformance to this standard?

(6) Would the U.S. Government citation of an ISO standard that has a fee for access to the standard inhibit your use or implementation of this standard?

(7) Do either FIPS 140–2 or ISO/IEC 19790:2014 have a gap area that is not required for implementation, test or validation that presents an unacceptable risk to users of cryptographic modules?

The responses to this request for information will be used to plan possible changes to the FIPS or in a decision to use all or part of ISO/IEC 19790:2014 for testing, conformance and validation of cryptographic algorithms and modules. In any decision made, it is the intention of NIST to continue

specifying requirements for cryptography and cryptographic mechanisms used by the U.S. Government and a program for commercial products to demonstrate conformance to those requirements. It is also the intention of NIST to continue to specify the cryptographic modules, modes and key management schemes that are acceptable for use by the U.S. Government to protect its information and information systems regardless of any test, conformance or validation standards decision.

**Authority:** Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce, pursuant to Section 5131 of the Information Technology Management Reform Act of 1996 (Pub. L. 104–106), and the Federal Information Security Management Act of 2002 (Pub. L. 107–347).

**Kevin Kimball,**

*Chief of Staff.*

[FR Doc. 2015–19743 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### External RNA Controls Consortium—Call for Participation and Contributions to a Sequence Library

**AGENCY:** National Institute of Standards & Technology (NIST), Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** NIST is reconvening the *External RNA Controls Consortium (ERCC),* a public, private, and academic research collaboration to develop external RNA controls for gene expression assays (71 FR 10012 and *NIST Standard Reference Material 2374,* available at *http://www.nist.gov/mml/bbd/srm-2374.cfm*). ERCC products are being extended to accommodate recently emerged applications. This is a call for (1) participation in ERCC activities and (2) collection of nucleic acid sequences to extend the ERCC library.

The ERCC library is a tool for generating RNA controls; any party may disseminate such controls. Intellectual property rights may be maintained on submitted sequences, but submitted sequences must be declared to be free for use as RNA controls.

**DATES:** NIST will compile a library of sequences to be experimentally evaluated as RNA controls. Those sequences received by 5:00 p.m. Pacific Time September 30, 2015 will be considered for inclusion in this evaluation. Sequences submitted after this date may be considered in further evaluations.

**ADDRESSES:** Inquiries regarding ERCC participation and/or sequence submissions should be sent by email to *ERCCsequences@nist.gov.* See **SUPPLEMENTARY INFORMATION** for file formats and other information about sequence submission.

**FOR FURTHER INFORMATION CONTACT:** Sarah Munro, Jerod Parsons, or Marc Salit by email at *ERCCsequences@nist.gov.*

**SUPPLEMENTARY INFORMATION:** NIST is reconvening the *External RNA Controls Consortium (ERCC)* to develop external RNA controls for gene expression assays. This group has already established a set of 96 RNA control sequences, commonly referred to as the ERCC controls, which is maintained as *NIST Standard Reference Material 2374.* Participation in the ERCC is open to all. ERCC activities may include:

1. Design and contribution of RNA control sequences,
2. validation of RNA control molecules with multi-laboratory testing,
3. analysis of results, and
4. dissemination of ERCC products, such as validated sequences, methods, and analysis tools.

For further information on ERCC participation, please contact *ERCCsequences@nist.gov.*

NIST is collecting nucleic acid sequences to form an extended library of ERCC sequences suitable for the preparation of RNA controls. The RNA control sequences are intended to mimic endogenous RNA molecules, including mRNA, mRNA isoforms, microRNA, and other classes of biological RNA molecules. Intellectual property rights may be maintained on submitted sequences, but submitted sequences must be declared to be free for use as RNA controls. Selected sequence contributions will be experimentally evaluated based on testing of the following three RNA control hypotheses:

1. The RNA controls behave as mimics of endogenous RNA in assays
2. The RNA controls do not interfere with assays of endogenous RNA
3. Hypotheses 1 and 2 are valid in commonly used RNA assays

Sequence submissions should consist of (1) a single sequence fasta file or multi-fasta file and (2) a single text file containing the following metadata for each submitted sequence:

1. The class of RNA molecule the control(s) are intended to mimic
2. Source of the sequence(s)
3. Proposed use scenario for the control(s)
4. Physical form of nucleic acids submitted (if any)
5. Intellectual property rights status

To submit files or for further questions on sequence submission please contact *ERCCsequences@nist.gov.*

**Authority:** 15 U.S.C. 272(b) and (c).

**Kevin Kimball,**

*Chief of Staff.*

[FR Doc. 2015–19742 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE071**

### Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar

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

**ACTION:** Notice; issuance of four Letters of Authorization.

**SUMMARY:** In accordance with regulations issued under the Marine Mammal Protection Act, as amended, we hereby give notification that we, the National Marine Fisheries Service (NMFS), have issued four 1-year Letters of Authorization (Authorizations) to the U.S. Navy (Navy) to take marine mammals by harassment incidental to their military readiness activities associated with the routine training, testing, and military operations of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar within the northwest Pacific Ocean and the north-central Pacific Ocean.

**DATES:** These Authorizations are effective from August 15, 2015, through August 14, 2016.

**ADDRESSES:** Electronic copies of the Navy's March 31, 2015, application letter and the Authorizations are available by writing to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, by telephoning the contact listed here (See **FOR FURTHER INFORMATION CONTACT**), or online at: *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm#surtass.* The

public may view the documents cited in this notice, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Jeannine Cody, Office of Protected Resources, NMFS (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens if certain findings are made and regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals. We, NMFS, have been delegated the authority to issue such regulations and Authorizations.

With respect to military readiness activities, the MMPA defines harassment as ''(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B harassment].''

Authorization may be granted for periods of 5 years or less if we find that the total taking will have a negligible impact on the affected species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for certain subsistence uses. In addition, we must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for subsistence uses. The regulations also must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the Navy's routine training, testing, and military operations of SURTASS LFA sonar are in effect through August 15, 2017 (77 FR 50290, August 20, 2012) and are codified at 50 CFR part 218, subpart X. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system. For detailed information on this action, please refer to the August 20, 2012, **Federal Register** Notice and 50 CFR part 218, subpart X. Under those regulations, we must publish a notice of issuance of an Authorization or Authorization renewal in the **Federal Register** within 30 days of a determination.

## Summary of Request

On March 31, 2015, we received an application from the Navy requesting a renewal of four Authorizations, originally issued on August 15, 2012 (77 FR 51969, August 28, 2012) for the taking of marine mammals incidental to routine training, testing, and military operations of SURTASS LFA sonar in the northwest Pacific Ocean and the north-central Pacific Ocean under the regulations issued on August 15, 2012 (77 FR 50290, August 20, 2012): one for the United States Naval Ship (USNS) VICTORIOUS (T–AGOS 19), one for the USNS ABLE (T–AGOS 20), one for the USNS EFFECTIVE (T–AGOS 21), and one for the USNS IMPECCABLE (T–AGOS 23). On June 30, 2015, the Navy submitted an addendum to the SURTASS LFA application for 2015–2016 to reflect consideration of the presence of individuals of the western distinct population segment of spotted seal (*Phoca largha*) within one mission area in the Sea of Japan. NMFS considered the Navy's application as adequate and complete on July 6, 2015.

NMFS has renewed the first cohort of 2012 Authorizations on an annual basis in 2013 (78 FR 57368, September 18, 2013) and again in 2014 (79 FR 49501, August 21, 2014). The Navy's 2015 application for renewal requests that these four Authorizations become effective on August 15, 2015, for a period not to exceed one year.

## Summary of Activity Under the 2014 Authorizations

The Navy submitted quarterly mission reports for the periods of August 2014 through May 2015 within the required timeframes. These quarterly reports include the dates and times of the military readiness activities; location of each SURTASS LFA sonar vessel; mission operational area; marine mammal observations; and records of any delays or suspensions of sonar operations. The Navy must also report on the number of marine mammals detected by visual, passive, and active acoustic monitoring and the estimated percentage of each marine mammal stock taken by Level A and Level B harassment. The reports indicate the following:

- The Navy conducted a total of seven missions from August 15, 2014, through May 14, 2015, in the western North Pacific Ocean, which totaled 14.4 days and resulted in 35.8 hours of LFA sonar transmissions.
- The cumulative total days of SURTASS LFA sonar operations for the VICTORIOUS (T–AGOS 19), ABLE (T–AGOS 20), EFFECTIVE (T–AGOS 21), and IMPECCABLE (T–AGOS 23), were 99.8, 99.3, 94.9, and 100 percent below the annual levels contemplated in the Final Rule for each vessel respectively (*i.e.,* 240 days per vessel);
- The cumulative total hours of SURTASS LFA sonar transmissions for the VICTORIOUS, ABLE, EFFECTIVE, and IMPECCABLE were 99.7, 99.4, 92.6, and 100 percent below the levels contemplated in the Final Rule for each vessel respectively (*i.e.,* 432 hours per vessel);
- The total percentage of each marine mammal stock taken by Level B harassment has not exceeded the 12 percent cap. For each stock, the percentage of take was well below the levels authorized in the 2014 Authorizations.
- The total percentage of each marine mammal stock taken by Level A harassment has not exceeded the levels authorized in the 2014 Authorizations. In fact, the Navy reported no incidences of Level A harassment takes.

The operational tempo, number of active transmission hours, marine mammal detections, behavioral observations, and level of anticipated take of marine mammals fall within the scope and nature of those contemplated by the Final Rule and authorized in the 2014 Authorizations.

### *Monitoring Reports*

The Navy has submitted the monitoring reports on time as required under 50 CFR 218.236 and the 2014 Authorizations. We have reviewed these reports and determined them to be acceptable. Based on these reports, the Navy has not exceeded the average annual estimated usage of the four SURTASS LFA sonar systems and remains well within the take authorized. In accordance with the current SURTASS LFA sonar regulations (50 CFR 218.230), the Navy must submit an annual report to us no later than 45 days after the 2014 Authorizations have expired. Upon receipt, we will post the annual report at: *http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm#surtass.*

*Level of Taking for 2015 Authorizations Period*

For the 2015 to 2016 Authorization period, the Navy expects to conduct the same type and amount of routine training, testing, and military operations of SURTASS LFA sonar in the northwest Pacific Ocean and the north-central Pacific Ocean that they requested under the 2012, 2013, and 2014 Authorizations. Similarly, the Navy expects to remain within the annual take estimates analyzed in the Final Rule. We determined that the level of taking by incidental harassment from the activities described in the Authorizations and supporting application is consistent with the findings made for the total taking allowable under the 2012 Final Rule.

**Compliance with Mitigation, Monitoring, and Reporting Measures**

Based on our review of the Navy's quarterly mission reports, the Navy complied with the required visual, passive, and acoustic monitoring measures in the Final Rule and 2014 Authorizations. The Navy also followed the required shutdown and other protocols for mitigating impacts to marine mammals while conducting operations.

The Navy is also complying with required measures under 50 CFR 218.236(d) to gain and share information on the species. The Navy reports that they are continuing to work on information transfer, declassification and archiving of ambient noise data from the Navy's Integrated Undersea Surveillance System to the public.

Based on the foregoing information and the Navy's application, we determined that the mitigation, monitoring, and reporting measures required under 50 CFR 218.234, .235, and .236 and NMFS' 2014–2015 Authorizations were undertaken and will be undertaken during the period of validity of the renewed 2015–2016 Authorizations.

**Adaptive Management**

The Final Rule and 2014 Authorizations include an adaptive management framework that allows us to consider new information and to determine (with input from the Navy regarding practicability) if modifications to mitigation and/or monitoring measures are appropriate and practicable. This framework includes a requirement for an annual meeting between NMFS and the Navy, if either agency deems it necessary.

Section 218.241 of the Final Rule describes three scenarios that could contribute to the decision to modify the mitigation or monitoring measures, including: (a) Results from the Navy's monitoring from the previous year's operation of SURTASS LFA sonar; (b) compiled results of Navy-funded research and development studies; (c) results from specific stranding investigations; (d) results from general marine mammal and sound research funded by the Navy or other sponsors; and (e) any information that reveals marine mammals may have been taken in a manner, extent or number not anticipated by these regulations or subsequent Authorizations. None of the information reviewed by NMFS or the Navy resulted in any modifications to the existing mitigation or monitoring measures at this time.

*Consideration of Areas as Potential OBIAs*

On December 4, 2014, April 16, 2015, and June 18, 2015, we and the Navy convened Adaptive Management meetings to review and discuss several topics, including: The Navy's mitigation monitoring results; the Navy's efforts in declassifying and transferring marine mammal monitoring data; consideration of possible additional Offshore Biologically Important Areas (OBIAs) under the criteria specified in the Final Rule; and consideration of new information that could potentially inform decisions regarding modifying existing mitigation and/or monitoring measures. Representatives from the U.S. Marine Mammal Commission were also in attendance and participated in December 2014 and April 2015 meetings.

NMFS and the Navy continue to evaluate information relating to areas for potential consideration as OBIAs. All of these areas fall outside the areas in which the Navy may operate under the 2015 Authorizations. None of these areas is located within the Navy's mission areas for the 2015 Authorizations and the Navy will not operate SURTASS LFA sonar in these areas within the timeframes of the 2015–2016 Authorizations. Throughout the effective period of the Final Rule, we will continue consider and discuss with the Navy any relevant new information as it arises related to areas that may qualify as potential OBIAs or any other mitigation for SURTASS LFA sonar.

**Authorization**

We have issued four Authorizations to the Navy, authorizing the incidental harassment of marine mammals, incidental to operating the four SURTASS LFA sonar systems for routine training, testing and use during military operations. Issuance of these four Authorizations is based on findings, described in the preamble to the final rule (77 FR 50290, August 20, 2012) and supported by information contained in the Navy's required reports on SURTASS LFA sonar and their application, that the activities described under these four Authorizations will have a negligible impact on marine mammal species or stocks and will not have an unmitigable adverse impact on their availability for taking for subsistence uses.

These Authorizations remain valid through August 14, 2016, provided the Navy remains in conformance with the conditions of the regulations and the LOAs, and the mitigation, monitoring, and reporting requirements described in 50 CFR 218.230 through 218.241 (77 FR 50290, August 20, 2012) and in the Authorizations are undertaken.

Dated: August 6, 2015.

**Donna S. Wieting,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2015–19769 Filed 8–11–15; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE090**

### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific & Statistical Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Tuesday, September 1, 2015, beginning at 9 a.m.

**ADDRESSES:**

*Meeting address:* The meeting will be held at the Hilton Garden Inn, Boston Logan, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

### Agenda Items

The Committee will meet to review recent stock assessment information from the U.S/Canada Transboundary Resource Assessment Committee and information provided by the Council's Groundfish Plan Development Team (PDT) and recommend the overfishing level (OFL) and acceptable biological catch (ABC) for Georges Bank yellowtail flounder for the 2016 fishing year. They will also review information provided by the Council's Skate PDT and recommend the OFL and ABC for the northeast skate complex for fishing years 2016–18 and address other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 7, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–19804 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE089**

### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Thursday, August 27, 2015 at 10 a.m.

**ADDRESSES:**

*Meeting address:* The meeting will be held at the Holiday Inn By the Bay, 88 Spring Street, Portland, ME 04101; Telephone: (207) 775–2311; Fax: (207) 772–4017.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

*Agenda items:*

The panel will continue the development of a Risk Policy ''Road Map,'' which will address the implementation of the Council's Risk Policy across all Council-managed species; plan future work and address other business as necessary.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 7, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–19803 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE101**

### Programmatic Environmental Assessment on the Issuance of Take Authorizations in Cook Inlet, Alaska

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

**ACTION:** Notice; intent to prepare a Programmatic Environmental Assessment; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces: Its intent to prepare a Programmatic Environmental Assessment (EA) to analyze the environmental impacts of issuing annual Incidental Take Authorizations (ITAs) pursuant to the Marine Mammal Protection Act (MMPA) for the taking of marine mammals incidental to anthropogenic activities in the waters of Cook Inlet, AK, for the 2016 season and; its intent to institute an MMPA authorization cycle wherein companies planning to submit MMPA incidental harassment authorization applications for work to be conducted in Cook Inlet in 2016 do so by no later than October 1, 2015.

**DATES:** All comments, written statements, and questions regarding the proposed process and preparation of the EA must be received no later than September 11, 2015.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *itp.young@noaa.gov.* Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for comments sent to addresses other than those provided here.

*Instructions:* All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

**FOR FURTHER INFORMATION CONTACT:** Sara Young, Office of Protected Resources, NMFS, (301) 427–8484.

**SUPPLEMENTARY INFORMATION:**

## Background

Sections 101 (a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment for a period of one year or less, a notice of proposed authorization is provided to the public for review. The term ''take'' under the MMPA means ''to harass, hunt, capture or kill, or attempt to harass, hunt, capture, or kill.'' Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

## Concern for Cook Inlet Beluga Whales

Cook Inlet is a semi-enclosed tidal estuary located in southcentral Alaska and home to the Cook Inlet beluga whale, a small resident population that was designated as depleted under the MMPA and listed as endangered under the Endangered Species Act (ESA) in 2008. The stock has not recovered, despite implementing subsistence hunting regulations in 1999, and cessation of hunting in 2007. In light of this, and in recognition of the increasing industrial activity and development in Cook Inlet, NMFS has taken a number of actions that reflect the high level of concern for the species, including:

1. On October 14, 2014, NMFS announced its intent to prepare an Environmental Impact Statement pursuant to the National Environmental Policy Act to analyze the effects on the human environment of issuing authorizations for the incidental take of marine mammals from activities occurring in both the state and Federal waters of Cook Inlet, AK, from Knik Arm in the northern part of the Inlet to the southern edge of Kachemak Bay on the southeastern part of the Inlet and to the southern edge of Cape Douglas on the southwestern part of the Inlet (''Cook Inlet beluga EIS''). NMFS included a 75-day public comment period for the Notice of Intent and conducted a scoping meeting in Anchorage Alaska on November 3, 2014.

2. On November 3, 2014, NMFS convened a multi-stakeholder meeting in Anchorage Alaska: Conservation and Recovery of Cook Inlet Beluga Whales in the Context of Continued Development. The purpose of the meeting was to engage stakeholders and begin exploring Cook Inlet specific solutions for mitigating and monitoring adverse effects on belugas, while also allowing for sustainable development. The first day of the two-day workshop was devoted to background and updates related to the status, ecology, and stressors of Cook Inlet belugas and the standards set by the MMPA and the Endangered Species Act (ESA). The second day included an exploration of measures and strategies to minimize anthropogenic impacts, promote recovery, and increase understanding of impacts, as well as a discussion of these objectives in the context of ensuring MMPA and ESA compliance for future activities. Information related to this meeting is available at: *http://www.nmfs.noaa.gov/pr/permits/cookinlet.htm.*

3. In May 2015, NMFS unveiled its ''Species in the Spotlight: Survive to Thrive'' initiative. This initiative includes targeted efforts vital for stabilizing eight species—including the Cook Inlet beluga whale—identified among the most at risk for extinction. The approach involves intensive human efforts to stabilize these species, with the goal that they will become candidates for recovery.

4. On May 15, 2015, NMFS released the Draft Recovery Plan for Cook Inlet belugas. The population continues to show a negative trend, despite the cessation of subsistence since 2005. Although the exact cause of the continued decline in the absence of subsistence hunting is unknown, the Recovery Plan identifies likely threats, including three threats of high relative concern: noise, catastrophic events, and the cumulative and synergistic effects of multiple stressors. Threats of medium relative concern include disease, habitat loss or degradation, reduction in prey, and unauthorized take. Due to an incomplete understanding of the threats facing Cook Inlet beluga whales, NMFS is unable to identify with certainty the actions that will most immediately encourage recovery. Until we know which threats are limiting recovery, the strategy of the Recovery Plan is to focus on threats identified as medium or high concern.

## Announcements

The actions summarized above include multi-year efforts that are not likely to result in substantial changes in the short-term. NMFS announces here additional steps to help inform agency decision making in the interim.

*Annual Programmatic EAs*—The preparation of an EIS is a lengthy and intensive process that, in the case of the for Cook Inlet beluga EIS, will likely take two or more years. Accordingly, in recognition of our ongoing concern over Cook Inlet belugas, while the Cook Inlet beluga EIS is being prepared, NMFS will develop annual Programmatic Environmental Assessments (EAs) to analyze the effects of issuing of multiple concurrent one-year MMPA authorizations to take Cook Inlet beluga whales. A programmatic EA will aid us in more effectively assessing the aggregate effects of multiple incidental take authorizations and to more comprehensively consider a range of mitigation and monitoring measures in the context of the multiple activities.

*MMPA Authorization Cycle (Application Deadlines):* To support our efforts to prepare an annual Programmatic EA that covers all MMPA incidental take authorizations issued within a year, NMFS is creating an application cycle for incidental take authorizations that include Cook Inlet beluga whales, beginning with the 2016 open water season. NMFS requests all prospective MMPA incidental take authorization applicants for a given open water season submit their applications by October 1st of the

preceding calendar year (unless the activity is scheduled to occur before May, in which case they should be submitted earlier). Receipt of those MMPA applications by October 1 will aid NMFS in the development of a timely and well-informed EA and related MMPA authorizations. NMFS cannot guarantee the processing time for applications received after October 1.

Dated: August 6, 2015.

**Donna S. Wieting,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2015–19814 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Submission for OMB Review; Comment Request

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

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Alaska Cooperative Progress Report on the Incidental Catch of Pacific Halibut.

*OMB Control Number:* 0648–0697.

*Form Number(s):* None.

*Type of Request:* Regular (revision of a currently approved information collection).

*Number of Respondents:* 6.

*Average Hours per Response:* Bycatch Avoidance Progress report, 40 hours; Prohibited Species Catch; Amendment 80 Halibut Prohibited Species Catch Management Plan, 12 hours.

*Burden Hours:* 264.

*Needs and Uses:* This request is for revision of a currently approved information collection.

The purpose of this collection is for each sector in the Bering Sea and Aleutian Islands Management Area (BSAI) groundfish fisheries to inform the North Pacific Fisheries Management Council (Council) of their progress on voluntary, non-regulatory methods they are using within their fishery cooperatives to reduce halibut mortality and to report the effectiveness of those actions in absolute reductions in halibut mortality.

At its June 2015 meeting, the Council requested that, in addition to providing the BSAI Halibut Prohibited Species Catch (PSC) Progress Report, Amendment 80 cooperatives provide their 2016 Halibut PSC Management Plans at the December 2015 Council meeting. Since 2011, all vessels and companies participating in the Amendment 80 sector have been affiliated with one of two Amendment 80 cooperatives, the Alaska Seafood Cooperative or the Alaska Groundfish Cooperative. The plans should be designed not just to accommodate the revised hard caps, but to bring savings to levels below the hard cap.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Voluntary.

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

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

Dated: August 7, 2015.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2015–19805 Filed 8–11–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Air University Board of Visitors Meeting

**ACTION:** Notice of meeting of the Air University Board of Visitors.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the Air University Board of Visitors' fall meeting will take place on Monday, 16 November, 2015, from 8 a.m. to approximately 5 p.m. and Tuesday, 17 November, 2015, from 7:30 a.m. to approximately 3 p.m. The meeting will be held in the Air University Commander's Conference Room in Building 800 on Maxwell AFB in Montgomery, Alabama.

The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The agenda will include topics relating to the policies, programs, and initiatives of Air University educational programs and will include an honorary degree presentation.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155 all sessions of the Air University Board of Visitors' meeting will be open to the public. Public attendance 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 Air University Board of Visitors' 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 Air University Board of Visitors' until the next meeting. The DFO will review all timely submissions with the Air University Board of Visitors' Board Chairman and ensure they are provided to members before the meeting that is the subject of this notice. If after review of timely submitted written comments and the Board Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during the meeting that is the subject of this notice. 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 Board members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman. Additionally, any member of the public wishing to attend this meeting should contact the person listed below at least five calendar days prior to the meeting for information on base entry procedures.

**FOR FURTHER INFORMATION CONTACT:** Lisa Arnold, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base,

Alabama 36112–6335, telephone (334) 953–2989.

**Henry Williams,**

*Acting Air Force Federal Register Liaison Officer, DAF.*

[FR Doc. 2015–19836 Filed 8–11–15; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF EDUCATION

**[Docket No. ED–2015–ICCD–0101]**

## Agency Information Collection Activities; Comment Request; 2016–2017 Federal Student Aid Application

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

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

**DATES:** Interested persons are invited to submit comments on or before October 13, 2015.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0101. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 2E105, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact the Douglas A. Pineda Robles, 202–377–4578.

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

*Title of Collection:* 2016–2017 Federal Student Aid Application.

*OMB Control Number:* 1845–0001.

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

*Respondents/Affected Public:* Individuals or households.

*Total Estimated Number of Annual Responses:* 40,135,807.

*Total Estimated Number of Annual Burden Hours:* 20,560,481.

Abstract: Section 483 of the Higher Education Act of 1965, as amended (HEA), mandates that the Secretary of Education ''. . . shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance . . .''.

The determination of need and eligibility are for the following title IV, HEA, federal student financial assistance programs: the Federal Pell Grant Program; the Campus-Based programs (Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Work-Study (FWS), and the Federal Perkins Loan Program); the William D. Ford Federal Direct Loan Program; the Teacher Education Assistance for College and Higher Education (TEACH) Grant; and the Iraq and Afghanistan Service Grant.

Federal Student Aid, an office of the U.S. Department of Education (hereafter ''the Department''), subsequently developed an application process to collect and process the data necessary to determine a student's eligibility to receive title IV, HEA program assistance. The application process involves an applicant's submission of the Free Application for Federal Student Aid (FAFSA®). After submission of the FAFSA, an applicant receives a Student Aid Report (SAR), which is a summary of the data they submitted on the FAFSA. The applicant reviews the SAR, and, if necessary, will make corrections or updates to their submitted FAFSA data. Institutions of higher education listed by the applicant on the FAFSA also receive a summary of processed data submitted on the FAFSA which is called the Institutional Student Information Record (ISIR).

The Department seeks OMB approval of all application components as a single ''collection of information''. The aggregate burden will be accounted for under OMB Control Number 1845–0001. The specific application components, descriptions and submission methods for each are listed in Table 1.

TABLE 1—FEDERAL STUDENT AID APPLICATION COMPONENTS

| Component | Description | Submission method |
|---|---|---|
| **Initial Submission of FAFSA** | | |
| FAFSA on the Web (FOTW) | Online FAFSA that offers applicants a customized experience. | Submitted by the applicant via *www.fafsa.gov.* |
| FOTW—Renewal | Online FAFSA for applicants who have previously completed the FAFSA. | |
| FOTW—EZ | Online FAFSA for applicants who qualify for the Simplified Needs Test (SNT) or Automatic Zero (Auto Zero) needs analysis formulas. | |
| FOTW—EZ Renewal | Online FAFSA for applicants who have previously completed the FAFSA and who qualify for the SNT or Auto Zero needs analysis formulas. | |

TABLE 1—FEDERAL STUDENT AID APPLICATION COMPONENTS—Continued

| Component | Description | Submission method |
|---|---|---|
| FAFSA on the Phone (FOTP). | The Federal Student Aid Information Center (FSAIC) representatives assist applicants by filing the FAFSA on their behalf through FOTW. | Submitted through *www.fafsa.gov* for applicants who call 1–800–4–FED–AID. |
| FOTP—EZ | FSAIC representatives assist applicants who qualify for the SNT or Auto Zero needs analysis formulas by filing the FAFSA on their behalf through FOTW. | |
| FAA Access | Online tool that a financial aid administrator (FAA) utilizes to submit a FAFSA. | Submitted through *www.faaacess.ed.gov* by a FAA on behalf of an applicant. |
| FAA Access—Renewal | Online tool that a FAA can utilize to submit a Renewal FAFSA. | |
| FAA Access—EZ | Online tool that a FAA can utilize to submit a FAFSA for applicants who qualify for the SNT or Auto Zero needs analysis formulas. | |
| FAA Access—EZ Renewal | Online tool that a FAA can utilize to submit a FAFSA for applicants who have previously completed the FAFSA and who qualify for the SNT or Auto Zero needs analysis formulas. | |
| Electronic Other | This is a submission done by a FAA, on behalf of the applicant, using the Electronic Data Exchange (EDE). | The FAA may be using their mainframe computer or software to facilitate the EDE process. |
| PDF FAFSA or Paper FAFSA. | The paper version of the FAFSA printed by the Department for applicants who are unable to access the Internet or the online version of the FAFSA for applicants who can access the Internet but are unable to complete the form using FOTW. | Mailed by the applicant. |
| **Correcting Submitted FAFSA Information and Reviewing FAFSA Information** | | |
| FOTW—Corrections | Any applicant who has a Federal Student Aid ID (FSA ID)—regardless of how they originally applied—may make corrections using FOTW Corrections. | Submitted by the applicant via *www.fafsa.gov*. |
| Electronic Other—Corrections. | With the applicant's permission, corrections can be made by a FAA using the EDE. | The FAA may be using their mainframe computer or software to facilitate the EDE process. |
| Paper SAR—This is a SAR and an option for corrections. | The full paper summary that is mailed to paper applicants who did not provide an e-mail address and to applicants whose records were rejected due to critical errors during processing. Applicants can write corrections directly on the paper SAR and mail for processing. | Mailed by the applicant. |
| FAA Access—Corrections | An institution can use FAA Access to correct the FAFSA. | Submitted through *www.faaacess.ed.gov* by a FAA on behalf of an applicant. |
| Internal Department Corrections. | The Department will submit an applicant's record for system-generated corrections. | There is no burden to the applicants under this correction type as these are system-based corrections. |
| FSAIC Corrections | Any applicant, with their Data Release Number (DRN), can change the postsecondary institutions listed on their FAFSA or change their address by calling FSAIC. | These changes are made directly in the CPS system by a FSAIC representative. |
| SAR Electronic (eSAR) | The eSAR is an online version of the SAR that is available on FOTW to all applicants with a PIN. Notifications for the eSAR are sent to students who applied electronically or by paper and provided an e-mail address. These notifications are sent by e-mail and include a secure hyperlink that takes the user to the FOTW site. | Cannot be submitted for processing. |

This information collection also documents an estimate of the annual public burden as it relates to the application process for federal student aid. The Applicant Burden Model (ABM), measures applicant burden through an assessment of the activities each applicant conducts in conjunction with other applicant characteristics and in terms of burden, the average applicant's experience. Key determinants of the ABM include:

- The total number of applicants that will potentially apply for federal student aid;
- How the applicant chooses to complete and submit the FAFSA (*e.g.,* by paper or electronically via FOTW®);
- How the applicant chooses to submit any corrections and/or updates (*e.g.,* the paper SAR or electronically via FOTW Corrections);
- The type of SAR document the applicant receives (eSAR, SAR acknowledgment, or paper SAR);
- The formula applied to determine the applicant's expected family contribution (EFC) (full need analysis formula, Simplified Needs Test or Automatic Zero); and
- The average amount of time involved in preparing to complete the application.

The ABM is largely driven by the number of potential applicants for the application cycle. The total application projection for 2016–2017 is based upon two factors—estimating the growth rate of the total enrollment into post-

secondary education and applying the growth rate to the FAFSA submissions. The ABM is also based on the application options available to students and parents. The Department accounts for each application component based on web trending tools, survey information, and other Department data sources.

For 2016–2017, the Department is reporting a net burden decrease of −3,522,674 hours. This decrease is considered to be an adjustment in burden hours from the 2015–2016 FAFSA.

Dated: August 7, 2015.

**Stephanie Valentine,**

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

[FR Doc. 2015–19774 Filed 8–11–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Tests Determined To Be Suitable for Use in the National Reporting System for Adult Education

**AGENCY:** Office of Career, Technical, and Adult Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary announces tests, test forms, and delivery formats that the Secretary determines to be suitable for use in the National Reporting System for Adult Education (NRS). The Secretary also clarifies that, to provide for the transition from the performance accountability system for the Adult Education and Family Literacy Act (AEFLA) program under the Workforce Investment Act of 1998 (WIA) to the performance accountability system for AEFLA as reauthorized by the Workforce Innovation and Opportunity Act (WIOA), this announcement will remain effective until June 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Jay LeMaster, Department of Education, 400 Maryland Avenue SW., Room 11–152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218 or by email: *John.LeMaster@ed.gov.*

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

**SUPPLEMENTARY INFORMATION:** On January 14, 2008, we published in the **Federal Register** final regulations for 34 CFR part 462, Measuring Educational Gain in the National Reporting System for Adult Education (NRS regulations) (73 FR 2306). The NRS regulations established the process the Secretary uses to determine the suitability of tests for use in the NRS by States and local eligible providers. We annually publish in the **Federal Register** and post on the Internet at *www.nrsweb.org* a list of the names of tests and the educational functioning levels the tests are suitable to measure in the NRS as required by § 462.12(c)(2).

On April 16, 2008, we published in the **Federal Register** a notice inviting test publishers to submit tests for review (73 FR 20616).

On February 2, 2010, we published in the **Federal Register** a notice (February 2010 notice) listing the tests and test forms the Secretary determined to be suitable for use in the NRS (75 FR 5303).

The Secretary determined tests and test forms to be suitable for a period of either seven or three years from the date of the February 2010 notice. A seven-year approval required no additional action on the part of the publisher, unless the information the publisher submitted as a basis for the Secretary's review was inaccurate or unless the test is substantially revised. A three-year approval was issued with a set of conditions to be met by the completion of the three-year period. If these conditions were met, the Secretary would approve a period of time for which the test may continue to be used in the NRS.

On September 12, 2011, we published in the **Federal Register** (76 FR 56188) an annual notice of tests determined suitable for use in the NRS (September 2011 notice). The September 2011 notice updated the list published in the February 2010 notice and included suitable test delivery formats. The September 2011 notice clarified that some, but not all, tests using computer-adaptive or computer-based delivery formats are suitable for use in the NRS.

On August 6, 2012, we published in the **Federal Register** (77 FR 46749) an annual notice of tests determined suitable for use in the NRS (August 2012 notice) that included the same list of forms and computer delivery formats for the tests published in the September 2011 notice. We also announced a sunset period during which States and local providers could continue to use tests with three-year NRS approvals otherwise expiring on February 2, 2013, during a transition period ending on June 30, 2014.

On January 25, 2013, we announced in the **Federal Register** (78 FR 5430) an extension of the approval period for tests approved for a three-year period beginning on February 2, 2010. The approval period was extended from February 2, 2013 to September 30, 2013, without affecting the sunset period ending on June 30, 2014.

On December 12, 2013, we published in the **Federal Register** (78 FR 75550) an annual notice of tests determined suitable for use in the NRS (December 2013 notice) that updated the August 2012 notice and provided an extension of the approval period for three tests initially approved for a three-year conditional period from February 2, 2010. The approval period was extended to June 30, 2015. We also announced an extension of the approval period for one additional test—a revised version of a test previously approved for a three-year conditional period from February 2, 2010. The approval period for that test also was extended to June 30, 2015.

On October 29, 2014, we published in the **Federal Register** (79 FR 64369) an annual notice of tests determined suitable for use in the NRS (October 2014 notice) that updated the December 2013 notice. We announced that the four tests with approvals extended through June 30, 2015, may be used in the NRS during a sunset period ending on June 30, 2016.

In this document, the Secretary announces the list of tests and test forms determined to be suitable for use in the NRS. These include: (1) The eight tests previously approved for a seven-year period from February 2, 2010 through February 2, 2017; (2) three tests previously approved for an extended period through June 30, 2015 and now approved for an extended period through February 2, 2017; and (3) one test—a revised version of a test previously approved for an extended period through June 30, 2015—for which the Secretary is providing approval through February 2, 2017. With respect to the latter four tests, although we have identified several issues that the test publishers still need to address related to the requirements in § 462.13, we are taking this action in light of the following intervening factors. These factors include (1) the Department's plan to implement new descriptors for the NRS educational functioning levels and to issue new regulations that will govern the assessment review process; (2) the Department's desire to minimize disruption for its grantees in the transition to AEFLA as authorized by WIOA, including with respect to measuring educational gain under the NRS; and (3) the attendant transition authority in section 503(c) of WIOA, which authorizes the Secretary of Education to ''take such actions as the

Secretary determines to be appropriate to provide for the orderly transition'' from AEFLA as authorized by WIA to AEFLA as authorized by WIOA.

**Approved Tests, Forms, and Approval Periods**

Adult education programs must use only the approved forms and computer-based delivery formats for the tests published in this document. If a particular test form or computer delivery format is not explicitly specified for a test in this notice, it is not approved for use in the NRS.

**Tests Determined To Be Suitable for Use in the NRS for Seven Years (February 2, 2010–February 2, 2017)**

(a) The Secretary has determined that the following test is suitable for use at all Adult Basic Education (ABE) and Adult Secondary Education (ASE) levels and at all English-as-a-Second-Language (ESL) levels of the NRS for a period of seven years beginning on February 2, 2010:

*Comprehensive Adult Student Assessment Systems (CASAS) Reading Assessments (Life and Work, Life Skills, Reading for Citizenship, Reading for Language Arts—Secondary Level).* Forms 27, 28, 81, 82, 81X, 82X, 83, 84, 85, 86, 185, 186, 187, 188, 310, 311, 513, 514, 951, 952, 951X, and 952X of this test are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

(b) The Secretary has determined that the following tests are suitable for use at all ABE and ASE levels of the NRS for a period of seven years beginning on February 2, 2010:

(1) *Comprehensive Adult Student Assessment Systems (CASAS) Life Skills Math Assessments—Application of Mathematics (Secondary Level).* Forms 31, 32, 33, 34, 35, 36, 37, 38, 505, and 506 of this test are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

(2) *Massachusetts Adult Proficiency Test (MAPT) for Math.* This test is approved for use through a computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, 156 Hills South, University of Massachusetts Amherst, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.sabes.org/.*

(3) *Massachusetts Adult Proficiency Test (MAPT) for Reading.* This test is approved for use through the computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, 156 Hills South, University of Massachusetts Amherst, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.sabes.org/.*

(4) *Tests of Adult Basic Education (TABE 9/10).* Forms 9 and 10 are approved for use on paper and through the computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.ctb.com/.*

(5) *Tests of Adult Basic Education Survey (TABE Survey).* Forms 9 and 10 are approved for use on paper and through the computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: (800) 538–9547. Internet: *www.ctb.com/.*

(c) The Secretary has determined that the following tests are suitable for use at all ESL levels of the NRS for a period of seven years beginning on February 2, 2010:

(1) *Basic English Skills Test (BEST) Literacy.* Forms B, C, and D are approved for use on paper. Publisher: Center for Applied Linguistics, 4646 40th Street NW., Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org/.*

(2) *Tests of Adult Basic Education Complete Language Assessment System-English (TABE/CLAS–E).* Forms A and B are approved for use on paper. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: (800) 538–9547. Internet: *www.ctb.com/.*

**Tests Newly Determined To Be Suitable for Use in the NRS Until February 2, 2017**

(a) The Secretary has determined that the following tests are suitable for use at all ABE and ASE levels of the NRS until February 2, 2017:

(1) *General Assessment of Instructional Needs (GAIN)—Test of English Skills.* Forms A and B are approved for use on paper and through the computer-based delivery format. Publisher: Wonderlic Inc., 400 Lakeview Parkway, Suite 200, Vernon Hills, IL 60061. Telephone: (877) 605–9496. Internet: *www.wonderlic.com/.*

(2) *General Assessment of Instructional Needs (GAIN)—Test of Math Skills.* Forms A and B are approved for use on paper and through the computer-based delivery format. Publisher: Wonderlic Inc., 400 Lakeview Parkway, Suite 200, Vernon Hills, IL 60061. Telephone: (877) 605–9496. Internet: *www.wonderlic.com/.*

(b) The Secretary has determined that the following tests are suitable for use at all ESL levels of the NRS until February 2, 2017:

(1) *Basic English Skills Test (BEST) Plus 2.0.* Forms D, E, and F are approved for use on paper and through the computer-adaptive delivery format. Publisher: Center for Applied Linguistics, 4646 40th Street NW., Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org/.*

(2) *Comprehensive Adult Student Assessment Systems (CASAS) Life and Work Listening Assessments (LW Listening).* Forms 981L, 982L, 983L, 984L, 985L, and 986L are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

**Tests That May Be Used in the NRS During a Sunset Period Ending on June 30, 2016**

The Secretary has determined that the following test may be used at all ESL levels of the NRS during the sunset period ending on June 30, 2016:

Basic English Skills Test (BEST) Plus. Forms A, B, and C are approved for use on paper and through the computer-adaptive delivery format. Publisher: Center for Applied Linguistics, 4646 40th Street NW., Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org/.*

**Expiring Tests**

The sunset period for an expiring test allows a State and local provider to transition to other tests suitable for use in the NRS. The State and local provider may use the transition period to select new tests, purchase appropriate inventories of assessment materials, and provide training to staff.

**Revocation of Tests**

Under certain circumstances, the Secretary may revoke the determination that a test is suitable (see 34 CFR 462.12(e)). If the Secretary revokes the determination of suitability, the Secretary announces through the

**Federal Register** and posts on the Internet at *www.nrsweb.org* a notice of that revocation, along with the date by which States and local eligible providers must stop using the revoked test.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (such as braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT** in this notice.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** 20 U.S.C. 9212.

*Delegation of Authority:* The Secretary of Education has delegated authority to Mark Mitsui, Deputy Assistant Secretary for Community Colleges for Career, Technical, and Adult Education to perform the functions and duties of the Acting Assistant Secretary for Career, Technical, and Adult Education.

Dated: August 6, 2015.

**Mark Mitsui,**

*Deputy Assistant Secretary for Community Colleges for Career, Technical, and Adult Education delegated the authority to perform the functions and duties of the Acting Assistant Secretary for Career, Technical, and Adult Education.*

[FR Doc. 2015–19847 Filed 8–11–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board Chairs; Open Meeting

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB) Chairs. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, September 2, 2015 8:00 a.m.–5:00 p.m.; Thursday, September 3, 2015 8:00 a.m.–12:30 p.m.

**ADDRESSES:** La Fonda on the Plaza, 100 East San Francisco Street, Santa Fe, NM 87501.

**FOR FURTHER INFORMATION CONTACT:** David Borak, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; Phone: (202) 586–9928.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda Topics:
Wednesday, September 2, 2015
- ○ EM Program Update
- ○ Presentations:
- • Office of Acquisition and Project Management
- • Office of Site Restoration
- ○ EM SSAB Chairs' Roundtable Discussions
- ○ Public Comment Period

Thursday, September 3, 2015
- ○ Presentations:
- • Office of Waste Disposition
- • Office of External Affairs
- ○ EM SSAB Chairs' Roundtable Discussions
- ○ Public Comment Period

*Public Participation:* The EM SSAB Chairs welcome the attendance of the public at their advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Catherine Alexander at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed either before or after the meeting with the Designated Federal Officer, David Borak, at the address or telephone listed above. Individuals who wish to make oral statements pertaining to agenda items should also contact David Borak. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling David Borak at the address or phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/em/services/communication-engagement/em-site-specific-advisory-board-em-ssab/chairs-meetings.*

Issued at Washington, DC on August 7, 2015.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2015–19809 Filed 8–11–15; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2015–0423; FRL–9929–66]**

### Nominations to the FIFRA Scientific Advisory Panel; Request for Comments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice provides the names, addresses, professional affiliations, and selected biographical data of persons recently nominated to serve on the Scientific Advisory Panel (SAP) established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Panel was created on November 28, 1975, and made a statutory Panel by amendment to FIFRA, dated October 25, 1988. The Agency, at this time, anticipates selecting two new members to serve on the panel as a result of membership terms that will expire in 2015. Public comments on the current nominations are invited, as these comments will be used to assist the Agency in selecting the new chartered Panel members.

**DATES:** Comments, identified by docket ID number EPA–HQ–OPP–2015–0423, must be received on or before August 27, 2015.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0423, 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.*

**FOR FURTHER INFORMATION CONTACT:** Steven M. Knott, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0103; fax number: (202) 564–8382; email address: *knott.steven@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

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

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

## II. Background

The FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. Established in 1975 under FIFRA, the FIFRA SAP is a Federal advisory committee that operates in accordance with requirements of the Federal Advisory Committee Act (FACA). The FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health (NIH) and the National Science Foundation (NSF). FIFRA established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the FIFRA SAP. As a peer review mechanism, the FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of the FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendations to the Agency.

In accordance with the statute, the SAP is composed of a permanent panel of seven members, selected and appointed by the Deputy Administrator of EPA, as designated by the Administrator from nominees submitted by both the NSF and the NIH. The Agency, at this time, anticipates selecting two new members to serve on the panel as a result of membership terms that will expire this year. The Agency requested nominations of experts to be selected from the fields of human toxicology, environmental toxicology, pathology, risk assessment and/or environmental biology with demonstrated experience and expertise in all phases of the risk assessment process including: Planning, scoping, and problem formulation; analysis; and interpretation and risk characterization (including the interpretation and communication of uncertainty). Nominees should be well published and current in their field of expertise. The statute further stipulates that we publish the name, address and professional affiliation in the **Federal Register**.

## III. Charter

A Charter for the FIFRA Scientific Advisory Panel dated October 17, 2014 was issued in accordance with the requirements of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 (5 U.S.C. App. I).

*A. Qualifications of Members*

Members are scientists who have sufficient professional qualifications, including training and experience, to provide expert comments on the impact of pesticides on health and the environment. No persons shall be ineligible to serve on the Panel by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency (except the EPA). The Deputy Administrator appoints individuals to serve on the Panel for staggered terms of 3 years. Panel members are subject to the provisions of 40 CFR part 3, subpart F, Standards of Conduct for Special Government Employees, which include rules regarding conflicts of interest. Each nominee selected by the Deputy Administrator, before being formally appointed, is required to submit a confidential statement of employment and financial interests, which shall fully disclose, among other financial interests, the nominee's sources of research support, if any.

In accordance with section 25(d)(1) of FIFRA, the Deputy Administrator shall require all nominees to the Panel to furnish information concerning their professional qualifications, educational background, employment history, and scientific publications.

*B. Applicability of Existing Regulations*

With respect to the requirements of section 25(d) of FIFRA that the Administrator promulgate regulations regarding conflicts of interest, the Charter provides that EPA's existing regulations applicable to Special Government Employees, which include advisory committee members, will apply to the members of the Scientific Advisory Panel. These regulations appear in 40 CFR part 3, subpart F. In addition, the Charter provides for open meetings with opportunities for public participation.

*C. Process of Obtaining Nominees*

In accordance with the provisions of section 25(d) of FIFRA, EPA, on April 21, 2015, requested that the NIH and the NSF nominate scientists to fill vacancies occurring on the Panel. The Agency requested nominations of experts in the fields of human toxicology, environmental toxicology, pathology,

risk assessment, and/or environmental biology with demonstrated experience and expertise in all phases of the risk assessment process including: Planning, scoping, and problem formulation; analysis; and interpretation and risk characterization (including the interpretation and communication of uncertainty). NIH and NSF responded by letter, providing the Agency with a total of 34 nominees. Copies of these letters, with the listed nominees, are available in the public docket referenced in unit I.B.1. of this notice. Of the 34 nominees, 18 are interested and available to actively participate in SAP meetings (see Section IV. Nominees). One nominee is currently serving as member of the FIFRA SAP, and is not listed. In addition to the current nominees interested, at EPA's discretion, nominees who were interested and available during the previous nomination process in the January 24, 2014 **Federal Register** (79 FR 4158) (FRL–9904–66), may also be considered. Of the current 34 nominations, the following 15 individuals are not available:

1. Asa Bradman, Ph.D., University of CA, Berkeley, CA.
2. Mark G. Evans, DVM, Ph.D., ACVP, Pfizer Global Research and Development Drug Safety Research and Development, San Diego, CA.
3. John Groopman, Ph.D., Johns Hopkins University, Baltimore, MD.
4. Stephen S. Hecht, Ph.D., University of Minnesota, Minneapolis, MN.
5. Marie Lyn Miranda, Ph.D., Rice University, Houston, TX.
6. Frederica P. Perera, Ph.D., MPH, Columbia University, New York, NY.
7. Irva Hertz-Picciotto, Ph.D., University of California, Davis, CA.
8. Thomas A.E. Platts-Mills, M.D., University of Virginia, Charlottesville, VA.
9. Michael Roe, Ph.D., North Carolina State University, Raleigh, NC.
10. Ana Diez Roux, M.D, Ph.D., MPH, Drexel University, Philadelphia, PA.
11. Jonathan M. Samet, MD, University of Southern California, Los Angeles, CA.
12. David Siegel, MD, National Institute of Health, Rockville, MD.
13. Allan H. Smith, MD, Ph.D., University of California, Berkeley, CA.
14. Frank Speizer, SCD, MD, Harvard Medical School, Boston, MA.
15. Robert Williams, MD, University of New Mexico Health Sciences Center, Albuquerque, NM.

## IV. Nominees

Following are the names, addresses, professional affiliations, and selected biographical data of current nominees being considered for membership on the FIFRA SAP. The Agency anticipates selecting two individuals to fill vacancies occurring in 2015.

*1. Nicole L. Achee, Ph.D.*

i. Expertise: Epidemiology control of arthropod-borne diseases including evaluation of vector ecology, habitat management, and adult control strategies, disease risk modeling using GIS and remote sensing technologies, and evaluation of chemical actions against mosquito vectors under both laboratory and field conditions.

ii. Education: Ph.D. Medical Entomology, Uniformed Services University of the Health Sciences; MSc, Zoology, Texas A&M University; BS, Biology, St. Louis University.

iii. Professional Experience: Dr. Achee is a Medical Entomologist (Research Associate Professor) within the Department of Biological Sciences and holds a joint Associate Professor appointment in the Eck Institute for Global Health at the University of Notre Dame. She joined the University of Notre Dame faculty in 2013, following a 2-year position as Assistant Professor at the Uniformed Services University of the Health Sciences in Bethesda, MD. She has a combined 15 years of experience in vector behavior research related to the epidemiology and control of arthropod-borne diseases, including evaluation of vector ecology, habitat management and adult control strategies, disease risk modeling using GIS and remote sensing technologies, and evaluation of chemical actions against mosquito vectors under both laboratory and field conditions. She has worked in the international settings of Belize, Mexico, Peru, Suriname, Indonesia, Nepal, South Korea, Thailand, and Tanzania. Dr. Achee was the principal investigator of a research program funded by the Bill & Melinda Gates Foundation focused on the development of spatial repellents in combination push-pull systems to reduce human-vector contact for dengue prevention. She is a Working Group member of the World Health Organization (WHO) Pesticide Evaluation Scheme (WHOPES), the Chair of the American Committee of Medical Entomology (ACME) of the American Society of Tropical Medicine and Hygiene (ASTMH), a representative of the WHO Global Collaboration for the Development of Pesticides for Public Health partnership (GCDPP), Vector Control Working Group member of Roll Back Malaria and served as the lead scientist for the recent publication of the WHO Guidelines for Efficacy Testing of Spatial Repellents. She is currently the lead Principal Investigator of a multicenter intervention trial dedicated to generating evidence of the protective efficacy of spatial repellents for prevention of malaria and dengue human infections for use towards full WHO recommendations. Her latest efforts have been dedicated to co-Directing the Belize Vector and Ecology Center (BVEC) in Orange Walk Town, Belize to serve as a regional platform of excellence for research and education in arthropod-borne diseases.

*2. George B. Corcoran, Ph.D., ATS*

i. Expertise: Pharmacological and toxicological adverse cellular outcomes, and factors that govern drug and chemical injuries including drug metabolism and nutrition.

ii: Education: Ph.D., Pharmacology, Department of Pharmacology, School of Medicine, George Washington University; MS, Chemistry, Bucknell University; BA, Chemistry, Ithaca College.

iii. Professional Experience: Dr. Corcoran is Professor and Chairman of the Department of Pharmaceutical Sciences, College of Pharmacy & Health Sciences, Wayne State University, and Adjunct Professor of Pediatrics, Wayne State University School of Medicine. Dr. Corcoran earned his BA in Chemistry (Ithaca College '70), MS in Chemistry (Bucknell University '73), and Ph.D. in Pharmacology/Toxicology (George Washington University '80), before completing Postdoctoral Fellow training in Toxicology (Baylor College of Medicine and Methodist Hospital '81). Prior to his appointment at Wayne State, Dr. Corcoran served as Assistant Professor of Pharmaceutics at the State University of New York at Buffalo, followed by Associate Professor and later Professor, and Director of the Toxicology Graduate Program at the University of New Mexico. Dr. Corcoran has published over 200 original research papers, abstracts and other reports, and has received nearly $6 million in grants and contracts as Principal Investigator, Co-Principal Investigator, and Co-Investigator. He has chaired grant review panels for the NIH, the National Academies, and the Howard Hughes Medical Institute, and has refereed papers for more than 50 national and international scientific journals. He has contributed to the training of over 150 MS and Ph.D. graduates, 3200 pharmacists, and hundreds of undergraduate research students. His research interests are multidisciplinary and translational. They focus on cellular injury and cell death, and factors that govern drug and chemical injuries, including drug metabolism and nutrition. Approaches to translate basic discoveries to improve human health involve retrospective and prospective clinical investigation of human

volunteers and patients, integrated in vivo models, cellular and molecular biology, pharmacokinetics, and synthetic chemistry. Specific areas of investigation include cell death by necrosis and apoptosis, the role of DNA damage in acute cell death, drug and chemical injury to the liver, nutrition and particularly obesity as overlooked factors in drug and chemical injury, drug biotransformation including by CYPs, and toxicity of drugs such as acetaminophen (paracetamol). Dr. Corcoran is a Fellow of the Academy of Toxicological Sciences, the top US credentialing organization for toxicologists. He was elected to its Executive Board and appointed to the National Toxicology Program Board of Scientific Counselors in 2012. He has been a Delegate to the International Congress of Toxicology and member of the International Union of Toxicology Developing Countries Committee. He is a former Member of the Science Advisory Board of the US Environmental Protection Agency, is former Chair of the Executive Board of the Council of Scientific Society Presidents, and is a past member of the Intergovernmental Scientific Advisory Committee on Alternative Toxicological Methods. He has contributed to the scientific direction of the American Society for Pharmacology and Experimental Therapeutics as a member of its Scientific Council, and served on the Research and Graduate Affairs Committee of the American Association of Colleges of Pharmacy. Dr. Corcoran is sought as an expert in toxic tort, product liability and other legal matters. At the University of New Mexico, Dr. Corcoran advised Health Sciences Vice President Jane Henney (FDA Commissioner 1998–2000) as a member of her Health Sciences Leadership Council. He is Past President of the Society of Toxicology, the largest toxicology organization in the world with over 7,000 members from academia, industry, government, medicine, law and other fields practicing in the USA and over 50 foreign countries. He has contributed to Society positions having national and international impact, from the best science for evidence-based safety legislation, to organization ethics and governance. He serves as Associate Editor of Toxicology and Applied Pharmacology [2002-date], Editor of the Journal of Pharmaceutical Sciences and Pharmacology [2014-date] and Editor of the MO Online Journal of Toxicology [2014-date]. He has been an Editorial Board Member of the international journals Pharmacology and Toxicology, Basic and Clinical Pharmacology and Toxicology, Toxicology Letters, and the Journal of Toxicology and Environmental Health. During his service on the National Institutes of Health Alcohol-Toxicology 1 Study Section, he evaluated over 1,000 NIH grant applications.

*3. Deborah A. Cory-Slechta, Ph.D.*

i. Expertise: Relationship between brain neurotransmitter systems and neurodevelopment associated with alteration by exposures to environmental toxicants.

ii: Education: Ph.D., Experimental Psychology, University of Minnesota; MA, Experimental Psychology, Western Michigan University; BS, Psychology, Western Michigan University.

iii. Professional Experience: Dr. Deborah Cory-Slechta is a Professor in the Department of Environmental Medicine, Pediatrics and Public Health Sciences at the University of Rochester School of Medicine and Dentistry. Dr. Deborah Cory-Slechta became Chair of its Department of Environmental Medicine and Director of the NIEHS Environmental Health Sciences Center in 1998, and served as Dean for Research from 2000–2002. She then became Director of the Environmental and Occupational Health Sciences Institute (EOHSI) and Chair of the Department of Environmental and Community Medicine at the UMDNJ-Robert Wood Johnson Medical School from 2003–2007, before returning to URMC as Professor in Environmental Medicine, Pediatrics and Public Health Sciences. Dr. Cory-Slechta has served on national review and advisory panels of the National Institutes of Health, the National Institute of Environmental Health Sciences, the Food and Drug Administration, the National Center for Toxicological Research, the Environmental Protection Agency, the National Academy of Sciences, the Institute of Medicine, and the Agency for Toxic Substances and Disease Registry, Centers for Disease Control. In addition, Dr. Cory-Slechta has served on the editorial boards of the journals Neurotoxicology, Toxicology, Toxicological Sciences, Fundamental and Applied Toxicology, Neurotoxicology and Teratology, and American Journal of Mental Retardation. She has held the elected positions of President of the Neurotoxicology Specialty Section of the Society of Toxicology, President of the Behavioral Toxicology Society, and been named a Fellow of the American Psychological Association. Her research has focused largely on the relationships between brain neurotransmitter systems and neurodevelopment, and how such relationships are altered by exposures to environmental toxicants, including the role played by environmental neurotoxicant exposures in developmental disabilities and neurodegenerative diseases. This work has included the effects of developmental exposures to metals, pesticides, and air pollutants as well as combined exposures to metals and stress in experimental animal models as well as in human cohort studies. These research efforts have resulted in over 155 papers and book chapters to date.

*4. Victor G. De Gruttola, ScD*

i. Expertise: Development of innovative study designs and analytical methods for evaluation of new therapies for HIV-related disease.

ii. Education: ScD, Biostatistics, Harvard School of Public Health; SM, Bioengineering, Harvard University; SM, Epidemiology, Harvard School of Public Health; BS, Physics, Brown University.

iii. Professional Experience: Dr. De Gruttola received his ScD in 1986 from the Biostatistics Department at HSPH—the department for which he served as Chair from 2009–2014. His research focuses on development of statistical methods required for appropriate public health response to the AIDS epidemic both within the US and internationally. The aspects of the epidemic on which he has worked include transmission of, and natural history of infection with, the Human Immunodeficiency Virus (HIV), as well as research on antiretroviral treatments, including the development and consequences of resistance to treatments. The broad goals of his research include developing treatment strategies that provide durable virologic suppression while preserving treatment options after failure, and evaluating the community-level impact of packages of prevention interventions, including antiviral treatment. He served as the Director of the Statistics and Data Analysis Center of the Adult Project of the AIDS Clinical Trials Group from 1996 to 2003—the period in which highly active antiretroviral treatment was developed, and he was instrumental in designing and analyzing studies of the best means of providing such therapy. He also served from 2011–2015, as co-PI (with PI Max Essex) on a community-randomized study of a combination HIV prevention strategy in Botswana.

*5. David C. Dorman, DVM, Ph.D., DABVT, DABT, ATS*

i. Expertise: Neurotoxicology, and risk assessment.

ii: Education: Ph.D., Veterinary Biosciences/Toxicology, University of Illinois; DVM Colorado State University; B.A. Chemistry, University of San Diego.

iii. Professional Experience: Dr. Dorman is a professor of toxicology in the Department of Molecular Biosciences in the College of Veterinary Medicine at North Carolina State University. Dr. Dorman received his undergraduate training in chemistry from the University of San Diego, his DVM from Colorado State University, and he completed a combined Ph.D. and residency program in toxicology at the University of Illinois, Urbana-Champaign. He is a diplomat of the American Board of Veterinary Toxicology and the American Board of Toxicology. Dr. Dorman has chaired or served on numerous NRC committees. His recent NRC chairmanships include the Committee on Predictive-Toxicology Approaches for Military Assessments of Acute Exposures and the Committee on Design and Evaluation of Safer Chemical Substitutions—A Framework to Inform Government and Industry Decisions. He has been recently named as chair of the NRC's Committee on Toxicology and the Committee on Unraveling Low Dose Toxicity: Case Studies of Systematic Review of Evidence. He has served on other advisory boards for the US Navy, NASA, and USDA, and is currently a member of the National Toxicology Program's Board of Scientific Counselors. He is an elected fellow of both the Academy of Toxicological Sciences and the American Association for the Advancement of Sciences. The primary objective of his research is to provide a refined understanding of chemically induced neurotoxicity in laboratory animals that will lead to improved assessment of potential neurotoxicity in humans. Dr. Dorman's other research interests include clinical veterinary toxicology, nasal toxicology, pharmacokinetics, and cognition and olfaction in animals. He has over 145 peer-reviewed research publications including work with pesticides, metals, hydrogen sulfide, and a variety of industrial chemicals.

*6. Valery E. Forbes, Ph.D.*

i. Expertise: Population ecology and modeling, fate and effects of toxic chemicals in sediments, and ecological risk assessment.

ii. Education: Ph.D., Coastal Oceanography, State University of New York; MSc Marine Environmental Science, State University of New York; BA Biology; BA Geology, State University of New York.

iii. Professional Experience: Dr. Valery E. Forbes is Dean of the College of Biological Sciences at University of Minnesota. Dr. Forbes was Director of the School of Biological Sciences at the University of Nebraska-Lincoln from 2011–2015. From 1989–2010, she lived and worked in Denmark, most recently as the Founding Chair of the Department of Environmental, Social and Spatial Change and Professor of Aquatic Ecology and Ecotoxicology at Roskilde University. Dr. Forbes received her Bachelor's Degree (Biology & Geology) from the State University of New York at Binghamton in 1983, a MSc (Marine Environmental Science) from SUNY-Stony Brook in 1984, and a Ph.D. (Coastal Oceanography), also from SUNY- Stony Brook in 1988. Specific research topics include population ecology and modeling, fate and effects of toxic chemicals in sediments, and ecological risk assessment. Dr. Forbes has graduated approximately 50 MSc and Ph.D. students over her career and established a Danish Graduate School in Environmental Stress Studies (GESS) based at Roskilde University. While based in Europe, Dr. Forbes served as work package leader on two major EU 7th Framework Projects: CREAM (a Marie Curie Initial Training Network on Mechanistic Effect Models for Ecological Risk Assessment of Chemicals) and NanoReTox (a multi-institution research project on The Reactivity and Toxicity of Engineered Nanoparticles: Risks to the Environment and Human Health). More recently, she has received funding from the National Institute of Mathematical and Biological Synthesis (NIMBioS) for multi-partite initiatives to develop predictive models for the ecological risk assessment of chemicals. Dr. Forbes has published well over 100 internationally peer-reviewed articles and two books on these topics. She has served on the Danish Natural Sciences Research Council, the European Research Council and as ad hoc reviewer for numerous funding agencies from various countries. She is on the editorial board of several international journals and provides scientific advice to the private and public sectors.

*7. John Grieco, Ph.D.*

i. Expertise: Epidemiology, ecology, and transmission dynamics of vector-borne illness.

ii. Education: Ph.D., Medical Zoology, Uniformed Services University; MS Medical Entomology, Texas A&M University; BS, Biology, University of Notre Dame.

iii. Professional Experience: Dr. John Grieco is a Research Associate Professor of Medical Entomology and Associate Director of the Eck Institute of Global Health at the University of Notre Dame in Notre Dame, Indiana. Dr. Grieco's work is multidisciplinary with a focus on the biology, ecology and transmission dynamics of vector-borne illness. He has a long history of working on vector borne disease throughout the tropics and his research centers on malaria, Japanese Encephalitis, Dengue, Chagas, and rickettsial pathogens. Dr. Grieco has an extensive history in the design of novel repellents, irritants and toxicants for disease vectors. He has developed a number of field and laboratory assays for identifying and optimizing behavior modifying compounds for use in the control of mosquito, sandfly, and triatome vectors. Dr. Grieco serves as an external advisor to the Bill and Melinda Gates Foundation, the World Health Organization (WHO), the US Centers for Disease Control and the US Department of Defense in the area of Spatial Repellents and their advancement to recommendation. Dr. Grieco has co-authored the WHO guidelines for the evaluation of spatial repellents and he currently holds two patents for novel repellent compounds.

*8. Byron Jones, Ph.D.*

i. Expertise: Toxicogenetics, neurobehavioral, and developmental toxicology.

ii. Education: BA, Psychology, Eastern Washington University; MA, Psychology, University of Arizona; Ph.D. Physiological and Comparative Psychology, Psychopharmacology, University of Arizona.

iii. Professional Experience: Dr. Byron Jones is professor of Genetics, Genomics, and Informatics at the University of Tennessee Health Sciences Center, Memphis. Dr. Jones received his Ph.D. training in the Departments of Psychology and Pharmacology and Toxicology at the University of Arizona. He received postdoctoral training in neuropharmacology at the University of Arizona and in pharmacogenetics at the University of Colorado. In 1991, he was a founding member of the Department of Biobehavioral Health at The Pennsylvania State University and developed a program in pharmacogenetics and toxicogenetics at that institution. He has trained 10 Ph.D. and 8 MS students and supervised numerous undergraduate honors theses at PSU. In 1998–1999, he was awarded a Poste Orange senior visiting research position at Institute François Magendie, Bordeaux, France to study the genetics of alcohol consumption. In 2000, he was awarded a Harry Dozor visiting

professorship at the Ben Gurion University of the Negev, Beersheba, Israel. In 2001 and again in 2004, he was awarded invited professorships at the University of Strasbourg and University of Bordeaux in France. Together with his colleague, Dr. Pierre Mormède and others, he has helped to organize and deliver 15 1–2 week workshops on neural and behavioral genetics in France, the USA, Brazil, Russia, and Sweden. He and Dr. Mormède co-edited two volumes of a book on neuro and behavioral genetics. Dr. Jones has published more than 130 papers in peer-reviewed journals. In 2013, Dr. Jones was invited to help develop research infrastructure to study the effects of mercury and pesticide exposure on neurocognitive development in Ecuador. In 2014, he was awarded two grants from the National Institutes of Health. One is focused on the role of genetics in the impact of chronic stress on neuroendocrine adaptation and alcohol consumption and the other to study the effects of genetics on paraquat neurotoxicity. In that year, he was recruited to help found a new department in Genetics, Genomics, and Informatics in the College of Medicine at UTHSC. He has served on several NIH and NSF review panels. He is on the editorial board of Frontiers in Genetics and Pharmacology, Biochemistry and Behavior and is Editor-in-Chief, Nutritional Neuroscience. His current research interests include: (1) The toxicogenetics of paraquat and other pesticides; (2) the impact of chronic stress on neurobehavioral adaptation, including alcohol consumption; (3) the role of iron status on accumulation of heavy metals; and (4) iron status and the exposure in pregnant women and in early childhood development.

*9. Paul D. Juarez, Ph.D.*

i. Expertise: Development of methodologies for creating and analyzing data on the effects of the natural, built, social, and policy environments on health disparities.

ii. Education: Ph.D., Public Policy and Social Research, Brandeis University, Waltham; MEd Psychology, Western Washington University; BA, Western Washington University.

iii. Professional Experience: Dr. Paul D. Juarez is Professor, Preventive Medicine and founding co-director of the Research Center on Health Disparities, Equity, and the Exposome at the University of Tennessee Health Science Center. He received his Ph.D. in social policy from the Heller School, Brandeis University in 1983. Dr. Juarez currently is serving appointments on the Federal Advisory Committee on Minority Health for the US Department of Health and Human Services (2014–2018) and the Community-Level Health Promotion Study Section, Center for Scientific Review of the NIH (2013–2016). Dr. Juarez previously served as the Vice Chair, Division of Community Health, Family & Community Medicine, Meharry Medical College. While at Meharry, Dr. Juarez was PI for the Meharry Health Disparities Research Center of Excellence and directed its community engagement core. As PI, Dr. Juarez led Center activities in developing a systems approach to health disparities research. In 2011, Dr. Juarez received a grant from the EPA to increase our understanding of the environmental context of health disparities. In pursuit of this effort, he led efforts to apply an exposome framework that considers the cumulative effects of environmental exposures on human health and development at critical life stages and from conception to death. He has been at the forefront nationally in developing a methodology for creating and analyzing data on the effects of the natural, built, social, and policy environments on health disparities. To achieve this, he has established a transdisciplinary team of investigators to conduct focused studies of the environmental effects on population level health disparities that apply mathematical, spatial-temporal, statistical and computational methods, models and analytics. His recent work has focused on analyzing the effects of the exposome on black white disparities in pre-term births and lung cancer mortality.

*10. Rebecca D. Klaper, Ph.D.*

i. Expertise: Ecological toxicology, chemical environment fate and effects, examining technologies (including genomics and green chemistry designs) to minimize environmental impacts from chemical contamination.

ii. Education: BS, Honors Biology, University of Illinois; MS, Entomology, University of Georgia; Ph.D., Ecology, University of Georgia.

iii. Professional Experience: Dr. Rebecca D. Klaper is a Professor at the School of Freshwater Sciences, University of Wisconsin-Milwaukee and the Director of the Great Lakes Genomics Center. Dr. Klaper received her MS in Entomology in 1995 and her Ph.D. in Ecology in 2000 from the Institute of Ecology University of Georgia examining the impacts of chemicals on the population dynamics of insects. Dr. Klaper currently studies the potential impact of emerging contaminants, such as nanoparticles, pharmaceuticals, personal care products and pesticides on aquatic life and how we may design these chemicals to be sustainable and have the least environmental impact. She published some of the first studies on the impacts of nanomaterials on aquatic organisms, describing differences in toxicity among nanomaterials, discussing the possible impacts of surfactants on nanomaterial toxicology. Dr. Klaper is now one of the lead PI's for the Center for Sustainable Nanotechnology, a distributed Center of eight universities to evaluate the mechanisms by which nanomaterials may cause toxicity and investigate the potential for principles to use in the design process of these chemicals. Dr. Klaper received a AAAS-Science and Technology Policy Fellowship where she worked in the National Center for Environmental Assessment at the US Environmental Protection Agency evaluating the potential use of genomic technologies in risk assessment. She currently serves on the Board of Scientific Counselors for the US Environmental Protection Agency's Chemical Safety for Sustainability/Human Health Risk Assessment Subcommittee. She has served as a technical expert to the Alliance for the Great Lakes and the International Joint Commission regarding the potential impacts of pharmaceuticals, personal care products and other emerging contaminants on the Great Lakes. She has also served as an invited scientific expert to both the US National Nanotechnology Initiative and the International Organization for Economic Cooperation and Development panel on nanotechnology where she has testified on the potential impact of nanoparticles on the environment and the utility of current testing strategies. She served on the National Academy of Sciences Panel to Develop a Research Strategy for Environmental, Health, and Safety Aspects of Engineered Nanomaterials. She is also on the editorial board of the SETAC journal Environmental Toxicology and Chemistry as well as the ACS journal Chemical Research in Toxicology. Her current research focuses on (1) determining the presence of contaminants in freshwater systems; (2) the impacts of low level chronic exposures of these chemicals to fish and invertebrates in freshwater systems; (3) evaluating the ability of contaminant removal technologies to remove biological impacts of chemicals; (4) methods to quickly assess the potential impacts of a chemical, including genomic technologies; and (5) alternative options for minimizing the impacts of emerging contaminants

including chemical redesign and Green Chemistry, altering use and distribution, and evaluating prescription levels for pharmaceuticals. Dr. Klaper's goal is to conduct basic and applied research to inform policy decisions involving freshwater resources.

*11. Polly A. Newcomb, Ph.D.*

i. Expertise: Evaluating environmental exposures, such as metals, alcohol, tobacco, and medications, and lifestyle or physical factors, such as physical activity, body mass, genetics, and tumor characteristics.

ii. Education: Ph.D., University of Washington, Seattle, Epidemiology; MPH, Epidemiology, University of Washington; BS, Molecular Biology, The Evergreen State College.

iii. Professional Experience: Dr. Polly Newcomb is Head of the Cancer Prevention Program of the Public Health Sciences Division at the Fred Hutchinson Cancer Research Center (Fred Hutch), a Professor in the Department of Epidemiology at the University of Washington's School of Public Health, and a Senior Scientist at the University of Wisconsin Comprehensive Cancer Center. She received her doctorate in Epidemiology at the University of Washington in 1986 and completed her Post-doctoral Fellowship in the Department of Human Oncology at the University of Wisconsin in 1987. She has more than 25 years of extramurally funded research on cancer genetics, etiology, screening, and survival, demonstrating her broad expertise in the field. Her current research in relation to health and cancer includes environmental exposures such as metals, alcohol, tobacco, and medications; lifestyle factors, such as physical activity and body mass; as well as genetics and tumor characteristics. Her research has been funded by nearly a score of foundation and NIH-grants for these studies of colorectal neoplasia, breast and other cancers, and their precursors. She also participates in several international consortia. Dr. Newcomb has over 360 peer-reviewed publications, has served as a mentor for over 40 pre-doctoral, post-doctoral, and junior investigators and is on the Executive Committees of four University of Washington/Fred Hutch T32/R25 training programs. She is active in training new researchers through a National Cancer Institute ''Established Investigator'' award focused on colorectal cancer survival. She has served as a member of numerous NIH Study Sections, a consultant to national and international organizations, and is an Editor/Associate Editor for top tier journals such as American Journal of Epidemiology and Cancer, Epidemiology, and Biomarkers & Prevention. She has recently been awarded mentoring awards from the University of Washington and the Fred Hutchinson Cancer Research Center, and is a Fulbright Scholar (2015). She is also the President of the American Society for Preventive Oncology.

*12. Melissa Perry, ScD, MHS*

i. Expertise: Epidemiologic research in public health.

ii. Education: BA, Psychology, University of Vermont; MHS, Public Health, The Johns Hopkins University School of Hygiene and Public Health; ScD, Public Health, The Johns Hopkins University School of Hygiene and Public Health.

iii. Professional Experience: Professor Melissa Perry is the elected President of the American College of Epidemiology. Dr. Melissa Perry received Master of Health Science and Doctor of Science degrees from the Johns Hopkins School of Hygiene and Public Health. She has spent more than two decades conducting epidemiologic research and educating over 50 graduate students in public health. Prior to coming to George Washington University in 2010, Dr. Perry spent 13 years on the Harvard School of Public Health's Department of Environmental Health faculty. She is currently Chair on the Board of Scientific Counselors for the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR) of the Centers for Disease Control and Prevention (CDC). She is also President of the American College of Epidemiology. She is an associate editor of the Journal Reproductive Toxicology, and she serves as a standing member of the National Institute for Occupational Safety and Health research grant study section. In 2014, Dr. Perry was elected to the prestigious international Collegium Ramazzini in recognition of her contributions to advancing occupational and environmental health and her professional integrity. From 2009–2011, she was a member of the CDC's Scientific Understanding Work Group, National Conversation on Public Health and Chemical Exposures, Centers for Disease Control and Prevention. From 2003–2007, she was a co-investigator with the Tropical Pesticides Research Institute of Arusha, Tanzania, and the University of Cape Town, South Africa. Her laboratory at the Milken Institute School of Public Health focuses on reproductive epidemiology and hormone disruptors, and her group has developed new techniques for high-volume identification of chromosomal abnormalities in sperm cells. Her research group was the first to use semi-automated imaging methods to show how pesticides are associated with sperm abnormalities. In addition to numerous book chapters and published abstracts, she has over 110 peer-reviewed publications in areas including DNA damage linked to pesticides and other chemical exposures, managing hazardous substances in the workplace, and occupational issues related to agricultural, meat-packing, and construction work. Current research on pesticides, biomarkers and hormonal effects in her laboratory focuses on identifying the mutagenic and hormonal effects of herbicide and insecticide exposure in vivo. Her interests focus on pre-disease exposure markers signaled by early mutational damage or hormone disruption, across the spectrum of pesticide exposure levels. She has been the principal investigator on research grants from the National Cancer Institute, the National Institute of Environmental Health Sciences, and the National Institute for Occupational Safety and Health.

*13. Patricia V. Pietrantonio, Ph.D., MS*

i. Expertise: Applied insect toxicology, insect endocrinology, and insect biochemistry and physiology.

ii. Education: Ph.D., Entomology, University of California; MS, Entomology, Insect Toxicology track, University of California; BS Agronomy, Plant Breeding Track, University of Buenos Aires.

iii. Professional Experience: Dr. Patricia Pietrantonio is a tenured Professor and AgriLife Research Fellow in the Department of Entomology at Texas A&M University in College Station, TX. She is an associate member of the interdisciplinary programs in Toxicology and a member of the Faculty of Neuroscience at the same university. She received her BS in Agronomy from the University of Buenos Aires in Argentina, after which she was a permanent technical staff member at INTA (National Institute of Agriculture and Cattle Technology) in Castelar, Buenos Aires (1982–1987). She obtained both her MS (1990) and Ph.D. (1995) in Entomology from the University of California at Riverside (both under Prof. Sarjeet S. Gill), with emphasis in insect toxicology, biochemistry, and physiology. As a Ph.D. student, she received the Henry Comstock Award from the Entomological Society of America (ESA) for outstanding graduate student achievement. Since 1996, she has advanced through the ranks at Texas A&M University, receiving the title of

''AgriLife Research Fellow'' for Outstanding Research Leadership and Grantsmanship in 2006. She has received funding from the NIH–NIAID (RO1), NIFA–AFRI, EPA Section 6 and the NSF–IOS, as well as from the Texas Department of Agriculture and USDA-Southern Region IPM program. She has served three times as a member on national proposal review panels for USDA–NIFA Insects and Nematodes (organismal and sub-organismal panels) and twice for NSF–IOS panels. She reviews research proposals for European Organizations such as the FWO (Belgium), the ANR (French Natl. Agency), BBSRC from the UK, the DFG (German Research Foundation), and national universities. She has served 19 years at Texas A&M University conducting entomological research ranging from applied insect toxicology to basic aspects insect endocrinology and insect biochemistry and physiology (G protein-coupled receptors: GPCRs) focusing on target validation. In applied toxicology her laboratory elucidated mechanisms of insecticide resistance to pyrethroids, neonicotinoids, and organophosphates in various pests such as mosquitoes, cotton bollworm (H. zea), boll weevil, and whiteflies. Some of this work was in collaboration with Extension Entomologists. She has conducted international research on insecticide resistance in Cyprus funded by the Cyprus Research Promotion Foundation. She has served as major professor of 7 Ph.D. students and 4 masters students in her laboratory and served as committee member for 11 graduate students (all completed). She has served as co-major professor or committee member for students enrolled in Universities in Mexico and Europe (UK Leuven, Belgium). Scholarly accomplishments include 49 published peer-reviewed journal articles, 7 book chapters, and 18 papers in conference proceedings, as well as published abstracts of 75 invited presentations (21 international) and 116 volunteered presentations. She teaches yearly Graduate Courses in Insect Toxicology (ENTO619) and Insect Physiology (ENTO615). She has served as Subject Editor for ''Environmental Entomology,'' for which she received an Outstanding Service Award from the ESA. She is currently an associate editorial member in the Archives of Insect Biochemistry and Physiology and member of the Editorial board of Open Access Insect Physiology (Ed. Guy Smagghe). Other honors include the Paul A. Dahm Memorial Lecture in Insect Toxicology (Iowa State University) and the 2013 College of Agriculture and Life Sciences Dean's Outstanding Achievement Award for Faculty Mentoring. She was appointed to the University (TAMU) ADVANCE–NSF funded project as mentor for minority women. Current research funded by the NSF–IOS focuses on insect neurobiology and neuroendocrinology, and research funded by Cotton Incorporated focuses on Bt toxin and other receptors in the cotton bollworm, H. zea. Other projects focus on target validation in ticks. Dr. Pietrantonio is also a member of the tick genome Ix. scapularis expert group.

*14. Kenneth Ramos, MD, Ph.D., PharmB*

i. Expertise: Genomics and computational biology, molecular medicine, environmental health, and toxicology.

ii. Education: BS, Pharmaceutical Sciences and Chemistry, University of Puerto Rico, Ph.D., Biochemical Pharmacology, The University of Texas; MD, University of Louisville Health Sciences Center.

iii. Professional Experience: Kenneth Ramos, MD, Ph.D., PharmB, works across numerous organizational units at the University of Arizona (UA) to develop precision-health strategies and approaches to health outcomes and health-care delivery. He provides senior leadership in the development of personal diagnostics and therapeutics for complex diseases, including cancer, cardiopulmonary disorders, and diabetes. Dr. Ramos also is a professor of medicine at the UA College of Medicine–Tucson in the Department of Medicine, Division of Pulmonary, Sleep, and Critical Care Medicine, where he directs a highly competitive and innovative research program in translational and clinical genetics and genomics. Dr. Ramos' research integrates approaches ranging from molecular genetics to population-based studies to understand the genomic basis of human disease. He is regarded as a leading expert in the study of gene-environment interactions and directs a competitive research program in translational and clinical genomics with a focus on genetic and epigenetic determinants of toxicity and disease, computational biology and molecular signaling. Dr. Ramos has mentored over 100 doctoral, medical, veterinary medicine, undergraduate and high school students, many of whom have gone on to successful careers in academia, medicine, government and industry. He is committed to initiatives that attract and retain minorities in science and medicine. Dr. Ramos served as SOT President from 2008–2009, and is a current member of the Continuing Medical Education Task Force, Hispanic Organization of Toxicologists Specialty Interest Group, and the Molecular and Systems Biology Specialty Section. He has been a member of SOT since 1982.

*15. Gary S. Sayler, Ph.D.*

i. Expertise: Microbial biodegradation, molecular microbiology, bioluminescence sensing and ecotoxicology.

ii. Education: Ph.D., Bacteriology and Biochemistry, University of Idaho; BS, Bacteriology, North Dakota State University; AA, Liberal Arts, Bismarck Junior College.

iii. Professional Experience: Dr. Sayler is Distinguished University Professor, and Alvin and Sally Beaman Endowed Professor of Microbiology and Ecology and Evolutionary Biology at The University of Tennessee. Dr. Sayler received his Ph.D. in Bacteriology and Biochemistry, University of Idaho, 1974; BS, Bacteriology, North Dakota State University, 1971; AA, Bismarck Junior College, Liberal Arts, 1969. He was Postdoctoral researcher in Marine Microbiology at the University of Maryland (1974–1975). He is the founding Director, Center for Environmental Biotechnology at the University of Tennessee (1986-present) and was the first Director of the UT–ORNL Joint Institute for Biological Sciences (2006–2014). As Director for the Waste Management Research and Education Institute Tennessee Center of Excellence (1991–2005) he conducted a consolidation and reorganization to create the Institute for a Secure and Sustainable Environment serving as interim director (2005–2006). Specializing in microbial biodegradation, molecular microbiology, bioluminescence sensing and ecotoxicology, he has directed the research of over 100 Ph.D. and MS students and postdocs during his 40 year career, with approximately 400 peer reviewed publications, 16 patents, and over 500 lectures and seminars worldwide. He serves on the Sciences Advisory Board for the US Defense Department, Strategic Environmental Research Defense Program (2011-present); and was a member of the US Department of Energy, Biological and Environmental Research Advisory Committee (2008–2013). He was an Executive member and Chair of the Board of Scientific Counselors for the EPA Office of Research and Development (2002–2010) and served on the EPA's Science Advisory Board drinking water committee (2002–2009), the Water Environment Research Foundation Research Council (1995–2001) and was Peer Review Chair for the EPA Exploratory Biology Program

(1990–1993). He has served on National Academy/NRC Committees evaluating the US EPA Laboratory Enterprise (2013–14), DOE NRSB-Environmental Management Roadmap (2007–2008) Stand-Off Explosives Detection (2003) and DOE Site Decontamination and Decommissioning (2002). He is Co-founder China-US Joint Research Center For Ecosystem and Environmental Change, Beijing, (2006-present) and US State Department Eco partnership (2010-present) and has held honorary Professorships at China Agricultural University, Beijing (2012), Northeast Normal University, Changchun (2012), East China University of Science and Technology, Shanghai (2008–2011), Institute for Water Research Distinguished Researcher, Xi'an (2008); and Adjunct Professorship, Gwanju Institute of Science and Technology, Korea (2005–2010). Dr. Sayler is an Associate Editor of Environmental Science and Technology and is an active member in ACS, AAAS, ASM and SETAC. Elected to AAAS Fellowship in 2012. He received the DOW Foundation Support for Public Health Environmental Research and Education (SPHERE) Award (1998–2000); and was elected to the Fellow American Academy for Microbiology (1995-present). He received the Distinguished Alumni Award, University of Idaho and the UT Senior Researcher Award from the College of Arts and Sciences (1995) and received the Procter and Gamble Prize, American Society for Microbiology (1994). He was designated Chancellor's Research Scholar, UTK (1988), and received the NIH Research Career Development Award (NIEHS), (1980–1985).

*16. Joseph Shaw, Ph.D.*

i. Expertise: Discovery of molecular toxicological and disease pathways resulting from complex environmental exposures including techniques in new high-throughput molecular techniques and evolutionary theory, statistical analysis, and bioinformatics.

ii. Education: Ph.D., University of Kentucky; BS, Virginia Polytechnic Institute and State University.

iii. Professional Experience: Dr. Joseph R. Shaw is an Associate Professor in the School of Public and Environmental Affairs at Indiana University and holds adjunct appointments in their School of Public Health and Center for Genomics and Bioinformatics. He also holds a partial appointment as a Senior Lecturer of Environmental Genomics in the School of Biosciences at the University of Birmingham, UK. Dr. Shaw earned his doctoral degree in environmental toxicology from the Graduate Center for Toxicology at the University of Kentucky in 2001. He then moved to Dartmouth College where he received an NIEHS post-doctoral fellowship to apply emerging Omics technologies to characterize mechanisms of toxicant actions. He joined the faculty of the School of Public and Environmental Affairs at Indiana University, Bloomington in 2007. Dr. Shaw was named an Outstanding New Environmental Scientist (ONES) by the NIEHS in 2010, and recognized as an exceptional talent in the environmental sciences by the Royal Society, UK in 2013 for his work investigating toxicant exposure, genome structure, and toxic effects on individuals and populations. Contributing to these efforts he is a founding member of the Daphnia and Fundulus Genomics Consortia where he helps lead over 600 scientists around the world working to develop new models for environmental genomics. He also helped establish the Consortium for Environmental Omics and Toxicology that seeks to apply twenty-first century technologies to predictive toxicology. Dr. Shaw has trained over 150 students in environmental genomics through the Mount Desert Island Bio Lab Workshop in environmental genomics that he co-developed in 2011. The workshop is now held annually in the US and UK. Dr. Shaw's research program has received over $6.4M in research funding from NIH, NSF, and DOD since 2002, producing over 38 publications in the area of environmental genomics and toxicology. He has served on the editorial board and in 2013, was promoted to editor for the journal ''Environmental Toxicology and Chemistry.'' His research group seeks to discover critical, specific, and causative molecular toxicological and disease pathways resulting from complex environmental exposures. His work embraces new high-throughput molecular techniques and couples these with evolutionary theory, statistical analysis, and bioinformatics to integrate toxic-response across levels of biological organization. Current research in his laboratory focuses on (i) associating variation in genome structure with disease and toxicant response within and between populations; (ii) identifying the mechanisms of actions of chemical stress, especially metals, and (iii) elucidating the genetic and epigenetic underpinnings of mutations and establishing their role in evolved tolerance.

*17. Sonya K. Sobrian, Ph.D.*

i. Expertise: Behavioral, immunological and neurotoxicological consequences of prenatal and neonatal drug administration and drug and environmental stress.

ii. Education: Ph.D. Physiological Psychology, from Carleton University; BA and MA (Experimental) in Psychology from St. John's University; MA equivalent in Pharmacology from Ottawa University.

iii. Professional Experience: Dr. Sonya K. Sobrian is an Associate Professor of Pharmacology at the Howard University College of Medicine, Director of the Developmental Neurobehavioral Pharmacology Laboratory, and Immediate Past Chair of the University's IACUC. Dr. Sobrian received her doctorate in Physiological Psychology from Carleton University, Ottawa Canada, and served a postdoctoral fellowship at Princeton University in Developmental Neurobiology; she also added pharmacology and immunology to her graduate (MA, Neuropharmacology: Ottawa University) and post graduate (Fulbright Fellow: Immunology Research Center, Belgrade, Yugoslavia) training. During her tenure at the College of Medicine, Dr. Sobrian successfully mentored medical, graduate, and undergraduate students. She has served as President of the Neurobehavioral Teratology Society, is currently on the Editorial Advisory Board of the journal, ''Neurotoxicology and Teratology'', and is Guest Editor of a special issue of the journal on ''Developmental Cannabinoid Exposure: New Perspectives on Mechanisms, Outcomes, and Implications for Public Health.'' Dr. Sobrian is currently on the Board of Scientific Counselors for the Department of Health & Human Services National Toxicology Program. She also served as a member of the Scientific Advisory Panel for the US EPA Office of Chemical Safety and Pollution Prevention, and previously served on the EPA Toxic Substance Control Act Advisory Committee. As a visiting scientist at the National Center for Toxicological Research, Dr. Sobrian was instrumental in establishing a prenatal model of cocaine toxicity. She served on the ILSI Risk Science Institute's Expert Panel on the evaluation and interpretation of neurodevelopmental endpoints for human risk. Dr. Sobrian served as Director of the Behavioral Neuroscience Program at the National Science Foundation, where she directed and managed funding of research on the neural mechanisms underlying behavior and learning. In addition, she has served as Chair of the Board of Trustees of AAALAC International, as well as Chair of the Board of Directors of the National Capital Area Chapter of the Fulbright Association. During her tenure as an

AAAS Congressional Science and Technology Fellow, her scientific expertise was utilized to inform public policy on Fetal Alcohol Syndrome, aging, and NIH research funding. The major focus of Dr. Sobrian's research involves the behavioral, immunological, and neurotoxicological consequences of prenatal and neonatal drug administration and drug and environmental stress-induced alterations in behavioral and immunological development. She has a longstanding interest in sex differences, and her lab was the first to show that prenatal environmental and psychological stress differentially altered immune parameters in rat male and female offspring, research that she continued as a Fulbright Scholar at the Immunological Research Institute in Belgrade, Yugoslavia. Her current research involves the life-span consequences of prenatal exposure to cocaine and nicotine, alone and in combination, with an emphasis on drug addiction in the aging organism. In developing animal models for neuropsychiatric diseases, Dr. Sobrian is currently exploring the role of prenatal environmental noise stress [PENS] in the etiology of autism and depression. For her work in establishing an environmentally-mediated neurodevelopmental animal model of depression, Dr. Sobrian was designated a L. Vernon Maddox NARSAD investigator.

*18. Kristina Thayer, Ph.D.*

i. Expertise: Understanding the role of environmental exposures in diabetes and obesity, evaluating the predictive utility of high throughput screening data, and methods of exposure assessment.

ii. Education: BS, Psychology, Pennsylvania State University; Ph.D., Biological Sciences, University of Missouri.

iii. Professional Experience: Kristina Thayer, Ph.D. is Deputy Director of Analysis at the National Toxicology Program (NTP) and Director of the NTP Office of Health Assessment and Translation (OHAT) at the National Institute for Environmental Health Sciences (NIEHS) located on the campus of the National Institute for Environmental Health Sciences (NIEHS). OHAT conducts evaluations to assess the evidence that environmental chemicals, physical substances, or mixtures (collectively referred to as ''substances'') may cause adverse health effects and provides opinions on whether these substances may be of concern given what is known about current human exposure levels. As Deputy Director of Analysis, she oversees OHAT and the NTP Office of the Report on Carcinogens. Before becoming director of OHAT, she held positions in the NTP Office of Liaison, Policy, and Review, the NIEHS Office of Risk Assessment Research and the NTP Center for the Evaluation of Risks to Human Reproduction (CERHR). Prior to joining the NTP/NIEHS, she was a senior scientist at the World Wildlife Fund and then at the Environmental Working Group. In addition to overseeing the development of OHAT and ORoC monographs, she has research interests in the areas of understanding the role of environmental exposures in diabetes and obesity, evaluating the predictive utility of high throughput screening data, and methods of exposure assessment. She is considered an expert on the application of systematic review methods to environmental health topics.

**Authority:** 7 U.S.C. 136 *et. seq.;* 21 U.S.C. 301 *et seq.*

Dated: August 5, 2015.

**David Dix,**

*Director, Office of Science Coordination and Policy.*

[FR Doc. 2015–19828 Filed 8–11–15; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2015–0086; FRL–9931–20]**

## Environmental Quality Issues and Pesticides Operations and Management State FIFRA Issues Research and Evaluation Group; Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Association of American Pesticide Control Officials (AAPCO)/ State FIFRA Issues Research and Evaluation Group (SFIREG), the Environmental Quality Issues (EQI) and the Pesticides Operations and Management (POM) committees will hold a joint 2-day meeting, beginning on September 21, 2015 and ending September 22, 2015. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

**DATES:** The meeting will be held on Monday, September 21, 2015, from 8 a.m. to 5 p.m. and 8:30 a.m. to 3 p.m. on Tuesday, September 22, 2015.

To request accommodation of a disability, please contact the person listed in this notice under **FOR FURTHER INFORMATION CONTACT**. Please contact EPA at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

**ADDRESSES:** The meeting will be held at EPA, One Potomac Yard (South Bldg.) 2777 Crystal Dr., Arlington, Virginia, 1st Floor, South Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Ron Kendall, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov* or Amy Bamber, SFIREG Executive Secretary, at *aapco-sfireg@comcast.net.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting states and any discussion between EPA and SFIREG on field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include (but are not limited to) persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any non-government organization. If you have any questions regarding the applicability of this action to a particular entity, please consult the person in this notice listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0086, 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.*

## II. Tentative Agenda Topics

1. Pollinator protection issues:

a. Managed pollinator protection plans

b. EPA pollinator policy public comment update

c. Environmental hazard statement in relation to bees

d. Follow-up on bee kill reporting on 5700 dashboard

2. Briefing on a new system for data sharing that could provide opportunities for states to engage in meaningful data sharing.

3. Results of the joint project with the National Marine Fisheries Service dealing with targeted monitoring for the Endangered Species Act Reasonable and Prudent Measures (RPMs) and Reasonable and Prudent Alternatives (RPAs) in final biological opinions for pesticides.

4. Discuss final submittal of Pesticides of Interest National Tracking System (POINTS) recommendation paper.

5. An update on EPA's stance on treated seed.

6. Pesticide general permit reissuance update.

7. Worker Protection Standard final rule status and further update on implementation strategy or staff to discuss specific inconsistencies of personal protective equipment between label and National Institute of Occupational Safety and Health.

8. Safer Choice related discussion.

9. Registrant agreement by EPA with Wellmark on methomyl.

10. 2,4–D report from International Agency for Research on Cancer discussion.

11. Pyrethroid re-evaluation.

12. Cannabis follow-up and update.

13. Distributor label follow-up-update on letter and enforcement by the agency.

14. Demonstrate a field inspection tool developed by the National Pesticide.

15. Information Retrieval System for use by inspectors.

16. Performance measures update.

17. Laboratory Discussion to increase regulatory awareness.

## III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: August 3, 2015.

**Patricia L. Parrott,**

*Acting, Director, Field and External Affairs Division, Office of Pesticide Protection.*

[FR Doc. 2015–19824 Filed 8–11–15; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9931–96–ORD; Docket ID No. EPA–HQ–ORD–2013–0620 and Docket ID No. EPA–HQ–OAR–2014–0128]**

## Workshop To Review Initial Draft Materials for the Nitrogen Oxides ($NO_X$) and Sulfur Oxides ($SO_X$) Integrated Science Assessment (ISA) for Ecological Effects

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of workshop.

**SUMMARY:** As part of the review of the air quality criteria for nitrogen oxides ($NO_X$) and sulfur oxides ($SO_X$) secondary (welfare-based) National Ambient Air Quality Standards (NAAQS), the Environmental Protection Agency (EPA) is announcing a teleconference workshop to evaluate preliminary draft materials that will inform the development of the $NO_X$ and $SO_X$ Integrated Science Assessment (ISA) for ecological effects. The workshop is being organized by EPA's National Center for Environmental Assessment (NCEA) within the Office of Research and Development and will be held by teleconference from August 25–27, 2015. The workshop will be open to attendance by interested public observers on a first-come, first-served basis and participation will be by teleconference only.

**DATES:** The workshop will be held on Tuesday, August 25, 2015, beginning at 1:30 p.m. and ending at 4 p.m.; Wednesday, August 26, 2015, beginning at 1 p.m. and ending at 4 p.m.; and Thursday, August 27, 2015, beginning at 11:30 a.m. and ending at 2 p.m.

**ADDRESSES:** The workshop will be held by teleconference and webinar. The call in number and Web site information for the teleconference are available to registered participants. Please register by going to *https://nox-sox-eco-criteria-webinars.eventbrite.com.*

**FOR FURTHER INFORMATION CONTACT:** Please direct questions regarding workshop registration or logistics to Canden Byrd at *EPA_NAAQS_Workshop@icfi.com* or by phone at (919) 293–1660. Questions regarding the scientific and technical aspects of the workshop should be directed to Dr. Tara Greaver; telephone: 919–541–2435; facsimile: 919–541–1818; or email: *greaver.tara@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Information About the Workshop

Section 109(d) of the Clean Air Act (CAA) requires the U.S. EPA to conduct periodic reviews of the air quality criteria for each air pollutant listed under section 108 of the Act. Based on such reviews, EPA is to retain or revise the NAAQS for a given pollutant as appropriate. As part of these reviews, NCEA assesses newly available scientific information and develops ISA documents (formerly known as Air Quality Criteria Documents) that provide the scientific basis for the reviews of the NAAQS.

NCEA is holding this workshop to inform the Agency's evaluation of the scientific evidence for the review of the secondary NAAQS for $NO_2$ and $SO_2$. Section 109(b)(2) of the CAA defines secondary NAAQS must, ''specify a level of air quality the attainment and maintenance of which, in the judgment of the Administrator, based on such criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of [the] pollutant in the ambient air.'' The purpose of the workshop is to obtain review of the scientific content of preliminary draft materials that will inform the development of the draft ecological effects ISA. Workshop sessions will include review and discussion of preliminary draft materials on the atmospheric chemistry, including air quality/deposition, biogeochemistry, terrestrial acidification, terrestrial eutrophication, freshwater acidification, freshwater eutrophication, marine eutrophication, and ecosystem services. In addition, roundtable discussions will help identify key studies or concepts within each discipline to assist EPA in integrating relevant literature within and across disciplines. These preliminary materials are not being released as an external draft, but will be used to guide workshop discussions and inform the development of the draft ecological effects ISA. This workshop is planned to help ensure that the ISA, once developed, is up-to-date and focuses on the key evidence to inform the scientific understanding for the review of the $NO_X$ and $SO_X$ secondary NAAQS. EPA is planning to release the first external review draft ecological effects ISA for $NO_X$ and $SO_X$ for review by the Clean Air Scientific Advisory Committee and the public during the first quarter of 2016.

## II. Workshop Information

Members of the public may attend the teleconference as observers. Space in the teleconference may be limited, and reservations will be accepted on a first-come, first-served basis. Registration for the workshop is available online at *https://nox-sox-eco-criteria-webinars.eventbrite.com*.

Dated: August 5, 2015.

**Mary A. Ross,**

*Deputy Director, National Center for Environmental Assessment.*

[FR Doc. 2015–19842 Filed 8–11–15; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** Federal Election Commission

**DATE AND TIME:** Tuesday, July 14, 2015 at 10:00 a.m. and its continuation on Thursday, July 16, 2015 at the conclusion of the open meeting.

**PLACE:** 999 E Street NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

**Federal Register** Notice of Previous Announcement—80 FR 39432.

**CHANGE IN THE MEETING:** This meeting was continued at 1:00 p.m. on August 10, 2015.

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**PERSON TO CONTACT FOR INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Shelley E. Garr,**

*Deputy Secretary.*

[FR Doc. 2015–19984 Filed 8–10–15; 4:15 pm]

BILLING CODE 6715–01–P

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

*Agreement No.:* 012208–003.

*Title:* Hoegh/Grimaldi Space Charter Agreement.

*Parties:* Hoegh Autoliners AS; Grimaldi Deep Sea S.p.A. and Grimaldi Euromed S.p.A. (acting as a single party).

*Filing Party:* Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street, NW; Suite 1100; Washington, DC 20006.

*Synopsis:* The Amendment revises the agreement to provide for the two-way chartering of space, rather than a one-way from Hoegh to Grimaldi.

*Agreement No.:* 012354.

*Title:* MOL/NMCC/WLS and Toko Line Space Charter Agreement.

*Parties:* Mitsui O.S.K. Lines, Ltd; Nissan Motor Car Carrier Co., Ltd.; World Logistics Service (U.S.A.), Inc.; Toko Kaiun Kaisha, Ltd.

*Filing Party:* Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 799 9th Street NW., Suite 500; Washington, DC 20001.

*Synopsis:* The agreement would authorize the parties to charter space to/from one another for the carriage of vehicles and other Ro/Ro cargo in the trade between the U.S. and all foreign countries.

*Agreement No.:* 012355.

*Title:* CMA CGM/SL Gulf Bridge Express Slot Charter Agreement.

*Parties:* CMA CGM, S.A. and Maersk Line A/S trading under the name of Sealand.

*Filing Party:* Draughn B. Arbona, Esq; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

*Synopsis:* The agreement authorizes CMA to charter space to Sealand in the trade between ports in Mexico and ports on the Gulf Coast of the United States on the one hand, and ports in Jamaica, Colombia, and Panama on the other hand.

*Agreement No.:* 012356.

*Title:* Matson/MELL Space Charter Agreement (Pacific Islands).

*Parties:* Matson Navigation Company, Inc. and Mariana Express Lines Pte. Ltd. (''MELL'').

*Filing Party:* Sloan White, Assistant General Counsel; Matson; 555 12th Street, Oakland, California 94607.

*Synopsis:* The agreement authorizes Matson to charter space to MELL in the trade between ports on the United States West Coast, Guam, Taiwan, the Philippines, and Hong Kong on the one hand, and ports in Chuuk, Pohnpei, Kosrae, Majuro, Palau, and Yap on the other hand.

By Order of the Federal Maritime Commission.

Dated: August 7, 2015.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2015–19848 Filed 8–11–15; 8:45 am]

BILLING CODE 6731–AA–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 September 8, 2015.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Juniata Valley Financial Corp., and The Juniata Valley Bank.,* both in Mifflintown, Pennsylvania; to merge with FNBPA Bancorp, Inc., and thereby indirectly acquire First National Bank of Port Allegany, both in Port Allegany, Pennsylvania.

B. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Citizens Building and Loan MHC,* Greer, South Carolina; to become a mutual holding company by acquiring 100 percent of the voting shares of Citizens Building and Loan, SSB, Greer, South Carolina.

Board of Governors of the Federal Reserve System, August 7, 2015.

**Margaret McCloskey Shanks,**

*Deputy Secretary of the Board.*

[FR Doc. 2015–19819 Filed 8–11–15; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–15–0650; Docket No. CDC–2015–0064]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the Prevention Research Centers Program National Evaluation Reporting System. The information collection system is designed to monitor progress on a set of evaluation indicators; demonstrate public health impact and accountability to Congress, CDC leadership, partner organizations, and communities; increase PRC Program visibility; generate knowledge and share information within and outside the PRC Program; and facilitate PRC Program improvement.

**DATES:** Written comments must be received on or before October 13, 2015.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2015–0064 by any of the following methods: *Federal eRulemaking Portal: Regulation.gov.* Follow the instructions for submitting comments.

*Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

**Please note:** All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

**Proposed Project**

Prevention Research Centers Program National Evaluation Reporting System (OMB No. 0920–0650, exp. 5/31/2016)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

In 1984, Congress passed Public Law 98–551 directing the Department of Health and Human Services (DHHS) to establish Centers for Research and Development of Health Promotion and Disease Prevention. In 1986, the CDC received lead responsibility for this program, referred to as the Prevention Research Centers (PRC) Program. PRC Program awardees are managed as a CDC cooperative agreement with awards made for five years.

In 2013, the CDC published program announcement DP14–001 for the current PRC Program funding cycle (September 30, 2014—September 29, 2019). Twenty-six PRCs were selected through a competitive, external, peer-review process; the program is currently in its first year of the five year funding cycle.

Each PRC is housed within an accredited school of public health or an accredited school of medicine or osteopathy with a preventive medicine residency program. The PRCs conduct outcomes-oriented, applied prevention research on a broad range of topics using a multi-disciplinary and community-engaged approach. Research projects involve faculty from the funded school and various departments within the university, as well as community partners. Partners include, but are not limited to, state, local, and tribal health departments, departments of education, schools and school districts, community-based organizations, health providers, and other health organizations. Partners collaborate with the PRCs to assess community needs; identify research priorities; set research agendas; conduct research projects and related activities such as training and technical assistance; and disseminate research results to public health practitioners, researchers, and the general public.

Each PRC receives funding from the CDC to establish its core infrastructure and functions and support a core research project. Core research foci reflect each PRC's area of expertise and

community needs. Most PRC core research aligns with the health disparities and goals outlined in Healthy People 2020. In addition to core research projects, most PRCs are awarded funding to complete special interest projects (SIPs) and conduct other research projects.

The DP14–001 program announcement included language that was used to develop and operationalize a set of 24 PRC Program evaluation indicators. The PRC Program evaluation indicators were collaboratively developed in 2013 and 2014 with internal and external stakeholders and correspond to the PRC Program conceptual framework (or logic model). The PRC Program logic model identifies program inputs, activities, outputs, and outcomes. The list of indicators was revised to better reflect program needs and capture center and research activities, outputs, and outcomes.

The CDC is currently approved to collect information from the PRCs through a structured telephone interview and a web-based survey hosted by a third-party. The web-based survey is designed to collect information on the PRCs' collaborations with health departments; formal training programs and other training activities; and other-funded research projects conducted separate from their core projects or SIP research. Structured telephone interviews with key PRC informants allow PRC Program staff to collect indicator data that do not lend themselves to a survey-based methodology and require a qualitative approach.

CDC requests OMB approval to revise the information collection plan as follows:

(1) The content of the web-based survey will be updated to more closely align with revised evaluation indicators and/or to reflect the current needs of the PRC Program. In addition, the web-based survey will be migrated from a third party platform to a web-based data collection system hosted on CDC servers. Although the estimated burden per response will increase, the revised data collection system will be comprehensive and will reduce the need for follow-up clarification by PRC Program awardees.

(2) CDC will continue to conduct annual interviews (herein key informant interviews) with PRC staff to capture qualitative data about PRC activities and outcomes; however, the content of the in-depth interview will vary from year to year. In the previous OMB approval period, the annual interview focused on implementation of environmental and systems-wide strategies. CDC will continue to collect this information on a bi-annual basis (Key Informant Interview Part I). In alternate years, interview content will focus on PRC partnerships (Key Informant Interview Part II).

(3) CDC will bi-annually conduct focus group discussions to capture additional qualitative information about network formation and cohesion. Bi-annually, PRC Program awardees will be required to participate in focus group discussions about PRC Network formation and cohesion. In the same years, PRC Program awardees will be invited and encouraged, but not required, to participate in focus group discussions about Thematic Network formation and cohesion.

CDC will continue to use the information reported by PRCs to identify training and technical assistance needs, respond to requests for information from Congress and other sources, monitor grantees' compliance with cooperative agreement requirements, evaluate progress made in achieving goals and objectives, and describe the impact and effectiveness of the PRC Program.

The CDC currently funds 26 PRCs and each center will annually report the required information to the CDC. The annualized estimated burden is expected to increase. This increase equates to an estimated weekly burden of one hour per respondent and more fully accounts for the burden of preparing responses, as well as the burden of reporting responses. Web-based data collection will occur on an annual basis. The Key Informant Interview (Part I) will be conducted in years 2 and 4 of the current funding cycle, and the Key Informant Interview (Part II) will be conducted in year 3 of the current funding cycle. During the three-year OMB approval period, this equates to two Part I interviews and one Part II interview per PRC Program awardee. Both focus group discussions will take place in years 2 and 4 of the current funding cycle. This equates to one PRC Network focus group discussion and one Thematic Network focus group discussion per PRC Program awardee during the three year OMB approval period. Responses are annualized in the burden table below.

The proposed web-based data collection system will allow data entry during the entire year, which will enable respondents to distribute burden throughout each funding year. Response burden may decrease significantly in years 2 through 5, since the web-based data collection system will replicate a number of data elements from year to year, and respondents will only need to enter changes.

OMB approval is requested for 3 years. CDC plans to implement revised reporting requirements in December 2015. PRC Program awardees are required to participate in information collection. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hrs.) | Total burden (in hrs.) |
|---|---|---|---|---|---|
| Prevention Research Center. | Web-based Data Collection | 26 | 1 | 48 | 1,248 |
| | Key Informant Interview (Part I) | 17 | 1 | 3 | 51 |
| | Key Informant Interview (Part II) | 9 | 1 | 3 | 27 |
| | Focus Group Discussion: PRCs Network. | 17 | 1 | 3 | 51 |
| | Focus Group Discussion: Thematic Networks. | 17 | 1 | 3 | 51 |
| Total | | | | | 1,428 |

**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. 2015–19799 Filed 8–11–15; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–10143, CMS–10572 and CMS–10564]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by October 13, 2015.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

**CMS–10143 Monthly File of Medicaid/Medicare Dual Eligible Enrollees**

**CMS–10572 Transparency in Coverage Reporting by Qualified Health Plan Issuers**

**CMS–10564 Home Health Face-to-Face Encounter Clinical Templates**

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

**Information Collection**

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Monthly File of Medicaid/Medicare Dual Eligible Enrollees; *Use:* The monthly data file is provided to CMS by states on dually eligible Medicaid and Medicare beneficiaries, listing the individuals on the Medicaid eligibility file, their Medicare status and other information needed to establish subsidy level, such as income and institutional status. The file is used to count the exact number of individuals who should be included in the phased-down state contribution calculation that month. CMS merges the data with other data files and establishes Part D enrollment for those individuals on the file. The file may be used by CMS partners to obtain accurate counts of duals on a current basis. *Form Number:* CMS–10143 (OMB Control Number: 0938–0958); *Frequency:* Monthly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 612; *Total Annual Hours:* 6,120. (For policy questions regarding this collection contact Vasanthi Kandasamy at 410–786–0433).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Transparency in Coverage Reporting by Qualified Health Plan Issuers; *Use:* Section 1311(e)(3) of the Affordable Care Act requires issuers of Qualified Health Plans (QHPs), to make available and submit transparency in coverage data. This data collection would collect certain information from QHP issuers in Federally-facilitated Exchanges and State-based Exchanges that rely on the federal IT platform (*i.e.,* HealthCare.gov). HHS anticipates that consumers may use this information to inform plan selection.

Although this proposed data collection is limited to certain QHP issuers, HHS intends to phase in implementation for other entities over time. As stated in the final rule Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers (77 FR 18310; March 27, 2012), broader implementation will continue to be addressed in separate rulemaking issued by HHS, and the Departments of Labor and the Treasury (the Departments). For State-based Exchanges not addressed in the current proposal, standards will be proposed later.

Consistent with Public Health Service Act (PHS Act) section 2715A, which

largely extends the transparency reporting provisions set forth in section 1311(e)(3) to non-grandfathered group health plans (including large group and self-insured health plans) and health insurance issuers offering group and individual health insurance coverage (non-QHP issuers), the Departments intend to propose other transparency reporting requirements at a later time, through a separate rulemaking conducted by the Departments, for non-QHP issuers and non-grandfathered group health plans. Those proposed reporting requirements may differ from those prescribed in the HHS proposal under section 1311(e)(3), and will take into account differences in markets, reporting requirements already in existence for non-QHPs (including group health plans), and other relevant factors. The Departments also intend to streamline reporting under multiple reporting provisions and reduce unnecessary duplication. The Departments intend to implement any transparency reporting requirements applicable to non-QHP issuers and non-grandfathered group health plans only after notice and comment, and after giving those issuers and plans sufficient time, following the publication of final rules, to come into compliance with those requirements. *Form Number:* CMS–10572 (OMB control number: 0938–New); *Frequency:* Annually; *Affected Public:* Private Sector (Business or other For-profit and Not-for-profit institutions); *Number of Respondents:* 475; *Total Annual Responses:* 475; *Total Annual Hours:* 16,150. (For policy questions regarding this collection contact Valisha Price at 301–492–4343).

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Home Health Face-to-Face Encounter Clinical Templates; *Use:* The Centers for Medicare & Medicare Services (CMS) is requesting the Office of Management and Budget (OMB) approval of the collection of data required to support the eligibility of Medicare home health services. Home health services are covered under the Hospital Insurance (Part A) and Supplemental Medical Insurance (Part B) benefits of the Medicare program. It consists of part-time, medically necessary skilled care (nursing, physical therapy, occupational therapy, and speech-language therapy) that is ordered by a physician. The CMS has developed a list of clinical elements within a suggested electronic clinical template that would allow electronic health record vendors to create prompts to assist physicians when documenting the HH face-to-face encounter for Medicare purposes. Once completed by the physician, the resulting progress note or clinic note would be part of the medical record. The primary users of these new clinical templates will be physicians and/or allowed non-physician practitioners (NPPs). The templates will help users to capture the necessary information needed to complete the face-to-face encounter documentation. This will help physicians and/or allowed NPPs comply with Medicare policy requirements, thereby reducing the possibility of a home health claim not being paid because of failure to meet Medicare requirements. *Form Number:* CMS–10564 (OMB control number: 0938–New); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other For-profit and Not-for-profit institutions); *Number of Respondents:* 2,926,420; *Total Annual Responses:* 2,926,420; *Total Annual Hours:* 1,220,317. (For policy questions regarding this collection contact Kristal Vines at 410–786–0119).

Dated: August 7, 2015.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2015–19818 Filed 8–11–15; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–2540–10]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by September 11, 2015.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes

the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Skilled Nursing Facility and Skilled Nursing Facility Health Care Complex Cost Report Form; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a), 1833(e) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–2540–10 cost report is needed to determine a provider's reasonable cost incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or from a provider. The revisions made to the SNF cost report are in accordance with the statutory requirement for hospice payment reform in § 3132 of the Patient Protection and Affordable Care Act (ACA). *Form Number:* CMS–2540–10 (OMB control number 0938–0463); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 14,398; *Total Annual Responses:* 14,398; *Total Annual Hours:* 2,908,396. (For policy questions regarding this collection contact Amelia Citerone at 410–786–8008).

Dated: August 7, 2015.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2015–19837 Filed 8–11–15; 8:45 am]

**BILLING CODE 4120–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2009–D–0268]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on our proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the information collection provisions of the recommended labeling of certain beers subject to our labeling jurisdiction.

**DATES:** Submit either electronic or written comments on the collection of information by October 13, 2015.

**ADDRESSES:** Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the 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:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration—(OMB Control Number 0910–0728)—Extension**

The definition of ''food'' under section 201(f) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) See 21 U.S.C. 321(f), includes ''articles used for food or drink'' and thus includes alcoholic beverages. As such, alcoholic beverages are subject to the FD&C Act's adulteration and misbranding provisions, and implementing regulations, related to food. For example, manufacturers of alcoholic beverages are responsible for adhering to the registration of food facilities requirements in 21 CFR part 1 and to the good manufacturing practice regulations in 21 CFR part 110. There are also certain requirements for nutrition labeling on menus, menu boards, and other written materials for alcohol beverages served in restaurants or similar retail food establishments in 21 CFR part 101 (79 FR 71156, December 1, 2014). However, as reflected in a 1987 Memorandum of Understanding between FDA and the Alcohol and Tobacco Tax and Trade Bureau (TTB), TTB is responsible for the promulgation and enforcement of regulations with respect to the labeling of distilled spirits, certain wines, and malt beverages pursuant to the Federal Alcohol Administration Act (FAA Act). In TTB Ruling 2008–3, dated July 7, 2008, TTB clarified that certain beers, which are not made from both malted barley and hops but are instead made from substitutes for malted barley (such as sorghum, rice, or wheat) or are made without hops, do not meet the definition of a ''malt beverage'' under the FAA Act. Accordingly, TTB stated in its ruling that such products (other than sake, which is classified as a wine under the FAA Act), are not subject to the labeling, advertising, or other provisions of the TTB regulations promulgated under the FAA Act.

In cases where an alcoholic beverage is not covered by the labeling provisions of the FAA Act, the product is subject to ingredient and other labeling requirements under the FD&C Act and the implementing regulations that we administer. In addition, as provided for

under the Fair Packaging and Labeling Act (FPLA), alcoholic beverages that are not covered by the labeling provisions of the FAA Act are subject to the provisions of the FPLA, which we administer.

Therefore, the beers described in the TTB's Ruling as not being a ''malt beverage'' are subject to the labeling requirements under the FD&C Act and FPLA, and our implementing regulations. In general, we require that food products under our jurisdiction be truthfully and informatively labeled in accordance with the FD&C Act, the FPLA, and FDA's regulations. Furthermore, some TTB labeling requirements, such as the Government Health Warning Statement under the Alcoholic Beverage Labeling Act and certain marking requirements under the Internal Revenue Code, continue to apply to these products.

In the **Federal Register** of December 23, 2014 (79 FR 77013), we announced the availability of a guidance entitled, ''Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration''. Persons with access to the Internet may obtain the guidance at *http://www.fda.gov/FoodGuidances.* This guidance is intended to assist manufacturers on how to label bottled or otherwise packaged beers that are subject to our labeling laws and regulations.

Our food labeling regulations under parts 101, 102, 104, and 105 (21 CFR parts 101, 102, 104, and 105) were issued under the authority of sections 4, 5, and 6 of the FPLA (15 U.S.C. 1453, 1454, and 1455) and under sections 201, 301, 402, 403, 409, 411, 701, and 721 of the FD&C Act (21 U.S.C. 321, 331, 342, 343, 348, 350, 371, and 379e). Most of these regulations derive from section 403 of the FD&C Act, which provides that a food product shall be deemed to be misbranded if, among other things, its label or labeling fails to bear certain required information concerning the food product, is false or misleading in any particular, or bears certain types of unauthorized claims. The disclosure requirements and other collections of information in the regulations in parts 101, 102, 104, and 105 are necessary to ensure that food products produced or sold in the United States are in compliance with the labeling provisions of the FD&C Act and the FPLA.

The primary user of the information to be disclosed on the label or labeling of food products is the consumer that purchases the food product. Consumers will use the information to assist them in making choices concerning their purchase of a food product, including choices related to substances that the consumer must avoid to prevent adverse reactions. This information also enables the consumer to determine the role of the food product in a healthful diet. Additionally, FDA intends to use the information to determine whether a manufacturer or other supplier of food products is meeting its statutory and regulatory obligations. Failure of a manufacturer or other supplier of food products to label its products in compliance with section 403 of the FD&C Act and parts 101, 102, 104, and 105 of FDA's food labeling regulations may result in a product being misbranded under the FD&C Act, subjecting the firm and product to regulatory action.

*Description of respondents:* The respondents to this collection of information are manufacturers of beers that are subject to our labeling laws and regulations.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN [1]

| Citation | Number of respondents | Number of disclosures per respondent | Total annual disclosures | Average burden per disclosure | Total hours |
|---|---|---|---|---|---|
| 21 CFR 101.3 and 101.22 | 12 | 2 | 24 | 0.5 (30 minutes) | 12 |
| 21 CFR 101.4 | 12 | 2 | 24 | 1 | 24 |
| 21 CFR 101.5 | 12 | 2 | 24 | 0.25 (15 minutes) | 6 |
| 21 CFR 101.9 | 12 | 2 | 24 | 4 | 96 |
| 21 CFR 101.105 | 12 | 2 | 24 | 0.5 (30 minutes) | 12 |
| Section 403(w)(1) of the FD&C Act | 12 | 2 | 24 | 1 | 24 |
| Guidance document entitled ''Labeling of Certain Beers Subject to the Labeling Jurisdiction of the Food and Drug Administration''. | 12 | 1 | 12 | 1 | 12 |
| Total | | | | | 186 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimate of the number of respondents in table 1 is based on the number of regulatory submissions submitted to TTB for beers that do not meet the definition of a ''malt beverage'' under the FAA Act. Based on its records of submissions received from manufacturers of such products, TTB estimates the number of respondents to be 12 and the number of disclosures annually to be 24. Thus, we adopt TTB's estimate of 12 respondents, and an annual number of disclosures per respondent of 2, in table 1 of this document.

Our estimates of the average burden per disclosure for each regulation are based on our experience with food labeling under the Agency's jurisdiction. The estimated average burden per disclosure for §§ 101.3, 101.4, 101.5, 101.9, 101.22, and 101.105 in table 1 are equal to, and based upon, the estimated average burden per disclosure approved by OMB in OMB control number 0910–0381. We further estimate that the labeling burden of section 403(w)(1) of the FD&C Act, which specifies requirements for the declaration of food allergens, will be 1 hour based upon the similarity of the requirements to that of § 101.4. Finally, FDA estimates that a respondent will spend 1 hour reading the guidance document.

Thus, we estimate that 12 respondents will each label 2 products annually, for a total of 24 labels. We estimate that the manufacturers will spend 7.25 hours (0.5 hours + 1 hour + 0.25 hour + 4 hours + 0.5 hour + 1 hour = 7.25 hours) on each label to comply with our labeling regulations and the requirements of section 403(w)(1) of the FD&C Act, for a total of 174 hours (24

labels × 7.25 hours = 174 hours). In addition, 12 respondents will each spend 1 hour reading the guidance document, for a total of 12 hours. Thus, we estimate the total hour burden of the proposed collection of information to be 186 hours (174 hours + 12 hours = 186 hours).

The guidance also refers to previously approved collections of information found in our regulations. The collections of information in §§ 101.3, 101.4, 101.5, 101.9, 101.22, and 101.105 have been approved under OMB control number 0910–0381. Allergen labeling of these beers under section 403(w)(1) of the FD&C Act, which was added by the Food Allergen Labeling and Consumer Protection Act of 2004, has been approved under OMB control number 0910–0792.

Dated: August 6, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–19741 Filed 8–11–15; 8:45 am]

**BILLING CODE 4164–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–D–1399]**

### Guidance for Entities Considering Whether To Register as Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act; Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a final guidance entitled ''Guidance for Entities Considering Whether to Register as Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' This guidance is intended to inform entities that are considering registering as outsourcing facilities under section 503B of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as added by the Drug Quality and Security Act (DQSA), of the regulatory implications of registration as an outsourcing facility.

**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:** Sara Rothman, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–3110.

**SUPPLEMENTARY INFORMATION:**

### I. Background

FDA is announcing the availability of a final guidance for industry entitled ''Guidance for Entities Considering Whether to Register as Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' On November 27, 2013, President Obama signed the DQSA (Pub. L. 113–54) into law. The DQSA added a new section 503B to the FD&C Act that created a category of entities called ''outsourcing facilities.'' Section 503B(d)(4) of the FD&C Act (21 U.S.C. 353b(d)(4)) defines an outsourcing facility, in part, as a facility that complies with all of the requirements of section 503B, including registering with FDA as an outsourcing facility and paying associated fees. If the conditions outlined in section 503B(a) of the FD&C Act are satisfied, a drug compounded by or under the direct supervision of a licensed pharmacist in an outsourcing facility is exempt from certain sections of the FD&C Act, including section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use) and section 505 (21 U.S.C. 355) (concerning the approval of human drug products under new drug applications (NDAs) or abbreviated new drug applications (ANDAs)). Drugs compounded in outsourcing facilities are not exempt from the requirements of section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)) (concerning current good manufacturing practice for drugs).

FDA has received questions about whether entities engaged in various types of activities (*e.g.,* a facility that is compounding only non-sterile drugs or only repackaging biological products) should register as an outsourcing facility. Because entities that register as outsourcing facilities must pay a registration fee and FDA has determined that fees paid pursuant to sections 503B and 744K of the FD&C Act will not be refunded, FDA is issuing this guidance to answer some of these questions and to provide potential registrants additional information about the regulatory impact of registering as an outsourcing facility.

In the **Federal Register** of February 19, 2015 (80 FR 8871), FDA issued a notice announcing the availability of the draft version of this guidance. The comment period on the draft guidance ended on May 20, 2015. FDA received eleven comments on the draft guidance. Some of the comments raised issues that were not directly pertinent to the topics addressed in this guidance. FDA intends to consider those comments as they relate to issues being addressed in other policy documents being developed by the Agency.

In response to received comments or on its own initiative, FDA made the following changes as it finalized this guidance: (1) Removed the reference to a separate guidance document that explains how outsourcing facilities should report the products they compound to FDA because that guidance is not directly related to the issue of entities considering whether to register as outsourcing facilities; (2) noted that FDA has issued separate guidance documents addressing some of the conditions of section 503B and that it intends to publish additional guidance addressing other conditions; (3) added a reference to FDA's draft guidance regarding compounding animal drug products from bulk drug substances, which addresses outsourcing facilities engaging in this activity; and (4) made grammatical and other minor editorial changes for clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on registering as an outsourcing facility under section 503B of the FD&C Act. It does not create 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 document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: August 6, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–19740 Filed 8–11–15; 8:45 am]

BILLING CODE 4164–01–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0882]**

### Generic Drug User Fees; Stakeholder Meetings on Generic Drug User Fee Amendments of 2012 Reauthorization; Request for Notification of Stakeholder Intent To Participate; Extension of Closing Date

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; request for notification of intent to participate; extension of closing date.

**SUMMARY:** The Food and Drug Administration (FDA) is extending the closing date for the document that appeared in the **Federal Register** of June 3, 2015. In that document, FDA requested that public stakeholders, including patient and consumer advocacy groups, health care professionals, and scientific and academic experts, notify FDA of their intent to participate in periodic consultation meetings on the reauthorization of the Generic Drug User Fee Amendments of 2012 (GDUFA). The statutory authority for GDUFA expires at the end of September 2017. At that time, new legislation will be required for FDA to continue collecting user fees for the generic drug program. The Federal Food, Drug, and Cosmetic Act (the FD&C Act) requires that FDA consult with a range of stakeholders in developing recommendations for the next GDUFA program. The FD&C Act also requires that FDA hold continued discussions with patient and consumer advocacy groups at least monthly during FDA's negotiations with the regulated industry. The purpose of the request for notification is to ensure continuity and progress in these monthly discussions by establishing consistent stakeholder representation.

**DATES:** FDA is extending the closing date in the notice published June 3, 2015 (80 FR 31602). Submit notification of intent to participate by April 30, 2016.

**ADDRESSES:** Submit notification of intent to participate in monthly stakeholder meetings by email to *GenericDrugPolicy@fda.hhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Connie Wisner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1718, Silver Spring, MD 20993–0002, 240–402–7946, *Connie.Wisner@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

FDA is requesting that public stakeholders, including patient and consumer advocacy groups, health care professionals, and scientific and academic experts, notify the Agency of their intent to participate in periodic consultation meetings on the reauthorization of GDUFA. GDUFA authorizes FDA to collect fees from drug companies that submit marketing applications for certain generic human drug applications, certain drug master files, and certain facilities. GDUFA requires that generic drug manufacturers pay user fees to finance critical and measurable generic drug program enhancements. The statutory authority for GDUFA expires at the end of September 2017. Without new legislation, FDA will no longer be able to collect user fees for future fiscal years to fund the human generic drug review process. Section 744C(d) (21 U.S.C. 379j–43(d)) of the FD&C Act requires that FDA consult with a range of stakeholders in developing recommendations for the next GDUFA program, including representatives from patient and consumer groups, health care professionals, and scientific and academic experts. FDA initiated this process on June 15, 2015, by holding a public meeting at which stakeholders and other members of the public were given an opportunity to present their views on reauthorization (April 21, 2015, 80 FR 22204). The FD&C Act further requires that FDA continue meeting with these stakeholders at least once every month during negotiations with the regulated industry to continue discussions of stakeholder views on the reauthorization.

FDA is issuing this **Federal Register** notice to request that stakeholder representatives from patient and consumer groups, health care professional associations, as well as scientific and academic experts notify FDA of their intent to participate in periodic consultation meetings on GDUFA reauthorization. FDA believes that consistent stakeholder representation at these meetings will be important to ensuring progress in these discussions. If you wish to participate in this part of the reauthorization process, please designate one or more representatives from your organization who will commit to attending these meetings and preparing for the discussions as needed. Stakeholders who identify themselves through this notice will be included in all stakeholder discussions while FDA negotiates with the regulated industry. Stakeholders who decide to participate in these monthly meetings at a later time may still participate in remaining monthly meetings by notifying FDA (see **ADDRESSES**). These stakeholder discussions will satisfy the requirement in section 744C(d)(3) of the FD&C Act.

### II. Notification of Intent To Participate in Periodic Consultation Meetings

If you intend to participate in continued periodic stakeholder consultation meetings regarding GDUFA reauthorization, please provide notification by email to *GenericDrugPolicy@fda.hhs.gov* by April 30, 2016. Your email should contain complete contact information, including name, title, affiliation, address, email address, phone number, and notice of any special accommodations required because of disability. Stakeholders will receive confirmation and additional information about the first meeting once FDA receives their notification.

Dated: August 6, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–19768 Filed 8–11–15; 8:45 am]

BILLING CODE 4164–01–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2015–N–0001]**

### Pediatric 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:* Pediatric 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 Wednesday, September 16, 2015, from 8:30 a.m. to 5:30 p.m.

*Location:* Double Tree by Hilton, 8727 Colesville Rd., Silver Spring, MD 20910, 301–589–5200. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://doubletree3.hilton.com/en/hotels/maryland/doubletree-by-hilton-hotel-washington-dc-silver-spring-DCASSDT/index.html.*

*Contact Person:* Walter Ellenberg, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993, 301–796–0885, email: *walter.ellenberg@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:* On September 16, 2015, the Pediatric Advisory Committee (PAC) will meet to discuss pediatric-focused safety reviews, as mandated by the Best Pharmaceuticals for Children Act (Pub. L. 107–109) and the Pediatric Research Equity Act (Pub. L. 108–155). The PAC will meet to discuss the following products:

1. DUREZOL (difluprednate ophthalmic emulsion) 0.05%, Phenylephrine Hydrochloride Ophthalmic Solution,
2. ZYLET (loteprednol etabonate and tobramycin ophthalmic suspension),
3. BETHKIS (tobramycin Inhalation Solution),
4. INTELENCE (etravirine),
5. PREZISTA (darunavir),
6. VIRAMUNE XR (nevirapine),
7. EPIDUO (adapalene and benzoyl peroxide),
8. EXJADE (deferasirox),
9. DOTAREM (gadoterate meglumine),
10. FYCOMPA (perampanel),
11. RECOTHROM (thrombin, topical [recombinant]),
12. PREVNAR 13 (Pneumococcal 13-valent Conjugate Vaccine [Diphtheria $CRM_{197}$ Protein]),
13. PLEXIMMUNE,
14. ELANA SURGICAL KIT (HUD),
15. BERLIN HEART EXCOR PEDIATRIC VENTRICULAR ASSIST DEVICE (VAD),
16. ENTERRA THERAPY SYSTEM, and
17. CONTEGRA Pulmonary Valved Conduit.

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 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 September 8, 2015. Oral presentations from the public will be scheduled between approximately 9 a.m. and 10 a.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 September 1, 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 September 8, 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 physical disabilities or special needs. If you require special accommodations due to a disability, please contact Walter Ellenberg 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: August 5, 2015.

**Jill Hartzler Warner,**

*Associate Commissioner for Special Medical Programs.*

[FR Doc. 2015–19729 Filed 8–11–15; 8:45 am]

**BILLING CODE 4164–01–P**

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## 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; Hypertension and Microcirculation.

*Date:* September 15, 2015.

*Time:* 10:00 a.m. to 12:00 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:* Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Clinical, Integrative and Molecular Gastroenterology Study Section.

*Date:* September 28, 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:* Mushtaq A. Khan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, 301–435–1778, *khanm@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: August 7, 2015.

**Anna Snouffer,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–19802 Filed 8–11–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Male Osteoporosis.

*Date:* September 9, 2015.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Ave., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alicja L. Markowska, Ph.D., DSC, Scientific Review Branch, National Institute On Aging, 7201 Wisconsin Avenue, Suite 2c212, 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: August 7, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–19784 Filed 8–11–15; 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:* Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section.

*Date:* September 14–15, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008

*Contact Person:* Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov*.

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

*Date:* September 21–22, 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:* Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov*.

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensorimotor Integration Study Section.

*Date:* September 22, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Embassy Suites DC Convention Center, 900 10th Street NW., Washington, DC 20001.

*Contact Person:* John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov*.

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics B Study Section.

*Date:* September 28–29, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

*Contact Person:* Richard A Currie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov*.

*Name of Committee:* Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

*Date:* September 28–29, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

*Contact Person:* Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.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: August 6, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–19735 Filed 8–11–15; 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 Provocative Questions 1.
*Date:* September 21, 2015.
*Time:* 9:00 a.m. to 12:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 5W030, Rockville, MD 20850, (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resource and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stociaa2@mail.nih.gov.*

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Provocative Questions PQ 2.
*Date:* September 21, 2015.
*Time:* 1:00 p.m. to 4:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 5W030, Rockville, MD 20850, (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stoicaa2@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Provocative Questions PQ 6.
*Date:* September 21, 2015.
*Time:* 12:00 p.m. to 1:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 5W030, Rockville, MD 20850, (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division Of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–8328, 240–276–6368, *stoicaa2@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Provocative Questions PQ 5.
*Date:* September 22, 2015.
*Time:* 9:00 a.m. to 12:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 3E030, Rockville, MD 20850, (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stoicaa2@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Provocative Questions PQ 10.
*Date:* September 22, 2015.
*Time:* 2:00 p.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 3E030, Rockville, MD 20850, (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stoicaa2@mail.nih.gov*.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; NCI Provocative Questions PQ 8.
*Date:* September 22, 2015.
*Time:* 12:00 p.m. to 2:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 3E030, Rockville, MD 20850 (Telephone Conference Call).
*Contact Person:* Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *stoicaa2@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: August 7, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–19785 Filed 8–11–15; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R6–R–2015–N113; FXRS1265066CCP0–156–FF06R06000]**

### San Luis Valley National Wildlife Refuge Complex, Alamosa, Rio Grande, and Saguache, CO; Comprehensive Conservation Plan and Environmental Impact Statement

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; final comprehensive conservation plan and environmental impact statement.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of a final comprehensive conservation plan (CCP) and final environmental impact statement (EIS) for three national wildlife refuges (Alamosa, Monte Vista, and Baca National Wildlife Refuges) within the San Luis Valley National Wildlife Refuge Complex (refuge complex) in Alamosa, Rio Grande, and Saguache, Colorado. In these documents, we describe alternatives, including our preferred alternative, to manage the refuge complex for the 15 years following approval of the final CCP.

**ADDRESSES:** You may request copies of the final CCP and final EIS, or more information, by one of the following methods. You also may request hard copies or a CD–ROM of the documents.

*Email: slvrefugesplanning@fws.gov.* Include ''San Luis Valley National Wildlife Refuge Complex CCP'' in the subject line of the message.

*Fax:* Attn: Laurie Shannon, Planning Team Leader, 303–236–4792.

*U.S. Mail:* Laurie Shannon, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver, CO 80225–0486.

To view comments on the final CCP–EIS from the Environmental Protection Agency (EPA), or for information on EPA's role in the EIS process, see EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Laurie Shannon, Planning Team Leader, 303–236–4317 (phone) or *laurie_shannon@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

### Introduction

With this notice, we announce the availability of the final CCP and final EIS for three national wildlife refuges that are part of the refuge complex. We started this process through a notice of intent in the **Federal Register** on March 15, 2011 (76 FR 14042). Following a lengthy scoping and alternatives development period, we published a second notice in the **Federal Register** (79 FR 50937, August 26, 2014) announcing the availability of the draft CCP and draft EIS and our intention to hold public meetings, and requested comments. Comments were due October 27, 2014. In addition, EPA published a notice announcing the draft CCP and EIS (79 FR 53061; September 5, 2014), as required under section 309 of the Clean Air Act (CAA; 42 U.S.C. 7401 *et*

*seq.*) We now announce the final CCP and EIS. Under the CAA, EPA will notice the final CCP and EIS as well.

**EPA's Role in the EIS Process**

The EPA is charged under section 309 of the Clean Air Act to review all Federal agencies' environmental impact statements (EISs) and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs.

EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The Environmental Impact Statement (EIS) Database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability each Friday in the **Federal Register**.

The notice of availability is the start of the 45-day public comment period for draft EISs, and the start of the 30-day ''wait period'' for final EISs, during which agencies are generally required to wait 30 days before making a decision on a proposed action. For more information, see *http://www.epa.gov/compliance/nepa/eisdata.html.* You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

**About the Refuges**

Alamosa, Monte Vista, and Baca National Wildlife Refuges (NWRs) are located in the San Luis Valley, a high mountain basin in Alamosa, Rio Grande, and Saguache Counties, Colorado. A wide variety of habitats are found across the refuge complex, including wet meadows, playa wetlands, riparian areas within the flood plain of the Rio Grande and other creeks, desert shrublands, grasslands, and croplands. Totaling about 106,000 acres, the refuges are an important stopover for numerous migratory birds. The refuges support many groups of nesting, migrating, and wintering birds, including sandhill cranes, grebes, herons, ibis, ducks, geese, hawks, eagles, falcons, shorebirds, owls, songbirds, and others. Other wildlife includes Rocky Mountain elk, mule deer, pronghorn, coyotes, and other small mammals, amphibian species, and native fish.

**Background**

*The CCP Process*

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd–668ee) (Administration Act) by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including, where appropriate, opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years as necessary in accordance with the Administration Act.

*Public Outreach*

We started the public outreach process in March 2011. At that time and throughout the process, we requested public comments and considered them in numerous ways. Public outreach has included holding nine public meetings, mailing planning updates, maintaining a project Web site, and publishing press releases. We have considered and evaluated all the comments we have received during this process.

**CCP Alternatives We Are Considering**

During the public scoping process with which we started work on the draft CCP and EIS, we, other governmental partners, Tribes, and the public raised several issues. Our final CCP and final EIS addresses both the scoping comments and the comments we received on the draft CCP and draft EIS. A full description of each alternative is in the final CCP and final EIS. To address these issues, we developed and evaluated the following alternatives, summarized below.

*Alternative A: No Action*

Habitat and wildlife management: There would be few changes in management of habitats and wildlife populations across the refuge complex through the manipulation of water. We would continue to manage wetland areas, wet meadows, riparian areas, and upland habitats to provide for a variety of waterbirds and other migratory birds. We would continue to protect habitat for the federally endangered southwestern willow flycatcher and other species of concern. We would continue to produce small grains at current levels on Monte Vista NWR to provide food for spring-migrating sandhill cranes. The management of elk populations would be limited to nonlethal dispersal, agency culling, and the limited distribution (dispersal) hunts on the former State lands of Baca NWR. We would phase out the existing arrangement with The Nature Conservancy for season-long bison use within Baca NWR, and we would not use bison as a management tool in the future.

Water resources management: We would continue to manage water in the same manner, except as modified by changed State rules, regulations, and policies, and we would augment water supplies in accordance with State law.

Visitor services: We would continue to provide for limited wildlife-dependent public uses, including waterfowl and small game hunting, on Monte Vista and Alamosa NWRs. We would not build new facilities to support visitor services. Baca NWR would remain closed to all public access except for limited guided tours and access to refuge offices.

Cultural resources, partnerships, and refuge complex operations: There would be few changes from current management. When the legislation passed authorizing the Baca NWR, it did not come with additional funding, and additional operations costs were absorbed into the current operations. We would seek some additional staff and operations funding to support current management needs.

Wilderness review: We would not recommend protection for any areas having wilderness characteristics or values.

*Alternative B: Preferred Alternative (Wildlife Populations, Strategic Habitat Restoration, and Enhanced Public Uses)*

Habitat and wildlife management: Although we would manage wetland and riparian areas within the refuge complex to achieve a variety of wetland types and conditions in order to support a diversity of migratory birds, we would focus on the focal species, including the federally listed southwestern willow flycatcher, greater sandhill cranes, and other migratory bird species or wildlife species that represent larger regional and landscape conservation goals. In specific areas, we would restore historical water flow patterns through more effective and efficient water management practices (*e.g.,* moving water to areas that historically held more water). This could include removal or replacement of water infrastructure. We would restore riparian habitat along streams in Baca

NWR and along selected areas along the Rio Grande in Alamosa NWR, and we would manage upland habitats to create a variety of conditions to provide for a diversity of wildlife species. We would use public hunting, including elk hunting across the refuge complex, to complement the State's management of elk herds in the San Luis Valley, with more limited elk hunting used on Alamosa and Monte Vista NWRs. We would phase out the existing arrangement with The Nature Conservancy for bison management on Baca NWR, but we would research the feasibility of using semi-free-ranging bison year-round to effectively maintain and enhance refuge habitats. The research area (about 12,140 acres) would have habitat-type acreages that are roughly in proportion to the habitat types found on the greater Sand Dunes landscape that includes lands managed by the National Park Service, The Nature Conservancy, and refuge lands. We would continue to grow limited amounts of small grain on Monte Vista NWR to provide food for spring-migrating sandhill cranes, but there would be a small decrease in the amount of grains grown as a result of restoring historic water flow patterns.

Water resources management: We would continue to work with other landowners and agencies throughout the watershed to keep flexibility as well as to protect and, if necessary, augment our water rights as State regulations evolve. Our water infrastructure, delivery, and efficiencies would require upgrades to make sure our wildlife, habitat, and visitor services objectives are met.

Visitor services: In addition to continuing waterfowl and limited small game hunting opportunities on Monte Vista and Alamosa NWRs, we would offer limited elk hunting on Monte Vista and Alamosa NWRs, and we would open Baca NWR for big game and limited small game hunting. We would improve public access on Monte Vista and Alamosa NWRs, including allowing more access from approximately mid-July through the end of February for wildlife viewing and interpretation on roads and trails that are currently only open to waterfowl hunters during hunting season. We would also improve existing access opportunities. We would seek funding to build a visitor center and refuge complex offices at either Monte Vista NWR or Alamosa NWR to provide for safer access to the refuge complex headquarters and to provide for a modern work environment, as well as to offer a place for visitors to come and learn more about the refuge complex resources. We would permit walk-in fishing access and bank fishing just below and above the Chicago dam on Alamosa NWR (fishing from the dam would not be allowed). We would open Baca NWR for a variety of compatible, wildlife-dependent opportunities, including providing facilities to support them, including an auto tour route, trails, viewing blinds, and interpretation and environmental education programs.

Cultural resources, partnerships, and refuge complex operations: We would increase our efforts toward identifying and protecting the significant cultural resources found on the refuge complex. We would work with partners and volunteers to accomplish our objectives, but we would also seek increased staffing levels of both full-time and seasonal employees, as well as increased funding for operations.

Wilderness review: We would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR and adjacent to Great Sand Dunes National Park and Preserve that possess wilderness characteristics and values.

*Alternative C: Habitat Restoration and Ecological Processes*

Habitat and wildlife management: We would take all feasible actions to restore—or mimic, where needed—the native vegetation community, based on ecological site characteristics, ecological processes, and other factors. We would restore the function of the riparian and playa areas on the Baca NWR. Where possible, we would restore natural waterflow patterns. We would phase out and end the production of small grains for migrating sandhill cranes on Monte Vista NWR. Similar to alternative B, we would use hunting to manage elk populations across the refuge complex. Periodically (not annually), we would use bison on Baca NWR to mimic the ecological benefit they may have once provided.

Water resources management: We would manage water to restore the hydrologic conditions, with less focus on habitat management for specific species or for providing wildlife viewing. In some years, water might not be available to meet life cycle needs for some waterfowl species. Existing water infrastructure would be removed or modified as needed.

Visitor services: We would continue to allow waterfowl and limited small game hunting on the Monte Vista and Alamosa NWRs. Similar to under alternative B, we would open the Baca NWR for limited big game and limited small game hunting, whereas, on the Monte Vista and Alamosa NWRs, we would rely more on limited public hunting or agency dispersal methods for elk management.

There may be other changes in public use, depending on the habitat management action. Some areas could be closed, or wildlife viewing would be more limited. Current public access would be evaluated on the Alamosa and Monte Vista NWRs. If existing roads or trails are not needed, or if these facilities fragment habitat, they could be removed or altered. Viewing areas for sandhill cranes may be moved, depending on restoration efforts. As under alternative B, on Monte Vista and Alamosa NWRs, we would also allow for access opportunities within the hunt boundary from mid-July through the end of February. We would not build a refuge headquarters or visitor center on Monte Vista or Alamosa NWR. Except for limited hunting access to achieve our management objectives, there would be few visitor facilities or programs on Baca NWR, and most of the refuge would remain closed.

Cultural resources, partnerships, and refuge complex operations: Our actions would be similar to those under alternative B, except that on Baca NWR, roads that are not needed or that are fragmenting habitat would be removed.

Wilderness review: This would be the same as under alternative B; we would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR.

*Alternative D: Maximize Public Use Opportunities*

Habitat and wildlife management: Under this alternative, our habitat management practices would be a blend of alternatives A and B. We would manage wildlife habitats on the refuge complex consistent with our mission and purposes, while maximizing and emphasizing quality visitor experiences and wildlife-dependent public uses. For example, we could irrigate areas that are closer to public access to facilitate wildlife viewing. We would increase agricultural production of small grains for sandhill cranes on Monte Vista NWR, including the consideration of producing grain in specific places to enhance wildlife viewing. We would offer a variety of opportunities for elk hunting (*e.g.,* youth hunts or additional provisions for persons with disabilities), managing numbers at levels that would restore and foster the long-term health of native plant communities. We would introduce and manage a small bison herd on a confined area of the Baca NWR, emphasizing wildlife viewing and interpretive opportunities.

Water resources management: We would manage water similar to

alternative B, except we would make a concerted effort to make sure there is water in specific areas to enhance wildlife viewing; this practice could require additional augmentation of water.

Visitor services: We would provide for the widest variety of compatible wildlife-dependent recreation. Similar to under alternative B, public access and visitor programs would be expanded, including building a visitor center and refuge complex at either Monte Vista or Alamosa NWR; however, there would be additional trails, viewing blinds, and seasonal auto tour routes provided across the refuge complex. Subsequently, we would increase interpretation and environmental education opportunities and seek more staff, volunteers, and partnerships to support the visitor services program. We would allow for limited fishing access on Alamosa NWR. We would also consider additional commercial uses.

Cultural resources, partnerships and refuge complex operations: Our actions would be similar to those under alternative B, except there would be greater emphasis on using students and volunteers to help us survey areas with high potential for cultural resources. We would pursue more outside partnerships and seek to increase staffing and funding to support our refuge complex operations.

Wilderness review: This would be the same as that under alternative B; we would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR.

**Comments**

We solicited comments on the draft CCP and draft EIS from August 26, 2014, through October 27, 2014 and accepted them through November 3, 2014. During the comment period we received over 1,000 letters, email, petitions (form letters), or verbal comments, and we thoroughly evaluated them all.

**Changes to the Final CCP and Final EIS**

We made the following changes in the final CCP and final EIS from the draft CCP and draft EIS.

- Fishing on Alamosa NWR. Under alternative B, we would provide for fishing access along the banks of the Rio Grande just above and below the Chicago dam (fishing from the dam would not be allowed). This was part of broader fishing opportunity element that was considered under alternative D in the draft CCP and draft EIS. Prior to our acquisition of the property near the Chicago dam, the area was popular with local fisherman who fished for game fish like northern pike and carp. When we acquired the property, we closed the access due to concerns of having people fish off the dam. After further review, under alternative B and D, we would use signs, barriers, and increased law enforcement to keep people off the dam and allow an opportunity for bank fishing just above and below the dam. Currently, there are no nesting territories for southwestern willow flycatcher found in this area, but monitoring for these protected birds would continue. Should territories be established in the area, we would institute seasonal closures as needed. Other opportunities for fishing along the Rio Grande could be considered in the future.
- For Baca NWR, we modified several trails under alternative B and D to provide for some shorter loops and longer loops. We provided additional clarity on how the public use program would be managed on the refuge.
- We also provided additional clarification under the action alternatives about opening Alamosa and Monte Vista NWRs for limited big game hunting and Baca NWR for limited big game and limited small game hunting, making it clearer that we would develop and implement a hunt plan within 1–3 years under all three action alternatives.
- Under the objectives for cultural resources, we added information about the importance of oral traditions practiced by Native Americans, and we would reach out to the Tribes regarding their oral traditions and regional knowledge about the history of the San Luis Valley.
- To emphasize the importance of water quality and monitoring and the importance of the San Luis Valley as a primary staging area for sandhill cranes from their winter grounds in northern New Mexico and the breeding grounds to the north, we added two new figures to the document: (1) Impaired waters in the San Luis Valley; and (2) Distribution of the Rocky Mountain Population of Greater Sandhill Cranes. We would also initiate a research project to better understand the trends in agricultural practices in the San Luis Valley, including the amount and distribution of small grain production on private lands, the energetic demands of spring migrating cranes, and whether other changes to Monte Vista NWR's farming program are needed as a result of ongoing drought, climate changes, and changes in State groundwater regulations.
- As necessary, we updated maps, corrected errors and provided additional clarification throughout the final CCP and final EIS.

**Public Availability of Documents**

In addition to any one method in **ADDRESSES**, you can view or obtain documents at the following locations:

- Our Web site: *http://www.fws.gov/mountain-prairie/refuges/refugesUpdate/alm_bac_mtv.php*
- Public libraries:

| Library | Address | Phone No. |
|---|---|---|
| Alamosa Public Library | 300 Hunt Avenue, Alamosa, CO 81101 | (719) 589–6592 |
| Carnegie Public Library | 120 Jefferson Street, Monte Vista, CO 81144 | (719) 852–3931 |
| Baca Grande Library | 67487 County Road T, Crestone, CO 81131 | (719) 256–4100 |
| Saguache Public Library | 702 Pitkin Ave, Saguache, CO 81149 | (719) 655–2551 |

**Next Steps**

We will document the final decision in a record of decision, which will be published in the **Federal Register** after a 30-day ''wait period'' that begins when EPA announces this final CCP–EIS. For more information, see EPA's Role in the EIS Process.

Dated: August 5, 2015.

**Matt Hogan,**

*Acting Regional Director, Mountain-Prairie Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–19783 Filed 8–11–15; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**[FWS–R8–FHC–2015–N145]; [FXFR1334088TWG0W4–123–FF08EACT00]**

## Trinity River Adaptive Management Working Group; Teleconference

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a teleconference for the Trinity River Adaptive Management Working Group (TAMWG). The TAMWG is a Federal advisory committee that affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the Trinity Management Council (TMC). The TMC interprets and recommends policy, coordinates and budget oversight.

**DATES:** *Public teleconference call:* TAMWG will run from 10 a.m. to 12 p.m. Pacific time on Tuesday, August 25, 2015. *Teleconference leader: Joe Polos, Toll free number: 866–715–1246, Participant Pass Code: 8007758, Deadlines:* For deadlines on submitting written material, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The teleconference number will be at the U.S. Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth W. Hadley, Redding Electric Utility, by mail at 777 Cypress Avenue, Redding, CA 96001; by telephone at 530–339–7327; or by email at *ehadley@reupower.com* or Joseph C. Polos, by mail at U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521; by telephone at 707–825–5149; or by email at *joe_polos@fws.gov.* Individuals with a disability may request an accommodation by sending an email to either point of contact.

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that the TAMWG and the TMC will hold a joint teleconference meeting.

## Background

The TAMWG affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the TMC. The TMC interprets and recommends policy, coordinates and reviews management actions, and provides organizational budget oversight.

## Meeting Agenda

- FY 2016 Trinity River Restoration Plan budget.

The final agenda will be posted on the Internet at *http://www.fws.gov/arcata.*

PUBLIC INPUT

| If you wish to | You must contact Elizabeth Hadley **FOR FURTHER INFORMATION CONTACT**) no later than |
|---|---|
| Submit written information or questions for the TAMWG to consider during the teleconference. | August 18, 2015. |

Interested members of the public may submit relevant information or questions for the TAMWG to consider during the meeting. Written statements must be received by the date above, so that the information may be available to the TAMWG for their consideration prior to this meeting. Written statements must be supplied to Elizabeth Hadley in one of the following formats: One hard copy with original signature, or one electronic copy with a digital signature via email (acceptable file formats are Adobe Acrobat PDF, MS Word, PowerPoint, or rich text file).

Registered speakers who wish to expand on their oral statements, or those who wished to speak but could not be accommodated on the agenda, may submit written statements to Elizabeth Hadley up to 7 days after the meeting.

## Meeting Minutes

Summary minutes of the meeting will be maintained by Elizabeth Hadley (see **FOR FURTHER INFORMATION CONTACT**). The draft minutes will be available for public inspection within 14 days after the meeting, and will be posted on the TAMWG Web site at *http://www.fws.gov/arcata.*

Dated: August 4, 2015.

**Vina N. Frye,**

*Fish Biologist, Arcata Fish and Wildlife Office, Arcata, California.*

[FR Doc. 2015–19777 Filed 8–11–15; 8:45 am]

**BILLING CODE 4310–55–P**

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# DEPARTMENT OF THE INTERIOR

## Geological Survey

**[GX15EE000101100]**

## Announcement of National Geospatial Advisory Committee Meeting

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Geospatial Advisory Committee (NGAC) will meet on September 1–2, 2015 at the National Conservation Training Center, 698 Conservation Way, Shepherdstown, WV 25443. The meeting will be held in Room #201 Instructional East. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was established to advise the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

— Leadership Dialogue

— FGDC Report/Geospatial Platform Update

— Open Water Data Initiative

— 3D Elevation Program

— Crowdsourced Geospatial Data

— Outreach and Communications

— Geospatial Privacy

— Landsat

The meeting will include an opportunity for public comment during the morning of September 2. Comments may also be submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance for clearance into the meeting site. Please register by contacting Lucia Foulkes at the Federal Geographic Data Committee (703–648–4142, *lfoulkes@usgs.gov*). Registrations are due by August 28. While the meeting will be open to the public, registration is required for entrance to the facility, and seating may be limited due to room capacity.

**DATES:** The meeting will be held on September 1 from 8:30 a.m. to 5:00 p.m. and on September 2 from 8:30 a.m. to 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** John Mahoney, U.S. Geological Survey (206–220–4621).

**SUPPLEMENTARY INFORMATION:** Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting are available at *www.fgdc.gov/ngac.*

**Kenneth Shaffer,**

*Deputy Executive Director, Federal Geographic Data Committee.*

[FR Doc. 2015–19817 Filed 8–11–15; 8:45 am]

**BILLING CODE 4311–AM–P**

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

**[GX15EB00A181100]**

### Agency Information Collection Activities: Request for Comments

**AGENCY:** U.S. Geological Survey (USGS), Interior.

**ACTION:** Notice of an extension of a currently approved information collection (1028–0085).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is inviting comments on an information collection request (ICR) that we have sent to the Office of Management and Budget (OMB) for review and approval. The ICR concerns the paperwork requirements for the National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA) and describes the nature of the collection and the estimated burden and cost. As required by the PRA, 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 ICR. This Information Collection is scheduled to expire on September 30, 2015.

**DATES:** Submit written comments by September 11, 2015.

**ADDRESSES:** Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'Information Collection 1028–0085 National Land Remote Sensing Education, Outreach and Research Activity' in all correspondence. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email).

**FOR FURTHER INFORMATION CONTACT:** Sarah Cook, Land Remote Sensing Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192 (mail); 703–648–6136 (phone); or *scook@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA) is an effort that involves the development of a U.S. National consortium in building the capability to receive, process and archive remotely sensed data for the purpose of providing access to university and State organizations in a ready-to-use format; and to expand the science of remote sensing through education, research/applications development and outreach in areas such as environmental monitoring, climate change research, natural resource management and disaster analysis. Respondents are submitting proposals to acquire funding for a National (U.S.) program to promote the uses of space-based land remote sensing data and technologies through education and outreach at the State and local level and through university-based and collaborative research projects. The information collected will ensure that sufficient and relevant information is available to evaluate and select a proposal for funding. A panel of USGS Land Remote Sensing Program managers and scientists will review each proposal to evaluate the technical merit, requirements, and priorities identified in the Program's call for proposals.

This notice concerns the collection of information that is sufficient and relevant to evaluate and select proposals for funding. We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' No questions of a ''sensitive'' nature are asked. We intend to release the project abstracts and primary investigators for awarded/funded projects only.

**II. Data**

*OMB Control Number:* 1028–0085.

*Form Number:* NA.

*Title:* National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA).

*Type of Request:* Extension.

*Affected Public:* Non-profit organizations.

*Respondent's Obligation:* Required to receive benefits.

*Frequency of Collection:* Once per year.

*Estimated Total Number of Annual Responses:* Approximately 5 applications.

*Estimated Time per Response:* We expect to receive approximately 5 applications per year, taking each applicant approximately 24 hours to complete, totaling 120 burden hours. We anticipate awarding one (1) grant per year. The grantee will be required to submit an interim Annual Progress Report to the designated USGS Project Officer within 90 days of the end of the project period and a final report on or before 90 working days after the expiration of the agreement for a total of 48 hours.

*Estimated Annual Burden Hours:* 168 hours per year.

*Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden:* There are no ''non-hour cost'' burdens associated with this ICR.

*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.

**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.

**Timothy R. Newman,**

*Program Coordinator, Land Remote Sensing Program, U.S. Geological Survey.*

[FR Doc. 2015–19730 Filed 8–11–15; 8:45 am]

BILLING CODE 4310–Y7–P

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### Invasive Species Advisory Committee

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of public meeting (via Web Conferencing) of the Invasive Species Advisory Committee.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee. The purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues. The purpose of a meeting *via web conferencing,* in lieu of physical travel, on August 18, 2015 is to convene the full Advisory Committee to discuss the work of its Subcommittee on Early Detection and Rapid Response (EDRR) in providing advice on a National EDRR Framework and Emergency Funding Plan; present an overview of the status of the report; discuss changes that have been made since the May 20–22, 2015 ISAC meeting in Silver Spring, Maryland; and to invite comments prior to submission of the final report to the White House Council on Climate Preparedness and Resilience in September 2015 (comments are due August 25, 2015.) The web conference URL, call-in number and access code will be provided upon registering online at *https://app.smartsheet.com/b/form?EQBCT=4466bff1189943eda4d1039a0e98fa42,* or by phone at 202–208–4122. A conference room will be available for members of the public to observe the web conference in person. For location, see **ADDRESSES** section below.

**DATES:** Meeting of the Invasive Species Advisory Committee via web conferencing: Tuesday, August 18, 2015; 3 p.m.–5 p.m. (EDT)

**ADDRESSES:** U.S. Department of the Interior, Stuart Udall Building (MIB), 1849 C Street NW., Room 1548, Washington, DC 20240. All visiting members of the public must be cleared through building security prior to being escorted to the conference room.

**FOR FURTHER INFORMATION CONTACT:** Kelsey Brantley, National Invasive Species Council Program Specialist and ISAC Coordinator, Phone: (202) 208–4122; Fax: (202) 208–4118; Email: *Kelsey_Brantley@ios.doi.gov.*

Dated: August 7, 2015.

**Christopher P. Dionigi,**

*Acting Executive Director, National Invasive Species Council.*

[FR Doc. 2015–19867 Filed 8–11–15; 8:45 am]

BILLING CODE 4334–63–P

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

**[155D1114PD DS62100000 DPD000000.000000]**

### Proposed Renewal of Information Collection: OMB Control Number 1093–0005, Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44)

**AGENCY:** Office of the Secretary, Office of Budget.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of the Office of Budget, Office of the Secretary, Department of the Interior (DOI), announces the proposed extension of a public information collection required by the Payments in Lieu of Taxes Act (PILT) and seeks public comments on the provisions thereof. After public review, the Office of Budget will submit a renewal request for the information collection to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Consideration will be given to all comments received by October 13, 2015.

**ADDRESSES:** Send your written comments to the U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Dionna Kiernan, 1849 C St. NW., MS 7413 MIB, Washington, DC 20240. Send any faxed comments to (202) 219–2849, attn Dionna Kiernan. Comments may also be emailed to *dionna_kiernan@ios.doi.gov.*

Individuals providing comments should reference OMB Control Number 1093–0005, ''Payments in Lieu of Taxes (PILT Act), Statement of Federal Land Payments, 43 CFR 44.23(a).'' 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.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the information collection request, any explanatory information and related forms, see the contact information provided in the **ADDRESSES** section above.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This notice is for renewal of information collection.

The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.,* require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)).

Public Law 97–258 (31 U.S.C. 6901–6907), as amended, the Payments in Lieu of Taxes (PILT) Act, was designed by Congress to help local governments recover some of the expenses they incur in providing services on public lands. These local governments receive funds under various Federal land payment programs such as the National Forest Revenue Act, the Mineral Lands Leasing Act, and the Taylor Grazing Act. PILT payments supplement the payments that local governments receive under these other programs. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

The PILT Act requires that the Governor of each State furnish the Department of the Interior with a listing of payments disbursed to local governments by the States on behalf of the Federal Government under 12 statutes described in Section 6903 of 31 U.S.C. The Department of the Interior uses the amounts reported by the States to reduce PILT payments to units of general local governments from that which they might otherwise receive. If such listings were not furnished by the Governor of each affected State, the Department would not be able to compute the PILT payments to units of general local government within the States in question.

In fiscal year 2004, administrative authority for the PILT program was

transferred from the Bureau of Land Management to the Office of the Secretary of the Department of the Interior. Applicable DOI regulations pertaining to the PILT program to be administered by the Office of the Secretary were published as a final rule in the **Federal Register** on December 7, 2004 (69 FR 70557). The Office of Budget, Office of the Secretary is now planning to extend the information collection approval authority in order to enable the Department of the Interior to continue to comply with the PILT Act.

**II. Data**

*(1) Title:* Payments in Lieu of Taxes (PILT Act), Statement of Federal Land Payments, 43 CFR 44.

*OMB Control Number:* 1093–0005.

*Current Expiration Date:* December 31, 2015.

*Type of Review:* Information Collection Renewal.

*Affected Entities:* State, local, or tribal government.

*Estimated annual number of respondents:* 45.

*Frequency of responses:* Annual.

(2) Annual reporting and recordkeeping burden:

*Total annual reporting per response:* 53 hours.

*Total number of estimated responses:* 45.

*Total annual reporting:* 2,385 hours.

*(3) Description of the need and use of the information:* The statutorily required information is needed to compute payments due units of general local government under the PILT Act (31 U.S.C. 6901–6907). The Act requires that the Governor of each State furnish a statement as to amounts paid to units of general local government under 12 revenue-sharing statutes in the prior fiscal year. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

**III. Request for Comments**

The Departments invite comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information will have practical utility;

(b) The accuracy of the agencies' estimate of the burden of the collection of information and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

''Burden'' means the total time, effort, and financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and use technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, and to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments, with names and addresses, will be available for public inspection. If you wish us to withhold your personal information, you must prominently state at the beginning of your comment what personal information you want us to withhold. We will honor your request to the extent allowable by law. If you wish to view any comments received, you may do so by scheduling an appointment by using the contact information provided in the **ADDRESSES** section above. A valid picture identification is required for entry into the Department of the Interior.

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

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: August 5, 2015.

**Olivia B. Ferriter,**

*Deputy Assistant Secretary, Budget, Finance, Performance, and Acquisition.*

[FR Doc. 2015–19753 Filed 8–11–15; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[LLIDT000000.L11200000.DD0000.241A.00; 4500069133]**

## Notice of Public Meeting, Twin Falls District Resource Advisory Council, Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meetings.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act (FLPMA), the Federal Advisory Committee Act of 1972 (FACA), and the Federal Lands Recreation Enhancement Act of 2004 (FLREA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Twin Falls District Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The Twin Falls District RAC will meet September 10, 2015, at the Sawtooth Best Western Inn, 2653 S. Lincoln Avenue, Jerome, Idaho 83338. The meeting will begin at 9:00 a.m. and end no later than 5:00 p.m. The public comment period will take place from 10:30 a.m. to 11:00 a.m.

**FOR FURTHER INFORMATION CONTACT:** Heather Tiel-Nelson, Twin Falls District, Idaho, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2352.

**SUPPLEMENTARY INFORMATION:** The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. During the September 10th meeting, there will be an update on the University of Idaho Sage-Grouse Spring Grazing Study, an overview of the Gateway West Transmission project, a Christmas tree permit fee proposal presented by the Sawtooth National Forest, an overview of the Sage-Grouse Environmental Impact Statement Amendments, and field office updates. Additional topics may be added and will be included in local media announcements.

More information is available at *www.blm.gov/id/st/en/res/resource_advisory.3.html.* RAC meetings are open to the public.

**Authority:** 43 CFR 1784.4–1.

**Michael C. Courtney,**

*BLM Twin Falls District Manager.*

[FR Doc. 2015–19786 Filed 8–11–15; 8:45 am]

**BILLING CODE 4310–GG–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNMP00000 L13110000.PP0000 15XL1109PF]**

### Notice of Public Meeting, Pecos District Resource Advisory Council Lesser Prairie-Chicken Habitat Preservation Area of Critical Environmental Concern Livestock Grazing Subcommittee, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, Bureau of Land Management's (BLM) Pecos District Resource Advisory Council's (RAC) Lesser Prairie-Chicken (LPC) Habitat Preservation Area of Critical Environmental Concerns (ACEC) Livestock Grazing Subcommittee will meet as indicated below.

**DATES:** The LPC ACEC Subcommittee will meet on September 29, 2015, at the Roswell Field Office, 2909 West Second Street, Roswell, NM 88201, at 1 p.m. The public may send written comments to the Subcommittee at the BLM Pecos District Office, Attn: Adam Ortega, 2909 West 2nd Street, Roswell, New Mexico, 88201.

**FOR FURTHER INFORMATION CONTACT:** Adam Ortega, Range Management Specialist, Roswell Field Office, Bureau of Land Management, 2909 West 2nd Street, Roswell, New Mexico 88201, 575–627–0204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 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 10-member Pecos District RAC elected to create a subcommittee to advise the Secretary of the Interior, through the BLM Pecos District, about possible livestock grazing within the LPC ACEC. Planned agenda includes a discussion of management strategies for the LPC ACEC.

For any interested members of the public who wish to address the Subcommittee, there will be a public comment period beginning at 2:15 p.m. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited.

**James K. Stovall,**

*Acting Deputy State Director, Lands and Resources.*

[FR Doc. 2015–19791 Filed 8–11–15; 8:45 am]

**BILLING CODE 4310–FB–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 731–TA–770–773 and 775 (Third Review)]**

### Stainless Steel Wire Rod From Italy, Japan, Korea, Spain, and Taiwan; Notice of Commission Determinations to Conduct Full Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 (''The Act'') to determine whether revocation of the antidumping duty orders on stainless steel wire rod (''SSWR'') from Italy, Japan, Korea, Spain, and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

**DATES:** *Effective:* August 4, 2015.

**FOR FURTHER INFORMATION CONTACT:** Nathanael Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**SUPPLEMENTARY INFORMATION:** On August 4, 2015, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (80 FR 24970, May 1, 2015) and the respondent interested party group responses with respect to the orders on SSWR from Italy, Korea, and Spain were adequate. The Commission determined that it will proceed to full reviews of the orders on SSWR from Italy, Korea, and Spain. The Commission also found that the respondent interested party group responses with respect to the orders on SSWR from Japan and Taiwan were inadequate. The Commission further determined that it will proceed to full reviews of the orders on SSWR from Japan and Taiwan to promote administrative efficiency in light of its decision to proceed to full reviews with respect to the orders on SSWR from Italy, Korea, and Spain. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Dated: August 6, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015–19752 Filed 8–11–15; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 6, 2015, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of West Virginia in the lawsuit entitled *United States, et al.* v. *Arch Coal, Inc., et al.,* Civil Action No. 2:15–cv–11838.

The proposed Consent Decree will resolve Clean Water Act and associated state claims alleged in this action by the United States, the State of West Virginia, the Commonwealth of Virginia, and the Pennsylvania Department of Environmental Protection against Arch Coal, Inc. and 14 of its

subsidiaries [1] for the discharge of pollutants into state waters and waters of the United States in violation of limits in National Pollutant Discharge Elimination System (''NPDES'') permits. Under the proposed Consent Decree, Defendants will perform injunctive relief including: (1) Implementation of a compliance management system and periodic internal and third-party environmental compliance auditing; (2) data tracking and evaluation measures, including a centralized audit and violations database to track information relevant to compliance efforts at each outfall; and (3) response measures for effluent limit violations, including consultation with a third-party expert and automatic stipulated penalties. In addition, Defendants will pay a total civil penalty of $2 million.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Arch Coal, Inc., et al.,* D.J. Ref. No. 90–5–1–1–09476/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By e-mail ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees*. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $18.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $15.00.

**Robert Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2015–19800 Filed 8–11–15; 8:45 am]

BILLING CODE P

[1] Hawthorne Coal Co., Inc.; ICG Beckley, LLC; ICG East Kentucky, LLC; ICG Eastern, LLC; ICG Knott County, LLC; ICG Tygart Valley, LLC; Juliana Mining Company, Inc.; King Knob Coal Co., Inc.; Patriot Mining Company, Inc.; Powell Mountain Energy, LLC; The Sycamore Group, LLC; Vindex Energy Corp.; White Wolf Energy, Inc.; and Wolf Run Mining Co.

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Hewlett Packard Company, et al. Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–83,035
Hewlett Packard Company, HP Enterprise Services, America Sales Operations, Omaha, Nebraska
TA–W–83,035A
Hewlett Packard Company, Order Management, America Sales Operations, Omaha, Nebraska
TA–W–83,035B
Hewlett Packard Company, Technology & Operations, Sales Operations, WW Sales Transformation, Quote To Order, Quote And Configuration Including Remote Workers From Arkansas, California, Colorado, Florida, Idaho, Massachusetts And Texas Including Leased Workers From Modis Omaha, Nebraska
TA–W–83,035C
Hewlett Packard Company, Technology & Operations, Sales Operations, AMS Sales Operations, Lead To Order, Sales Services Support Including Remote Workers From Arkansas, California, Massachusetts And Texas Omaha, Nebraska

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 12, 2013, applicable to workers of Hewlett Packard Company, HP Enterprise Services, America Sales Operations, Omaha, Nebraska (TA–W–83,035). The certification was amended on April 23, 2015 to include workers of Hewlett Packard Company, Order Management, America Sales Operations, Omaha, Nebraska (TA–W–83,035A) and Hewlett Packard Company, Technology & Operations, Sales Operations, WW Sales Transformation, Quote to Order, Quote and Configuration, including remote workers from Arkansas, California, Colorado, Florida, Idaho, Massachusetts, and Texas, including leased workers from Modis, Omaha, Nebraska (TA–W–83,035B). Workers were engaged in activities related to the supply of order management services and post sales customer activities.

During the course of a subsequent Trade Adjustment Assistance (TAA) investigation, the Department reviewed the certification and administrative record of TA–W–83,035 for workers of the subject firm and received additional information regarding the aforementioned certification.

The review revealed that the workers of Hewlett Packard Company, Technology & Operations, Sales Operations, AMS Sales Operations, Lead to Order, Sales Services Support, including remote workers from Arkansas, California, Massachusetts, and Texas, reporting to Omaha, Nebraska (TA–W–83,035C) supplied support services to the subject firm and reported to the subject firm.

Based on these findings, the Department is amending this certification to include the workers of Hewlett Packard Company, Technology & Operations, Sales Operations, AMS Sales Operations, Lead to Order, Sales Services Support, including remote workers from Arkansas, California, Massachusetts, and Texas, reporting to Omaha, Nebraska (TA–W–83,035C). The amended notice applicable to TA–W–83,035 is hereby issued as follows:

All workers of Hewlett Packard Company, HP Enterprise Services, America Sales Operations, Omaha, Nebraska (TA–W–83,035); Hewlett Packard Company, Order Management, America Sales Operations, Omaha, Nebraska (TA–W–83,035A); Hewlett Packard Company, Technology & Operations, Sales Operations, WW Sales Transformation, Quote to Order, Quote and Configuration, including remote workers from Arkansas, California, Colorado, Florida, Idaho, Massachusetts, and Texas, including leased workers from Modis, Omaha, Nebraska (TA–W–83,035B); and Hewlett Packard Company, Technology & Operations, Sales Operations, AMS Sales Operations, Lead to Order, Sales Services Support, including remote workers from Arkansas, California, Massachusetts, and Texas, reporting to Omaha, Nebraska (TA–W–83,035C) who became totally or partially separated from employment on or after August 28, 2012 through September 12, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 4th day of June, 2015.

**Del Min Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2015–19715 Filed 8–11–15; 8:45 am]

BILLING CODE 4510–FN–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of a Public Meeting of the Advisory Committee on Apprenticeship (ACA)

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of a public meeting.

**SUMMARY:** Pursuant to Section 10 of the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2 § 10), notice is hereby given to announce an open meeting of the Advisory Committee on Apprenticeship (ACA) on Tuesday, September 22, 2015 and Wednesday, September 23, 2015. The meeting will convene over a day and a half. The ACA is a discretionary committee established by the Secretary of Labor, in accordance with FACA, as amended in 5 U.S.C. App. 2, and its implementing regulations (41CFR 101–6 and 102–3). All meetings of the ACA are open to the public.

**DATES:** The meeting will begin at approximately 1:00 p.m. Eastern Standard Time on Tuesday, September 22, 2015, at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, and will continue until approximately 5:00 p.m. The meeting will reconvene on Wednesday, September 23, 2015, at approximately 9:00 a.m. Eastern Standard Time at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210 and adjourn at approximately 5:00 p.m. Any updates to the agenda and meeting logistics will be posted on the Office of Apprenticeship's homepage: *http://www.dol.gov/apprenticeship.*

**FOR FURTHER INFORMATION CONTACT:** The Designated Federal Official, Mr. John V. Ladd, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5311, Washington, DC 20210, Telephone: (202) 693–2796 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** In order to promote openness, and increase public participation, webinar and audio conference technology will be used throughout the meeting. Webinar and audio instructions will be posted prominently on the Office of Apprenticeship homepage: *http://www.dol.gov/apprenticeship.* Members of the public can attend the meeting in-person or virtually. Members of the public that will attend the meeting in-person are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

#### Security and Transportation Instructions for the Frances Perkins Building

Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue on 3rd and C Streets NW. For security purposes meeting participants must:

1. Present valid photo identification (ID) to receive a visitor badge.
2. Know the name of the event you are attending: the meeting event is the Advisory Committee on Apprenticeship meeting.
3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW., as described above.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.
5. Due to limited parking options, Metro rail is the easiest way to travel to the Frances Perkins Building. For individuals wishing to take metro rail, the closest metro stop to the building is Judiciary Square on the Red Line.

#### Notice of Intent To Attend the Meeting

All meeting participants are being asked to submit a notice of intent to attend by Wednesday, September 9, 2015, via email to Mr. John V. Ladd at *oa.administrator@dol.gov*, with the subject line ''September 2015 ACA Meeting.''

1. Please indicate if you will be attending virtually, or in person, to ensure adequate space is arranged to accommodate all meeting participants.
2. If individuals have special needs and/or disabilities that will require special accommodations, please contact Kenya Huckaby on (202) 693–3795 or via email at *huckaby.kenya@dol.gov* no later than Wednesday, September 9, 2015.
3. Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending the data or comments to Mr. John V. Ladd via email at *oa.administrator@dol.gov*, subject line ''September 2015 ACA Meeting,'' or to the Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, Room N–5311, 200 Constitution Avenue NW., Washington, DC 20210. Such submissions will be included in the record for the meeting if received by Wednesday, September 9, 2015.
4. See below regarding members of the public wishing to speak at the ACA meeting.

#### Purpose of the Meeting and Topics To Be Discussed

The purpose of the meeting is to focus on apprenticeship expansion and employer engagement efforts in order to seek advice from the ACA on industry issues and how best to increase Registered Apprenticeships across the country. The agenda will cover the following topics:

- Employer Engagement and Apprenticeship Expansion
- American Apprenticeship Initiative (AAI) Grants
- The ApprenticeshipUSA Initiative
- Sectors of Excellence in Apprenticeship
- Apprentice to Journeyworker Ratios
- Competency Based Apprenticeship Models
- Increasing Opportunities in Registered Apprenticeship and Policy Updates
- Workforce Innovation and Opportunity Act
- Office of Apprenticeship and State Apprenticeship Agency Partnerships
- Other Matters of Interest to the Apprenticeship Community
- Public Comment
- Adjourn

The agenda and meeting logistics may be updated should priority items come before the ACA between the time of this publication and the scheduled date of the ACA meeting. All meeting updates will be posted to the Office of Apprenticeship's homepage: *http://www.dol.gov/apprenticeship.* Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Official, Mr. John V. Ladd, by Wednesday, September 9, 2015. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Signed at Washington, DC.

**Portia Wu,**

*Assistant Secretary for the Employment and Training Administration,*

[FR Doc. 2015–19788 Filed 8–11–15; 8:45 am]

BILLING CODE 4510–FR–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Comment Request for Information Collection for Unemployment Compensation for Ex-Servicemembers (UCX), Extension Without Revisions

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data for the administration of the UCX program, the current expiration date is June 31, 2016

**DATES:** Submit written comments to the office listed in the addresses section below on or before October 13, 2015.

**ADDRESSES:** Send written comments to Jeffery Haluska, Office of Unemployment Insurance, Room S–4524, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: (202) 693–2992 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: *haluska.jeffery.b@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The UCX law (5 U.S.C. 8521–8525) requires State Workforce Agencies (SWAs) to administer the UCX program in accordance with the same terms and conditions of the paying state's unemployment insurance law which apply to unemployed claimants who worked in the private sector. Each state agency needs to obtain certain military service information on claimants filing for UCX benefits to enable the state to determine their eligibility for benefits. As needed, most state agencies record required UCX information on the form developed by the Department, ETA 843, Request for Military Document and Information. States not using the ETA 843 record required UCX information on form ETA 841, Request for Determination of Federal Military Service and Wages. The use of these forms is essential to the UCX claims process. Information pertaining to the UCX claimant which is recorded on the ETA 841 report can only be obtained from the individual's military discharge papers, maintained by the appropriate branch of military service or the Department of Veterans' Affairs (formerly the Veterans' Administration). Without the claimant's military information, a state cannot adequately determine potential UCX eligibility of ex-servicemembers and would not be able to properly administer the program.

#### II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

#### III. Current Actions

*Type of Review:* Extension without changes.

*Title:* Unemployment Compensation for Ex-Servicemembers.

*OMB Number:* 1205–0176.

*Affected Public:* State Workforce Agencies.

*Form(s):* ETA 841, ETA 843.

*Total Annual Respondents:* 53.

*Annual Frequency:* As needed.

*Estimated Annual Responses:* 6,898 for the ETA 843, 260 for the ETA 841.

*Average Time per Response:* 1 minute.

*Estimated Total Annual Burden Hours:* 119.3 hours.

*Total Annual Burden Cost for Respondents:* There are no costs for respondents.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

**Portia Wu,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2015–19789 Filed 8–11–15; 8:45 am]

BILLING CODE 4510–FW–P

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Roof Control Plans for Underground Coal Mines

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Roof Control Plans for Underground Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 11, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201502-1219-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free

number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Roof Control Plans for Underground Coal Mines information collection requirements codified in regulations 30 CFR part 75. In order to prevent occupational injuries resulting from falls of roofs, faces, and ribs—which are a leading cause of injuries and death in underground coal mines—regulations 30 CFR 75.215 and 75.220 to 75.223 make it mandatory for an underground coal mine operator to develop and to submit roof control plans to the MSHA for evaluation and approval. The agency evaluates each roof control plan to determine whether it is adequate for prevailing mining conditions. Federal Mine Safety and Health Act of 1977 sections 101(a), 103(h), and 302(a) authorize this information collection. *See* 30 U.S.C. 811(a); 813(h); 862(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0004.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 1, 2014 (79 FR 71129).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0004. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

*Agency:* DOL–MSHA.

*Title of Collection:* Roof Control Plans for Underground Coal Mines.

*OMB Control Number:* 1219–0004.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 494.

*Total Estimated Number of Responses:* 1,965.

*Total Estimated Annual Time Burden:* 7,924 hours.

*Total Estimated Annual Other Costs Burden:* $6,795.

Dated: August 6, 2015.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2015–19787 Filed 8–11–15; 8:45 am]

**BILLING CODE 4510–43–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Training Plans, New Miner Training, Newly Hired Experienced Miner Training

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Training Plans, New Miner Training, Newly Hired Experienced Miner Training,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 11, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201410-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not

toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**SUPPLEMENTARY INFORMATION:**

**Authority:** 44 U.S.C. 3507(a)(1)(D).

This ICR seeks to extend PRA authority for the Training Plans, New Miner Training, Newly Hired Experienced Miner Training information collection. Training informs miners of safety and health hazards inherent in the workplace and enables miners to identify and avoid such hazards. Training becomes even more important in light of certain conditions that can exist when production demands increase—such as an influx of new and less experienced miners and mine operators, longer work hours to meet production demands, and increased demand for contractors who may be less familiar with the dangers on mine property. This ICR covers reporting and recordkeeping as follows: regulations 30 CFR 46.3(a) requires a mine operator to develop and implement a written training plan that contains effective training programs; § 46.3(c) specifies when an operator must submit a plan to the MSHA for approval; § 46.3(e) allows for a miner or miner representative to submit written comments on a training plan; § 46.3(g) requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one (1) week of approval (at a mine where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner); § 46.3(h) allows a mine operator, contractor, miner, or miners' representative to appeal—in writing—the Regional Manager's decision to the MSHA Director for Educational Policy and Development; § 46.3(i) requires mine operators and contractors to make available at the mine site a copy of the current training plan for inspection by the MSHA and for examination by miners and their representatives (if the training plan is not maintained at the mine site, the operator must have the capability to provide the plan within one (1) business day upon request to the MSHA, miners, or their representatives); § 46.5(a) requires a mine operator to provide each new miner with no less than 24 hours of training; § 46.6(a) requires an operator to provide each newly hired experienced miner with certain specified training before the miner begins work; § 46.7(a) requires that before a miner performs a new task for which the miner has no experience, the operator must train the miner in the safety and health aspects and safe work procedures specific to that task; § 46.7(b) requires that if changes have occurred in a miner's regularly assigned task that affects the health and safety risks encountered by the miner, the operator must provide the miner with training that addresses the changes; § 46.8(a) requires an operator provide each miner with no less than eight (8) hours of refresher training, at least every twelve (12) months; § 46.9 requires an operator, upon completion of each training program, to record and certify on MSHA Form 5000–23 (separately cleared under control number 1219–0009) the miner has completed the training; and § 46.11(a) requires an operator to provide site-specific hazard training to specific persons before they are exposed to mine hazards. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811(a); 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0131.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 11, 2015 (80 FR 26953).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0131. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

*Agency:* DOL–MSHA.

*Title of Collection:* Training Plans, New Miner Training, Newly Hired Experienced Miner Training.

*OMB Control Number:* 1219–0131.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 11,657.

*Total Estimated Number of Responses:* 1,157,241.

*Total Estimated Annual Time Burden:* 155,240 hours.

*Total Estimated Annual Other Costs Burden:* $356,004.

Dated: August 6, 2015.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2015–19749 Filed 8–11–15; 8:45 am]

BILLING CODE 4510–43–P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2015–055]**

## Nixon Presidential Historical Materials; Opening of Materials

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of opening of additional materials.

**SUMMARY:** The Richard Nixon Presidential Library and Museum (a NARA division) provides notice that we are placing the White House Central Files, Name Files, into a review-on-demand category for public access. We have identified, inventoried, and prepared these additional textual materials for public access with certain information redacted as required by law.

**DATES:** If you intend to submit a petition or claim asserting a legal or

constitutional right or privilege that would prevent or limit public access to these materials, you must notify the Archivist of the United States in writing of the claimed right, privilege, or defense by September 11, 2015.

**ADDRESSES:** The Richard Nixon Presidential Library and Museum is located at 18001 Yorba Linda Blvd., Yorba Linda, CA.

Send written petitions asserting a legal or constitutional right or privilege that would prevent or limit public access to the materials by mail to: Archivist of the United States; National Archives and Records Administration; 8601 Adelphi Rd.; College Park, MD 20740–6001.

**FOR FURTHER INFORMATION CONTACT:** Gregory Cumming, Richard Nixon Presidential Library and Museum, by telephone at 714–983–9131, or by email at *gregory.cumming@nara.gov.*

**SUPPLEMENTARY INFORMATION:** Section 104 of Title I of the Presidential Recordings and Materials Preservation Act (PRMPA, 44 U.S.C. 2111 note) and 36 CFR 1275.42(b) of the PRMPA regulations implementing the Act, direct NARA to provide notice in the **Federal Register** of materials we make available to the public.

We are making the following materials available through this notice:

**White House Central Files, Name Files**

Volume: 2,880.5 cubic feet available for review-on-demand.

The Name Files were used for routine materials filed alphabetically by the name of the correspondent; copies of documents in the Name Files were usually filed by subject in the Subject Files.

The alphabetical Name Files will be available to researchers on a review-on-demand basis. This means researchers may request access to the files, which we will prepare and make available within ten business days.

In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege that would prevent or limit public access to these materials must notify the Archivist of the United States in writing of the claimed right, privilege, or defense within 30 days of publication of this notice.

Researchers must have a NARA researcher card to access the materials. You may obtain a researcher card when you arrive at the Richard Nixon Presidential Library and Museum.

Dated: August 6, 2015.

**David S. Ferriero,**

*Archivist of the United States.*

[FR Doc. 2015–19844 Filed 8–11–15; 8:45 am]

**BILLING CODE 7515–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 72–16; NRC–2014–0154]**

## Virginia Electric and Power Company (Dominion); North Anna Independent Spent Fuel Storage Installation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) reviewed an application by Virginia Electric and Power Company (Dominion) for an amendment of Special Nuclear Materials License No. SNM–2507, which authorizes Dominion to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials at the North Anna (NA) independent spent fuel storage installation (ISFSI). The requested amendment would allow the TN–32 casks to remain in their current positions subsequent to their movement during the August 23, 2011, seismic event that affected the NA ISFSI.

**DATES:** August 12, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2014–0154 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0154. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The NA License Amendment Request No. 4 package is available electronically in ADAMS under Accession No. ML15050A395.
- *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:** Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465; email: *Pamela.Longmire@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** On May 27, 2014 (ADAMS Accession No. ML14160A707), as supplemented November 7, 2014 (ADAMS Accession No. ML14317A086), Dominion submitted to the NRC a request for a license amendment in accordance with section 72.56 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Application for amendment of license.'' The requested amendment would permit the TN–32 casks to remain in their current positions subsequent to their movement during the August 23, 2011, seismic event that affected the NA ISFSI.

Pursuant to 10 CFR 72.46, the NRC has docketed, approved and issued Amendment No. 4 to Special Nuclear Materials License No. SNM–2507, held by Dominion to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the NA power station in an ISFSI at the power plant site for a term of 20 years. Amendment No. 4 is effective as of the date of issuance.

Amendment No. 4 complies with the standards and requirements of the Atomic Energy Act of 1954 (Act), as amended, and the Commission's rules and regulations. The Commission has made appropriate findings, as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in Amendment No. 4.

The NRC issued a letter dated July 9, 2014 (ADAMS Accession No. ML14190A179), notifying Dominion that the application was acceptable for review. In accordance with 10 CFR 72.16, a Notice of Docketing was published in the **Federal Register** on July 22, 2014 (79 FR 42557). The Notice

of Docketing included an opportunity to request a hearing and to petition for leave to intervene. No requests for a hearing or leave to intervene were submitted.

The NRC prepared a safety evaluation report (SER) (ADAMS Accession No. ML15050A428) to document its review and evaluation of the amendment request. Also in connection with this action, the Commission prepared an Environmental Assessment (EA) (ADAMS Accession No. ML15022A575) and a Finding of No Significant Impact (FONSI) (ADAMS Accession No. ML15026A683). The Notice of Availability of the EA and FONSI for the NA ISFSI was published in the **Federal Register** on February 27, 2015 (80 FR 10726).

As required by the Act and the NRC's rules and regulations in 10 CFR Chapter 1, the staff made the appropriate findings which are contained in the SER. The NRC approved and issued Amendment No. 4 to SNM–2507, held by Dominion for the receipt, possession, transfer, and storage of spent fuel and associated radioactive materials at the NA ISFSI. Pursuant to 10 CFR 72.46(d), the NRC is providing notice of the action taken. Amendment No. 4 was effective as of the date of issuance, August 3, 2015.

Dated at Rockville, Maryland, this 3rd day of August, 2015.

For the Nuclear Regulatory Commission.

**Michele Sampson,**

*Chief, Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2015–19807 Filed 8–11–15; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. (as Shown in the Attachment); License Nos. (as Shown in the Attachment): EA–14–009; NRC–2015–0135]**

## In the Matter of All Power Reactor Licensees Owned and Operated by Entergy Nuclear Operations, Inc.; Entergy Operations, Inc.; and Entergy Nuclear Generation Company

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Confirmatory order; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order to Entergy Operations, Inc. (Entergy), confirming an agreement reached in an Alternative Dispute Resolution mediation session held on September 22, 2014. As part of this agreement, Entergy will take actions to review and evaluate its security procedures; strengthen its procedures and set expectations regarding the conduct of security personnel; and conduct a presentation describing the event that formed the bases for the violation and the lessons learned, to its employees and the industry. Entergy is required to have an independent safety culture assessment conducted of the security organization at its River Bend Station. Entergy is also required to notify the NRC periodically of the status of its efforts.

**DATES:** The confirmatory order was issued on December 3, 2014.

**ADDRESSES:** Please refer to Docket ID NRC–2015–0135 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0135. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For questions about the Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *NRC: ADAMS Public Documents* and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is publicly available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Christi Maier, Region IV, U.S. Nuclear Regulatory Commission, Washington DC 20555–001; 817–200–1217; or by email to *Christi.Maier@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated this 3rd day of December 2014.

For The Nuclear Regulatory Commission.

**Marc L. Dapas,**

*Regional Administrator.*

**Editorial Note:** This document was received for publication by the Office of the Federal Register on August 7, 2015.

### ATTACHMENT—CONFIRMATORY ORDER MODIFYING LICENSE

### UNITED STATES OF AMERICA

### NUCLEAR REGULATORY COMMISSION

**In the Matter of All Power Reactor Licensees Owned and Operated by Entergy Nuclear Operations, Inc.; Entergy Operations, Inc. and Entergy Nuclear Generation Company [Docket Nos. (as shown in Attachment); License Nos. (as shown in Attachment)]**

**EA–14–009**

**Confirmatory Order Modifying License**

I.

The licensees identified in Attachment 1 to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, ''Domestic Licensing of Production and Utilization Facilities.'' The licenses authorize the operation of the listed facilities in accordance with conditions specified therein.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on September 22, 2014, in Arlington, Texas.

II.

On March 21, 2012, the NRC initiated a special inspection to determine the circumstances surrounding a security event, which occurred on March 18, 2012, at Entergy Operations, Inc.'s (Entergy or Licensee), River Bend Station (RBS or facility). In addition, on March 21, 2012, the NRC's Office of Investigations (OI), Region IV Field Office, initiated an investigation at RBS to determine if Entergy employees willfully violated NRC security requirements at RBS. The investigation was completed on December 31, 2013, and was documented in OI Report 4–2012–022. Based on the evidence developed during the investigation, OI's Region IV Field Office concluded that the willful actions of an unidentified individual caused Entergy to be in violation of 10 CFR part 73, ''Physical Protection of Plants and Materials.''

While the NRC investigation did not identify the individual responsible for the security-related violation, the OI

Region IV Field Office did establish several facts that are germane to the conclusion of the investigation. Details of the security event and the subsequent inspection and investigation are described in Attachment 2 to this Order. Attachment 2 includes Security-Related Information (SRI); therefore, it is not publicly available.

The NRC determined that as the result of the willful actions of an unidentified individual, Entergy failed to comply with 10 CFR part 73. The NRC described the results of the inspection and investigation in a letter to Entergy dated July 16, 2014. In response to the NRC's letter, Entergy requested ADR to resolve this matter. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

III.

On September 22, 2014, the NRC and Entergy met in an ADR session mediated by a professional mediator, arranged through the Cornell University Scheinman Institute on Conflict Resolution. ADR is a process in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement on resolving any differences regarding the dispute. During the ADR session, a preliminary settlement agreement was reached. The elements of that preliminary agreement, with the exception of the section that includes SRI, are described below. The portions of the agreement that contain SRI, as well as the sections of this Confirmatory Order that address SRI, are described in the aforementioned non-public Attachment. The following description of the preliminary ADR agreement, and the required actions described in Section V of this Confirmatory Order, include references to the non-public Attachment to allow for public release of this Confirmatory Order. The publicly available elements of the agreement consist of the following:

The NRC recognizes the corrective actions that Entergy has already implemented associated with the apparent violation and preliminary finding. Entergy's corrective actions are described in the non-public Attachment.

A. The NRC and Entergy agree that a willful violation of Title 10 *Code of Federal Regulations* (10 CFR) Part 73 occurred on March 18, 2012, at River Bend Station. However, the NRC and Entergy disagree on the specific aspects of that willful characterization of the violation. The details regarding these aspects are described in the non-public Attachment.

1. The NRC concluded that the security-related violation occurred because of the deliberate misconduct of an unidentified security officer at River Bend Station.

2. Entergy does not believe that willful intent was involved in all aspects of the violation.

B. Within 4 months from the date of this Confirmatory Order, Entergy will revise its security procedures.

C. Within 3 months from the date of this Confirmatory Order, Entergy will, at each of its nuclear plants, conduct a review of its controls for SRI and communicate to the NRC the results of the review. Within 6 months from the date of this Confirmatory Order, Entergy will establish new controls and will provide its proposed controls to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the controls within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the controls within 15 months from the date of this Confirmatory Order. The details regarding these controls are described in the non-public Attachment.

D. Within 9 months from the date of this Confirmatory Order, Entergy will review and evaluate the location and storage of SRI at each of its nuclear plants. The details are described in the non-public Attachment.

E. Entergy will develop a ''commitment to compliance'' statement or a similar document highlighting the special responsibilities of nuclear security personnel. This document will explain that nuclear security personnel need to comply with regulations and procedures, and it will describe the potential consequences if compliance does not occur. Within 12 months from the date of this Confirmatory Order, Entergy will require at each of its nuclear plants that nuclear security personnel read and sign the statement (subject to any collective bargaining obligations it may have). Entergy will include the reading and signing of this statement in the initial qualification process of nuclear security personnel. The details are described in the non-public Attachment.

F. Within 6 months from the date of this Confirmatory Order, Entergy will identify those security posts in each of its nuclear plants that should be subject to certain decorum standards that will ensure a professional environment in those areas. Once identified, Entergy will establish decorum protocols for those security posts. In addition, within 6 months of the date of this Confirmatory Order, Entergy will provide its proposed decorum protocols to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the proposed decorum protocols within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the decorum protocols within 12 months from the date of this Confirmatory Order.

G. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a ''lessons learned'' presentation to be delivered to Entergy nuclear employees at each of its nuclear plants describing the event that formed the basis for this violation. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation to Entergy nuclear employees within 12 months of this Confirmatory Order.

H. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a presentation describing the event that formed the basis for this violation. The presentation will be delivered to the Nuclear Security Working Group and the National Nuclear Security Conference (subject to acceptance of the conference-organizing committees). This presentation will include, among other subjects, the subjects covered in the non-public Attachment to this Confirmatory Order. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation within 12 months of this Confirmatory Order.

I. Within 6 months from the date of this Confirmatory Order, Entergy will ensure that an independent third party conducts a safety culture assessment of the Security organization at River Bend Station. The results will be incorporated into Entergy's corrective action program as appropriate. A copy of the completed assessment will be made available for NRC review.

J. Within 4 months from the date of this Confirmatory Order, Entergy will prepare refresher training on the provisions of 10 CFR 50.5 and 50.9 for Entergy employees at each of its nuclear plants. Prior to conducting the training, Entergy will provide its proposed refresher training plan to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the plan within 30 days of submittal for resolution in a manner acceptable to both parties. Entergy will complete administration of this refresher training

within 12 months of this Confirmatory Order.

K. Notification to the NRC When Actions Are Completed

1. Unless otherwise specified, Entergy will submit written notification to the Director, Division of Reactor Safety, USNRC Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011–4511, at intervals not to exceed 6 months, 1 year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Order.

2. Entergy will provide its basis for concluding that the terms of the Confirmatory Order have been satisfied, to the NRC, in writing

L. Inspection Follow-up

Based on the corrective actions and enhancements described above, the NRC will conduct follow-up inspections using NRC Inspection Procedure 92702, ''Followup on Corrective Actions for Violations and Deviations.''

M. Administrative Items

1. The NRC and Entergy Operations, Inc., agree that the above elements will be incorporated into this Confirmatory Order and that the NRC will consider the order an escalated enforcement action.

2. The NRC and Entergy agree that the issues described in the NRC's Inspection Report and Investigation Report to Entergy Operations, Inc., of July 16, 2014 (EA–14–009) resulted in a violation of NRC security requirements. The details regarding the violation are described in the non-public Attachment.

3. In consideration of the significant corrective actions Entergy has already taken and the additional actions Entergy has committed to taking to enhance its security program, the NRC agrees to reduce the severity level of the escalated enforcement sanction. The NRC agrees to issue a Notice of Violation for a security-related violation and impose a $70,000 civil penalty for the matter discussed in the NRC's Inspection Report and Investigation Report to Entergy Operations, Inc., of July 16, 2014 (EA–14–009). The issuance of the Notice of Violation and civil penalty is considered escalated enforcement. The NRC communicates, in the non-public Attachment, the basis for its original conclusion regarding the characterization of the violation.

4. This agreement is binding upon successors and assigns of Entergy Operations, Inc.

N. Within thirty days of the date of the Confirmatory Order, Entergy shall pay a civil penalty of $70,000.

O. Entergy agrees that this Confirmatory Order is to be effective upon issuance and waives its right to a hearing in connection with this Order.

P. If Entergy fulfills its commitments under this Order, the NRC will not take further enforcement action based on the violations of NRC requirements described in Enclosure 2 of the letter transmitting this Order.

On November 21, 2014, Entergy consented to issuing this Confirmatory Order with the commitments, as described in Section V below.

IV.

Since the Licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Entergy's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Entergy's commitments be confirmed by this Confirmatory Order. Based on the above and Entergy's consent, this Confirmatory Order is effective 30 days after its issuance.

V.

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 50 and 73, IT IS HEREBY ORDERED THAT THE ACTIONS DESCRIBED BELOW WILL BE TAKEN AT RIVER BEND STATION AND OTHER NUCLEAR POWER PLANTS IN ENTERGY'S FLEET AND THAT REACTOR OPERATING LICENSE NO. NPF–47 IS MODIFIED AS FOLLOWS WITH RESPECT TO THE ACTIONS TO BE TAKEN AT THE RIVER BEND STATION:

A. The NRC and Entergy agree that a willful violation of Title 10 *Code of Federal Regulations* (10 CFR) Part 73 occurred on March 18, 2012, at River Bend Station. However, the NRC and Entergy disagree on the specific aspects of that willful characterization of the violation. The details regarding these aspects are described in the non-public Attachment.

1. The NRC concluded that the security-related violation occurred because of the deliberate misconduct of an unidentified security officer at River Bend Station.

2. However, Entergy does not believe that willful intent was involved in all aspects of the violation.

B. Within 4 months from the date of this Confirmatory Order, Entergy will revise its security procedures.

C. Within 3 months from the date of this Confirmatory Order, Entergy will, at each of its nuclear plants, conduct a review of its controls for SRI and communicate to the NRC the results of the review. Within 6 months from the date of this Confirmatory Order, Entergy will establish new controls and will provide its proposed controls to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the controls within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the controls within 15 months from the date of this Confirmatory Order. The details regarding these controls are described in the non-public Attachment.

D. Within 9 months from the date of this Confirmatory Order, Entergy will review and evaluate the location and storage of SRI at each of its nuclear plants. The details are described in the non-public Attachment.

E. Entergy will develop a ''commitment to compliance'' statement or a similar document highlighting the special responsibilities of nuclear security personnel. This document will explain that nuclear security personnel need to comply with regulations and procedures, and it will describe the potential consequences if compliance does not occur. Within 12 months from the date of this Confirmatory Order, Entergy will require at each of its nuclear plants that nuclear security personnel read and sign the statement (subject to any collective bargaining obligations it may have). Entergy will include the reading and signing of this statement in the initial qualification process of nuclear security personnel. The details are described in the non-public Attachment.

F. Within 6 months from the date of this Confirmatory Order, Entergy will identify those security posts in each of its nuclear plants that should be subject to certain decorum standards that will ensure a professional environment in those areas. Once identified, Entergy will establish decorum protocols for those security posts. In addition, within 6 months of the date of this Confirmatory Order, Entergy will provide its proposed decorum protocols to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the proposed decorum protocols within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the decorum protocols within 12 months

from the date of this Confirmatory Order.

G. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a ''lessons learned'' presentation to be delivered to Entergy nuclear employees at each of its nuclear plants describing the event that formed the basis for this violation. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation to Entergy nuclear employees within 12 months of this Confirmatory Order.

H. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a presentation describing the event that formed the basis for this violation. The presentation will be delivered to the Nuclear Security Working Group and the National Nuclear Security Conference (subject to acceptance of the conference-organizing committees). This presentation will include, among other subjects, the subjects covered by the non-public Attachment to this Confirmatory Order. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation within 12 months of this Confirmatory Order.

I. Within 6 months from the date of this Confirmatory Order, Entergy will ensure that an independent, third party conducts a safety culture assessment of the Security organization at River Bend Station. The results will be incorporated into Entergy's corrective action program as appropriate. A copy of the completed assessment will be made available for NRC review.

J. Within 4 months from the date of this Confirmatory Order, Entergy will prepare refresher training on the provisions of 10 CFR 50.5 and 50.9 for Entergy employees at each of its nuclear plants. Prior to conducting the training, Entergy will provide its proposed refresher training plan to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the plan within 30 days of submittal for resolution in a manner acceptable to both parties. Entergy will complete administration of this refresher training within 12 months of this Confirmatory Order.

K. Notification to the NRC When Actions Are Completed

1. Unless otherwise specified, Entergy will submit written notification to the Director, Division of Reactor Safety, USNRC Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011–4511, at intervals not to exceed 6 months, 1 year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Order.

2. Entergy will provide its basis for concluding that the terms of the Confirmatory Order have been satisfied, to the NRC, in writing

L. Inspection Follow-up

Based on the corrective actions and enhancements described above, the NRC will conduct follow-up inspections using NRC Inspection Procedure 92702, ''Followup on Corrective Actions for Violations and Deviations.''

M. Administrative Items

1. The NRC and Entergy Operations, Inc., agree that the above elements will be incorporated into this Confirmatory Order and that the NRC will consider the order an escalated enforcement action.

2. The NRC and Entergy agree that the issues in the NRC's Inspection Report and Investigation Report (EA–14–009) described in a July 16, 2014, letter to Entergy Operations, Inc., resulted in a violation of NRC security requirements. The details regarding the violation are described in the non-public Attachment.

3. In consideration of the significant corrective actions Entergy has already taken and the additional actions Entergy has committed to taking to enhance its security program, the NRC agrees to reduce the severity level of the escalated enforcement sanction. The NRC agrees to issue a Notice of Violation for a security-related violation and impose a $70,000 civil penalty for the matter discussed in the July 16, 2014, letter to Entergy Operations, Inc., regarding the NRC's Inspection Report and Investigation Report (EA–14–009). The issuance of the Notice of Violation and civil penalty is considered escalated enforcement. The NRC communicates, in the non-public Attachment, the basis for its original conclusion regarding the characterization of the violation.

4. This agreement is binding upon successors and assigns of Entergy Operations, Inc.

N. Within 30 days of the date of the Confirmatory Order, Entergy shall pay a civil penalty of $70,000.

O. Entergy agrees that this Confirmatory Order is to be effective upon issuance and waives its right to a hearing in connection with this Order

P. If Entergy fulfills its commitments under this Order, the NRC will not take further enforcement action based on the violations of NRC requirements described in Enclosure 2 of the letter transmitting this Order.

The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by Entergy of good cause.

VI.

Any person adversely affected by this Confirmatory Order, other than Entergy, may request a hearing within 30 days of its publication in the **Federal Register.** Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

This Order and its Attachments contain information up to the Security-Related Information designation, as defined in 10 CFR 73.2, and its disclosure to unauthorized individuals is prohibited by 10 CFR 73.21 and 10 CFR 73.22. Therefore, any redacted material will not be made available for public inspection in the NRC Public Document Room or electronically in the NRC's Agencywide Documents Access and Management System. Any person requesting to obtain a copy of this order or portions thereof will be required to demonstrate their trust and reliability through a Federal Bureau of Investigation background check and criminal history check, as well as demonstrate a ''need to know'' such information.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be effective and final thirty days after issuance of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A REQUEST FOR HEARING SHALL NOT STAY THE EFFECTIVENESS OF THIS ORDER.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007), as amended by 77 FR 46562; August 3, 2012 (codified in pertinent part at 10 CFR part 2, subpart C). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For The Nuclear Regulatory Commission
Dated this 3rd day of December 2014.

**Marc L. Dapas,**

*Regional Administrator.*

Attachments: as stated

**Attachment 1**

**All Power Reactor Licensees Owned and Operated By Entergy Nuclear Operations, Inc.; Entergy Operations, Inc.; and Entergy Nuclear Generation Company**

*Arkansas Nuclear One, Units 1 and 2*

Entergy Operations, Inc.
Docket Nos. 50–313, 50–368
License Nos. DRP–51; NPF–6
Mr. Jeremy Browning, Site Vice President
Arkansas Nuclear One
Entergy Operations, Inc.
1448 SR 333
Russellville, AR 72802–0967

*Grand Gulf Nuclear Station*

Entergy Operations, Inc.
Docket No. 50–416
License No. NPF–29
Mr. Kevin J. Mulligan, Site Vice President
Entergy Operations, Inc.
Grand Gulf Nuclear Station
P.O. Box 756
Port Gibson, MS 39150

*Indian Point Nuclear Generating Unit Nos. 2 and 3*

Entergy Nuclear Operations, Inc.
Docket Nos. 50–247 and 50–286
License Nos. DPR–26 and DPR–64
John Ventosa, Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511–0249

*James A. FitzPatrick Nuclear Power Plant*

Entergy Nuclear Operations, Inc.
Docket No. 50–333
License No. DPR–59
Lawrence Coyle, Executive Vice President
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

*Palisades Nuclear Plant*

Entergy Nuclear Operations, Inc.
Docket No. 50–255
License No. DPR–20
Anthony J. Vitale, Site Vice President
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043

*Pilgrim Nuclear Power Station*

Entergy Nuclear Generation Company
Docket No. 50–293
License No. DPR–35
John Dent, Jr., Vice President—Site Vice President
Entergy Nuclear Operations
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360–5508

*River Bend Station*

Entergy Operations, Inc.
Docket No. 50–458
License No. NPF–47
Mr. Eric W. Olson, Site Vice President
Entergy Operations, Inc.
River Bend Station
5485 US Highway 61N
St. Francisville, LA 70775

*Vermont Yankee Nuclear Power Station*

Entergy Nuclear Operations, Inc.
Docket No. 50–271
License No. DPR–28
Christopher J. Wamser, Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
320 Governor Hunt Road
Vernon, VT 05354

*Waterford Steam Electric Station, Unit 3*

Entergy Operations, Inc.
Docket No. 50–382
License No. NPF–38
Mr. Michael R. Chisum, Site Vice President
Entergy Operations, Inc.
Waterford Steam Electric Station
17265 River Road
Killona, LA 70057–0751

**Attachment 2—Redacted**

**Editorial Note:** This document was received for publication by the Office of the Federal Register on August 7, 2015.

[FR Doc. 2015–19853 Filed 8–11–15; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[NRC–2014–0253]**

## Fitness-for-Duty Programs for New Nuclear Power Plant Construction Sites

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a new regulatory guide (RG), RG 5.84, ''Fitness-for-Duty Programs at New Reactor Construction Sites.'' This RG provides guidance for implementing fitness-for-duty (FFD) requirements at nuclear power plant construction sites.

**ADDRESSES:** Please refer to Docket ID NRC–2014–0253 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0253. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 0 of Regulatory Guide 5.84, is available in ADAMS under Accession No. ML15083A412. The regulatory analysis may be found in ADAMS under Accession No. ML14218A861.
- *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.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Wesley W. Held, Office of Nuclear Security and Incident Response, telephone: 301–415–1583, email: *wesley.held@nrc.gov,* or Richard A. Jervey, Office of Nuclear Regulatory Research, telephone: 301–415–6201, email: *richard.jervey@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in

its review of applications for permits and licenses.

Revision 0 of RG 5.84 was issued with a temporary identification as Draft Regulatory Guide, DG–5036. This guidance is provided to ensure the effective and consistent implementation of the requirements in subpart K, ''FFD Programs for Construction,'' of part 26, ''Fitness-for-Duty Programs,'' in Title 10 of the *Code of Federal Regulations* (10 CFR). Part 26 requires certain individuals involved in the construction of nuclear power plants to be fit for duty. The requirements in part 26 are prescriptive in a number of areas, such as drug and alcohol testing; however, in other areas, such as those associated with subpart K, the regulations contain less prescriptive, performance-based requirements. The performance-based regulations in subpart K enable licensees, applicants, and other entities to develop, implement, and/or maintain site-specific (or fleet-wide) FFD programs in a manner that best suits their needs while still meeting regulatory requirements. However, this flexibility, without regulatory guidance, can challenge consistent and effective rule implementation. For example, a licensee can implement sanctions for FFD policy violations that are markedly more or less severe than sanctions for an equivalent violation at another licensee's construction site. This RG endorses the methodologies described in industry guidance document Nuclear Energy Institute (NEI) 06–06, ''Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites,'' revision 6, dated April 2013 (ADAMS Accession No. ML13093A340), with one exception.

## II. Additional Information

DG–5036 was published in the **Federal Register** on November 28, 2014 (79 FR 70898), for a 60-day public comment period. The public comment period closed on January 27, 2015. Public comments on DG–5036 and the staff responses to the public comments are available under ADAMS Accession Number ML15083A410.

## III. Congressional Review Act

This regulatory guide is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## IV. Backfitting and Issue Finality

This regulatory guide provides guidance on the methods acceptable to the NRC staff for complying with the NRC's regulations associated with FFD programs of licensees or other entities during construction of new nuclear power reactors. The guide applies to certain current and future applicants for, and holders of, power reactor licenses and construction permits under 10 CFR part 50 and power reactor licenses and early site permits under 10 CFR part 52. Issuance of RG 5.84 does not constitute backfitting under 10 CFR part 50 and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of RG 5.84, the NRC has no current intention to impose the RG on current holders of 10 CFR part 50 operating licenses or 10 CFR part 52 combined licenses.

This RG could be applied to applications for certain 10 CFR part 50 operating licenses or construction permits and 10 CFR part 52 combined licenses and early site permits. Such action would not constitute backfitting as defined in 10 CFR 50.109 or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants are not within the scope of entities protected by 10 CFR 50.109 or the relevant issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 7th day of August, 2015.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2015–19773 Filed 8–11–15; 8:45 am]

BILLING CODE 7590–01–P

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# NUCLEAR REGULATORY COMMISSION

**[NRC–2015–0175]**

## Information Collection: NRC Form 664, ''General Licensee Registration''

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''NRC Form 664, General Licensee Registration.''

**DATES:** Submit comments by October 13, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0175. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2015–0175 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–2015–0175. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0175 on this Web site.
- 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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML15191A014. The

supporting statement is available in ADAMS under Accession No. ML15191A016.

• 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.

• NRC's Clearance Officer: A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

*B. Submitting Comments*

Please include Docket ID NRC–2015–0175 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## I. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 664, General Licensee Registration.

2. *OMB approval number:* 3150–0198.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 664.

5. *How often the collection is required or requested:* Annually.

6. *Who will be required or asked to respond:* General Licensees of the NRC who possess certain generally licensed devices subject to annual registration authorized pursuant to section 31.5 of Title 10 of the *Code of Federal Regulations* (10 CFR).

7. *The estimated number of annual responses:* 564.

8. *The estimated number of annual respondents:* 564.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 188 hours (564 annual responses × ⅓ hour).

10. *Abstract:* NRC Form 664 is used by NRC general licensees to make reports regarding certain generally licensed devices subject to annual registration. The registration program allows NRC to better track general licensees, so that they can be contacted or inspected as necessary, and to make sure that generally licensed devices can be identified even if lost or damaged. Also, the registration program ensures that general licensees are aware of and understand the requirements for the possession, use, and disposal of devices containing byproduct material. Greater awareness helps to ensure that general licensees will comply with the regulatory requirements for proper handling and disposal of generally licensed devices and would reduce the potential for incidents that could result in unnecessary radiation exposure to the public and contamination of property.

## II. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 6th day of August 2015.

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2015–19734 Filed 8–11–15; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–0395; NRC–2014–0271]**

## South Carolina Electric & Gas Company; Virgil C. Summer Nuclear Station, Unit 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; withdrawal by applicant.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has granted the request of South Carolina Electric & Gas Company to withdraw its application dated November 12, 2014, for a proposed amendment to Renewed Facility Operating License NPF–12. The proposed amendment would have revised the Virgil C. Summer Nuclear Station, Unit 1, Radiation Emergency Plan to relocate the Technical Support Center.

**ADDRESSES:** Please refer to Docket ID NRC–2014–0271 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0271. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *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:** Shawn Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1009, email: *Shawn.Williams@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The NRC has granted the request of South Carolina Electric & Gas Company (the licensee) to withdraw its application date November 12, 2014, (ADAMS Accession No. ML14324A217), for a proposed amendment to Renewed Facility Operating License NPF–12 for the Virgil C. Summer Nuclear Station, Unit 1, located in Jenkinsville, SC.

The proposed amendment sought to revise the Virgil C. Summer Nuclear Station, Unit 1, Radiation Emergency Plan to relocate the Technical Support Center.

The NRC published a Biweekly Notice in the **Federal Register** on December 23, 2014 (79 FR 77050), that gave notice that this proposed amendment was under consideration by the NRC. The licensee submitted its request to withdraw the proposed amendment on July 21, 2015 (ADAMS Accession No. ML15205A033).

Dated at Rockville, Maryland, this 6th day of August, 2015.

For the Nuclear Regulatory Commission.

**G. Edward Miller,**

*Acting Chief, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–19851 Filed 8–11–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–369 and 50–370; NRC–2012–0161]**

## Duke Energy Carolinas, LLC; McGuire Generating Station, Units 1 and 2

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; withdrawal by applicant.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Duke Energy Carolinas, LLC to withdraw its application dated February 22, 2012, as supplemented by letters dated November 13, 2012 and February 4, 2013, for a proposed amendment to Renewed Facility Operating License Nos. NPF–9 and NPF–17, for the McGuire Nuclear Station, Units 1 and 2. The proposed amendment would have revised the McGuire Technical Specification 3.7.7, ''Nuclear Service Water System (NSWS).'' Specifically, the proposed change would have the use of the NSWS pump discharge crossover valves and associated piping to cross tie McGuire Nuclear Station, Units 1 and 2 NSWS trains to mitigate a Loss of Service Water event.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0161 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0161. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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:** G. Edward Miller, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2481, email: *ed.miller@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The NRC has granted the request of Duke Energy Carolinas, LLC (the licensee) to withdraw its application dated February 22, 2012 (ADAMS Accession No. ML12061A008), for a proposed amendment to the McGuire Nuclear Station, Units 1 and 2, located in York County, North Carolina.

The proposed amendment would have revised the McGuire Technical Specification 3.7.7, ''Nuclear Service Water System (NSWS).'' Specifically, the proposed change would have the use of the NSWS pump discharge crossover valves and associated piping to cross tie McGuire Nuclear Station Units 1 and 2 NSWS trains to mitigate a Loss of Service Water event.

The NRC published a Biweekly Notice in the **Federal Register** on July 10, 2012 (77 FR 40650), that gave notice that this proposed amendment was under consideration by the NRC. However, by letter dated July 29, 2015 (ADAMS Accession No ML15212A731), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 30th day of July 2015.

For the Nuclear Regulatory Commission.

**G. Edward Miller,**

*Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–19850 Filed 8–11–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2011–0288]**

## Interim Staff Guidance on Changes During Construction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Interim staff guidance; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing its final Interim Staff Guidance (ISG) COL–ISG–025, ''Interim Staff Guidance on Changes During Construction.'' This ISG provides guidance to the NRC staff on the Preliminary Amendment Request (PAR) review process available to the combined license (COL) holders. The PAR is implemented through a license condition for use as an elective precursor to the license amendment process.

**DATES:** The effective date of this COL–ISG–025 is September 11, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2011–0288 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0288. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

- *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:** Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053; email: *Mark.Notich@nrc.gov.*

**Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

| Document title | Adams accession No. |
|---|---|
| **Federal Register** notice; Office of New Reactors: Final Interim Staff Guidance-025 Changes During Construction Under 10 CFR Part 52 | ML15058A383 |
| Interim Staff Guidance-025 Changes During Construction Under 10 CFR Part 52 (Final) | ML15058A377 |
| Nuclear Energy Institute Comments on Draft Interim Staff Guidance (ISG) COL–ISG–025, Interim Staff Guidance on Changes During Construction (78 FR 49782); [Docket ID NRC–2011–0288] | ML13304A498 |
| Interim Staff Guidance on Changes During Construction Under 10 CFR Part 52, COL–ISG–025 (Second draft for use and comment) | ML13045A125 |
| Nuclear Energy Institute Comments on Interim Staff Guidance (ISG) COL–ISG–025, Interim Staff Guidance on Changes During Construction Under 10 CFR Part 52 (77 FR 1749); [Docket ID NRC–2011–0288] | ML12089A019 |
| **Federal Register** notice; Office of New Reactors: draft Interim Staff Guidance COL–ISG–025,Changes During Construction Under 10 CFR Part 52, (77 FR 1749) | ML111590693 |
| Interim Staff Guidance on Changes During Construction Under 10 CFR Part 52, COL–ISG -025 (First draft for use and comment) | ML111530026 |
| Regulatory Guide 1.187, Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments | ML003759710 |

**SUPPLEMENTARY INFORMATION:**

## I. Background

On January 11, 2012 (77 FR 1749) the NRC staff issued notice for use of, and to solicit public comments on, draft COL–ISG–025,'' Interim Staff Guidance on Changes During Construction under part 52 of title 10 of the *Code of Federal Register* (10 CFR). Following receipt of public comments and a period of using this PAR process, on August 15, 2013 (78 FR 49782) the NRC staff issued a second notice for use of, and to solicit additional public comments on, draft COL–ISG–025. This ISG provides guidance to the staff on the PAR review process available to the initial 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' COL holders for use as an elective precursor to a license amendment request (LAR). The PAR process may facilitate the installation and testing of plant changes during construction. The NRC staff used and evaluated the PAR change process during the construction of the initial nuclear power plants licensed under 10 CFR part 52 and shall include this ISG in a new regulatory guide or in the next update of Regulatory Guide 1.187, ''Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments'' (ADAMS Accession No. ML003759710).

This final ISG provides guidance to the NRC staff on the PAR review process available to 10 CFR part 52 COL holders for use as an elective precursor to a LAR. The NRC staff used the draft guidance to evaluate the PAR change process during the construction of the initial nuclear power plants licensed under 10 CFR part 52.

The final ISG is available through the NRC's public Web site at, *http://www.nrc.gov/reading-rm/doc-collections/isg/,* and in ADAMS under Accession No. ML15058A383.

## II. Public Comments

### *A. Overview of Public Comments*

The NRC issued draft COL–ISG–025, ''Interim Staff Guidance on Changes during Construction Under 10 CFR part 52,'' in the **Federal Register** on January 11, 2012 (77 FR 1749) for a 75-day comment period. The comment period ended on March 26, 2012. The NRC reissued draft COL–ISG–025 in the **Federal Register** on August 15, 2013 (78 FR 49782) for an additional 75-day comment period. The comment period ended on October 29, 2013.

The Commission received one comment submission on the second draft COL–ISG–025 from the Nuclear Energy Institute (NEI) (ADAMS Accession No. ML13304A498).

The comment summary and the NRC's response for this submission are addressed below:

### *B. Comment Identification and Comment Response*

*NEI Comment 1–1:* Editorial and Clarification. Insert on page 3, paragraph 3, second sentence, add the phrase ''. . . may communicate the acceptance of the LAR, and . . .'' The sentence would then read as follows: ''The NRC's PAR determination letter may communicate the acceptance of the LAR, and will state whether the licensee may proceed in accordance with the PAR, LAR and COL–ISG–025.''

*NRC Response:* The NRC staff does not agree with this comment. Although the review processes for accepting the LAR for detailed technical review and the PAR no objection review process are similar, and by design related, the technical organizations contributing to the reviews are not identical. No change was made to the ISG as a result of this comment.

## III. Backfitting and Issue Finality

Issuance of this ISG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule), or be regarded as backfitting under Commission and Executive Director for Operations guidance, and is not otherwise inconsistent with any of the issue finality provisions in 10 CFR part 52. This ISG does not contain any new requirements for COL applicants or holders under 10 CFR part 52, or for licensees of existing operating units licensed under 10 CFR part 50. Rather,

it contains additional guidance and clarification on staff review of PARs.

**V. Congressional Review Act**

This ISG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated in Rockville, Maryland, this 31st day of July, 2015.

For the Nuclear Regulatory Commission.

**Joseph Colaccino,**

*Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.*

[FR Doc. 2015–19811 Filed 8–11–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 030–35710; EA–14–116; NRC–2013–0208]**

## In the Matter of Bradley D. Bastow, D. O.

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Imposition Order; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an Imposition Order to Bradley D. Bastow, D. O. imposing a civil penalty of $7,000. On November 6, 2014, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty—$7,000 to Bradley D. Bastow, D. O. for failing to comply with a Confirmatory Order issued on September 3, 2013.

**DATES:** *Effective Date:* August 4, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0208 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0208. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For questions about this Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Thomas Marenchin, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2979, email: *Thomas.Marenchin@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated at Rockville, Maryland, this 5th day of August 2015.

For the Nuclear Regulatory Commission.

**David L. Solorio,**

*Acting Director, Office of Enforcement.*

### United States of America Nuclear Regulatory Commission

In the Matter of Bradley D. Bastow, D. O., South Haven, Michigan

Docket No. 030–35710
License No. 21–32316–01
EA–14–116

### Order Imposing Civil Monetary Penalty

**I.**

Bradley D. Bastow, D. O., (Bastow or the Licensee) is the holder of Materials License No. 21–32316–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 30. The license was initially issued on April 20, 2001; was last amended on October 7, 2014; and is due to expire on October 31, 2016. The license discusses the operation of Bradley D. Bastow, D. O., at his place of business (Cardiology II, P.C.), in accordance with conditions specified therein. The facility is located on the licensee's site in South Haven, Michigan. The license currently reflects a standby status such that no radioactive material in 10 CFR 35.100 or 35.200 may be used under the license without an amendment. It permits use of materials specified in 10 CFR 35.65 for calibration and maintenance of equipment.

**II.**

An inspection of the Licensee's activities was conducted between March 27 and May 5, 2014, with continued in-office inspection through June 20, 2014. These inspections revealed that the licensee was not complying with the terms of a Confirmatory Order signed on September 13, 2013, to rectify previous willful violations. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated November 6, 2014. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in a letter dated December 6, 2014. In response, the Licensee acknowledged the basic facts in the Notice, although the Licensee characterized them as being ''administrative deficiencies.''

As part of its answer to the Notice, the Licensee requested mitigation of the civil penalty by awarding *Corrective Action* credit, based on the Licensee's overarching action to shut down licensed activities. The Licensee acknowledged that: (1) Not all the underlying issues had been corrected and (2) committed to complete them prior to restart of licensed activities. However, the Licensee stated that the shutdown eliminated any safety significance of the issues and provided a ''clear demonstration'' of its commitment to correct deficiencies before continuing to operate the facility.

The Licensee then requested complete mitigation of the civil penalty due to financial hardship. The Licensee indicated that it had experienced an overall loss of revenue, due to the facility being shut down, and was carrying tremendous debt. It further indicated that financial solvency was questionable.

**III.**

The NRC has reviewed the Licensee response and concluded that Corrective Action credit remained inappropriate. As stated in the NRC Enforcement Policy, Corrective Action credit is designed to encourage licensees to: (1) Take the immediate actions necessary upon discovery of a violation that will restore safety, security, and compliance with the license, regulations, or other requirements; and (2) develop and implement (in a timely manner) the lasting actions that will not only prevent recurrence of the violation at issue, but will be appropriately comprehensive, given the significance and complexity of the violation, to prevent occurrence of

violations with similar root causes. While the Licensee eventually took an action to restore safety by placing its NRC license in standby, it has yet to restore compliance with its license and NRC regulations, nor has it addressed lasting actions to prevent recurrence. Furthermore, the NRC concluded that there was insufficient evidence to show that the Licensee recognized the significance of behavior, the need to correct past problems, and the importance of complying with NRC requirements in the future.

The NRC considered the Licensee's request for consideration of financial hardship. The NRC requested information that provided the basis for the financial hardship claim. However, the Licensee stated that it was unable to provide such information. Lacking any evidence supporting the financial hardship claim, the NRC concluded that there was insufficient basis to mitigate the civil penalty.

Therefore, after full consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed.

**IV.**

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

A. The Licensee pays a civil penalty in the amount of $7,000 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. Alternatively, this payment may be made in installments of $300, plus interest, per month until the debt is paid. To request installment payments, the Licensee shall contact the Accounts Receivable Team, Division of Financial Management in the Office of the Chief Financial Officer at 301–415–7347, within 30 days of the date of this Order to arrange for the terms of the promissory note for the penalty and shall make the first payment within 45 days of the date of the Order.

B. At the time payment, or the first installment, is made, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738 with a copy to the Region III Regional Administrator, 2443 Warrenville Road, Suite 210, Lisle, IL 60532.

The Director, Office of Enforcement, may provide relaxation or rescission of the above payment upon demonstration by Bradley D. Bastow, D. O., of good cause. To show good cause the Licensee must, at a minimum, provide:

A. Evidence of the Licensee's debt load, including bank statements, credit card statements, and tax assessments.

B. Evidence of the Licensee's income either in the form of tax returns, bank statements, or a certified statement from the licensee's accountant. If it is necessary to provide insurance or Medicaid income information, these documents must be redacted to eliminate any patient information.

C. A statement as to why the NRC should have confidence in the Licensee's ability to pay its debts, including those to the NRC.

**V.**

In accordance with 10 CFR 2.202, Bradley D. Bastow, D. O., must, and any other person adversely affected by this Order may, submit an answer to this Order within 30 days of its publication in the **Federal Register**. In addition, Bradley D. Bastow, D. O., and any other person adversely affected by this Order may request a hearing on this Order within 30 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for such an extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered

complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than Bradley D. Bastow, D. O., requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires, if a hearing request has not been received.

This Order shall be effective as of the date of signing by the Director, Office of Enforcement. If payment has not been made by the time specified above, the matter may be referred to the Attorney General for collection.

Dated at Rockville, Maryland, this 4th day of August 2015.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,
Director, Office of Enforcement.

[FR Doc. 2015–19808 Filed 8–11–15; 8:45 am]

BILLING CODE 7590–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75628; File No. SR–MSRB–2015–03]**

## Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Consisting of Proposed New Rule G–42, on Duties of Non-Solicitor Municipal Advisors, and Proposed Amendments to Rule G–8, on Books and Records To Be Made by Brokers, Dealers, Municipal Securities Dealers, and Municipal Advisors

August 6, 2015.

### I. Introduction

On April 24, 2015, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change consisting of proposed new Rule G–42, on duties of non-solicitor municipal advisors, and proposed amendments to Rule G–8, on books and records to be made by brokers, dealers, municipal securities dealers, and municipal advisors. The proposed rule change was published for comment in the **Federal Register** on May 8, 2015.[3] The Commission received fifteen comment letters on the proposal.[4] On

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 74860 (May 4, 2015), 80 FR 26752 (''Notice''). The comment period closed on May 29, 2015.

[4] *See* Letters to Secretary, Commission, from Dustin McDonald, Director, Federal Liaison Center, Government Finance Officers Association (''GFOA''), dated May 22, 2015 (the ''GFOA I Letter''); Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (''SIFMA''), dated May 28, 2015 (the ''SIFMA Letter''); Cristeena Naser, Vice President, Center for Securities, Trust & Investments, American Bankers Association (''ABA''), dated May 29, 2015 (the ''ABA Letter''); Terri Heaton, President, National Association of Municipal Advisors (''NAMA''), dated May 29, 2015 (the ''NAMA Letter''); Hill A. Feinberg, Chairman and Chief Executive Officer and Michael Bartolotta, Vice Chairman, First Southwest Company (''First Southwest''), dated May 29, 2015 (the ''First Southwest Letter''); Guy E. Yandel, EVP and Head of Public Finance, *et al.*, George K. Baum & Company (''GKB''), dated May 29, 2015 (the

Continued

June 16, 2015, the MSRB granted an extension of time for the Commission to act on the filing until August 6, 2015. This order institutes proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.

Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as described below, the Commission seeks and encourages interested persons to comment on the proposed rule change.

## II. Description of the Proposed Rule Change

As described more fully in the Notice, the MSRB proposed to adopt new Rule G–42, on duties of non-solicitor municipal advisors and proposed amendments to Rule G–8, on books and records to be made by brokers, dealers, municipal securities dealers, and municipal advisors (the ''proposed rule change'').

*Proposed Rule G–42*

Proposed Rule G–42 would establish the core standards of conduct and duties of municipal advisors when engaging in municipal advisory activities, other than municipal advisory solicitation activities (''municipal advisors''). In summary, the core provisions of Proposed Rule G–42 would:

- Establish certain standards of conduct consistent with the fiduciary duty owed by a municipal advisor to its municipal entity clients, which includes, without limitation, a duty of care and of loyalty;
- Establish the standard of care owed by a municipal advisor to its obligated person clients;
- Require the full and fair disclosure, in writing, of all material conflicts of interest and legal or disciplinary events that are material to a client's evaluation of a municipal advisor;
- Require the documentation of the municipal advisory relationship, specifying certain aspects of the relationship that must be included in the documentation;
- Require that recommendations made by a municipal advisor are suitable for its clients, or that it determine the suitability of recommendations made by third parties when appropriate; and
- Specifically prohibit a municipal advisor from engaging in certain activities, including, in summary:
  - Receiving excessive compensation;
  - delivering inaccurate invoices for fees or expenses;
  - making false or misleading representations about the municipal advisor's resources, capacity or knowledge;
  - participating in certain fee-splitting arrangements with underwriters;
  - participating in any undisclosed fee-splitting arrangements with providers of investments or services to a municipal entity or obligated person client of the municipal advisor;
  - making payments for the purpose of obtaining or retaining an engagement to perform municipal advisory activities, with limited exceptions; and
  - entering into certain principal transactions with the municipal advisor's municipal entity clients.

In addition, the proposed rule change would define key terms used in Proposed Rule G–42 and provide supplementary material. The supplementary material would provide additional guidance on the core concepts in the proposed rule, such as the duty of care, the duty of loyalty, suitability of recommendations and ''Know Your Client'' obligations; provide context for issues such as the scope of an engagement, conflicts of interest disclosures, excessive compensation, the impact of client action that is independent of or contrary to the advice of a municipal advisor, and the applicability of the proposed rule change to 529 college savings plans (''529 plans'') and other municipal entities; provide guidance regarding the definition of ''engage in a principal transaction;'' recognize the continued applicability of state and other laws regarding fiduciary and other duties owed by municipal advisors; and, finally, include information regarding requirements that must be met for a municipal advisor to be relieved of certain provisions of Proposed Rule G–42 in instances when it inadvertently engages in municipal advisory activities.

*Standards of Conduct*

Section (a) of Proposed Rule G–42 would establish the core standards of conduct and duties applicable to municipal advisors. Subsection (a)(i) of Proposed Rule G–42 would provide that each municipal advisor in the conduct of its municipal advisory activities for an obligated person client is subject to a duty of care. Subsection (a)(ii) would provide that each municipal advisor in the conduct of its municipal advisory activities for a municipal entity client is subject to a fiduciary duty, which includes, without limitation, a duty of loyalty and a duty of care.

Proposed supplementary material would provide guidance on the duty of care and the duty of loyalty. Paragraph .01 of the Supplementary Material would describe the duty of care to require, without limitation, a municipal advisor to: (1) Exercise due care in performing its municipal advisory activities; (2) possess the degree of knowledge and expertise needed to provide the municipal entity or obligated person client with informed advice; (3) make a reasonable inquiry as to the facts that are relevant to a client's determination as to whether to proceed with a course of action or that form the basis for any advice provided to the client; and (4) undertake a reasonable investigation to determine that the municipal advisor is not basing any recommendation on materially inaccurate or incomplete information. The duty of care that would be established in section (a) of Proposed Rule G–42 would also require the municipal advisor to have a reasonable basis for: Any advice provided to or on behalf of a client; any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the client, any other party involved in the municipal securities transaction or municipal financial product, or investors in the municipal entity client's securities or securities secured by payments from an obligated person client; and, any information provided to the client or other parties involved in the municipal securities transaction in connection with the preparation of an official statement for any issue of municipal securities as to which the advisor is advising.

Paragraph .02 of the Supplementary Material would describe the duty of loyalty to require, without limitation, a

''GKB Letter''); David T. Bellaire, Executive Vice President and General Counsel, Financial Services Institute (''FSI''), dated May 29, 2015 (the ''FSI Letter''); Robert J. McCarthy, Director of Regulatory Policy, Wells Fargo Advisors LLC, (''Wells Fargo''), dated May 29, 2015 (the ''Wells Fargo Letter''); Tamara K. Salmon, Associate General Counsel, Investment Company Institute (''ICI''), dated May 29, 2015 (the ''ICI Letter''); W. David Hemingway, Executive Vice President, Zions First National Bank (''Zions''), dated May 29, 2015 (the ''Zions Letter''); Lindsey K. Bell, Millar Jiles, LLP (''Millar Jiles''), dated May 29, 2015 (the ''Millar Jiles Letter''); Michael Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA''), dated May 29, 2015 (the ''BDA Letter''); Joy A. Howard, WM Financial Strategies (''WM Financial''), dated May 29, 2015 (the ''WM Financial Letter''); Leo Karwejna, Managing Director, Chief Compliance Officer, The PFM Group (''PFM''), dated May 29, 2015 (the ''PFM Letter''); and Dustin T. McDonald, Director, Federal Liaison Center, GFOA, dated June 15, 2015 (the ''GFOA II Letter''). Staff from the Office of Municipal Securities discussed the proposed rule change with representatives from SIFMA on May 21, 2015, representatives from NAMA on June 3, 2015 and representatives from BDA on June 17, 2015.

[5] 15 U.S.C. 78s(b)(2)(B).

municipal advisor, when engaging in municipal advisory activities for a municipal entity, to deal honestly and with the utmost good faith with the client and act in the client's best interests without regard to the financial or other interests of the municipal advisor. Paragraph .02 would also provide that the duty of loyalty would preclude a municipal advisor from engaging in municipal advisory activities with a municipal entity client if it cannot manage or mitigate its conflicts of interest in a manner that will permit it to act in the municipal entity's best interests.

Paragraph .03 of the Supplementary Material would specify that a municipal advisor is not required to disengage from a municipal advisory relationship if a municipal entity client or an obligated person client elects a course of action that is independent of or contrary to advice provided by the municipal advisor.

Paragraph .04 of the Supplementary Material would specify that a municipal advisor could limit the scope of the municipal advisory activities to be performed to certain specified activities or services if requested or expressly consented to by the client, but could not alter the standards of conduct or impose limitations on any of the duties prescribed by Proposed Rule G–42. Paragraph .04 would provide that, if a municipal advisor engages in a course of conduct that is inconsistent with the mutually agreed limitations to the scope of the engagement, it may result in negating the effectiveness of the limitations.

Paragraph .07 of the Supplementary Material would state, as a general matter, that, municipal advisors may be subject to fiduciary or other duties under state or other laws and nothing in Proposed Rule G–42 would supersede any more restrictive provision of state or other laws applicable to municipal advisory activities.

*Disclosure of Conflicts of Interest and Other Information*

Section (b) of Proposed Rule G–42 would require a municipal advisor to fully and fairly disclose to its client in writing all material conflicts of interest, and to do so prior to or upon engaging in municipal advisory activities. The provision would set forth a non-exhaustive list of scenarios under which a material conflict of interest would arise or be deemed to exist and that would require a municipal advisor to provide written disclosures to its client.

Subsection (b)(i)(A) would require a municipal advisor to disclose any actual or potential conflicts of interest of which the municipal advisor becomes aware after reasonable inquiry that could reasonably be anticipated to impair the municipal advisor's ability to provide advice to or on behalf of the client in accordance with the applicable standards of conduct (*i.e.,* a duty of care or a fiduciary duty). Subsections (b)(i)(B) through (F) would provide more specific scenarios that give rise to conflicts of interest that would be deemed to be material and require proper disclosure to a municipal advisor's client. Under the proposed rule change, a material conflict of interest would always include: any affiliate of the municipal advisor that provides any advice, service or product to or on behalf of the client that is directly related to the municipal advisory activities to be performed by the disclosing municipal advisor; any payments made by the municipal advisor, directly or indirectly, to obtain or retain an engagement to perform municipal advisory activities for the client; any payments received by the municipal advisor from a third party to enlist the municipal advisor's recommendations to the client of its services, any municipal securities transaction or any municipal financial product; any fee-splitting arrangements involving the municipal advisor and any provider of investments or services to the client; and any conflicts of interest arising from compensation for municipal advisory activities to be performed that is contingent on the size or closing of any transaction as to which the municipal advisor is providing advice. Subsection (b)(i)(G) would require municipal advisors to disclose any other engagements or relationships of the municipal advisor that could reasonably be anticipated to impair its ability to provide advice to or on behalf of its client in accordance with the applicable standards of conduct established by section (a) of the proposed rule.

Under subsection (b)(i), if a municipal advisor were to conclude, based on the exercise of reasonable diligence, that it had no known material conflicts of interest, the municipal advisor would be required to provide a written statement to the client to that effect.

Subsection (b)(ii) would require disclosure of any legal or disciplinary event that would be material to the client's evaluation of the municipal advisor or the integrity of its management or advisory personnel. A municipal advisor would be permitted to fulfill this disclosure obligation by identifying the specific type of event and specifically referring the client to the relevant portions of the municipal advisor's most recent SEC Forms MA or MA–I [6] filed with the Commission, if the municipal advisor provides detailed information specifying where the client could access such forms electronically.

Paragraph .05 of the Supplementary Material would provide that the required conflicts of interest disclosures must be sufficiently detailed to inform the client of the nature, implications and potential consequences of each conflict and must include an explanation of how the municipal advisor addresses or intends to manage or mitigate each conflict.[7]

Paragraph .06 of the Supplementary Material would provide that a municipal advisor that inadvertently engages in municipal advisory activities but does not intend to continue the municipal advisory activities or enter into a municipal advisory relationship [8] would not be required to comply with sections (b) and (c) of Proposed Rule G–42 (relating to disclosure of conflicts of interest and documentation of the relationship), if the municipal advisor takes the prescribed actions listed under paragraph .06 promptly after it discovers its provision of inadvertent advice. The municipal advisor would be required to provide to the client a dated document that would include: A disclaimer stating that the municipal advisor did not intend to provide advice and that, effective immediately, the municipal advisor has ceased engaging in municipal advisory activities with respect to that client in regard to all transactions and municipal financial products as to which advice was inadvertently provided; a notification that the client should be aware that the municipal advisor has not provided the

[6] *See* 17 CFR 249.1300 (SEC Form MA); 17 CFR 249.1310 (SEC Form MA–I).

[7] The MSRB believes that this requirement is analogous to the requirement of Form ADV (17 CFR 279.1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) that obligates an investment adviser to describe how it addresses certain conflicts of interest with its clients. *See, e.g.,* Form ADV, Part 2, Item 5.E.1 of Part 2A (requiring an investment adviser to describe how it will address conflicts of interest that arise in regards to fees and compensation it receives, including the investment adviser's procedures for disclosing the conflicts of interest with its client). *See also,* Form ADV, Part 2A Items 6, 10, 11, 14 and 17.

[8] Under subsection (f)(vi) of Proposed Rule G–42, the MSRB notes that a municipal advisory relationship would be deemed to exist when a municipal advisor enters into an agreement to engage in municipal advisory activities for a municipal entity or obligated person, and would be deemed to have ended on the earlier of (i) the date on which the municipal advisory relationship has terminated pursuant to the terms of the documentation of the municipal advisory relationship required in section (c) of Proposed Rule G–42 or (ii) the date on which the municipal advisor withdraws from the municipal advisory relationship.

disclosure of material conflicts of interest and other information required under section (b); an identification of all of the advice that was inadvertently provided, based on a reasonable investigation; and a request that the municipal entity or obligated person acknowledge receipt of the document. The municipal advisor also would be required to conduct a review of its supervisory and compliance policies and procedures to ensure that they are reasonably designed to prevent inadvertently providing advice to municipal entities and obligated persons. The final sentence of paragraph .06 of the Supplementary Material would also clarify that the satisfaction of the requirements of paragraph .06 would have no effect on the applicability of any provisions of Proposed Rule G–42 other than sections (b) and (c), or any other legal requirements applicable to municipal advisory activities.

*Documentation of the Municipal Advisory Relationship*

Section (c) of Proposed Rule G–42 would require each municipal advisor to evidence each of its municipal advisory relationships by a writing, or writings created and delivered to the municipal entity or obligated person client prior to, upon or promptly after the establishment of the municipal advisory relationship. The documentation would be required to be dated and include, at a minimum: [9]

- The form and basis of direct or indirect compensation, if any, for the municipal advisory activities to be performed, as provided in proposed subsection (c)(i);
- the information required to be disclosed in proposed section (b), including the disclosures of conflicts of interest, as provided in proposed subsection (c)(ii);
- a description of the specific type of information regarding legal and disciplinary events requested by the Commission on SEC Form MA and SEC Form MA–I, as provided in proposed subsection (c)(iii), and detailed information specifying where the client may electronically access the municipal advisor's most recent Form MA and each most recent Form MA–I filed with the Commission; [10]
- the date of the last material change to the legal or disciplinary event disclosures on any SEC Forms MA or MA–I filed with the Commission by the municipal advisor, as provided in proposed subsection (c)(iv);
- the scope of the municipal advisory activities to be performed and any limitations on the scope of the engagement, as provided in proposed subsection (c)(v);
- the date, triggering event, or means for the termination of the municipal advisory relationship, or, if none, a statement that there is none, as provided in proposed subsection (c)(vi); and
- any terms relating to withdrawal from the municipal advisory relationship, as provided in proposed subsection (c)(vii).

Proposed Rule G–42(c) also would require municipal advisors to promptly amend or supplement the writing(s) during the term of the municipal advisory relationship as necessary to reflect any material changes or additions in the required information.

*Recommendations and Review of Recommendations of Other Parties*

Section (d) of Proposed Rule G–42 would provide that a municipal advisor must not recommend that its client enter into any municipal securities transaction or municipal financial product unless the municipal advisor has determined, based on the information obtained through the reasonable diligence of the municipal advisor, whether the transaction or product is suitable for the client. Proposed section (d) also contemplates that a municipal advisor may be requested by the client to review and determine the suitability of a recommendation made by a third party to the client. If a client were to request this type of review, and such review were within the scope of the engagement, the municipal advisor's determination regarding the suitability of the third-party's recommendation regarding a municipal securities transaction or municipal financial product would be subject to the same reasonable diligence standard—requiring the municipal advisor to obtain relevant information through the exercise of reasonable diligence.

As to both types of review, the municipal advisor would be required under proposed section (d) to inform its municipal entity or obligated person client of its evaluation of the material risks, potential benefits, structure and other characteristics of the recommended municipal securities transaction or municipal financial product; the basis upon which the advisor reasonably believes the recommended transaction or product is, or is not, suitable for the client; and whether the municipal advisor has investigated or considered other reasonably feasible alternatives to the recommended municipal securities transaction or municipal financial product that might also or alternatively serve the client's objectives.

Paragraph .04 of the Supplementary Material would provide that a municipal advisor and its client could limit the scope of the municipal advisory relationship to certain specified activities or services. The MSRB notes that a municipal advisor would not be permitted to alter the standards of conduct or duties imposed by the proposed rule with respect to that limited scope.

Paragraph .08 of the Supplementary Material would provide guidance related to a municipal advisor's suitability obligations. Under this provision, a municipal advisor's determination of whether a municipal securities transaction or municipal financial product is suitable for its client must be based on numerous factors, as applicable to the particular type of client, including, but not limited to: the client's financial situation and needs, objectives, tax status, risk tolerance, liquidity needs, experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended, financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued are reasonably expected to be outstanding, and any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after the municipal advisor has conducted a reasonable inquiry.

In connection with a municipal advisor's obligation to determine the suitability of a municipal securities transaction or a municipal financial product for a client, which should take into account its knowledge of the client, paragraph .09 of the Supplementary Material would require a municipal advisor to know its client. The obligation to know the client would require a municipal advisor to use reasonable diligence to know and retain essential facts concerning the client and

[9] While no acknowledgement from the client of its receipt of the documentation would be required, the MSRB notes that a municipal advisor must, as part of the duty of care it owes its client, reasonably believe that the documentation was received by its client.

[10] The MSRB notes that compliance with this requirement could be achieved in the same manner, and (so long as done upon or prior to engaging in municipal advisory activities for the client) concurrently with providing to the client the information required under proposed subsection (b)(ii).

the authority of each person acting on behalf of the client, and is similar to requirements in other regulatory regimes.[11] The facts ''essential'' to knowing one's client would include those required to effectively service the municipal advisory relationship with the client; act in accordance with any special directions from the client; understand the authority of each person acting on behalf of the client; and comply with applicable laws, rules and regulations.

The MSRB notes that a client could at times elect a course of action either independent of or contrary to the advice of its municipal advisor. Paragraph .03 of the Supplementary Material would provide that the municipal advisor would not be required to disengage from the municipal advisory relationship on that basis.

*Specified Prohibitions*

Subsection (e)(i)(A) would prohibit a municipal advisor from receiving compensation from its client that is excessive in relation to the municipal advisory activities actually performed for the client. Paragraph .10 of the Supplementary Material would provide additional guidance on how compensation would be determined to be excessive. Included in paragraph .10 are several factors that would be considered when evaluating the reasonableness of a municipal advisor's compensation relative to the nature of the municipal advisory activities performed, including, but not limited to: The municipal advisor's expertise, the complexity of the municipal securities transaction or municipal financial product, whether the fee is contingent upon the closing of the municipal securities transaction or municipal financial product, the length of time spent on the engagement and whether the municipal advisor is paying any other relevant costs related to the municipal securities transaction or municipal financial product.

Subsection (e)(i)(B) would prohibit municipal advisors from delivering an invoice for fees or expenses for municipal advisory activities that does not accurately reflect the activities actually performed or the personnel that actually performed those activities.

Subsection (e)(i)(C) would prohibit a municipal advisor from making any representation or submitting any information that the municipal advisor knows or should know is either materially false or materially misleading due to the omission of a material fact, about its capacity, resources or knowledge in response to requests for proposals or in oral presentations to a client or prospective client for the purpose of obtaining or retaining an engagement to perform municipal advisory activities.

Subsection (e)(i)(D) would prohibit municipal advisors from making or participating in two types of fee-splitting arrangements: (1) Any fee-splitting arrangement with an underwriter on any municipal securities transaction as to which the municipal advisor has provided or is providing advice; and (2) any *undisclosed* fee-splitting arrangement with providers of investments or services to a municipal entity or obligated person client of the municipal advisor.

Subsection (e)(i)(E) would, generally, prohibit a municipal advisor from making payments for the purpose of obtaining or retaining an engagement to perform municipal advisory activities. However, the provision contains three exceptions. The prohibition would not apply to: (1) Payments to an affiliate of the municipal advisor for a direct or indirect communication with a municipal entity or obligated person on behalf of the municipal advisor where such communication is made for the purpose of obtaining or retaining an engagement to perform municipal advisory activities; (2) reasonable fees paid to another municipal advisor registered as such with the Commission and MSRB for making such a communication as described in subsection (e)(i)(E)(1); and (3) payments that are permissible ''normal business dealings'' as described in MSRB Rule G–20.

*Principal Transactions*

Subsection (e)(ii) of Proposed Rule G–42 would prohibit a municipal advisor to a municipal entity, and any affiliate of such municipal advisor, from engaging in a principal transaction directly related to the same municipal securities transaction or municipal financial product as to which the municipal advisor is providing or has provided advice. The ban on principal transactions would apply only with respect to clients that are municipal entities. The ban would not apply to principal transactions between a municipal advisor (or an affiliate of the municipal advisor) and the municipal advisor's obligated person clients. Although such transactions would not be prohibited, the MSRB notes that all municipal advisors, including those engaging in municipal advisory activities for obligated person clients, are currently subject to the MSRB's fundamental fair-practice rule, Rule G–17.

Paragraph .07 of the Supplementary Material would provide an exception to the ban on principal transactions in subsection (e)(ii) in order to avoid a possible conflict with existing MSRB Rule G–23, on activities of financial advisors. Specifically, the ban in subsection (e)(ii) would not apply to an acquisition as principal, either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from an issuer all or any portion of an issuance of municipal securities on the basis that the municipal advisor provided advice as to the issuance, because such a transaction is the type of transaction that is addressed, and, in certain circumstances, prohibited by Rule G–23.

For purposes of the prohibition in proposed subsection (e)(ii), subsection (f)(i) would define the term ''engaging in a principal transaction'' to mean ''when acting as a principal for one's own account, selling to or purchasing from the municipal entity client any security or entering into any derivative, guaranteed investment contract, or other similar financial product with the municipal entity client.'' Further, paragraph .11 of the Supplementary Material would clarify that the term ''other similar financial products,'' as used in subsection (f)(i), would include a bank loan but only if it is in an aggregate principal amount of $1,000,000 or more and is economically equivalent to the purchase of one or more municipal securities.

*Definitions*

Section (f) of Proposed Rule G–42 would provide definitions of the terms ''engaging in a principal transaction,'' ''affiliate of the municipal advisor,''[12]

[11] The MSRB notes that similar requirements apply to brokers and dealers under FINRA Rule 2090 (Know Your Customer) and swap dealers under Commodity Futures Trading Commission (''CFTC'') Rule 402(b) (General Provisions: Know Your Counterparty), 17 CFR 23.402(b), found in CFTC Rules, Ch. I, Pt. 23, Subpt. H (Business Conduct Standards for Swap Dealers and Major Swap Participants Dealing with Counterparties, including Special Entities) (17 CFR 23.400 *et. seq.*). Notably, the CFTC's rule applies to dealings with special entity clients, defined to include states, state agencies, cities, counties, municipalities, other political subdivisions of a State, or any instrumentality, department, or a corporation of or established by a State or political subdivision of a State. *See* CFTC Rule 401(c) (defining ''special entity'') (17 CFR 23.401(c)).

[12] ''Affiliate of the municipal advisor'' would mean ''any person directly or indirectly controlling, controlled by, or under common control with such municipal advisor.'' *See* Proposed Rule G–42(f)(iii).

''municipal advisory relationship,'' [13] and ''official statement.'' [14] Further, for several terms in Proposed Rule G–42 that have been previously defined by federal statute or SEC rules, proposed section (f) would, for purposes of Proposed Rule G–42, adopt the same meanings. These terms would include ''advice;'' [15] ''municipal advisor;'' [16] ''municipal advisory activities;'' [17] ''municipal entity;'' [18] and ''obligated person.'' [19]

*Applicability of Proposed Rule G–42 to 529 College Savings Plans and Other Municipal Fund Securities*

Paragraph .12 of the Supplementary Material emphasizes the proposed rule's application to municipal advisors whose municipal advisory clients are sponsors or trustees of municipal fund securities.[20]

*Proposed Amendments to Rule G–8*

The proposed amendments to Rule G–8 would require each municipal advisor to make and keep any document created by the municipal advisor that was material to its review of a recommendation by another party or that memorializes its basis for any conclusions as to suitability.

**III. Summary of Comments Received**

As noted above, the Commission received fifteen comment letters on the proposed rule change.[21]

*A. Standards of Conduct*

One commenter stated that the addition of ''without limitation'' in Proposed Rule G–42(a)(ii) raises significant and unnecessary ambiguities, as a fiduciary duty is generally understood to encompass a duty of care and duty of loyalty.[22] The commenter also stated that the language ''includes, but is not limited to'' in paragraph .02 of the Supplementary Material was vague, and suggested that the MSRB specify what other duties are included.[23]

*B. Disclosure of Conflicts of Interest*

Three commenters expressed concerns regarding the differing timing of documentation required by sections (b) and (c) of Proposed Rule G–42.[24] Each of the commenters recommended that the timing requirement in section (b), on disclosure of conflicts of interest and other information, be changed to match that in section (c), on documentation of the municipal advisory relationship.[25] Two of the commenters believe that disclosures of conflicts of interest only matter when municipal advisors enter into municipal advisory relationships.[26] One of the commenters stated that the differing timing requirements would lead to ''confusing guidance and duplicative disclosures'' to clients.[27]

One commenter suggested merging the two ''catch-all provisions'' in subsections (b)(i)(A) and (b)(i)(G) because it is not clear what the difference is between the two paragraphs.[28]

One commenter stated that contingent fees that are based on the completion of a transaction, but not on the size of a transaction, are not a conflict of interest.[29] That commenter argued that contingent fee arrangements benefit municipal entities by insuring their government funds will not be drawn upon for payment of fees if the transaction is not completed.[30] Accordingly, the commenter requested that the proposed rule change not require a ''conflict of interest'' disclosure for contingent fees that do not inherently create conflicts of interest.[31]

*C. Documentation of Municipal Advisory Relationship—Section (c)*

Two commenters expressed concerns with disclosing information regarding legal or disciplinary events through reference to the municipal advisor's most recent Form MA and Form MA–I.[32] Both commenters stated it was difficult or burdensome for clients to find the relevant Form MA and Form MA–I documents in the SEC's EDGAR system.[33] One of the commenters requested the proposed rule be amended to require municipal advisors to provide copies of Form MA-Is directly to their clients as part of the documentation of the relationship, rather than providing the location of the forms.[34] This commenter also suggested that municipal advisors be required to notify clients of changes to Form MA that are material and to provide clients with the updated Form MA with an explanation of how any changes made to the form materially pertain to the nature of the relationship between the municipal advisor and the client.[35]

One commenter requested the MSRB provide more clarity about the term ''detailed information'' in the requirement in subsection (c)(iii) that the municipal advisor provide ''detailed information specifying where the client may electronically access the municipal advisor's most recent Form MA and each most recent Form MA–I filed with the Commission.'' [36] The commenter suggested the MSRB provide non-exclusive examples; for example, allowing municipal advisors to provide clients with a link to the municipal advisor's EDGAR page.[37]

[13] Proposed Rule G–42(f)(vi) provides that a ''municipal advisory relationship'' would be deemed to exist when a municipal advisor enters into an agreement to engage in municipal advisory activities for a municipal entity or obligated person. The municipal advisory relationship shall be deemed to have ended on the date which is the earlier of (i) the date on which the municipal advisory relationship has terminated pursuant to the terms of the documentation of the municipal advisory relationship required in section (c) of this rule or (ii) the date on which the municipal advisor withdraws from the municipal advisory relationship.

[14] ''Official statement'' would have the same meaning as in MSRB Rule G–32(d)(vii). *See* Proposed Rule G–42(f)(ix).

[15] ''Advice'' would have the same meaning as in Section 15B(e)(4)(A)(i) of the Exchange Act (15 U.S.C. 78*o*–4(e)(4)(A)(i)); SEC Rule 15Ba1–1(d)(1)(ii) (17 CFR 240.15Ba1–1(d)(1)(ii)); and other rules and regulations thereunder. *See* Proposed Rule G–42(f)(ii).

[16] ''Municipal advisor'' would have the same meaning as in Section 15B(e)(4) of the Act, 17 CFR 240.15Ba1–1(d)(1)–(4) and other rules and regulations thereunder; provided that it shall exclude a person that is otherwise a municipal advisor solely based on activities within the meaning of Section 15B(e)(4)(A)(ii) of the Act and rules and regulations thereunder or any solicitation of a municipal entity or obligated person within the meaning of Section 15B(e)(9) of the Act and rules and regulations thereunder.

*See* Proposed Rule G–42(f)(iv).

[17] ''Municipal advisory activities'' would mean those activities that would cause a person to be a municipal advisor as defined in subsection (f)(iv) (definition of ''municipal advisor'') of Proposed Rule G–42. *See* Proposed Rule G–42(f)(v).

[18] ''Municipal entity'' would ''have the same meaning as in Section 15B(e)(8) of the Act, 17 CFR 240.15Ba1–1(g) and other rules and regulations thereunder.'' *See* Proposed Rule G–42(f)(vii).

[19] ''Obligated person'' would ''have the same meaning as in Section 15B(e)(10) of the Act, 17 CFR 240.15Ba1–1(k) and other rules and regulations thereunder.'' *See* Proposed Rule G–42(f)(viii).

[20] ''Municipal fund security'' is defined in MSRB Rule D–12 to mean ''a municipal security issued by an issuer that, but for the application of Section 2(b) of the Investment Company Act of 1940, would constitute an investment company within the meaning of Section 3 of the Investment Company Act of 1940.'' The term refers to, among other things, interests in governmentally sponsored 529 college savings plans and local government investment pools.

[21] *See supra* note 4.

[22] *See* SIFMA Letter.

[23] *Id.*

[24] *See* BDA Letter, GKB Letter and NAMA Letter.

[25] *Id.*

[26] *See* BDA Letter and GKB Letter.

[27] *See* NAMA Letter.

[28] *Id.*

[29] *See* WM Financial Letter.

[30] *Id.*

[31] *Id.*

[32] *See* GFOA II Letter and NAMA Letter.

[33] *Id.*

[34] *See* GFOA II Letter.

[35] *Id.*

[36] *See* NAMA Letter.

[37] *Id.*

*D. Recommendations and Review of Recommendations of Other Parties*

One commenter supported section (d)'s requirements to inform clients about reasons for a recommendation, however, it stated that greater clarity through a non-exclusive list of examples of how regulated entities could comply with the regulation was needed.[38] Specifically, the commenter suggested the MSRB provide examples of how a municipal advisor should perform its reasonable diligence to satisfy the criteria listed in section (d).[39] This commenter also requested guidance on section (d)(iii), regarding informing a client whether the municipal advisor investigated or considered reasonably feasible alternatives because the commenter was concerned that a municipal advisor would be required to provide a list that was exhaustive and non-germane to the client.[40]

Another commenter requested the MSRB provide a more concise definition of the term ''suitable'' to enable municipal advisors to comply with the requirements and stated that the ''perfunctory list of generic factors'' for consideration in paragraph .08 of the Supplementary Material failed to provide municipal advisors with a clear definition of such an important term.[41]

One commenter expressed concern that the language in subsection (d)(ii) implies that municipal advisors would be permitted to make a recommendation to a client that is unsuitable, which seemed contrary to the proposed rule's duty of care and loyalty requirements.[42]

Two commenters expressed concern that documentation requirements for recommendations are too burdensome.[43] One of the commenters estimated that municipal advisors may spend between 20% and 30% of their time writing letters to document compliance, providing a laundry list of consequences that would dilute the advice given, ''similar to the way G–17 letters from underwriters have become boiler plate disclosures and have lost significance.'' [44] The other commenter suggested that the proposed rule should specifically state that such communication to clients under section (d) may be oral and is not required to be in writing.[45] The commenter was concerned that informing a client of risks, benefits or other aspects of a transaction in writing may not be in the client's best interest because that writing could be obtainable through Freedom of Information Act requests and other means.[46]

Four commenters expressed concern regarding the duty of care standard, as expressed in paragraph .01 of the Supplementary Material, which requires municipal advisors to undertake ''a reasonable investigation'' to avoid basing recommendations on ''materially inaccurate or incomplete information.'' [47] All four commenters argued that a municipal advisor should be permitted to assume that information beyond what is publicly available and is provided by the client is complete and accurate.[48] Two commenters argued that this requirement was inconsistent with current regulatory regimes as other financial professionals are not required to investigate information provided by clients.[49] One of the commenters expressed concern that this requirement would make a municipal advisor potentially liable to its client for that client's own misrepresentations.[50] One of the commenters argued that in the context of 529 college savings plans, it is not uncommon for the municipal advisor that is acting as a plan sponsor to rely on its state partner to provide the advisor with the information necessary for the advisor to fulfill its obligations and duties to the plan.[51] In such circumstances, the commenter argued, municipal advisors should be able to presume the states' representatives are providing materially accurate and complete information.[52] One commenter supported the duty of care provisions generally but expressed concern that requiring a municipal advisor to investigate this information ''may be excessive'' and could lead to cost increases that could be passed on to the client.[53] Finally, one commenter requested the MSRB provide clarity by providing ''non-exclusive explanatory examples of what constitutes a 'reasonable inquiry as to the facts that are relevant to a client's determination as to whether to proceed with a course of action.' '' [54]

*E. Prohibition on Delivering Inaccurate Invoices*

One commenter expressed support for the prohibition on delivering inaccurate invoices, but requested the addition of materiality and knowledge qualifiers (*i.e.,* a municipal advisor may not *intentionally* deliver a *materially* inaccurate invoice), so that immaterial or unintentional errors would not be prohibited.[55]

*F. Prohibited Principal Transactions*

Ten commenters expressed a variety of concerns (as summarized below) with the prohibition of certain principal transactions in Proposed Rule G–42(e)(ii).[56]

1. Comparison with Similar Regulatory Regimes

Two commenters expressed concerns that the prohibition on principal transactions is overbroad and inconsistent with existing regulatory regimes regarding financial professionals.[57] One commenter argued that investment advisers owe a fiduciary duty but are not subject to a complete prohibition on principal transactions.[58] Instead, the commenter noted that investment advisers and their affiliates are permitted to engage in such transactions provided they make relevant disclosures and obtain client consent.[59] Another commenter similarly argued that restrictions on principal transactions for municipal advisors and their affiliates should be consistent with those on investment advisers, and that clients should be permitted to waive related conflicts of interest.[60] The commenter also argued that principal transactions can lead to more favorable financing terms for clients and cited Commission guidance.[61]

2. Advice Incidental to Securities Execution Services

Three commenters argued for an exemption to the principal transaction prohibition when advice is provided to a municipal entity client that is incidental to or ancillary to a broker-dealer's execution of securities transactions, including transactions involving municipal bond proceeds or

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *See* PFM Letter.

[42] *See* GFOA Letter.

[43] *See* BDA Letter and First Southwest Letter.

[44] *See* First Southwest Letter.

[45] *See* BDA Letter.

[46] *Id.*

[47] *See* ICI Letter, GFOA Letter, SIFMA Letter and WM Financial Letter.

[48] *Id.*

[49] *See* ICI Letter and SIFMA Letter.

[50] *See* SIFMA Letter.

[51] *See* ICI Letter.

[52] *Id.*

[53] *See* GFOA Letter.

[54] *See* NAMA Letter.

[55] *See* SIFMA Letter.

[56] *See* SIFMA Letter, Zions Letter, ABA Letter, BDA Letter, GKB Letter, Millar Letter, FSI Letter, GFOA II Letter, Wells Fargo Letter and NAMA Letter.

[57] *See* SIFMA Letter and Zions Letter.

[58] *See* SIFMA Letter.

[59] *Id.*

[60] *See* Zions Letter.

[61] *See id.* (citing Interpretation of Section 206(3) of the Investment Advisers Act of 1940, SEC Release No. IA–1732 (July 20, 1998)).

municipal escrow funds.[62] One of the commenters proposed excluding from the proposed prohibition sales of fixed income securities by a broker-dealer providing incidental advice, including on bond proceeds, to the transaction, until the Commission and the Department of Labor conclude their consideration of a uniform fiduciary standard for broker-dealers and investment advisors and then harmonize the MSRB's regulatory approach to the execution of fixed income transactions when a fiduciary duty is owed to the client.[63]

Another commenter suggested the MSRB modify the ban on principal transactions in the case of brokerage of bond proceed investments.[64] The commenter expressed concern that the proposed prohibition could force small governments to establish ''a more expensive fee-based arrangement with an investment adviser in order to receive this very limited type of advice on investments that are not risky.'' [65]

One of the commenters suggested the exception could include certain disclosure and client consent provisions similar to Investment Advisers Act Temporary Rule 206(3)–3T that permits investment advisers that are also broker-dealers to act in a principal capacity in transactions with certain advisory clients.[66] The commenter also suggested the proposed exception be limited to certain fixed-income securities as defined by Rule 10b–10(d)(4).[67]

3. Scope: ''Directly Related To''

Three commenters expressed concern that the language in section (e)(ii) limiting the principal transaction prohibition to transactions ''directly related to the same municipal securities transaction or municipal financial product'' is vague or overly broad.[68] One of the commenters proposed alternative language prohibiting a principal transaction ''if the structure, timing or terms of such principal transaction was established on the advice of the municipal advisor. . . .'' [69] The commenter also requested clarification regarding the application of the principal transaction ban to several specific scenarios.[70]

One commenter argued that any prohibition should be more narrowly tailored to prevent principal transactions directly related to the advice provided by the municipal advisor.[71] The commenter believed that, as written, the prohibition would prevent a firm from acting as counterparty on a swap after having advised a municipal entity client on investing proceeds from a connected issuance of municipal securities.[72] The commenter proposed alternative language prohibiting principal transactions ''directly related to the *advice rendered by such municipal advisor.*'' [73] This commenter also requested clarification regarding when a ban would end because as written, the prohibition would require firms to check for advisory relationships that may have ended long before the proposed principal transaction takes place.[74]

4. Exception for Affiliates or ''Remote Businesses''

Two commenters addressed concerns regarding the impact of the principal transaction prohibition on affiliates of municipal advisors.[75] One commenter stated that the MSRB should exempt municipal advisor affiliates operating with information barriers, and stated that if an affiliate has no actual knowledge of the municipal advisory relationship between the municipal entity client and the municipal advisor due to information barriers and governance structures, the risk of a conflict of interest is significantly diminished.[76] Another commenter proposed the addition of a knowledge standard (*i.e.,* to prohibit a municipal advisor and any affiliate from *knowingly* engaging in a prohibited principal transaction), arguing that such a knowledge standard is consistent with Section 206(3) of the Investment Advisers Act.[77]

One commenter suggested that an investment vehicle such as a mutual fund that is advised by a municipal advisor or its affiliate should not itself be an ''affiliate'' of the municipal advisor solely on the basis of the advisory relationship.[78] Otherwise, the commenter argued the investment fund may be unable to invest in a municipal security if an affiliate of the fund's advisor acted as a municipal advisor on the transaction.[79] The commenter stated that the ban in this type of situation is unnecessary because mutual funds and similar vehicles have independent boards and their affiliates do not have significant equity stakes in the funds they advise.[80]

5. Bank Loans

Several commenters expressed concerns with proposed paragraph .11 of the Supplementary Material under which a bank loan would be subject to the prohibition on principal transactions if the loan was ''in an aggregate principal amount of $1,000,000 or more and economically equivalent to the purchase of one or more municipal securities.'' [81]

One of the commenters expressed general concern that banking organizations that are required to operate through a variety of affiliates and subsidiaries would fall within the scope of the ''common control'' definition in the statute and the prohibition would prevent a banking organization from providing ordinary bank services to a municipal entity.[82] The commenter also requested the prohibition be amended to exclude bank loans made by an affiliate from the definition of ''other similar financial products'' if the bank enters into the loan after the municipal entity solicits bidders for such loan using a request for proposal and the bank intends to hold the loan on its books until maturity.[83] The commenter believed that there should be few concerns regarding conflicts if a loan is entered into by an affiliate of a municipal advisor and a municipal entity would be free to choose its lender based on factors most appropriate for the municipality and its taxpayers.[84] In addition, the commenter stated that the potential conflicts of interest should be substantially mitigated if a bank holds a loan on its books to maturity because in such cases, the commenter believes the interest of the municipal entity and the bank are aligned in that each party wants funding that serves the particular needs of the municipal entity and both parties must be satisfied that the loan can be repaid and desire that it be repaid.[85]

Similarly, another commenter suggested that a municipal advisor should be able to satisfy its fiduciary obligation to a municipal entity by procuring bids for the proposed financing (and thus make a principal

[62] *See* FSI Letter, GFOA II Letter and SIFMA Letter.

[63] *See* SIFMA Letter.

[64] *See* GFOA II Letter; *see also* SIFMA Letter.

[65] *See* GFOA II Letter.

[66] *See* FSI Letter.

[67] *Id.*

[68] *See* BDA Letter, GKB Letter and SIFMA Letter.

[69] *See* BDA Letter; *see also* GKB Letter.

[70] *See* BDA Letter.

[71] *See* SIFMA Letter.

[72] *Id.*

[73] *Id.*

[74] *Id.*

[75] *See* SIFMA Letter and Wells Fargo Letter.

[76] *See* Wells Fargo Letter.

[77] *See* SIFMA Letter.

[78] *See* SIFMA Letter.

[79] *Id.*

[80] *Id.*

[81] *See* ABA Letter, Millar Jiles Letter, BDA Letter, Zions Letter.

[82] *See* ABA Letter.

[83] *Id.*

[84] *Id.*

[85] *Id.; see also* Zions Letter.

bank loan through an affiliated entity permissible), stating that if the affiliate of the municipal advisor were the lowest bidder, the municipality would be penalized by being forced to borrow at a higher rate under the proposed rule change.[86]

One commenter argued that bank loans ''should be excluded in their entirety from Proposed Rule G–42.'' [87] The commenter believed that it would be paradoxical to allow individuals and private businesses to borrow money from banks that are fiduciaries, but to prevent municipal entities from doing the same.[88] Alternatively, the commenter requested that MSRB increase the threshold loan amount in paragraph .11 of the Supplementary Material to align with the bank qualified exemption amount in the Internal Revenue Code, which it states is currently $10,000,000.[89]

One commenter commented on the language of paragraph .11 of the Supplementary Material, arguing that the phrase ''economically equivalent'' is ''too ambiguous and does not provide clarity.'' [90] The commenter acknowledged this phrase appeared intended to develop a standard that does not require the determination of when a bank loan constitutes a security, and acknowledged difficulties applying the *Reves* [91] test to make such a determination.[92] However, the commenter argued that this language will ''compound the confusion'' and requested that the MSRB be clear about which structural components of a direct purchase structure would cause it to fall within the scope of the transaction ban.[93]

Another commenter expressed confusion regarding the ''economically equivalent'' language.[94] The commenter requested clarity regarding the time period over which bank loans should be aggregated in order to determine whether a series of loans meets the ''aggregate principal amount'' threshold specified in paragraph .11 of the Supplementary Material.[95] The commenter also noted that the typical bank loan to a municipal entity is for the purchase of equipment and is payable over a term of less than five years, while the typical municipal security is secured by a pledge of revenues and is payable over a much longer term.[96] The commenter asked whether a bank loan of $1,500,000 which is secured by real or personal property and which is payable over a term of five years or less would be ''economically equivalent to the purchase of one or more municipal securities.'' [97]

6. Exception if Represented by Separate Registered Municipal Advisor

One commenter suggested the proposed subsection (e)(ii) be revised to permit an otherwise prohibited principal transaction where the municipal entity is represented by more than one municipal advisor, including a separate registered municipal advisor with respect to the principal transaction.[98] The commenter argued this exemption would be comparable to the independent registered municipal advisor exemption, and would permit municipal entities to contract with a counterparty of their choice.[99] The commenter also noted this would be especially beneficial to municipal entities who may hire several municipal advisors for different elements of the same transaction.[100]

7. Relationship Between MSRB Rule G–23 and the Prohibition on Principal Transactions

Two commenters stated that the reference to MSRB Rule G–23 in paragraph .07 of the Supplementary Material was unnecessary or enhances the possible conflict between Proposed Rule G–42 and Rule G–23.[101] One of the commenters interpreted the prohibition in Rule G–23 as subsumed by the more stringent provisions of Proposed Rule G–42.[102] The other commenter believed the additional activities or principal transactions that should be prohibited under Proposed Rule G–42 (namely advice with respect to municipal derivatives or the investment of proceeds) don't conflict with Rule G–23, but merely supplement the prohibitions in Rule G–23 by extending the list of prohibitions found in Rule G–23.[103]

*G. Inadvertent Advice—Supplementary Material .06*

One commenter suggested that the safe harbor in paragraph .06 of the Supplementary Material for inadvertent advice be expanded to include the prohibition on principal transactions.[104] That commenter argued that firms would be unlikely to rely on the safe harbor unless it also provided an exemption for inadvertent advice triggering the prohibition on principal transactions.[105]

One commenter argued that the inadvertent advice provision in paragraph .06 of the Supplementary Material creates a loophole that would allow broker dealers to serve as financial advisors (without a fiduciary duty) and then switch to serving as an underwriter by claiming that such advice was inadvertent.[106]

*H. Sophisticated Municipal Issuers*

One commenter requested an exemption to the suitability standard in proposed section (d) and paragraph .08 of the Supplementary Material for ''sophisticated municipal issuers.'' [107] This commenter stated that certain issuers are capable of independently evaluating risks in issuing municipal securities, and exercising independent judgment in evaluating recommendations of a municipal advisor.[108]

*I. Request for Prospective Application of Proposed Rule G–42 Requirements*

Two commenters requested the proposed rule change only apply prospectively to municipal advisory relationships entered into, or recommendations of municipal securities transactions or municipal financial products to an existing municipal entity or obligated person client made, after the effective date of the proposed rule change.[109] One of the commenters noted this was relevant with respect to 529 plans ''due to the nature of the advisor's relationship with the plan and duration of existing 529 plan contracts.'' [110] The other commenter argued that reviewing and likely supplementing the documentation for all existing municipal advisory relationships will be overly burdensome for both municipal advisors and their clients.[111]

*J. Use of Supplementary Material in Proposed Rule G–42*

One commenter suggested that all supplementary material be removed and moved to separate written interpretative guidance to afford the subjects more

[86] *See* Millar Jiles Letter.
[87] *See* Zions Letter.
[88] *Id.*
[89] *Id.*
[90] *See* BDA Letter.
[91] *Reves* v. *Ernst & Young,* 494 U.S. 56 (1990).
[92] *See* BDA Letter.
[93] *Id.*
[94] *See* Millar Jiles Letter.
[95] *Id.*
[96] *Id.*
[97] *Id.*
[98] *See* SIFMA Letter.
[99] *Id.*
[100] *Id.*
[101] *See* BDA Letter and NAMA Letter.
[102] *See* BDA Letter.
[103] *See* NAMA Letter.
[104] *See* SIFMA Letter.
[105] *Id.*
[106] *See* WM Financial Letter.
[107] *See* First Southwest Letter.
[108] *Id.*
[109] *See* ICI Letter and SIFMA Letter.
[110] *See* ICI Letter.
[111] *See* SIFMA Letter.

''fittingly robust regulatory guidance.'' [112] The commenter was concerned that the supplementary material which does not allow for ''more succinct definitional direction'' would lead to inconsistent application by registrants and ''the potential for unintended consequences as a matter of the statute itself.'' [113]

*K. Other Comments*

One commenter expressed concerns with the lack of a pay-to-play rule for non-dealer municipal advisors, arguing that non-dealer municipal advisors should be subject to a rule based on the framework of MSRB Rule G–37 limiting municipal advisors to a limit of $250 per election to a candidate for whom the contributor is eligible to vote.[114]

## IV. Proceedings To Determine Whether To Approve or Disapprove SR–MSRB–2015–03 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [115] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. As noted above, institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[116] the Commission is providing notice of the grounds for disapproval under consideration. In particular, Section 15B(b)(2) of the Act [117] requires that the MSRB propose and adopt rules to effect the purposes of the Act with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors. In addition, Section 15B(b)(2)(C) of the Act [118] requires, among other things, that the MSRB's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest. In addition, Section 15B(b)(2)(L)(i) of the Act [119] requires, with respect to municipal advisors, the MSRB to adopt rules to prescribe means reasonably designed to prevent acts, practices, and courses of business as are not consistent with a municipal advisor's fiduciary duty to its clients.

The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Sections 15B(b)(2),[120] 15B(b)(2)(C),[121] and 15B(b)(2)(L)(i) [122] of the Act.

## V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any others they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 15B(b)(2)(C) or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[123]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by September 11, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 28, 2015.

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–MSRB- 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.

All submissions should refer to File Number SR–MSRB–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 the filing also will be available for inspection and copying at the principal office of the

MSRB. 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–MSRB–2015–03 and should be submitted on or before September 11, 2015. Rebuttal comments should be submitted by September 28, 2015.

[112] *See* PFM Letter.

[113] *Id.*

[114] *See* First Southwest Letter.

[115] 15 U.S.C. 78s(b)(2)(B).

[116] *Id.*

[117] 15 U.S.C. 78*o*–4(b)(2).

[118] 15 U.S.C. 78*o*–4(b)(2)(C).

[119] 15 U.S.C. 78*o*–4(b)(2)(L)(i).

[120] 15 U.S.C. 78*o*–4(b)(2).

[121] 15 U.S.C. 78*o*–4(b)(2)(C).

[122] 15 U.S.C. 78*o*–4(b)(2)(L)(i).

[123] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

For the Commission, pursuant to delegated authority.[124]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19758 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75623; File No. SR–CBOE–2015–061]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Rules Related to Equipment and Communication on the Exchange's Trading Floor

August 6, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 23, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend its rules related to equipment and communication on the Exchange's trading floor. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

### Chicago Board Options Exchange, Incorporated Rules

* * * * *

**Rule 6.23. [Trading Permit Holder Wires From Floor]** ***Equipment and Communications on the Trading Floor***

*(a) Subject to the requirements of this Rule Trading Permit Holders may use any communication device (e.g., any hardware or software related to a phone, system or other device, including an instant messaging system, email system or similar device) on the floor of the Exchange and in any trading crowd of the Exchange. Prior to using a communications device for business purposes on the floor of the Exchange, Trading Permit Holders must register the communications device by identifying (in a form and manner prescribed by the Exchange) the hardware (i.e., headset; cellular telephone; tablet; or other similar hardware). The Exchange reserves the right to designate certain portions of this rule (except for the registration requirement of paragraph (a) or paragraphs (f) and (g)) as not applicable to certain classes on a class by class basis.*

*(b) The Exchange may deny, limit or revoke the use of any communication device whenever it determines that use of such communication device: (1) Interferes with the normal operation of the Exchange's own systems or facilities or with the Exchange's regulatory duties, (2) is inconsistent with the public interest, the protection of investors or just and equitable principles of trade, or (3) interferes with the obligations of a Trading Permit Holder to fulfill its duties under, or is used to facilitate any violation of, the Securities Exchange Act or rules thereunder, or Exchange rules.*

*(c) Any communication device may be used on the floor of the Exchange and in any trading crowd of the Exchange to receive orders, provided that audit trail and record retention requirements of the Exchange are met; however, no person in a trading crowd or on the floor of the Exchange may use any communication device for the purpose of recording activities in the trading crowd or maintaining an open line of continuous communication whereby a non-associated person not located in the trading crowd may continuously monitor the activities in the trading crowd. This prohibition covers digital recorders, intercoms, walkie-talkies and any similar devices.*

*(d) After providing notice to an affected Trading Permit Holder and complying with applicable laws, the Exchange may provide for the recording of any telephone line on the floor of the Exchange or may require Trading Permit Holders at any time to provide for the recording of a fixed phone line on the floor of the Exchange. Trading Permit Holders, and their clerks, using the telephones consent to the Exchange recording any telephone or line.*

*(e) Trading Permit Holders may not use communication devices to disseminate quotes and/or last sale reports originating on the floor of the Exchange in any manner that would serve to provide a continuous or running state of the market for any particular series or class of options over any period of time; provided, however, that an associated person of a Trading Permit Holder on the floor of the Exchange may use a communication device to communicate quotes that have been disseminated pursuant to Rule 6.43 and/or last sale reports to other associated persons of the same Trading Permit Holder business unit. An associated person of a Trading Permit Holder may also use a communications device to communicate an occasional, specific quote that has been disseminated pursuant to Rule 6.43 or last sale report to a person who is not an associated person of the same Trading Permit Holder.*

*(f) Use of any communications device for order routing or handling must comply with all applicable laws, rules, policies and procedures of the Securities and Exchange Commission and the Exchange including related to record retention and audit trail requirements. Orders must be systemized using Exchange systems or proprietary systems approved by the Exchange in accordance with Rule 6.24.*

*(g) Trading Permit Holders must maintain records of the use of communication devices, including, but not limited to, logs of calls placed; emails; and chats, for a period of not less than three years, the first two years in an easily accessible place. The Exchange reserves the right to inspect such records pursuant to Rule 17.2.*

*(h) The Exchange may designate, via circular, specific communication devices that will not be permitted on the floor of the Exchange or Exchange trading crowds. In addition, the Exchange may designate other operational requirements regarding the installation of any communication devices via circular.*

[(a) No Trading Permit Holder shall establish or maintain any telephone or other wire communications between his or its office and the Exchange without prior approval by the Exchange. The Exchange may direct discontinuance of any communication facility terminating on the floor of the Exchange.

(b) *Equity Option Telephone Policy.* Persons in the equity option trading

[124] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

crowds (including DPM crowds which trade equity options) may have access to outside telephone lines and may receive telephone orders directly at equity options posts from locations outside the Exchange, subject to certain requirements. The Exchange will review and may approve any applications to install or to use telephones in the equity option crowds.

(1) Requirements and conditions that apply to the use of telephone services at the equity option posts shall include the following:

(A) Only those quotations that have been publicly disseminated pursuant to Rule 6.43 may be provided over telephones at the post.

(B) Trading Permit Holders may give their clerks their PIN access code. Although both Trading Permit Holders and clerks may use telephones, Trading Permit Holders will have priority. Each Trading Permit Holder will be responsible for all calls made using that Trading Permit Holder's PIN access code.

(C) Clerks will not be permitted to establish a base of operation utilizing general use telephones at the equity option posts. This means, for example, that a clerk may not monopolize the use of a telephone receiver on a telephone that has multiple lines if all of those lines are not dedicated to the Trading Permit Holder for whom the clerk works.

(D) The Exchange may provide for the taping of any telephone line into the equity option posts or may require Trading Permit Holders to provide for the tape recording of a dedicated line at the equity option posts at any time. Trading Permit Holders and their clerks using the telephones consent to the Exchange tape recording any telephone or line.

(E) The telephones may be used for voice service only, unless they have been specifically approved for other uses.

(F) The Exchange may prohibit the use of any telephone technology that interferes with the normal operation of the Exchange's own systems or facilities or that the Exchange determines interferes with its regulatory duties.

(G) Orders transmitted by registered Exchange market-makers may be entered over the outside telephone lines directly to the equity option posts. All other orders may be entered over the outside telephone lines to the equity option posts only during outgoing telephone calls that are initiated at the equity option posts.

(H) Only those individuals that are properly qualified in accordance with Chapter IX of the Rules of the Exchange, and all other applicable rules and regulations, may accept orders from public customers pursuant to this Rule.

. . . *Interpretations and Policies*

.01 A Trading Permit Holder or TPH organization which has been granted approval of any means of communication under this rule shall be responsible for assuring compliance with all Exchange rules and requirements in connection with any business conducted by means of such electronic or telephonic communication.]

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is proposing to amend its rules regarding equipment and communication on the Exchange trading floor. More specifically, the Exchange is proposing to delete the current rule on the topic, Exchange Rule 6.23, and introduce more relevant rules governing the use of communication devices [5] on the Exchange trading floor.[6] Exchange and Trading Permit Holder (''TPH'') systems have become much more electronic since the adoption of CBOE Rule 6.23; however, the rule has not been updated to reflect the electronic environment. The Exchange believes it is in the interest of TPHs to allow electronic communications to and from the Exchange trading floor and that these amendments will eliminate confusion that may arise from outdated Exchange rules. As such, the Exchange believes that eliminating the current rule in its entirety and promulgating language that contemplates modern rules is appropriate.[7] First, Rule 6.23 is currently applicable to ''telephone or other wire communications.'' [8] Proposed Rule 6.23(a) expands the applicability of Rule 6.23 and provides that TPHs may use any communication device [9] on the Exchange trading floor and in any Exchange trading crowd subject to the restrictions in proposed Rule 6.23. The Exchange is also proposing to apply certain restrictions on a class by class basis; however, the registration requirement of paragraph (a), and paragraphs (f) and (g) in their entirety, will always be applicable. The Exchange believes the discretion afforded in paragraph (a) is appropriate as different classes of options on the trading floor behave differently, and, as such, different means of communication might be more appropriate in one options class but not in another. The Exchange is also instituting a registration provision that will require TPHs, prior to using a communications device for business purposes on the floor of the Exchange, to register the communications device by identifying (in a form and manner prescribed by the Exchange) the hardware (*i.e.,* headset; cellular telephone; tablet; or other similar hardware).[10]

Next, proposed Rule 6.23(b) specifically states that the Exchange will retain the authority to deny, limit or revoke the use of any communication device.[11] Under the proposed rule, the Exchange may take such actions whenever it determines that use of such communication device: (1) Interferes with the normal operation of the Exchange's own systems or facilities or with the Exchange's regulatory duties,[12] (2) is inconsistent with the public interest, the protection of investors or just and equitable principles of trade, or (3) interferes with the obligations of a

[5] As proposed, ''communication device'' will include ''*e.g.,* any hardware or software related to a phone, system or other device, including an instant messaging system, email system or similar device[.]''

[6] Although the Exchange seeks to replace Rule 6.23 in its entirety, portions of the current rule are included in proposed Rule 6.23. The relevant holdover language is identified where applicable.

[7] Many of the provisions of proposed Rule 6.23 are modeled after NYSE Amex LLC (''Amex'') Rule 902NY(i)—Telephones on the Trading Floor and NYSE Arca, Inc. (''Arca'') Rule 6.2(h)—Telephones on the Options Floor.

[8] *See* CBOE Rule 6.23(a).

[9] *See supra* note 1 [sic].

[10] The registration requirement of proposed Rule 6.23(a) is similar to Arca Rule 6.2(h)(1).

[11] Proposed Rule 6.23(c) is similar to Amex Rule 902NY(i)(6) and Arca Rule 6.2(h)(6).

[12] This language remains from the current CBOE Rule 6.23. *See* CBOE Rule 6.23(b)(1)(F).

TPH to fulfill its duties under, or is used to facilitate any violation of, the Securities Exchange Act of 1934 (''the Act'') or rules thereunder, or the Exchange rules. This authorization will allow the Exchange to regulate the equipment and communications on the Exchange trading floor and in the Exchange trading crowds to ensure they are not disruptive to the operation of the Exchange or in violation of the Act. The Exchange believes this will allow the Exchange to better protect investors and the integrity of the market. The Exchange notes, however, that current Rule 6.23(a) requires TPHs to receive prior approval from the Exchange before establishing or maintaining a telephone or other wire communications.[13] In addition, the Exchange recognizes that Amex and Arca rules require the registration of all new telephones [14] and approval prior to the use of a communication device other than a telephone. The Exchange believes the combination of the record retention requirements of proposed Rule 6.23(g) and the power to revoke the use of a communication device pursuant to proposed Rule 6.23(b) negates the necessity for prior approval and registration. If an issue with a particular device is discovered, the Exchange will work with TPHs to ensure the devices are no longer utilized.

Next, proposed Rule 6.23(c) codifies the current policy that allows any communication device to be utilized to receive orders in and out of the trading crowd, provided that audit trail and record retention requirements of the Exchange are met.[15] Formerly, CBOE Regulatory Circular RG10–20 prohibited TPH's from receiving orders in the trading crowd via instant messaging or email; [16] however, TPHs were not restricted from receiving orders via instant messaging and email while not in a trading crowd. The Exchange believes the difference caused inequity between TPHs because TPHs near the edge of the trading crowd can more quickly correspond with their clerks and trading desks that are outside of the trading crowd. The Exchange believes that removing the restriction on receiving orders via IM and email levels the playing field in the trading crowds and reflects the electronic nature of the current marketplace. In addition, proposed Rule 6.23(c) specifically prohibits the use of any communication device to record activities in the trading crowd or to maintain an open line of continuous communication that would allow a non-associated person off of the Exchange floor to continuously monitor the activities in the trading crowd. As proposed, this prohibition covers digital recorders, intercoms, walkie-talkies and any similar devices. The addition of this text will preserve the integrity of the Exchange trading floor while monitoring TPHs to ensure they have the required authorization to operate on the Exchange trading floor should that be their intent.[17]

Further, proposed Rule 6.23(d) specifies that, after providing notice to an affected Trading Permit Holder and complying with the applicable laws, the Exchange may provide for the recording of any telephone line on the floor of the Exchange or require TPHs to provide for the recording of a fixed phone line on the floor of the Exchange, and that TPHs utilizing telephones consent to the Exchange recording any telephone or line.[18] This added provision will not require but allow the Exchange to record any communications via telephone connections to the trading floor if a situation were to arise where this may be necessary. In addition, this proposed provision would allow the Exchange to provide necessary equipment for the recording of communications on the Exchange trading floor.[19]

Next, proposed Rule 6.23(e) prohibits the use of communication devices to disseminate quotes and/or last sale reports originating on the Exchange trading floor in any manner that would serve to provide a continuous or running state of the market; however, the proposed rule specifically states that, ''an associated person of a TPH may use a communications device to communicate quotes that have been disseminated pursuant to Rule 6.43 and/or last sale reports to other associated persons of the same TPH business unit.'' Further, as proposed, an associated person of a TPH may use a communications device to communicate an ''occasional, specific, quote that has been disseminated pursuant to Rule 6.43 [20] or last sale report or quote to a person who is not an associated person of the same TPH.'' The Exchange believes this proposed addition is necessary to allow the use of instant messaging or email as the industry has grown to become more and more reliant upon technology. The Exchange, however, also thinks it is important that any communications made within TPH organizations should be within the same business unit so that TPHs are not abusing the privilege and allowing for communication of the activity on the Exchange trading floor to be disseminated to unrelated areas of the TPH.

Next, proposed Rule 6.23(f) requires that any use of any communications device on the trading floor shall comply with applicable laws, rules, policies, and procedures of the Commission and Exchange including all record retention and audit trail requirements. Proposed Rule 6.23(f) would also require that orders are systemized using Exchange systems or proprietary systems approved by the Exchange in accordance with Exchange Rule 6.24.[21] This proposed addition would ensure that any communications device on the Exchange's trading floor or in the Exchange trading crowds will follow any and all other applicable statues including the Act along with ensure that orders are properly systematized. In addition, proposed Rule 6.23(f) will allow misconduct to be investigated if regulatory issues arise after the adoption of a new communication device.

Next, proposed Rule 6.23(g) requires TPHs to maintain records related to the ''use of communication devices, including, but not limited to, logs of calls placed; emails; and chats, for a period of not less than three years, the first two years in an easily accessible place.'' Although similar to Amex and Arca Rules on the subject,[22] the Exchange added language referring to emails and chats to reflect the current electronic environment. In addition, proposed rule 6.23(g) states that ''[t]he Exchange reserves the right to inspect such records pursuant to Rule 17.2.'' [23]

[13] *See* CBOE Rule 6.23(a).

[14] *See* Amex Rule 902NY(i)(1) and Arca Rule 6.2(h)(1).

[15] *See* CBOE Regulatory Circular RG14–162 (November 19, 2014).

[16] *See* CBOE Regulatory Circular RG10–20 (January 29, 2010).

[17] Proposed Rule 6.23(c) is similar to Amex Rule 902NY(i)(2) and Arca Rule 6.2(h)(2).

[18] This language remains from the current CBOE Rule 6.23. *See* CBOE Rule 6.23 (b)(1)(D).

[19] Proposed Rule 6.23(d) is similar to Amex Rule 902NY(i)(3)(C) and Arca Rule 6.2(h)(3)(C).

[20] Proposed Rule 6.23(e) referring to quotes disseminated pursuant to Rule 6.43 is similar to Amex Rule 902NY(i)(3)(A) and Arca Rule 6.2(h)(3)(A). *See* CBOE Rule 6.43—Manner of Bidding and Offering.

[21] Orders must be systematized in accordance with Rule 6.24 (Required Order Information). Generally, subject to certain exceptions, each order, cancellation of, or change to an order transmitted to the Exchange must be ''systematized,'' in a format approved by the Exchange, either before it is sent to the Exchange or upon receipt on the floor of the Exchange. An order is systematized if: (i) The order is sent electronically to the Exchange; or (ii) the order that is sent to the Exchange non-electronically (*e.g.,* telephone orders) is input electronically into the Exchange's systems contemporaneously upon receipt on the Exchange, and prior to representation of the order.

[22] Proposed Rule 6.23(g) is similar to Amex Rule 902NY(i)(5) and Arca NYSE Arca Rule 6.2(h)(5).

[23] CBOE Rule 17.2 (b)—Requirements to Furnish Information. Rule 17.2(b) requires TPHs and

Continued

As previously noted, the proposed Rule will allow misconduct to be investigated if regulatory issues arise after the adoption of a new communication device. This requirement is consistent with the retention period of Securities and Exchange Commission Rule 17a–4.[24]

Finally, proposed Rule 6.23(h) authorizes the Exchange to designate more specific communication devices that will not be permitted on the Exchange trading floor or other operational requirements via circular. Given the propensity for technology to continue to evolve, the Exchange believes this proposed text will allow the Exchange to change the exact requirements from time to time as needed while continuing to provide TPHs specifications on the allowed technology and communication mechanism.

The Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 30 days following the effective date of this filing. The implementation date will be no later than 60 days following the effective date of the proposed changes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[25] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[26] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[27] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange does not believe the proposed changes are unfairly discriminatory as they are applied to all TPHs trading on the Exchange trading floor, a similarly situated group, equally. In addition, the Exchange believes the proposed changes designed to prevent fraudulent and manipulative acts and practices because they are more appropriately designed to monitor the equipment and communications on a modern trading floor. Without the proposed changes, the current Exchange rules do not adequately address the relevant communication tools. Finally, the Exchange believes that the proposed rules intend to foster cooperation and coordination by introducing new means of communication to the Exchange trading floor. Finally, the Exchange believes that the proposed changes protect investors and the public interest by ensuring that all equipment and communication on the Exchange trading floor will adhere to all other applicable statutes and the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. More specifically, the Exchange does not believe that the proposed rule changes will impose any intramarket competition because it will be applicable to all TPHs trading on the Exchange trading floor. In addition, the Exchange does not believe the proposed changes will impose any intermarket burden because the Exchange trading floor will operate in a similar manner only with more relevant equipment and communication requirements.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[28] and Rule 19b–4(f)(6) thereunder.[29]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Waiver of the operative delay will provide TPHs guidance regarding the use of equipment and communications on the Exchange floor that is more relevant to the current electronic marketplace than that provided by the current rule and thereby prevent confusion by TPHs and investors. Moreover, the proposed rule requires TPHs to register a communication device before using it for business purposes on the Exchange floor, and prohibits the Exchange from designating the registration requirement as not applicable to any TPHs. The Commission believes that the proposed rule's registration requirement will enable the Exchange to track the use of communication devices on the Exchange floor and to more effectively identify any communication device records to inspect pursuant to CBOE Rule 17.2. The Commission notes that the proposal is patterned after several provisions of the proposed rule after Amex Rule 902NY(i)—Telephones on the Trading Floor and Arca Rule 6.2(h)—Telephones on the Options Floor, and that the substance of this proposal was published in a prior proposed rule change which was published for the entire 21 day comment period.[30] Therefore, the Commission designates the proposed rule change to be operative upon filing.[31]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if

persons associated with TPHs to, among other things, ''furnish documentary materials and other information requested by the Exchange in connection with (i) an investigation initiated pursuant to paragraph (a) of this Rule[.]''

[24] 17 CFR 240.17a–4.

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

[27] *Id.*

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 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.

[30] *See* Securities Exchange Act Release No. 74438 (March 4, 2015), 80 FR 12671 (March 10, 2015). The Commission received no comments on the prior proposal. The Exchange withdrew that prior proposal on May 26, 2015. *See* Securities Exchange Act Release No. 75073 (May 29, 2015), 80 FR 31943 (June 4, 2015).

[31] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [32] of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–061 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–061. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–061 and should be submitted on or before September 2, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19756 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

[32] 15 U.S.C. 78s(b)(2)(B).

[33] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75624; File No. SR–ICEEU–2015–013]**

## Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to CDS End-of-Day Price Discovery Policy

August 6, 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 July 24, 2015, ICE Clear Europe Limited (''ICE Clear Europe'' or ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been primarily prepared by ICE Clear Europe. 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**

ICE Clear Europe proposes to amend its end-of-day price discovery policies and procedures for credit default swap (''CDS'') contracts to incorporate certain enhancements.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe 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

ICE Clear Europe proposes to amend its CDS End-of-Day Price Discovery Policy (the ''EOD Price Discovery Policy'') to make certain enhancements to the end-of-day submission and firm trade process for CDS contracts. ICE Clear Europe also proposes to adopt a new Price Submission Disciplinary Framework (the ''Disciplinary Framework'') that addresses missed price submissions by Clearing Members for CDS contracts. ICE Clear Europe does not otherwise propose to change its Clearing Rules or Procedures in connection with these amendments.

Under the EOD Price Discovery Policy, ICE Clear Europe currently utilizes a ''cross and lock'' algorithm as part of its CDS price discovery process. Under this algorithm, standardized bids and offers derived from Clearing Member submissions are matched by sorting them from highest to lowest and lowest to highest levels, respectively. This sorting process pairs the Clearing Member submitting the highest bid price with the Clearing Member submitting the lowest offer price, the Clearing Member submitting the second highest bid price with the Clearing Member submitting the second-lowest offer price, and so on. The algorithm then identifies crossed and/or locked markets. Crossed markets are the Clearing Member pairs generated by the sorting and ranking process for which the bid price of one Clearing Member is above the offer price of the matched Clearing Member. The algorithm identifies locked markets, where the bid and the offer are equal, in a similar fashion.

Whenever there are crossed and/or locked matched markets, the algorithm applies a set of rules designed to identify standardized submissions that are ''obvious errors.'' The algorithm sets a high bid threshold equal to the preliminary end-of-day (''EOD'') level plus one bid-offer width (''BOW''), and a low offer threshold equal to the preliminary EOD level minus one BOW. The algorithm considers a Clearing Member's standardized submission to be an ''obvious error'' if the bid is higher than the high bid threshold, or the offer is lower than the low offer threshold.

Clearing Member pairs identified by the algorithm as crossed or locked markets may be required from time to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

time, under the EOD Price Discovery Policy, to enter into cleared CDS trades with each other (''Firm Trades''). Currently, ICE Clear Europe excludes standardized submissions it identifies as obvious errors from potential Firm Trades and does not use these submissions in its determination of published EOD levels.

ICE Clear Europe proposes to impose certain consequences under the Firm Trade methodology for Clearing Members providing price discovery submissions deemed to be obvious errors. As revised, the process for determining potential Firm Trades will now include all standardized submissions, including those classified as obvious errors (and as a result submissions that are obvious errors may result in Firm Trades). However, obvious errors will not be used in the calculation of the final EOD level, as under the current framework. Thus, ICE Clear Europe will effectively execute its current EOD algorithm twice: initially in the same way it does today (eliminating obvious errors) to generate the final EOD levels, and again, without excluding obvious errors, to generate Firm Trades and related reversing transactions.[3]

To limit the potential exposure created through Firm Trades that include a bid or offer from an obvious error submission, ICE Clear Europe will adjust Firm Trade prices, where appropriate, to fall within a predefined band on either side of the EOD price such that the potential profit or loss (''P/L'') realized by unwinding the trade at the EOD level is capped.

To prevent Clearing Members from receiving Firm Trades with large P/L impact in certain index instruments that are less actively traded, and for which it is therefore more difficult and/or more expensive to manage the associated risk, ICE Clear Europe will automatically generate reversing transactions at the end-of-day price level for specific index CDS instruments (*i.e.*, for specific combinations of index/sub-index and series determined by the ICE Clear Europe risk department in consultation with the trading advisory committee). Currently, reversing transactions are only available for eligible single name CDS instruments.

ICE Clear Europe is also revising the EOD Price Discovery Policy to remove the option for Clearing Members to provide end-of-day price submissions for single name CDS instruments in terms of spread and associated recovery rate. Under the revised approach, Clearing Members will be required to provide price submissions (or equivalent ''points upfront'' submissions) for all single name CDS instruments. Clearing Members may provide a recovery rate, which the Clearing House will use for purposes of its own analysis. Accordingly, the Clearing House will no longer need to convert spread submissions for single name instruments into a price level for purposes of the EOD price determination process. Various conforming changes have been made throughout the policy as a result.

ICE Clear Europe also proposes to implement a new Disciplinary Framework, which addresses failures by a Clearing Member to provide required EOD price submissions for CDS Contracts in which they hold cleared open interest with the Clearing House (''Missed Submissions''). For purposes of the Disciplinary Framework, obvious errors (as described above) with respect to CDX index CDS contracts will also be treated as Missed Submissions (since such instruments are not subject to Firm Trade requirements). ICE Clear Europe will impose a cash assessment on Clearing Members for each Missed Submission, generally ranging from $1,000 to $4,000, depending on whether the Missed Submission related to an index or single-name, whether it occurred on an announced firm trade date and whether the related contract is actively traded. For single name CDS contracts, the framework also specifies an aggregate daily maximum assessment per Clearing Member for multiple Missed Submissions and a daily maximum assessment per Clearing Member per risk sub-factor.

As part of a new summary assessment process, ICE Clear Europe will determine on a monthly basis whether a Clearing Member has any Missed Submissions and provide the Clearing Member a notice of assessment with details of such Missed Submissions. The notice of assessment will include information about the date, type, quantity and assessment amount for the relevant Missed Submission(s). The Disciplinary Framework also provides a procedure for a Clearing Member to dispute a notice of assessment. A Clearing Member will have fifteen days from the notice of assessment to dispute the notice or seek to have it waived or rescinded. The Clearing House may grant a waiver of an assessment for certain specified reasons. A conditional waiver may be granted for the first instance of a Missed Submission for a particular instrument, provided that the Clearing Member does not have another Missed Submission in that instrument within 90 days. The Clearing House may grant an unconditional waiver where Missed Submissions result from extraordinary circumstances outside of the Clearing Member's control, such as market-wide disruptions. The imposition of a cash assessment on a Clearing Member does not preclude ICE Clear Europe from taking any other disciplinary action against a Clearing Member under the Rules and Procedures, including for persistent failures to meet the requirements of the EOD Price Discovery Policy.

2. Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act[4] and the regulations thereunder applicable to it. Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency, and the protection of investors and the public interest. The proposed amendments are designed to enhance the Clearing House's EOD Price Discovery Policy, which is a key aspect of the risk management and daily settlement procedures of the Clearing House. In ICE Clear Europe's view, the changes will strengthen the incentive of Clearing Members to provide accurate end-of-day price submissions, by imposing new consequences under the Firm Trade Methodology for submissions that are obviously erroneous. The amendments will further incentivize accurate price submissions by imposing financial consequences on Clearing Members for Missed Submissions, through cash assessments under the new Disciplinary Framework. The amendments thus ensure Clearing Members are accountable for all price submissions and any failures to make submissions. This will promote the accuracy and integrity of the overall end-of-day pricing and settlement process. The amendments also contain certain other enhancements and clarifications to the end-of-day price submission process, as discussed above. Accordingly, ICE Clear Europe believes that the proposed rule change will promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements,

[3] A reversing transaction is a second cleared transaction with identical attributes to the initial Firm Trade, but with the buyer and seller counterparties reversed, and at that day's EOD price rather than the initial Firm Trade price.

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78q–1(b)(3)(F).

contracts and transactions, within the meaning of Section 17(A)(b)(3)(F).[6]

In addition, in ICE Clear Europe's view, the new Disciplinary Framework provides an appropriately tailored set of cash assessments for Missed Submissions by Clearing Members, in light of the importance of end-of-day price submissions to the Clearing House risk management and settlement procedures. The framework is thus consistent with the requirements of Section 17A(b)(3)(G) of the Act.[7] The framework also provides a procedure for notifying Clearing Members of the details of any such assessments for Missed Submissions, and for Clearing Members to dispute and/or seek a waiver of such assessments. In ICE Clear Europe's view, this aspect of the framework is consistent with the requirements of Section 17A(b)(3)(H) of the Act.[8]

*B. Self-Regulatory Organization's Statement on Burden on Competition*

ICE Clear Europe does not believe the proposed rule change would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The enhancements to ICE Clear Europe's price discovery process apply uniformly to all Clearing Members. As a result, ICE Clear Europe does not believe that the adoption of the policy amendments will adversely affect competition among Clearing Members, or the ability of market participants to clear contracts generally. The Clearing House also does not believe that the amendments will reduce access to clearing CDS contracts generally or limit market participants' choices for clearing CDS.

The amendments may result in certain additional costs for Clearing Members that are required to enter into Firm Trades as a result of obvious errors in their submissions, or are subject to cash assessments as a result of Missed Submissions. ICE Clear Europe believes that these additional costs are warranted to enhance the integrity of the price submission process, and are in any event generally within the control of the Clearing Member. As a result, ICE Clear Europe does not believe the proposed amendments impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1(b)(3)(G).

[8] 15 U.S.C. 78q–1(b)(3)(H).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments relating to the proposed rule change have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

**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 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–ICEEU–2015–013 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–ICEEU–2015–013. 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 filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation#rule-filings.* 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–ICEEU–2015–013 and should be submitted on or before September 2, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19757 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75632; File No. SR–ISE–2014–24]**

## Self-Regulatory Organizations; International Securities Exchange, LLC; Order Disapproving a Proposed Rule Change To Modify ISE's Opening Process

August 6, 2015.

**I. Introduction**

On November 19, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (the ''SEC'' or the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the opening process of the Exchange. The proposed rule change was published for comment in the **Federal Register** on December 10,

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2014.[3] On January 23, 2015, the Commission extended the time 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 to March 10, 2015.[4] On March 10, 2015, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.[6] On May 13, 2015, the Commission received a letter from the Exchange responding to the Order Instituting Proceedings.[7] The Commission received one other comment on the proposed rule change.[8] This Order disapproves the proposed rule change.

## II. Description of the Proposal

The Exchange proposes to modify the process by which the Exchange's trading system opens trading at the beginning of the day and after trading halts.[9] Specifically, ISE proposes to ''modify the opening process by moving from a single price opening'' to an iterative opening process, which could result in four separate opening prices for a single option series.[10]

As is the case today, under the proposal, if there is executable interest prior to the opening, ISE's trading system would first calculate a range of prices within which to open the options series (''Boundary Prices''). To determine the Boundary Prices, the trading system would use ISE market makers' quotes. Specifically, the trading system would use the quotes of ISE's Primary Market Maker (''PMM'') quotes, or in their absence, the best quotes of ISE's Competitive Market Makers (''CMMs'') on the corresponding side (PMMs, together with CMMs, ''ISE Market Makers'').[11] If there are no PMM or CMM quotes on the bid side, the lowest minimum trading increment for the option class would be used. If there are no PMM or CMM quotes on the offer side, however, ''the options class would not open because in the absence of an offer there would be no limit as to the price at which an opening trade could occur.'' [12] Under ISE's proposal, each iteration of the opening process would widen the Boundary Prices, except for the last iteration which would have no Boundary Prices. Each iteration as proposed is described below.

As explained in the Notice, in the first iteration, the trading system would attempt to derive the opening price to be at or better than either: The PMM's best bid and offer, or in the absence of a PMM quote, the best bid and offer of CMMs (''ISE Market Maker Quotes''); [13] or the away best bid and offer (''ABBO''), whichever is better. Accordingly, if the options class is open on another exchange, the Boundary Prices would be determined to be the higher of the ISE Market Maker's bid or the away best bid and the lower of the ISE Market Maker's offer or the away best offer. If the options class is not yet open on another exchange, the Boundary Prices would be determined by the PMM or CMM quotes, as described above. Once the trading system has determined the Boundary Prices, it then would determine the price at which the maximum number of contracts could trade at or within the Boundary Prices (the ''execution price'') [14] and process orders and quotes at the execution price as follows—market orders would be given priority before limit orders and quotes, then limit orders and quotes would be given priority by price. For limit orders and quotes with the same price, priority would be accorded first to Priority Customer Orders [15] over Professional Orders [16] and quotes. Priority Customer Orders with the same limit price would be executed on a random basis [17] while Professional Orders and quotes with the same limit price would be executed pro-rata based on size. If the Boundary Prices were calculated using the ABBO, any remaining Public Customer Orders,[18] but not Non-Customer [19] Orders, that would lock or cross an ABBO would be processed in accordance with Supplementary Material .02 to ISE Rule 1901.[20]

According to the Exchange, if after the first iteration there remained unexecuted orders and quotes that would lock or cross each other, the trading system would initiate a second

[3] *See* Securities Exchange Act Release No. 73736 (December 4, 2014), 79 FR 73354 (''Notice'').

[4] *See* Securities Exchange Act Release No. 74126 (January 23, 2015), 80 FR 4953 (January 29, 2015).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Securities Exchange Act Release No. 74465 (March 10, 2015), 80 FR 13660 (March 16, 2015) (''Order Instituting Proceedings''). On June 4, 2015, the Commission designated a longer period for Commission action the proposed rule change to August 7, 2015. *See* Securities Exchange Act Release No. 75104 (June 4, 2015), 80 FR 33001 (June 10, 2015).

[7] *See* Letter to Brent J. Fields, Secretary, Commission, from Mike Simon, Secretary and General Counsel, dated May 13, 2015 (''ISE Letter'').

[8] *See* Letter to Brent J. Fields, Secretary, Commission, from Benjamin Londergan, Head of Options Trading and Technology, Convergex Execution Solutions LLC, dated June 1, 2015 (''Convergex Letter''). In its letter, Convergex stated that it supported the proposal because it believed the ''inherent protections and improved pricing will be of significant benefit to customers and outweigh any perceived advantages of the current single-priced opening process.'' *See* Convergex Letter at 1. The Convergex Letter noted that ISE's current opening process did not provide away market price protection, but the proposed rule change would introduce an iterative opening process where priority customer orders would be eligible for away market routing under certain circumstances. As a consequence of this change, Convergex believed its customers would ''obtain better execution quality in an increasingly fair and orderly market than they enjoy currently under the ISE's present opening process.''

[9] The Exchange also proposes to codify certain existing functionality within the trading system (regarding the procedures to initiate the opening rotation at the Exchange's opening and reopening after a trading halt) that was not previously described in the Exchange's rules. A more detailed description of the initiation procedure is available in the Notice. *See* Notice, *supra* note 3 at 73355.

[10] *See id.* at 73356.

[11] ISE has two categories of market makers: PMMs and CMMs. A PMM is appointed to each options class traded on the Exchange but a CMM may or may not be appointed to each such options class. *See* ISE Rule 802.

[12] *See* Notice, *supra* note 3, at 73356.

[13] *See id.*

[14] *See id.* for an example showing the calculation of the execution price following the first iteration.

[15] Pursuant to ISE Rules 100(a)(37A) and 100(a)(37B), a ''Priority Customer Order'' is an order for the account of a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[16] Pursuant to ISE Rule 100(a)(37C), a ''Professional Order'' is an order that is for the account of a person or entity that is not a Priority Customer.

[17] Priority Customer Orders with the same limit price in the regular order book are currently executed in time priority during the opening. The Exchange states in the Notice that it believes executing these orders on a random basis is a fairer approach because the current time priority is dependent on when such orders are communicated to the Exchange by a Priority Customer's broker, not the time the Priority Customer expressed interest in doing the trade. *See* Notice, *supra* note 3, at 73356.

[18] Pursuant to ISE Rules 100(a)(38) and 100(a)(39), a ''Public Customer'' means a person or entity that is not a broker or dealer in securities and a ''Public Customer Order'' means an order for the account of a Public Customer.

[19] Pursuant to ISE Rule 100(a)(27), a ''Non-Customer'' means a person or entity that is a broker or dealer in securities.

[20] As stated in the Notice, under the Options Order Protection and Locked/Crossed Market Plan (''Options Linkage Plan'' or ''Linkage Plan''), the Exchange cannot execute orders at a price that is inferior to the national best bid or offer (''NBBO''), absent an applicable exception, nor can the Exchange place an order on its book that would cause the ISE best bid or offer to lock or cross another exchange's quote. *See* Notice, *supra* note 3, at 73356. ISE's rule requires that, before orders are rejected or routed to an away market, an order that would otherwise lock or cross another exchange's bid or offer be exposed to all ISE members for up to one second to give the members an opportunity to execute against the order at the NBBO or better. *See* Supplementary Material .02 to Rule 1901. If after an order is exposed, the order cannot be executed in full on the Exchange at the then-current NBBO or better, and it is marketable, the lesser of the full displayed size of the Protected Bid(s) or Protected Offer(s) that are priced better than the ISE's quote or the balance of the order will be sent to the linkage handler and any additional balance of the order will be executed on the ISE if it is marketable. Any additional balance of the order that is not marketable against the then-current NBBO will be placed on the ISE book. *Id.*

iteration.[21] In the second iteration, the trading system would use either the ISE Market Maker Quotes or the ABBO,[22] whichever was not used in the first iteration, to establish the Boundary Prices. For example, if the ISE Market Maker Quotes were used in the first iteration, the second iteration would use the ABBO and vice versa. If, during the first iteration, there were no ABBO, then the second iteration would not occur, and the trading system would initiate the third iteration as described below.

In the second iteration, the trading system would again determine the execution price at which the maximum number of contracts could trade at or within the widened Boundary Prices. Once the trading system determines the second execution price, orders and quotes would be processed as follows—market orders would be given priority before limit orders and quotes, then limit orders and quotes would be given priority by price. For limit orders and quotes with the same price, priority would be accorded first to Priority Customer Orders over Professional Orders and quotes. Priority Customer Orders with the same limit price would be executed in random order while Professional Orders and quotes with the same limit price would be executed pro-rata based on size. If the Boundary Prices in the second iteration were calculated using the ABBO, any remaining Public Customer Orders, but not Non-Customer Orders, that would lock or cross a bid or offer from another exchange would be processed in accordance with Supplementary Material .02 to ISE Rule 1901.

If after the second iteration there remained unexecuted orders and quotes that lock or cross each other, the trading system would initiate a third iteration.[23] In the third iteration, the prior Boundary Prices (*i.e.,* the prices used in the second iteration and, in the case where the second iteration did not occur, the prices used in the first iteration) would be widened by two trading increments. The trading system would then again determine the price at which the maximum number of contracts could trade at or within the widened Boundary Prices. Once the trading system determines the third execution price, orders and quotes would be processed as follows—market orders would be given priority before limit orders and quotes, then limit orders and quotes would be given priority by price. For limit orders and quotes with the same price, priority would be accorded first to Priority Customer Orders over Professional Orders and quotes. Priority Customer Orders with the same limit price would be executed in random order while Professional Orders and quotes with the same limit price would be executed pro-rata based on size. Thereafter, any unexecuted Priority Customer Orders that lock or cross the Boundary Prices would be handled by the PMM[24] and any unexecuted Professional Orders and Non-Customer Orders that lock or cross the Boundary Prices would be canceled.

If after the third iteration there remained unexecuted orders and quotes that lock or cross each other, the trading system would initiate the fourth and final iteration.[25] In the fourth iteration, the trading system would not calculate new Boundary Prices. The trading system would simply trade any remaining interest. Thereafter, the trading system would open the options series by disseminating the Exchange's best bid and offer derived from the remaining orders and quotes.[26]

## III. Discussion and Commission Findings

Under Section 19(b)(2)(C) of the Act,[27] the Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to such organization.[28] The Commission shall disapprove a proposed rule change if it does not make such a finding.[29] Rule 700(b)(3) of the Commission's Rules of Practice state that the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change'' and that a ''mere assertion that the proposed rule change is consistent with those requirements . . . is not sufficient.''[30]

After careful consideration, the Commission does not find that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission does not find that the proposed rule change is consistent with Section 6(b)(5) of the Act,[31] which, among other things, requires 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, 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. For reasons more fully discussed below, because the Commission cannot find that the Exchange's proposed iterative opening process would comply with Section 5 of the Options Linkage Plan,[32] the Commission does not find that the proposed rule change is consistent with the Act and, in particular, with Section 6(b)(5) of the Act.[33]

On July 30, 2009, pursuant to Section 11(A)(a)(3)(B) of the Act[34] and Rule 608 thereunder,[35] the Commission approved,[36] as a national market system

[21] *See* Notice, *supra* note 3, at 73357, for an example showing the calculation of the execution price following the second iteration.

[22] The ABBO prices considered in the first iteration are also used during the second iteration.

[23] *See* Notice, *supra* note 3, at 73357, for an example showing the calculation of the execution price following the third iteration.

[24] The PMM has the obligation under existing Exchange rules to engage in dealings for its own account when, among other things, there is a temporary disparity between the supply of and demand for a particular options contract, and to act with due diligence in handling orders. *See* ISE Rule 803(c).

[25] *See* Notice, *supra* note 3, at 73357–8, for an example showing the calculation of the execution price following the fourth and final iteration.

[26] *See* Notice, *supra* note 3, for a more complete description of the proposed rule change.

[27] 15 U.S.C. 78s(b)(2)(C).

[28] *See* 15 U.S.C. 78s(b)(2)(C)(i).

[29] *See* 15 U.S.C. 78s(b)(2)(C)(ii); *see also* 17 CFR 201.700(b)(3).

[30] *See* 17 CFR 201.700(b)(3). ''The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding. Any failure of a self-regulatory organization to provide the information elicited by Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder that are applicable to the self-regulatory organization.'' *Id.*

[31] 15 U.S.C. 78f(b)(5).

[32] *See* Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (''Options Linkage Plan Approval Order'').

[33] The Commission notes that ISE Rule 1901 implements Section 5 of the Options Linkage Plan by incorporating as rules of ISE the provisions of Section 5. Accordingly, because the Commission cannot find the Exchange's proposal consistent with Section 5 of the Options Linkage Plan, the Commission also notes that the Exchange's proposal may not be consistent with its own rule.

[34] *See* 15 U.S.C. 78k–1(a)(3)(B).

[35] *See* 17 CFR 242.608.

[36] *See* Options Linkage Plan Approval Order, *supra* note 32. Section 11A(a)(3)(B) of the Act authorizes the Commission ''by rule or order, to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under this title in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities.'' The Commission's approval of a national market system plan is conditioned upon a finding that the proposed plan is ''necessary or appropriate in the public interest, for the protection

Continued

plan, the Options Linkage Plan, which was submitted to the Commission by all seven options exchanges then operating (''Original Participant Exchanges'').[37] As proposed and approved, Section 5(a) of the Options Linkage Plan requires each participant exchange to ''establish, maintain and enforce written policies and procedures [as approved by the SEC] that are reasonably designed to prevent Trade-Throughs in that Participant's market in Eligible Options Classes that do not fall within an exception set forth in [Section 5(b) of the Options Linkage Plan] . . .''[38] Among others exceptions, the Options Linkage Plan excepts from the trade-through prohibition transactions that ''traded through a Protected Quotation being disseminated by an Eligible Exchange during a trading rotation'' (the ''trading rotation exception'').[39]

According to the Exchange, with respect to the operation of the second, third, and fourth iterations of its proposed opening process, it is relying on the trading rotation exception. Specifically, if the second iteration utilizes the ISE Market Maker Quotes, to the extent the iteration results in any trade-throughs, the Exchange represents that ''such trade-throughs are permissible pursuant to Section 5(b)(ii) of the Linkage Plan, the Trading Rotation exception, which permits a participant exchange to trade through a Protected Quotation disseminated by an Eligible Exchange during a trading rotation.''[40] Likewise, the Exchange states that any trade-throughs during the third and fourth iterations are also permissible under the Linkage Plan because Section 5(b)(ii) ''permits a participant exchange to trade through a Protected Quotation disseminated by an Eligible Exchange during a trading rotation.''[41]

In the Order Instituting Proceedings, the Commission noted that it intended to further assess whether the Exchange's proposed iterative opening process complies with the Options Linkage Plan and the statutory requirements applicable to a national securities exchange under the Act.[42] The Commission invited interested persons to submit written views with respect to these concerns. As mentioned above, ISE submitted a letter in response to the Order Instituting Proceedings providing additional justification for its proposal.

In its letter, ISE argues that, unlike the trade-through exception for equities under Regulation NMS, the Options Linkage Plan does not state that the trade-through exception for opening transactions is limited to ''single price auctions.''[43] Further, ISE argues that its proposal is consistent with the plain language of Section 5(b)(ii) because, although the Linkage Plan does not define the term ''trading rotation,'' at the inception of the Plan, ''that term already had a meaningful and well understood securities law definition.''[44] ISE cites to Rule 600(a)(79) of Regulation NMS, which defines ''trading rotation'' to mean ''with respect to an options class, the time period on a national securities exchange during which . . . [o]pening, re-opening, or closing transactions in options series in such options class are not yet completed; and . . . [c]ontinuous trading has not yet commenced or has not yet ended for the day in options series in such options class.''[45] ISE also suggests that if its proposal is inconsistent with the Linkage Plan, then other options exchanges would have negatively commented on it.[46] ISE states that ''it is highly suggestive that none of our competitors submitted any contrary interpretation of the Linkage Plan.''[47]

In the ISE Letter, the Exchange also disputes the Commission's interpretation in the Options Linkage Approval Order that the trade-through exception in Section 5(b)(ii) of the Plan is for a trading rotation that is ''effectively a single price auction to price the option.''[48] The Exchange concedes that ''this language is itself copied from identical language submitted in comment letters by ISE and other options exchanges that was intended to be a non-comprehensive description of how our markets have traditionally operated'' but that ''they did not purport to be a binding legal interpretation of how the Commission should interpret the term 'trading rotation.' ''[49]

ISE argues, moreover, that the rationale for the Linkage Plan's trading rotation exception applies equally to single price auctions and iterative openings.[50] Namely, the rationale behind Section 5(b)(ii) was to allow options exchanges to ignore away markets during the opening when ''there are no practical means to include prices on other exchanges.''[51] Accordingly, ISE claims that the basis for the Section 5(b)(ii) exception applies to the iterative opening process that it proposes to adopt.

Finally, ISE contends that it would be inappropriate for the Commission to disapprove its proposed rule change because the new process is designed to provide away market protection to Public Customer Orders.[52] According to ISE, if the Commission disapproves the proposed rule change, the Commission's action would result in less, not more protection for investors.[53]

After thoroughly reviewing the Exchange's assertions in the Notice and the ISE Letter, including the one comment received,[54] the Commission cannot find that the iterative opening process proposed by the Exchange is consistent with the Options Linkage Plan and therefore with the Act.

of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of, a national market system, or otherwise in furtherance of the purposes of the Act.'' *See* 17 CFR 242.608(b)(2).

[37] The seven options exchanges were Chicago Board Options Exchange, Inc.; ISE; The NASDAQ Stock Market LLC, NYSE Amex LLC (n/k/a NYSE MKT LLC); NYSE Arca Inc.; NASDAQ OMX PHLX, Inc., and NASDAQ OMX BX, Inc.

[38] *See* Section 5(a)(i) of the Options Linkage Plan. The Options Linkage Plan defines ''Trade-Throughs'' to mean a ''transaction in an options series, either as principal or agent, at a price that is lower than a Protected Bid or higher than a Protected Offer.'' Section 2(21) of the Options Linkage Plan. ''Participant'' means ''an Eligible Exchange whose participation in the Plan has become effective pursuant to Section 3(c) of the Plan.'' Section 2(15) of the Options Linkage Plan. ''Eligible Options Classes'' mean ''all option series overlying a security (as that term is defined in Section 3(a)(10) of the Exchange Act) or group of securities, including both put options and call options, which class is available for trading on two or more Eligible Exchanges.'' Section 2(7) of the Options Linkage Plan. A ''Protected Bid'' or a ''Protected Offer'' means a ''Bid or Offer in an options series, respectively, that: a. Is displayed by an Eligible Exchange; b. Is disseminated pursuant to the OPRA Plan; and c. Is the Best Bid or Best Offer, respectively, of an Eligible Exchange.'' Section 2(17) of the Options Linkage Plan. ''Eligible Exchange'' means ''a national securities exchange registered with the SEC in accordance with Section 6(a) of the Exchange Act that: (a) As a Participant Exchange in OCC (as that term is defined in Section VII of the OCC by-laws); (b) is a party to the OPRA Plan (as that term is described in Section I of the OPRA Plan); and (c) if the national securities exchange chooses not to become a party to this Plan, is a participant in another plan approved by the Commission providing for comparable Trade-Through and Locked and Crossed Market protection.'' Section 2(6) of the Options Linkage Plan.

[39] Section 5(b)(ii) of the Options Linkage Plan. The Options Linkage Plan defines ''Protected Quotation'' to mean a Protected Bid or Protected Offer. Section 2(18) of the Options Linkage Plan.

[40] *See* Notice, *supra* note 3, at 73358. *See supra* note 39 for the definition of Protected Quotation and *supra* note 38 for the definition of Eligible Exchange.

[41] *See* Notice, *supra* note 3, at 73358–9.

[42] *See* Order Instituting Proceedings, *supra* note 6, at 13662.

[43] *See* ISE Letter, *supra* note 7, at 3.

[44] *See id.*

[45] *See id. See also* 17 CFR 242.600(b)(79).

[46] *See* ISE Letter, *supra* note 7, at 3.

[47] *See id.*

[48] *See id.* at 2.

[49] *See id.*

[50] *See id.* at 4.

[51] *See id.*

[52] *See id.*

[53] *See id.*

[54] *See* Convergex Letter, *supra* note 8.

Specifically, the Commission cannot find that each iteration of the amended process would qualify as an exception under Section 5(b)(ii) of the Linkage Plan. The Commission notes that when the Original Participant Exchanges proposed the Options Linkage Plan, all seven exchanges represented to the Commission that:

> Section 5(b)(ii) of the Plan carries forward the current Trade-Through exception in the old plan and *is* the options equivalent to the single price opening exception in Regulation NMS for equity securities. Options exchanges use a trading rotation to open an option for trading, or to reopen an option after a trading halt. The *rotation is effectively a single price auction* to price the option and there are no practical means to include prices on other exchanges in that auction.

(emphasis added).[55] Relying on this unanimous representation from all exchanges who jointly proposed the Options Linkage Plan, the Commission stated in the Options Linkage Plan Approval Order that the language used in the Section 5(b)(ii) is ''similar to an exception available for NMS stocks under Regulation NMS,'' [56] and ''[a]s noted by the Participants, the trading rotation is effectively a single price auction to price the option.'' [57]

The Commission acknowledges that the text of Section 5(b)(ii) of the Options Linkage Plan refers to the trade-through exception during a ''trading rotation,'' not a ''single price auction.'' But as even the Exchange notes in the ISE Letter, the Options Linkage Plan also does not define the term ''trading rotation'' nor provide additional clarification to what the trading rotation exception under Section 5(b)(ii) means.[58] In addition, as noted above, all seven exchanges that jointly proposed the Linkage Plan explicitly represented to the Commission that the trading rotation exception is ''similar to an exception available for NMS stocks under Regulation NMS'' and is ''effectively a single price auction to price the option.'' [59] Accordingly, in the absence of any basis in the Options Linkage Plan itself for the Commission to determine otherwise, and in light of prior, explicit representations by the Original Participant Exchanges that the trading rotation exception applies to a ''single price auction,'' the Commission cannot find that the Exchange's proposal is consistent with the Linkage Plan and thereby the Act.

The Commission acknowledges that the ISE's proposed iterative opening process, unlike its current process, would provide away market protection for Public Customer Orders. For the reasons discussed above, however, the Commission cannot find that the proposed rule change is consistent with the Options Linkage Plan or the Act. Further, the Commission does not agree with the Exchange that the decision of other options exchanges not to comment on the proposed rule change equates to agreement with ISE's interpretation of the trading rotation exception. It would be inappropriate for the Commission to draw any such conclusion unless explicitly stated by a commenter. As ISE itself noted, ''exchanges may have several reasons for not commenting on a proposed rule change.'' [60]

Finally, in analyzing the proposed rule change, and in making its determination to disapprove the rule change, the Commission has considered whether the action will promote efficiency, competition, and capital formation,[61] but, as discussed above, the Commission cannot find that the proposed rule change is consistent with the Options Linkage Plan or Section 6(b)(5) of the Act.

## IV. Conclusion

For the foregoing reasons, the Commission does not find that the proposed rule change, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act.

IT IS THEREFORE ORDERED, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–ISE–2014–24), be, and hereby is, disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19762 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

[55] *See* Letter from Michael Simon, Secretary, ISE, dated November 7, 2008, and available at *http://www.sec.gov/rules/sro/nms/2008/4-546-ise-amend3.pdf. See also* Letters from Peter G. Armstrong, Managing Director, Options, NYSE Arca, dated October 30, 2008, available at *https://www.sec.gov/rules/sro/nms/2008/4-546-nysearca-amend3.pdf;* Edward J. Joyce, President & Chief Operating Officer, Chicago Board Options Exchange, dated November 21, 2008, available at *http://www.sec.gov/rules/sro/nms/2008/4-546-cboe-amend1.pdf;* Jeffrey P. Burns, Managing Director, NYSE Alternext US LLC, dated November 25, 2008, available at *https://www.sec.gov/rules/sro/nms/2008/4-546-nysealtr-amend1.pdf;* John Katovich, Vice President, BSE, dated December 1, 2008, available at *https://www.sec.gov/rules/sro/nms/2008/4-546-bse-amend1.pdf;* Richard S. Rudolph, Counsel, Nasdaq OMX Phlx, dated December 3, 2008, available at *https://www.sec.gov/rules/sro/nms/2008/4-546-phlx-amend1.pdf;* and Jeffrey S. Davis, Vice President & Deputy General Counsel, Nasdaq Stock Market LLC, dated December 4, 2008, available at *https://www.sec.gov/rules/sro/nms/2008/4-546-nasdaq-amend1.pdf.*

[56] *See* Options Linkage Plan Approval Order, *supra* note 32, at 39366. *See also* Rule 611(b)(3) of Regulation NMS under the Act (17 CFR 242.611(b)(3)) which provides that ''the transaction that constituted the trade-through was a single-priced opening, reopening, or closing transaction by the trading center.''

[57] *See* Options Linkage Plan Approval Order, *supra* note 32, at 39366.

[58] Further, the Commission notes that the Linkage Plan refers to a singular ''trading rotation'' not, as ISE implies, multiple ''trading rotations.''

[59] *See supra* note 55.

[60] *See* ISE Letter, *supra* note 7, at 3. ISE also provides as an exhibit to its response letter data purporting to show trade-throughs from all options exchanges during the first minute of trading on April 29, 2015, and April 30, 2015. According to ISE, the data shows trade-throughs from every exchange, with the total number of contracts trading through being 9,316 on April 29, and 48,269 contracts on April 30. *See* Exhibit to ISE Letter, *supra* note 7. The Commission cannot surmise from the data whether the trade-throughs are occurring without an exception or whether the exchanges are not complying with the Linkage Plan or their own rules. The Commission notes that the Options Linkage Plan provides that if a participant exchange relies on a trade-through exception, it would be required to establish, maintain, and enforce written policies and procedures reasonably designed to assure compliance with the terms of the exception.

[61] Whenever pursuant to the Act the Commission is engaged in rulemaking or the review of a rule of a self-regulatory organization, and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[62] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75630; File No. SR–CHX–2015–03]**

## Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Implement CHX SNAP℠, an Intra-Day and On-Demand Auction Service

August 6, 2015.

On June 23, 2015, the Chicago Stock Exchange, 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 implement CHX SNAP℠, which would be an intra-day and on-demand auction service that would be initiated at the request of market participants seeking to trade securities in bulk. The proposed rule change was published for comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

**Register** on July 8, 2015.[3] The Commission has received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of the 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 6, 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–CHX–2015–03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

**Robert W. Errett,**

*Deputy Secretary.*

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[3] *See* Securities Exchange Act Release No. 75346 (July 1, 2015), 80 FR 39172 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75633; File No. SR–FINRA–2015–009]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Adopt FINRA Rule 2272 To Govern Sales or Offers of Sales of Securities on the Premises of Any Military Installation to Members of the U.S. Armed Forces or Their Dependents

August 6, 2015.

### I. Introduction

On April 23, 2015, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 adopt FINRA Rule 2272. Rule 2272 would govern sales or offers of sales of securities on the premises of any military installation to members of the U.S. Armed Forces or their dependents. The proposed rule was published for comment in the **Federal Register** on May 6, 2015.[3] The Commission received four comment letters in response to the proposal.[4] On June 18, 2015, FINRA granted the Commission an extension of time, until August 10, 2015, to act on the proposal.[5] FINRA responded to the comment letters on July 21, 2015.[6]

This order approves the rule as proposed.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing of a Proposed Rule to Adopt FINRA Rule 2272 to Govern Sales or Offers of Sales of Securities on the Premises of Any Military Installation to Members of the U.S. Armed Forces or Their Dependents; Exchange Act Release No. 74890 (May 6, 2015), 80 FR 27220 (May 12, 2015) (''Notice'').

[4] *See* Letters from Jason T. Robinson, Georgia State University College of Law Investor Advocacy Clinic, dated May 30, 2015 (''GSU Letter''); Hugh D. Berkson, Public Investors Arbitration Bar Association, dated June 1, 2015 (''PIABA Letter''); David T. Bellaire, Esq., Financial Services Institute, dated June 2, 2015 (''FSI Letter''); David M. Rader, Michigan State University College of Law Investor Advocacy Legal Clinic, dated June 9, 2015 (''MSU Letter'').

[5] *See* Letter from Jeanette Wingler, Assistant General Counsel, FINRA, to Katherine England, Assistant Director, Division of Trading and Markets, Securities and Exchange Commission, dated June 18, 2015.

[6] *See* Letter from Jeanette Wingler, Assistant General Counsel, FINRA, to Brent J. Fields, Secretary, Securities and Exchange Commission, dated July 21, 2015 (''FINRA Response Letter'').

### II. Description of the Proposed Rule

*a. Background*

As stated in the Notice, FINRA is proposing to adopt Rule 2272 to govern sales or offers of sales of securities on the premises of any military installation to members of the U.S. Armed Forces or their dependents.[7] Proposed Rule 2272 would impose a number of restrictions upon FINRA members engaged in the sales or offers of sales of securities, including a disclosure requirement, a suitability obligation, and a ban on referral fees to persons not associated with a FINRA member.[8]

i. Statutory Basis

To comply with the requirements of Section 15A(b)(14) of the Exchange Act,[9] FINRA proposed rules governing the sales, or offers of sales, of securities on the premises of any military installation to members of the U.S. Armed Forces or their dependents.[10] Section 15A(b)(14) requires these rules mandate: (1) A broker-dealer performing brokerage services to military personnel or dependents disclose (a) that securities offered are not being offered or provided on behalf of the federal government, and that their offer is not sanctioned, recommended, or encouraged by the federal government and (b) the identity of the registered broker-dealer offering the securities; (2) such broker-dealer to perform an appropriate suitability determination prior to making a recommendation of a security to a member of the U.S. Armed Forces or a dependent thereof; and (3) that no person receive referral fees or incentive compensation unless such person is an associated person of a registered broker-dealer and qualified pursuant to the rules of a self-regulatory organization.[11]

ii. Proposed Rule

Proposed FINRA Rule 2272 requires that, prior to engaging in sales or offers of sales of securities on the premises of a military installation to any member of the U.S. Armed Forces or a dependent thereof, a FINRA member must clearly and conspicuously disclose in writing: (1) The identity of the member offering

[7] *See* Notice at 27221.

[8] *See id.*

[9] 15 U.S.C. 78o–3(b)(14).

[10] Congress amended Section 15A(b) of the Exchange Act in the Military Personnel Financial Services Protection Act (''Military Act''). Pub. L. 109–290, 120 Stat. 1317. The Military Act requires the rules of a registered national securities association to include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependent thereof.

[11] 15 U.S.C. 78o–3(b)(14).

the securities; and (2) that the securities offered are not being offered or provided by the member on behalf of the federal government, and that the offer of such securities is not sanctioned, recommended, or encouraged by the federal government.[12]

The proposed rule also mandates that a FINRA member satisfy the suitability obligations imposed by FINRA Rule 2111 when making a recommendation on the premises of a military installation to any member of the U.S. Armed Forces or a dependent thereof.[13]

Finally, the proposed rule requires that no FINRA member cause a person to receive a referral fee or incentive compensation in connection with sales or offers of sales of securities on the premises of a military installation with any member of the U.S. Armed Forces or a dependent thereof, unless such person is an associated person of a registered broker-dealer who is appropriately qualified consistent with FINRA rules, and the payment complies with applicable federal securities laws and FINRA rules.[14]

## III. Summary of Comments and FINRA's Response

As noted above, the Commission received four comment letters on the proposed rule change.[15] As discussed in more detail below, one commenter supported the rule in its entirety and stated that it was thorough and balanced.[16] Three commentators also supported the proposed rule, but also suggested some modifications.[17] The sections below outline the suggestions and specific concerns raised by the commenters, as well as FINRA's response.

### *a. Application to Off-Base Offers and Sales of Securities*

Two commenters suggested extending the scope of the proposed rule to cover offers and sales of securities to members of the U.S. Armed Forces and their dependents both off and on the premises of a military installation.[18] One of these commenters stated that suitability challenges to service members exist irrespective of where the service member and his/her family live.[19] The other commenter stated that perpetrators of financial fraud operate both off and on military installations, and that expanding the proposed rule to cover sales in both locations would enhance compliance with FINRA rules.[20]

In its response, FINRA acknowledged that some of the concerns the rule is designed to address would also be raised by off-base sales.[21] However, FINRA stated that it drafted the rule to comply with the statutory requirements of the Exchange Act, which only apply in relevant part to offers and sales of securities on the premises of a military installation, rather than in any location.[22] FINRA also noted that the potential of investor confusion regarding the involvement of the federal government in offering the securities may be reduced for activities occurring off the premises of a military installation.[23] In addition, FINRA noted that any such sales or offers of sales of securities off the premises of a military installation must comply with applicable FINRA rules and that any misleading representation would be otherwise prohibited by FINRA rules.[24]

### *b. Additional Disclosures*

One commenter proposed the creation of a standardized disclosure form covering each element of Rule 2272, and requiring broker-dealers to offer a written attestation that proposed investments are suitable for the prospective investor.[25] The commenter stated that such a form would promote clear disclosure and draw attention to the protections available under the proposed rule.[26] That commenter expressed concern that without such a form, broker-dealers could otherwise conceal the disclosures required by the proposal.[27]

FINRA responded that a standard disclosure form would be unnecessary because FINRA allows a risk-based approach to documenting compliance with Rule 2111.[28] FINRA responded also that the rule explicitly requires member firms to make disclosures ''clearly and conspicuously'' and ''in writing'' prior to engaging in sales or offers of sales, and believes that these requirements reduce the potential for investor confusion.[29]

Another commenter stated that the disclosure obligations should be expanded to require that persons associated with any broker-dealer disclose, both verbally and in writing: (1) If they served in the U.S. Armed Forces and the status of their discharge; (2) that any former military service does not relate to their financial advice offered; and (3) that a service member should not feel compelled to invest because of that associated person's former military service.[30]

In response to the commenter, FINRA noted that—as the commenter had observed [31]—the military inculcates a culture of deference to veterans, and that some veterans with prestigious careers or assignments may hold undue influence over current members of the Armed Forces.[32] FINRA stated that requiring disclosure of military service for persons associated with a member firm could have the unintentional effect of unduly influencing or pressuring current service members' investment decisions.[33]

### *c. Suitability*

One commenter proposed to expand the suitability requirements of the proposed rule to include military-specific factors for broker-dealers to consider when making sales or offers of sales of securities to military personnel, or alternatively that FINRA provide guidance to broker-dealers regarding the application of the proposed rule.[34] The commenter suggests specifically including a service member's anticipated time remaining at their current duty station, as well as the time a service member has remaining on their contract as criteria a broker-dealer should consider, and believes that this will protect service members from incurring unsustainable financial commitments.[35] Another commenter proposed that FINRA members should be trained to understand issues relating

[12] *See* proposed Rule 2722(b).

[13] *See* proposed Rule 2722(c).

[14] *See* proposed Rule 2722(d).

[15] *See* note 4, *supra.*

[16] *See* FSI Letter (stating that ''FSI fully supports the Proposed Rule, and [FSI] applaud[s] FINRA's efforts'').

[17] *See* GSU Letter, MSU Letter, and PIABA Letter.

[18] *See* GSU Letter, and PIABA Letter.

[19] *See* PIABA Letter.

[20] *See* GSU Letter.

[21] *See* FINRA Response Letter at 3.

[22] *See id.*

[23] *See id.*

[24] *See id.*

[25] *See* GSU Letter.

[26] *See id.* (noting that such a form would ''lend credibility to the spirit of Rule 2272 and draw attention to the disclosures, simplifying the process for all parties involved'').

[27] *See id.* (stating that such a form would ''limit broker-dealers' ability to hide these disclosures amongst the numerous other documents that potential investors are given to review before a transaction'').

[28] *See* FINRA Response Letter at 3.

[29] *See id.* at 3–4.

[30] *See* MSU Letter (noting that ''[f]ormer military personnel . . . hold a certain amount of influence over young service members that respect military tradition'' and that ''it is critical that persons serving military communities accurately disclose their history of service as well as discharge status'').

[31] *See* MSU Letter.

[32] *See* FINRA Response Letter at 4.

[33] *See id.*

[34] *See* MSU Letter.

[35] *See id.* (stating that ''[s]ervice members experience substantial income variability'' due to duty station changes which have different housing allowances and cost of living adjustments).

to assets in government Thrift Savings Plan accounts.[36]

In response to both commenters, FINRA noted that recommendations concerning retirement accounts, including Thrift Savings Plan accounts, are subject to FINRA Rule 2111, requiring a member firm and its registered representatives to consider the customer's investment profile, including their financial situation, risk tolerance, and other concerns.[37] FINRA stated that suitability obligations imposed by Rule 2111 satisfy the commenters' concerns and the statutory requirement that FINRA adopt rules requiring its members to perform an appropriate suitability determination.[38] FINRA also noted that it has previously recommend that member firms train their representatives on retirement savings options and the tax, investment, and other consequences of those decisions.[39]

*d. Education*

One commenter encouraged FINRA to focus on financial education for members of the U.S. Armed Forces, and suggested that FINRA produce programs to reach service members and their dependents.[40] This commenter also stated that registered representatives should be trained concerning the special suitability needs of service members.[41] FINRA replied that it supported financial education for members of the U.S. Armed Forces, and that the FINRA Investor Education Foundation's Military Financial Readiness Program offers such financial education tools and training to the relevant population.[42] FINRA also responded that it has recommended that member firms train registered representatives concerning retirement savings options.[43]

[36] *See* PIABA Letter (noting that the ''sale of investment services to military service members and their families provide unique suitability problems,'' the primary issue of which ''stems from recommendations that service members purchase products with increased fees when they move their savings out of their government savings plan'').

[37] *See* FINRA Response Letter at 4–5.

[38] *See id.* at 5.

[39] *See id.*

[40] *See* PIABA Letter (noting that ''service members typically receive very little financial training and have spent years not worrying about income and financial needs'').

[41] *See id.*

[42] *See* FINRA Response Letter at 5 (stating that ''the FINRA Investor Education Foundation's Military Financial Readiness Program has delivered free, unbiased financial education tools and training to service members, their spouses and on-base financial educators through a variety of programs and public awareness initiatives'').

[43] *See id.* at 5 (citing FINRA Regulatory Notice 13–45 from December 2013).

**IV. Discussion**

After carefully considering the proposed rule, the comments submitted, and FINRA's response to the comments, the Commission is approving the rule change as proposed. Based on its review of the record, the Commission finds that FINRA Rule 2272 as proposed is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities association.[44] The Commission also finds that the proposed rule sufficiently addresses the concerns raised by commenters.

As discussed above, Rule 2272 would govern sales or offers of sales of securities on the premises of any military installation to members of the U.S. Armed Forces or their dependents. The proposed rule would require broker-dealers to disclose their identity and that the securities are neither offered nor approved by the federal government, as well as to comply with FINRA suitability obligations. The rule would also ban referral fees unless paid to an associated person of a FINRA member and the payment complies with applicable federal securities laws and FINRA rules.

The Commission takes note of the strong commenter support for both the specific provisions and broad aim of the underlying rule: Protecting members of the U.S. Armed Forces from dishonest and unscrupulous practices.[45] The Commission acknowledges also the need, as one commenter expressed, for efficient regulations that keep investors, particularly American servicemen and women and their dependents, well-protected and effectively informed.[46] The Commission believes that Rule 2272 as proposed provides appropriate protections as called for by Congress, consistent with the Act for members of the U.S. Armed Forces and their dependents.

The Commission acknowledges the suggestion by two commenters to expand the scope of Rule 2272 to cover sales off as well as on military installations.[47] The Commission notes in particular the concern of one commenter, that military members are particularly susceptible to affinity fraud and that perpetrators of financial fraud may operate both on and off military installations.[48] Nonetheless, the Commission agrees with FINRA that the statutory requirements of the Exchange Act apply to offers and sales of securities on the premises of a military installation to members of the U.S. Armed Forces and their dependents,[49] and believes that current FINRA rules are designed to address many of the potential harms commenters have highlighted. The Commission notes that the registration requirements for broker-dealers under the Exchange Act and current FINRA rules restrict the payment of referral fees to unregistered persons.[50] The Commission also concurs with FINRA's assessment that sales or an offer of sales of securities off-base implicates a lesser risk of confusion as to whether those securities are endorsed or otherwise offered by the federal government.[51]

The Commission also acknowledges the concerns raised by some commenters that Rule 2272 should incorporate a requirement for a standardized disclosure form.[52] In response, FINRA declined to propose such a requirement, pointing to its risk-based approach to documenting compliance with Rule 2111.[53] The Commission notes that the proposed rule explicitly requires that disclosures be made both ''in writing'' and ''clearly and conspicuously'' before engaging in any sales or offers of sales, which should reduce the likelihood of investor confusion.[54] The Commission also notes that neither the Exchange Act nor the proposed rule impose specific requirements about the form that disclosure should take, and believes that this flexible requirement will be more likely to allow broker-dealers to make the sort of disclosures best suited to individual investors.

The Commission also notes the concern raised by a commenter that military veterans associated with member firms could assert undue

[44] In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[45] *See* FSI Letter, GSU Letter, MSU Letter, and PIABA Letter.

[46] *See* FSI Letter.

[47] *See* GSU Letter, and PIABA Letter.

[48] *See* GSU Letter. *See also* FINRA Response Letter at 3 (acknowledging ''offers and sales of securities off the premises of a military installation may present some of the same issues as with offers and sales of securities on the premises of a military installation'').

[49] *See* FINRA Response Letter at 3.

[50] *See id.* (noting that ''any such sales or offers of sales of securities off the premises of a military installation must comply with applicable FINRA rules, including suitability and referral fee requirements'').

[51] *See id.*

[52] *See e.g.* GSU Letter.

[53] *See* FINRA Response Letter at 3, note 11 (citing Regulatory Notice 12–25 which states that Rule 2111 does not include explicit documentation requirements, but does require a firm to show compliance).

[54] *See id.* at 3.

influence upon service members.[55] FINRA, however, notes that requiring a registered representative to disclose his or her service history and discharge status could unduly influence or pressure current service members' investment decisions.[56] The Commission agrees that requiring disclosure of a FINRA member's military service could have the counter-productive effect of causing that member to gain the sort of influence which such a requirement would seek to avoid.

Finally, while the Commission appreciates the concerns raised by one commenter suggesting that additional suitability criteria be considered, including those related to the government's Thrift Savings Plan,[57] the Commission agrees with FINRA that the suitability obligations imposed by Rule 2111 satisfy the commenters' concerns.[58] Thus, the Commission believes that such concerns are already addressed by the rule as proposed.

In light of the statutory requirements under Section 15A(b)(14) of the Exchange Act,[59] and the need to protect members of the U.S. Armed Forces from unscrupulous practices regarding the sales of investment products, the Commission believes that the proposed rule is consistent with the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[60]

## V. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[61] that the proposed rule change (SR–FINRA–2015–009), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

**Robert W. Errett,**

*Deputy Secretary.*

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[55] *See* MSU Letter.

[56] *See* FINRA Response Letter at 4.

[57] *See* PIABA Letter. Both FINRA and the Commission's Office of Compliance Inspections and Examinations (''OCIE'') have recently identified sales practices relating to retirement accounts and rollovers as examination priorities. *See* FINRA 2015 Regulatory and Examination Priorities Letter, January 6, 2015, *available at http://www.finra.org/sites/default/files/p602239.pdf* (discussing Individual Retirement Account (IRA) Rollovers (and Other ''Wealth Events'')). *See also* National Exam Program Examination Priorities for 2015, *available at http://www.sec.gov/about/offices/ocie/national-examination-program-priorities-2015.pdf* (''[OCIE] will assess whether registrants are using improper or misleading practices when recommending the movement of retirement assets from employer-sponsored defined contribution plans into other investments and accounts, especially when they pose greater risks and/or charge higher fees'').

[58] *See* FINRA Response Letter at 4.

[59] 15 U.S.C. 78o–3(b)(14).

[60] *See* 15 U.S.C. 78o–3(b)(6).

[61] 15 U.S.C. 78s(b)(2).

[62] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75629; File No. SR–FINRA–2015–019]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Amend FINRA Rules Regarding Temporary and Permanent Cease and Desist Orders

August 6, 2015.

## I. Introduction

On June 16, 2015, the Financial Industry Regulatory Authority, Inc. (''FINRA''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposal to amend FINRA Rule Series 9100, 9200, 9300, 9550, and 9800 regarding temporary cease and desist orders (TCDO) and permanent cease and desist orders (PCDO). The proposed rule change was published for comment in the **Federal Register** on July 7, 2015.[3] The Commission received one comment on the proposal, which supported the proposal.[4] This order approves the proposed rule change.

## II. Description of the Proposed Rule Change[5]

The Code of Procedure (Rule Series 9000) governs FINRA's disciplinary process, and includes: Rule 9120, Definitions, Rule Series 9200, Disciplinary Proceedings, Rule Series 9300, Review of Disciplinary Proceeding by National Adjudicatory Council and FINRA Board; Application for SEC Review, Rule Series 9500, Other Proceedings, and Rule Series 9800, Temporary Cease and Desist Orders. FINRA's temporary cease and desist authority, introduced on a pilot basis in 2003[6] and approved permanently in 2009,[7] can be used only in connection with the violation of specified rules,[8] and requires that a Hearing Panel find by a preponderance of the evidence that the alleged violation has occurred in order to impose a TCDO.[9] FINRA proposed to amend Rule Series 9800 to, among other things, lower the evidentiary standard for finding a violation to ''a showing of likelihood of success on the merits.'' FINRA also proposed to amend Rule Series 9100, 9200, 9300, and 9550 to adopt a new expedited proceeding for failure to comply with a TCDO or PCDO, to harmonize the provisions governing how documents are served in temporary cease and desist proceedings and related expedited proceedings, to clarify the process for issuing PCDOs, to ease FINRA's administrative burden in temporary cease and desist proceedings, particularly with respect to appointment of a Hearing Officer and Hearing Panel, and to make conforming changes throughout the Code of Procedure.

### *A. TCDO Evidentiary Standard*

Rule 9840(a)(1) provides that a TCDO shall be imposed if the Hearing Panel finds ''by a preponderance of the evidence that the alleged violation specified in the notice has occurred.'' FINRA believes this is too high an evidentiary threshold to obtain a TCDO, which FINRA considers a critical investor protection tool. FINRA notes that the evidentiary standard to get a TCDO is the same one needed to find a violation in the concurrent underlying disciplinary proceeding. FINRA states that it creates an administrative challenge to have to make the same evidentiary presentation in the temporary cease and desist proceeding as in the subsequent underlying disciplinary proceeding, but on an expedited basis. Therefore, FINRA has proposed to lower the evidentiary

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75333 (June 30, 2015), 80 FR 38783 (July 7, 2015) (''Notice'').

[4] *See* Letter from Joseph C. Peiffer, President, Public Investors Arbitration Bar Association, to Brent J. Fields, Secretary, Commission dated July 28, 2015 (''PIABA Letter'').

[5] The Notice contains a more detailed description of the proposal. *See* Notice, *supra* note 3.

[6] *See* Securities Exchange Act Release No. 47925 (May 23, 2003), 68 FR 33548 (June 4, 2003) (Order Approving File No. SR–NASD–98–80).

[7] *See* Securities Exchange Act Release No. 60306 (July 14, 2009), 74 FR 36292 (July 22, 2009) (Order Approving File No. SR–FINRA–2009–035).

[8] Rule 9810(a) provides that a temporary cease and desist proceeding may be initiated with respect to alleged violations of Section 10(b) of the Act (15 U.S.C. 78j(b)) and Rule 10b–5 under the Act (17 CFR 240.10b–5); Rules 15g–1 through 15g–9 under the Act (17 CFR 240.15g–1 *et seq.*); FINRA Rule 2010 (if the alleged violation is unauthorized trading, or misuse or conversion of customer assets, or based on violations of Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a))); FINRA Rule 2020; or Rule 4330 (if the alleged violation is misuse or conversion of customer assets).

[9] Rule 9840(a)(1).

standard in temporary cease and desist proceedings.

*B. Expedited Proceeding for Failure To Comply With TCDOs and Permanent Cease and Desist Orders*

FINRA proposed to amend Rule 9556, which sets forth expedited procedures for enforcing violations of TCDOs and PCDOs. Under current Rule 9556, if a member or person fails to comply with a TCDO or PCDO, FINRA may issue a notice stating that the failure to comply within seven days of the notice will result in a suspension or cancellation of membership or a suspension or bar from associating with any member and also stating what the respondent must do to avoid such action. FINRA is concerned that a respondent could abuse the current expedited procedure by a repeated pattern of ''violate and cure,'' where a respondent could violate a cease and desist order and then cure that violation before the effective date of the notice.

Proposed Rule 9556(h) describes a new expedited proceeding for the respondent of a TCDO or PCDO that fails to comply with that order and has previously been served with a notice under Rule 9556(a) for a failure to comply with any provision of the TCDO or PCDO. In contrast with other expedited proceedings described by Rule 9556, proposed Rule 9556(h)(3) provides that a respondent's compliance with the TCDO or PCDO is not grounds for dismissing the Rule 9556(h) proceeding.

*C. Service Provisions in Temporary Cease and Desist Proceedings and Expedited Proceedings*

FINRA proposed to amend the rules that govern service of documents in temporary cease and desist proceedings and other related expedited proceedings to make the rules consistent. Currently, some rules explicitly address service by facsimile and on counsel, while others do not. FINRA proposed to explicitly allow service by facsimile and on counsel, as well as by email, across all temporary cease and desist and expedited proceedings.

FINRA states that email service is particularly important in expedited proceedings and will allow parties to receive information quickly and will remove unnecessary burdens and inefficiencies. FINRA notes that where the proposed revisions permit email service, they also require duplicate service through other means such as overnight courier or personal delivery.

*D. PCDO Authority*

FINRA also proposed to clarify the process for imposing PCDOs in disciplinary proceedings. FINRA states that these changes are procedural in nature and do not reflect any change to FINRA's prior representations concerning the context in which it will seek PCDOs.[10]

*E. Administrative and Clarifying Changes to Temporary Cease and Desist Proceedings*

1. Eligibility To Serve on a Hearing Panel for Temporary Cease and Desist Proceedings

FINRA seeks to expand the pool of persons eligible to serve on a Hearing Panel. Currently, Rule 9820(a) requires that the three-person Hearing Panel appointed to preside over a temporary cease and desist proceeding include two panelists who are current or former Governors, Directors, or National Adjudicatory Council members, and at least one Panelist who is an associated person. FINRA states that the current rules limit the pool of potential panelists for temporary cease and desist proceedings and that other adjudicatory proceedings, including the disciplinary proceeding that underlies the temporary cease and desist proceeding and the various Rule 9556 expedited proceedings to enforce a cease and desist order, are not limited in this manner.[11] FINRA believes that this limited pool, coupled with the short time in which a temporary cease and desist proceeding must be processed, creates administrative burdens for the Office of Hearing Officers.

FINRA proposed to amend Rule 9820 to permit the following persons to sit on Hearing Panels that preside over temporary cease and desist proceedings: Persons who currently serve or previously served on a District Committee; previously served on the National Adjudicatory Council; previously served on a disciplinary subcommittee of the National Adjudicatory Council or the National Business Conduct Committee; previously served as a member of the Board of Directors of FINRA Regulation or of the Board of Governors of FINRA; or currently serve or previously served on a committee appointed or approved by the Board of Governors of FINRA, but do not serve currently on the National Adjudicatory Council or as a member of the Board of Directors of FINRA Regulation or of the Board of Governors of FINRA. Each panelist must be associated with a member of FINRA or retired therefrom.[12]

2. Procedure for Obtaining Extensions

FINRA also proposed to amend the process to obtain an extension of deadlines for issuing decisions in temporary cease and desist proceedings and responding to requests to modify, set aside, limit or suspend a TCDO. Under current Rule 9840(a), the Hearing Panel's deadline for issuing its written decision can be extended by the Hearing Officer with the consent of the parties ''for good cause shown.'' FINRA believes that the Hearing Panel should have flexibility where it can make a good cause showing of why it needs additional time to prepare its decision or respond to a Rule 9850 request. The proposed changes to Rules 9840(a) and 9850 would permit the Chief Hearing Officer or Deputy Chief Hearing Officer to extend the deadlines for issuing decisions and responding to Rule 9850 applications where good cause is shown and eliminate the requirement for consent of the parties.

3. Additional Administrative Proposals

FINRA also proposed to: (i) Require FINRA's prosecuting department to file a memorandum of points and authorities with the notice initiating a temporary cease and desist proceeding; and (ii) permit the Hearing Officer to order a party to furnish to all other parties and the Hearing Panel such information as deemed appropriate, including any or all of the pre-hearing submissions described in Rule 9242(a). FINRA states that the requirement to file a memorandum of points and authorities at the initiation of the proceeding will provide more context to

[10] *See* Order Approving File No. SR–NASD–98–80, at 33550 n.18, *supra* note 6.

[11] *See* Securities Exchange Act Release No. 73230 (September 26, 2014); 79 FR 59534 (October 2, 2014) approving SR–FINRA–2014–036 which amended Rules 9231 and 9232 regarding eligibility to serve on Hearing Panels and Extended Hearing Panels and Securities Exchange Act Release No. 72543 (July 3, 2014); 79 FR 39440 (July 10, 2014) providing notice of SR–FINRA–2014–031 which amended the definition of Hearing Officer in Rule 9120.

[12] The proposed pool of persons that would be eligible to serve on a Hearing Panel for TCDO proceedings is the same as that for disciplinary proceedings. *See* FINRA Rule 9231(b) (providing that each panelist shall be associated with a member of FINRA or retired therefrom and that the pool of panelists for disciplinary proceedings includes current or previous members of District Committees, former members of the National Adjudicatory Council, past members of disciplinary subcommittees of the National Adjudicatory Council or the National Business Conduct Committee, past members of the Board of Directors of FINRA Regulation or past members of the Board of Governors of FINRA, and current or previous members of committees appointed or approved by the Board of Governors of FINRA); FINRA Rule 9559(d)(2) (providing for the same pool for FINRA Rule 9556 expedited proceedings).

the allegations, which will make the process more efficient, improve the quality of the hearing, and increase the fairness of the proceeding. FINRA believes its proposal to authorize the Hearing Officer to order a party to furnish other pre-hearing submissions also serves these objectives.

4. Delivery Requirement

FINRA further proposed to require a member firm that is the subject of a TCDO to provide a copy of the order to its associated persons, within one business day of receiving it. FINRA states that because of the significant nature of the harm that a TCDO is aimed at stopping, there is a heightened need to ensure that the persons who may act on behalf of the member firm are made aware of the contents of a TCDO imposed against the member firm.[13]

## III. Discussion and Commission Findings

After careful review, the Commission finds that FINRA's proposal is consistent with the requirements of Section 15A of the Act[14] and the rules and regulations thereunder applicable to a national securities association.[15] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 15A(b)(2) of the Act,[16] which requires, among other things, that a national securities association have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, the rules of the Municipal Securities Rulemaking Board, and the rules of the association; Section 15A(b)(6) of the Act,[17] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest; Section 15A(b)(7) of the Act,[18] which requires, among other things, that the rules of a national securities association provide that its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the Act, the rules of regulations thereunder, the rules of the Municipal Securities Rulemaking Board, or the rules of the association by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and Section 15A(b)(8) of the Act,[19] which requires that the rules of a national securities association provide a fair procedure for, among other things, the disciplining of members and persons associated with members.

FINRA proposed to amend the evidentiary standard that must be met before imposing a TCDO from a preponderance of the evidence to a likelihood of success on the merits. The commenter expressed support for this amendment, noting that because a lesser showing is required at the TCDO stage, more time and effort could be devoted to meeting the ''preponderance of the evidence'' standard at the disciplinary stage.[20] The commenter also stated that the change in evidentiary standard would harmonize FINRA's standard with that used in other jurisdictions.[21] Finally, the commenter noted FINRA's commitment to use its TCDO authority judiciously, but argued that the benefits of the new evidentiary standard could not be realized if the proceedings are used judiciously.[22]

The Commission believes that FINRA's proposed change to the evidentiary standard should improve FINRA's ability to initiate and resolve cases involving conversion of assets more quickly than under the current standard, which requires the same evidentiary showing that is required in the concurrent underlying disciplinary proceeding. The Commission agrees with FINRA's statement that the proposed rule change ''maintains all of the meaningful existing restraints'' on its TCDO authority.[23] The Commission expects that FINRA will continue to use its authority in a judicious manner under the new evidentiary standard, consistent with its representation in the notice seeking permanent approval for the use of TCDOs.[24]

The Commission also believes that the adoption of an expedited proceeding for failure to comply with a TCDO or PCDO will aid in the protection of investors and thus further the public interest and is designed to prevent fraudulent and manipulative acts and practices by removing the opportunity for a respondent to repeatedly violate a cease and desist order and then cure that violation before the effective date of the notice of failure to comply without any consequence to the respondent. The Commission also believes that the proposed expedited proceeding provides a fair procedure for the disciplining of members and persons associated with members because the proceeding can only occur after the respondent has been served with notice of failure to comply with the TCDO or PCDO, and the procedure of the expedited proceeding is governed by existing Rule 9559.

Expanding the pool of persons eligible to serve on Hearing Panels should ensure that there is an adequate pool of persons available to serve on both the temporary cease and desist proceeding and the concurrent underlying disciplinary proceeding. Further, permitting the Chief Hearing Officer or Deputy Chief Hearing Officer to extend the deadlines for Hearing Panels to hold hearings, issue decisions, and respond to Rule 9850 applications where good cause is shown retains the requirement of the current rule that there must be a showing of good cause to obtain an extension, but requires that this showing be made to the Chief Hearing Officer or Deputy Chief Hearing Officer, rather than the Hearing Officer presiding over the proceeding, as the current rule requires. Thus, the requirement for the parties to consent to an extension of time is no longer necessary, as the person who is making the decision is not involved in the proceeding.

FINRA's administrative proposals to (i) require FINRA's prosecuting department to file a memorandum of points and authorities with the notice initiating a temporary cease and desist proceeding; and (ii) permit the Hearing Officer to order a party to furnish to all other parties and the Hearing Panel such information as deemed appropriate, including any or all of the pre-hearing submissions described in Rule 9242(a) should enable FINRA to provide a fair procedure for the disciplining of

[13] FINRA also proposed clarifying changes. *See* Notice, *supra* note 3, at 38787.

[14] 15 U.S.C. 78(f).

[15] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78*o*–3(b)(2).

[17] 15 U.S.C. 78*o*–3(b)(6).

[18] 15 U.S.C. 78*o*–3(b)(7).

[19] 15 U.S.C. 78*o*–3(b)(8).

[20] *See* PIABA Letter, *supra* note 4, at 2.

[21] *Id.* at 2–3.

[22] *Id.* at 3.

[23] *See* Notice, *supra* note 3, at 38785.

[24] In the Commission's 2009 order approving FINRA's temporary cease and desist authority on a permanent basis, the Commission noted approvingly FINRA's statement that it would use the authority ''judiciously.'' *See* Order Approving SR–FINRA–2009–035, *supra* note 7. In the Notice, FINRA represented that its use of the authority to date has been judicious in that FINRA has sought and obtained TCDOs on only seven occasions since 2003. FINRA intends to continue using its temporary cease and desist authority in a judicious manner. *See* Notice, *supra* note 3, at 38784–5. *See also* Securities Exchange Act Release No. 60028 (June 2, 2009), 74 FR 27364 (June 9, 2009) (Notice of Filing of SR–FINRA–2009–035).

members and persons associated with members by providing the parties more information about the allegations at the outset of the proceeding.

Requiring a member firm that is the subject of a TCDO to provide a copy of the order to its associated persons should help prevent fraudulent and manipulative acts and practices by ensuring that the persons who may act on behalf of the member firm are made aware of the contents of a TCDO imposed against the member firm.

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Section 15A of the Act and the rules and regulations thereunder.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[25] that the proposed rule change (SR–FINRA–2015–019) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19759 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

[25] 15 U.S.C. 78s(b)(2).

[26] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75631; File No. SR–MIAX–2015–51]**

## Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Fee Schedule

August 6, 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 5, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX'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 its Fee Schedule to (i) establish an additional transaction fee rebate for Priority Customer [3] orders submitted by Members that meet certain percentage thresholds of national customer volume in multiply-listed options classes listed on MIAX; and (ii) establish new monthly volume thresholds in such option classes in the Priority Customer Rebate Program (the ''Program'').[4]

Priority Customer Rebate Program

Currently, the Exchange credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member that is executed electronically on the Exchange in all multiply-listed option classes (excluding Qualified Contingent Cross Orders,[5] mini-options,[6] Priority Customer-to-Priority Customer Orders, PRIME Auction Or Cancel Responses, PRIME Contra-side Orders, PRIME Orders for which both the Agency and Contra-side Order are Priority Customers,[7] and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in MIAX Rule 1400)), provided the Member meets certain tiered percentage thresholds in a month as described in the Priority Customer Rebate Program table.[8] For each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in MIAX Select Symbols, MIAX will continue to credit each member at the separate per contract rate for MIAX Select Symbols.[9] For each Priority Customer order submitted into the PRIME Auction as a PRIME Agency Order, MIAX will continue to credit each member at the separate per contract rate for PRIME Agency Orders.[10] The volume thresholds are calculated based on the customer volume over the course of the month. Volume will be recorded for and credits

[3] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* Exchange Rule 100.

[4] *See* Securities Exchange Act Release Nos. 74758 (April 17, 2015), 80 FR 22756 (April 23, 2015) (SR–MIAX–2015–27); 74007 (January 9 [sic], 2015), 80 FR 1537 (January 12, 2015) (SR–MIAX–2014–69); 72799 (August 8, 2014), 79 FR 47698 (August 14, 2014) (SR–MIAX–2014–40); 72355 (June 10, 2014), 79 FR 34368 (June 16, 2014) (SR–MIAX–2014–25); 71698 (March 12, 2014), 79 FR 15185 (March 18, 2014) (SR–MIAX–2014–12); 71283 (January 10, 2014), 79 FR 2914 (January 16, 2014) (SR–MIAX–2013–63); 71009 (December 6, 2013), 78 FR 75629 (December 12, 2013) (SR–MIAX–2013–56).

[5] A Qualified Contingent Cross Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-option contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Interpretations and Policies .01 below, coupled with a contra-side order or orders totaling an equal number of contracts. A Qualified Contingent Cross Order is not valid during the opening rotation process described in Rule 503. *See* Exchange Rule 516(j).

[6] A mini-option is a series of option contracts with a 10 share deliverable on a stock, Exchange Traded Fund share, Trust Issued Receipt, or other Equity Index-Linked Security. *See* Exchange Rule 404, Interpretations and Policies .08.

[7] The MIAX Price Improvement Mechanism (''PRIME'') is a process by which a Member may electronically submit for execution (''Auction'') an order it represents as agent (''Agency Order'') against principal interest, and/or an Agency Order against solicited interest. For a complete description of PRIME and of PRIME order types and responses, *see* Exchange Rule 515A.

[8] *See* MIAX Fee Schedule Section (1)(a)(iii).

[9] *See* Securities Exchange [sic] Release Nos. 74291 (February 18, 2015), 80 FR 9841 (February 24, 2015) (SR–MIAX–2015–09); 74288 (February 18, 2015), 80 FR 9837 (February 24, 2015) (SR–MIAX–2015–08); 71700 (March 12, 2014), 79 FR 15188 (March 18, 2014) (SR–MIAX–2014–13); 72356 (June 10, 2014), 79 FR 34384 (June 16, 2014) (SR–MIAX–2014–26); 72567 (July 8, 2014), 79 FR 40818 (July 14, 2014) (SR–MIAX–2014–34); 73328 (October 9, 2014), 79 FR 62230 (October 16, 2014) (SR–MIAX–2014–50).

[10] *See* Securities Exchange [sic] Release No. 72943 (August 28, 2014), 79 FR 52785 (September 4, 2014) (SR–MIAX–2014–45).

will be delivered to the Member Firm that submits the order to the Exchange.

The amount of the rebate is calculated beginning with the first executed contract at the applicable threshold per contract credit with rebate payments made at the highest achieved volume tier for each contract traded in that month. For example, under the current Program, a Member that executes a number of Priority Customer contracts equal to 2.40% of the national customer volume in multiply-listed options during a particular calendar month, such Member will currently receive a credit of $0.17 for each Priority Customer contract executed during that month, even though there are lower incremental percentages for lower volume tiers leading up to the 2.4% volume threshold.

The current Priority Customer Rebate Program table designates the following monthly volume tiers and corresponding per contract credits

| Percentage thresholds of national customer volume in multiply-listed options classes listed on MIAX (monthly) | Per contract credit (non-select symbols) | Per contract credit in MIAX select symbols | Per contract credit for PRIME agency order |
|---|---|---|---|
| 0.00%–0.40% | $0.00 | $0.00 | $0.10 |
| Above 0.40%–0.75% | 0.10 | 0.10 | 0.10 |
| Above 0.75%–1.75% | 0.15 | 0.20 | 0.10 |
| Above 1.75%–2.40% | 0.17 | 0.20 | 0.10 |
| Above 2.40% | 0.18 | 0.20 | 0.10 |

Proposal

The Exchange proposes to amend Section (1)(a)(iii) of its Fee Schedule to reflect a new schedule of percentage thresholds of national customer volume, and new corresponding monthly per contract credits. Specifically, the new thresholds will be as set forth in the following table:

| Percentage thresholds of national customer volume in multiply-listed options classes listed on MIAX (monthly) | Per contract credit (non-select symbols) | Per contract credit in MIAX select symbols | Per contract credit for PRIME agency order |
|---|---|---|---|
| 0.00%–0.50% | $0.00 | $0.00 | $0.10 |
| Above 0.50%–1.00% | 0.10 | 0.10 | 0.10 |
| Above 1.00%–1.75% | 0.15 | 0.20 | 0.10 |
| Above 1.75% | [11] 0.17 | 0.20 | 0.10 |

The Exchange believes that the proposed new monthly volume tiers and corresponding credits should provide incentives for Members to direct greater Priority Customer trade volume to the Exchange.

MIAX Select Symbols

The proposed new monthly volume thresholds and per contract credits will apply to MIAX Select Symbols,[12] with the per contract credit increasing for certain monthly volume thresholds. The monthly per contract rebate will remain at $0.20 for all contracts executed in Select Symbols when the 1.00 percent threshold is exceeded for all applicable symbols.

The Exchange also proposes to delete Tier 5 of the Priority Customer Rebate Program, which currently affords a rebate of $0.17 [sic] per contract for contracts executed when the total volume for the month exceeds of 2.4% of the national customer volume. Under the proposal, all contracts (other than Select Symbols) traded in a particular month when the Tier 4 volume threshold of 1.75% of the national monthly customer volume is exceeded will receive a credit of $0.17, and contracts executed in non-Select symbols in excess of 1.75% of national monthly customer volume will receive a supplemental rebate of $0.03 per contract. The Exchange believes that this new, increased rebate obviates the need for the Tier 5 threshold. The Exchange is proposing amendments to the Fee Schedule to delete references to the Tier 5 threshold throughout.

All other aspects of the Program will remain unchanged. The Exchange is not proposing any change to the per contract credit for PRIME Agency Orders. Consistent with the current Fee Schedule, the Exchange will continue to aggregate the contracts resulting from Priority Customer orders transmitted and executed electronically on the Exchange from affiliated Members for purposes of the thresholds above, provided there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. In the event of a MIAX System outage or other interruption of electronic trading on MIAX, the Exchange will adjust the national customer volume in multiply-listed options for the duration of the outage. A Member may request to receive its credit under the Priority Customer Rebate Program as a separate direct payment.

The purpose of the proposed rule change is to encourage Members to direct greater Priority Customer trade volume to the Exchange. The Exchange believes that increased Priority Customer volume will attract more liquidity to the Exchange, which benefits all market participants. Increased retail customer order flow should attract professional liquidity providers (Market Makers), which in turn should make the MIAX marketplace an attractive venue where Market Makers will submit narrow quotations with greater size, deepening and enhancing the quality of the MIAX marketplace. This should provide more trading opportunities and tighter spreads for other market participants and result in a corresponding increase

[11] The $0.17 per contract credit described in Tier 4 will be applied to each contract traded in non-Select Symbols in that month, beginning with the first contract executed in a particular month if the Tier 4 volume threshold is achieved. In addition to the $0.17 rebate, a supplemental rebate of $0.03 per contract will be applied to contracts executed in excess of 1.75% of the monthly national volume.

[12] The term ''MIAX Select Symbols'' means options overlying AA, AAL, AAPL, AIG, AMAT, AMD, AMZN, BA, BABA, BBRY, BIDU, BP, C, CAT, CBS, CELG, CLF, CVX, DAL, EBAY, EEM, FB, FCX, GE, GILD, GLD, GM, GOOGL, GPRO, HAL, HTZ, INTC, IWM, JCP, JNJ, JPM, KMI, KO, MO, MRK, NFLX, NOK, NQ, ORCL, PBR, PFE, PG, QCOM, QQQ, RIG, S, SPY, SUNE, T, TSLA, USO, VALE, VXX, WBA, WFC, WMB, WY, X, XHB, XLE, XLF, XLP, XOM, XOP and YHOO. *See* Fee Schedule, note 13.

in order flow from such other market participants.

The specific volume thresholds of the Program's tiers are set based upon business determinations and an analysis of current volume levels. The volume thresholds are intended to incentivize firms to increase the number of Priority Customer orders they send to the Exchange so that they can achieve the next threshold, and to encourage new participants to send Priority Customer orders as well. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall. Similarly, the different credit rates at the different tier levels are based on an analysis of current revenue and volume levels and are intended to provide increasing ''rewards'' to MIAX participants for increasing the volume of Priority Customer orders sent to, and Priority Customer contracts executed on, the Exchange. The specific amounts of the tiers and rates are set in order to encourage suppliers of Priority Customer order flow to reach for higher tiers.

The credits paid out as part of the program will be drawn from the general revenues of the Exchange.[13] The Exchange calculates volume thresholds on a monthly basis.

2. *Statutory Basis*

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(4) of the Act [15] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposal is fair, equitable and not unreasonably discriminatory. The Program and the proposed increase in the per contract rebate is reasonably designed because it will encourage providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to receive an increasing per contract credit with each volume tier achieved. The Exchange believes that the proposed new tier structure and supplemental rebate should improve market quality for all market participants. The proposed changes to the rebate program are fair and equitable and not unreasonably discriminatory because they apply equally to all Priority Customer orders. All similarly situated Priority Customer orders are subject to the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory. Furthermore, the proposed increase in credits for executing higher percentages of total national customer volume is equitable and not unfairly discriminatory because the proposed rates and changes encourage Members to direct increased amounts of Priority Customer contracts to the Exchange. Market participants want to trade with Priority Customer order flow. To the extent Priority Customer order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger sized quotations in the effort to trade with such Priority Customer order flow. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed change would increase both intermarket and intramarket competition by encouraging Members to direct their Priority Customer orders to the Exchange, which should enhance the quality of quoting and increase the volume of contracts traded on MIAX. Respecting the competitive position of non-Priority Customers, the Exchange believes that this rebate program should provide additional liquidity that enhances the quality of its markets and increases the number of trading opportunities on MIAX for all participants, including non-Priority Customers, who will be able to compete for such opportunities. This should benefit all market participants and improve competition on the Exchange.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it increases rebates and thus encourages market participants to direct their customer order flow, to provide liquidity, and to attract additional transaction volume to the Exchange. Given the robust competition for volume among options markets, many of which offer the same products, enhancing the existing volume based customer rebate program to attract order flow is consistent with the goals of the Act. The Exchange believes that the proposal will enhance competition, because market participants will have another additional pricing consideration in determining where to execute orders and post liquidity if they factor the benefits of the proposed rebate program into the determination.

*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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2015–51 on the subject line.

[13] Despite providing credits under the Program, the Exchange represents that it will continue to have adequate resources to fund its regulatory program and fulfill its responsibilities as a self-regulatory organization while the Program is in effect.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

*Paper Comments*

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2015–51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2015–51, and should be submitted on or before September 2, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19761 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

[17] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75634; File No. SR–ICC–2015–012]**

## Self-Regulatory Organizations; ICE Clear Credit, LLC; Order Approving Proposed Rule Change To Correct Inconsistent Provisions Regarding the Risk Management Subcommittee

August 6, 2015.

### I. Introduction

On June 10, 2015, ICE Clear Credit LLC (''ICC'') 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 the ICC Clearing Rules (''Rules'') to correct inconsistent provisions regarding the Risk Management Subcommittee (SR–ICC–2015–012). The proposed rule change was published for comment in the **Federal Register** on June 22, 2015.[3] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

### II. Description of the Proposed Rule Change

ICC has stated that the proposed rule change is intended to correct inconsistent provisions regarding the Risk Management Subcommittee, described in detail as follows. ICC has stated that, in describing the independence requirements for certain Risk Management Subcommittee members in Rule 511(a)(iii), the rule mistakenly referred to U.S. Commodity Futures Trading Commission (''CFTC'') Regulation 1.3(ccc), a proposed regulation that, to date, the CFTC has not adopted. ICC proposes revising Rule 511(a)(iii) to remove the improper reference to CFTC Regulation 1.3(ccc) and replace the rule cite with a reference to ICC's Independence Requirements, which are defined in Rule 503.

Additionally, Independent Risk Management Subcommittee managers were previously defined as ''Independent Public Directors'' in Rules 511 and 512. ICC proposes re-defining such independent Risk Management Subcommittee managers to ''Independent ICE Subcommittee Managers'' and updating references in Rules 511 and 512 to reflect the new defined term. ICC also proposes clarifying language to specify that such Independent ICE Subcommittee Managers are appointed by the ICC Board. Finally, ICC proposes revising Rule 512 to clarify that for purposes of Rule 507(a), which sets forth meeting frequency requirements, the Risk Management Subcommittee shall meet when deemed necessary or desirable by the Risk Management Subcommittee or its chairperson.

### III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[4] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency are designed to protect investors and the public interest. Rule 17Ad–22(d)(8)[6] further requires a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to, among other things, have governance arrangements that are clear and transparent to fulfill the public interest requirements in Section 17A of the Act[7] applicable to clearing agencies and to promote the effectiveness of the clearing agency's risk management procedures.

Currently, the independence requirements in ICC Rule 511 for certain Risk Management Subcommittee members incorrectly reference a CFTC regulation that has not been adopted. The proposed rule change would replace the incorrect CFTC rule citation with the requirement that certain members of the Risk Management Subcommittee meet ICC's Independence Requirements as defined in ICC Rule 503[8] (the Independent ICE Subcommittee Managers). Additionally, the proposed rule change would clarify that the Independent ICE Subcommittee Managers are appointed by the ICC Board. Finally, the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–75179 (Jun. 16, 2015), 80 FR 35689 (Jun. 22, 2015) (SR–ICC–2015–012).

[4] 15 U.S.C. 78s(b)(2)(C).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22(d)(8).

[7] 15 U.S.C. 78q–1.

[8] ICC Rule 503 defines the ICC ''Independence Requirements'' to include the requirements of each of the New York Stock Exchange listing standards, the U.S. Securities Exchange Act of 1934, as amended, and Intercontinental Exchange, Inc.'s Board of Director Governance Principles.

change clarifies that the Risk Management Subcommittee shall meet when deemed necessary or desirable by the Risk Management Subcommittee or its chairperson. The Commission believes that these proposed clarifications are reasonably designed to ensure that ICC's governance arrangements are clear and transparent to fulfill the public interest requirements in Section 17A of the Act.[9] Accordingly, the Commission finds that the proposed rule change is consistent with Section 17A of the Act [10] and the rules thereunder applicable to ICC.

## IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [11] and the rules and regulations thereunder.

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (File No. SR–ICC–2015–012) be, and hereby is, approved.[13]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2015–19764 Filed 8–11–15; 8:45 am]

**BILLING CODE 8011–01–P**

[9] 15 U.S.C. 78q–1.

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78s(b)(2).

[13] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**Federal Register** Citation of Previous Announcement:
[To Be Published]

**STATUS:** Closed Meeting.

**PLACE:** 100 F Street NE., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Thursday, August 13, 2015.

**CHANGE IN THE MEETING:** Cancellation of Meeting.

The Closed Meeting scheduled for Thursday, August 13, 2015 at 2:00 p.m. has been cancelled.

For further information please contact the Office of the Secretary at (202) 551–5400.

Dated: August 10, 2015.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–19993 Filed 8–10–15; 4:15 pm]

**BILLING CODE 8011–01–P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** The Susquehanna River Basin Commission will hold its regular business meeting on September 10, 2015, in Binghamton, New York. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

**DATES:** September 10, 2015, at 9:00 a.m.

**ADDRESSES:** DoubleTree by Hilton Binghamton, Grand Riverside Room, 225 Water Street, Binghamton, NY 13901.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

**SUPPLEMENTARY INFORMATION:** The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Upper Susquehanna Subbasin area; (2) resolution to correct Exhibit A attached to Resolution No. 2013–11; (3) release of proposed rulemaking for public comment; (4) amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (5) ratification/approval of grants; (6) regulatory compliance matter for Downs Racing L.P.; (7) Panda Power Funds request for transfer of ownership of Hummel Station LLC (Docket Nos. 20081222 and 20081222–2); and (8) Regulatory Program projects. The business meeting may also include requests to extend emergency certificates for Aqua Pennsylvania, Inc. and Furman Foods, Inc.

Projects, amendments to the Comprehensive Plan, and request for conditional transfer listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 6, 2015, and identified in the notice for such hearing, which was published in 80 FR 39190, July 8, 2015.

### Opportunity To Appear and Comment

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's Web site, *www.srbc.net.* As identified in the public hearing notices referenced above, written comments on the Regulatory Program projects, the amendments to the Comprehensive Plan, and request for conditional transfer that were the subject of a public hearing, and are listed for action at the business meeting, are subject to a comment deadline of August 17, 2015. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Any such comments mailed or electronically submitted must be received by the Commission on or before September 4, 2015, to be considered.

**Authority:** Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: August 6, 2015.

**Stephanie L. Richardson,**

*Secretary to the Commission.*

[FR Doc. 2015–19718 Filed 8–11–15; 8:45 am]

**BILLING CODE 7040–01–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services of New Zealand

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Determination Regarding Waiver of Discriminatory Purchasing Requirements under the Trade Agreements Act of 1979.

**DATES:** *Effective Date:* August 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Scott Pietan, Director of International Procurement Policy, (202) 395–9646, or Arthur Tsao, Assistant General Counsel, (202) 395–6987, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** On October 29, 2014, the WTO Committee on Government Procurement approved the accession of New Zealand to the World Trade Organization (''WTO'') Agreement on Government Procurement (''GPA''). New Zealand submitted its instrument of accession to the Secretary-General of the WTO on July 13, 2015. The GPA will enter into force for New Zealand on August 12, 2015. The United States, which is also a party to the GPA,

has agreed to waive discriminatory purchasing requirements for eligible products and suppliers of New Zealand beginning on August 12, 2015.

Section 1–201 of Executive Order 12260 of December 31, 1980 delegated the functions of the President under sections 301 and 302 of the Trade Agreements Act of 1979 (''the Trade Agreements Act'') (19 U.S.C. 2511, 2512) to the United States Trade Representative.

*Determination:* In conformity with sections 301 and 302 of the Trade Agreements Act, and in order to carry out U.S. obligations under the GPA, I hereby determine that:

1. New Zealand has become a party to the GPA and will provide appropriate reciprocal competitive government procurement opportunities to United States products and services and suppliers of such products and services. In accordance with section 301(b)(1) of the Trade Agreements Act, New Zealand is so designated for purposes of section 301(a) of the Trade Agreements Act.

2. Accordingly, beginning on August 12, 2015, with respect to eligible products (namely, those goods and services covered under the GPA for procurement by the United States) of New Zealand and suppliers of such products, the application of any law, regulation, procedure, or practice regarding government procurement that would, if applied to such products and suppliers, result in treatment less favorable than that accorded—

(A) To United States products and suppliers of such products, or

(B) To eligible products of another foreign country or instrumentality which is a party to the GPA and suppliers of such products,

shall be waived. This waiver shall be applied by all entities listed in United States Annexes 1 and 3 of GPA Appendix 1.

3. The Trade Representative may modify or withdraw the designation in paragraph 1 and the waiver in paragraph 2.

**Michael B.G. Froman,**

*United States Trade Representative.*

[FR Doc. 2015–19746 Filed 8–11–15; 8:45 am]

**BILLING CODE 3290–F5–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Public Comments on the Caribbean Basin Economic Recovery Act and the Caribbean Basin Trade Partnership Act: Report to Congress

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice and request for public comment.

**SUMMARY:** The Trade Policy Staff Committee (TPSC) is seeking the views of interested parties on the operation of the Caribbean Basin Economic Recovery Act (CBERA), as amended by the Caribbean Basin Trade Partnership Act (CBTPA) (19 U.S.C. 2701 *et seq.*). Section 212(f) of the CBERA, as amended, requires the President to submit a report to Congress regarding the operation of the CBERA and CBTPA (together commonly referred to as the Caribbean Basin Initiative, or CBI) on or before December 31, 2001, and every two years thereafter. The TPSC invites written comments concerning the operation of the CBI, including comments on the performance of each CBERA and CBTPA beneficiary country under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of CBERA, as amended. This information will be used in the preparation of the report to Congress on the operation of the program.

**DATES:** Public comments are due at USTR no later than 5 p.m., October 5, 2015.

**ADDRESSES:** USTR strongly prefers electronic submissions made at *http://www.regulations.gov,* docket number USTR–2015–0008 (see ''Requirements for Submission'' below). If you are unable to make a submission at *www.regulations.gov,* please contact Yvonne Jamison at (202) 395–9603 to make other arrangements.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning written comments, contact Yvonne Jamison, Office of the United States Trade Representative, at (202) 395–9666. All other questions should be directed to Duncan Walker, Office of the Western Hemisphere, Office of the United States Trade Representative, 600 17th Street NW., Room 523, Washington, DC 20508. The telephone number is (202) 395–6135.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to submit comments on any aspect of the program's operation, including the performance of CBERA and CBTPA beneficiary countries under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of the CBERA, as amended. Those criteria may be accessed at *http://www.gpo.gov/fdsys/pkg/USCODE-2011-title19/html/USCODE-2011-title19-chap15.htm* and are listed below. This report will also examine the CBI's effect on the volume and composition of trade and investment between the United States and the CBI beneficiary countries and on advancing U.S. trade policy goals as set forth in the CBTPA. Barbados, Belize, Guyana, Haiti, Jamaica, Saint Lucia, and Trinidad and Tobago receive benefits under both CBERA and CBTPA. Antigua and Barbuda, Aruba, the Bahamas, British Virgin Islands, Curacao, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines currently receive benefits only under CBERA. A copy of the 2013 CBI report is available at *https://ustr.gov/sites/default/files/CBERA%20Report%20Final.pdf.*

**Reporting Requirements on the Eligibility Criteria for All CBI Beneficiary Countries**

Section 212(f)(1) of CBERA requires USTR to report the performance of each beneficiary country or CBTPA beneficiary country under the criteria of section 213(b)(5)(B) which includes, *inter alia,* the following:

(1) Whether the beneficiary country has demonstrated a commitment to undertake its obligations under the World Trade Organization (WTO) on or ahead of schedule and participate in negotiations toward the completion of the Free Trade Area of the Americas (FTAA) or another free trade agreement.

(2) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights.

(3) The extent to which the country provides internationally recognized worker rights including—

(I) The right of association;

(II) The right to organize and bargain collectively;

(III) A prohibition on the use of any form of forced or compulsory labor;

(IV) A minimum age for the employment of children; and

(V) Acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(4) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in Section 507(6) of the Trade Act of 1974, as amended.

(5) The extent to which the country has met U.S. counter-narcotics certification criteria under the Foreign Assistance Act of 1961.

(6) The extent to which the country has taken steps to become a party to and implement the Inter-American Convention Against Corruption.

(7) The extent to which the country applies transparent, nondiscriminatory and competitive procedures in

government procurement, and contributes to efforts in international fora to develop and implement rules on transparency in government procurement.

Section 212(f)(1), also requires the USTR to report the results of the general review of the beneficiary countries under sections 212(b) and (c) of CBERA. Pursuant to Section 212(b), of the CBERA, the President may not designate any country a CBI beneficiary country in the following circumstances:

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of, a United States citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(6) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens; and

(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 2467(4) of this title) to workers in the country (including any designated zone in that country).

Section 212(c) of CBERA requires the President to take into account, *inter alia,* the following factors:

(1) Whether the beneficiary country has demonstrated a commitment to undertake its obligations under the World Trade Organization (WTO) on or ahead of schedule and participate in negotiations toward the completion of the Free Trade Area of the Americas (FTAA) or another free trade agreement.

(2) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights.

(3) The extent to which the country provides internationally recognized worker rights including—

(I) The right of association;

(II) The right to organize and bargain collectively;

(III) A prohibition on the use of any form of forced or compulsory labor;

(IV) A minimum age for the employment of children; and

(V) Acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(4) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in Section 507(6) of the Trade Act of 1974, as amended.

(5) The extent to which the country has met U.S. counter-narcotics certification criteria under the Foreign Assistance Act of 1961.

(6) The extent to which the country has taken steps to become a party to and implement the Inter-American Convention Against Corruption.

(7) The extent to which the country applies transparent, nondiscriminatory and competitive procedures in government procurement, and contributes to efforts in international fora to develop and implement rules on transparency in government procurement.

*Requirements for Submissions.* All comments must be submitted in English and must identify (on the first page of the submission) the subject matter of the comment as the ''CBI Report to Congress.'' In order to be assured of consideration, comments should be submitted by October 5, 2015.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions via *http://www.regulations.gov* . To submit comments via *this Web site,* enter the docket: USTR–2015–0008 on the home page and click ''go.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice on the search-results page, and click on the link entitled ''Comment Now!.'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''How to Use This Site''.)

The Web site offers the option of providing comments by filling in a ''Type Comment'' field or by attaching a document using the ''Upload file(s)'' field. We expect that most submissions will be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comment'' field.

Submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) are preferred. If an application other than those two is used, please identify in your submission the specific application used. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should

begin with the characters ''BC'' and must be submitted separately from the public version. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. If you file comments containing business confidential information you must also submit a public version of the comments under a separate submission. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. If you submit comments that contain no business confidential information, the file name should begin with the name of the person or entity submitting the comments. Electronic submissions should not attach separate cover letters; rather, information that might appear in a cover letter should be included in the comments you submit. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments to a submission in the same file as the submission itself and not as separate files.

We strongly urge submitters to use electronic filing. If an on-line submission is impossible, alternative arrangements must be made with Ms. Jamison prior to delivery for the receipt of such submissions. Ms. Jamison may be contacted at (202) 395–9666. General information concerning the Office of the United States Trade Representative may be obtained by accessing its Web site: *http://www.ustr.gov.*

**John Melle,**

*Assistant United States Trade Representative for the Western Hemisphere.*

[FR Doc. 2015–19744 Filed 8–11–15; 8:45 am]

BILLING CODE 3290–F5–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification of Repair Stations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015. Form 8310–3 must be submitted to the appropriate FAA flight standards district office for review for repair station certification.

**DATES:** Written comments should be submitted by September 11, 2015.

**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. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0682.

*Title:* Certification of Repair Stations.

*Form Numbers:* FAA Form 8310–3.

*Type of Review:* Extension without change of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015 (80 FR 30758). 14 CFR part 145 prescribes the requirements for the issuance of repair station certificates and associated ratings to maintenance and alteration organizations. The information requested is required from applicants who wish repair station certification. Applicants must submit the required data to the appropriate FAA district office for review and acceptance/approval. If the information is satisfactory, an onsite inspection is conducted. When all the part 145 requirements have been met an air agency certificate and repair station operations specifications with appropriate ratings and limitations are issued.

*Respondents:* Approximately 4,625 maintenance and alteration organizations.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 8 hours.

*Estimated Total Annual Burden:* 37,000 hours.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19834 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Certificate of Waiver or Authorization

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. U.S. Code authorizes the issuance of regulations governing the use of navigable airspace. Respondents conducting general operation and flight of aircraft or any activity that could encroach on airspace must apply for approval.

**DATES:** Written comments should be submitted by October 13, 2015.

**ADDRESSES:** Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0027.

*Title:* Application for Certificate of Waiver or Authorization.

*Form Numbers:* FAA Form 7711–2.

*Type of Review:* Renewal of an information collection.

*Background:* The information collected by FAA Form 7711–2,

Application for Certificate of Waiver or Authorization, is reviewed and analyzed by FAA to determine the type and extent of the intended deviation from prescribed regulations. A certificate of waiver or authorization to deviate is generally issued to the applicant if the proposed operation does not create a hazard to person, property, other aircraft, and includes the operation of unmanned aircraft. Applications for certificates of waiver to the provisions of Parts 91 and 101, for authorization to make parachute jumps (other than emergency or military operations) under Part 105, Section 105.15 (airshows and meets) use FAA Form 7711–2.

*Respondents:* Approximately 21,761 individuals and businesses.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 32 minutes.

*Estimated Total Annual Burden:* 13,761 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19829 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Operating Requirements: Domestic, Flag and Supplemental Operations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. 14 CFR part 121 prescribes the requirements governing air carrier operations. The information collected is used to determine air operators' compliance with the minimum safety standards and the applicants' eligibility for air operations certification.

**DATES:** Written comments should be submitted by October 13, 2015.

**ADDRESSES:** Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0008.

*Title:* Operating Requirements: Domestic, Flag and Supplemental Operations.

*Form Numbers:* There are no FAA forms associated with this collection of information.

*Type of Review:* Renewal of an information collection.

*Background:* Under the authority of Title 49 CFR, Section 44701, Federal Aviation Regulations Part 121 prescribe the terms, conditions, and limitations as are necessary to ensure safety in air transportation. Each operator which seeks to obtain, or is in possession of, an air carrier operating certificate must comply with the requirements of FAR Part 121 in order to maintain data which is used to determine if the air carrier is operating in accordance with minimum safety standards.

*Respondents:* Approximately 75 air operators/applicants.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 27.52 hours.

*Estimated Total Annual Burden:* 1,430,987 hours.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19827 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Procedures for Non-Federal Navigation Facilities

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015. Non-Federal navigation facilities are electrical/electronic aids to air navigation which are purchased, installed, operated, and maintained by an entity other than the FAA and are available for use by the flying public.

**DATES:** Written comments should be submitted by September 11, 2015.

**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. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0014.

*Title:* Procedures for Non-Federal Navigation Facilities.

*Form Numbers:* FAA Forms 6030–1, 6030–17, 6790–4, 6790–5.

*Type of Review:* Extension without change of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015 (80 FR 30756). FAR Part 171 establishes procedures and requirements for sponsors, both private and public other than FAA, to purchase, install, operate, and maintain electronic navaids for use by the flying public in the National Airspace System (NAS). FAR Part 171 describes procedures for receiving permission to install a facility and requirements to be fulfilled to keep it in service. Tasks and any other repair work done to these facilities are recorded in on-site logs, copies of which are sent to the Service Center office.

*Respondents:* Approximately 2,413 sponsors of non-federal navigation facilities.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 13.72 hours.

*Estimated Total Annual Burden:* 33,116 hours.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19832 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Training and Qualification Requirements for Check Airmen and Flight Instructors

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The rule allows some experienced pilots who would otherwise qualify as flight instructors or check airmen, but who are not medically eligible to hold the requisite medical certificate, to perform flight instructor or check airmen functions in a simulator.

**DATES:** Written comments should be submitted by October 13, 2015.

**ADDRESSES:** Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0600.

*Title:* Training and Qualification Requirements for Check Airmen and Flight Instructors.

*Form Numbers:* There are no FAA forms associated with this collection of information.

*Type of Review:* Renewal of an information collection.

*Background:* Federal Aviation Regulations (FAR) Parts 121.411(d), 121.412(d), 135.337(d), and 135.338(d) require the collection of this data. This collection is necessary to insure that instructors and check airmen have completed necessary training and checking required to perform instructor and check airmen functions.

*Respondents:* Approximately 3,000 check airmen and flight instructors.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 15 seconds.

*Estimated Total Annual Burden:* 13 hours.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19830 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Hazardous Materials Training Requirements

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves requirements for certain repair stations to provide documentation showing that persons handling hazmat for transportation have been trained following DOT guidelines.

**DATES:** Written comments should be submitted by October 13, 2015.

**ADDRESSES:** Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0705.

*Title:* Hazardous Materials Training Requirements.

*Form Numbers:* There are no FAA forms associated with this collection of information.

*Type of Review:* Renewal of an information collection.

*Background:* The FAA, as prescribed in 14 CFR parts 121 and 135, requires certificate holders to submit manuals and hazmat training programs, or revisions to an approved hazmat training program to obtain initial and final approval as part of the FAA certification process. Original certification is completed in accordance with 14 CFR part 119. Continuing certification is completed in accordance with parts 121 and 135. The FAA uses the approval process to determine

compliance of the hazmat training programs with the applicable regulations, national policies and safe operating practices. The FAA must ensure that the documents adequately establish safe operating procedures.

*Respondents:* Approximately 2,772 operators.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 7 hours.

*Estimated Total Annual Burden:* 6,900 hours.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19826 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: QSA Customer Feedback Report

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015. The information is collected from holders of FAA production approvals and selected suppliers to obtain their input on how well the agency is performing the administration and conduct of the Aircraft Certification Systems Quality System Audit (QSA), formerly the Aircraft Certification Systems Evaluation Program (ACSEP).

**DATES:** Written comments should be submitted by September 11, 2015.

**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. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0605.

*Title:* QSA Customer Feedback Report.

*Form Numbers:* FAA Form 8100–7.

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 29, 2015 (80 FR 30756). The information collected is used by the Aircraft Certification Service's Manufacturing Inspection Offices, Aircraft Certification Offices, and the Production & Airworthiness Certification Division to improve the administration and conduct of the Aircraft Certification Systems Evaluation Program at the local and national levels. Improvements to FAA Order 8100.7, Aircraft Certification Systems Evaluation Program, will continue to be incorporated as a result of the on-going collection of data.

*Respondents:* Approximately 200 holders of FAA production approvals and selected suppliers.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 30 minutes.

*Estimated Total Annual Burden:* 100 hours.

*Public comments invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on August 4, 2015.

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19833 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aviation Medical Examiner Program

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This collection is necessary in order to determine applicants' qualifications for certification as Aviation Medical Examiners (AMEs).

**DATES:** Written comments should be submitted by October 13, 2015.

**ADDRESSES:** Send comments to the FAA at the following address: Ronda Thompson, Room 300, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0604.

*Title:* Aviation Medical Examiner Program.

*Form Numbers:* FAA Form 8520–2.

*Type of Review:* Renewal of an information collection.

*Background:* 14 CFR part 183 describes the requirements for delegating to private physicians the authority to conduct physical examinations on persons wishing to apply for their airmen medical certificate. This collection of information is for the purpose of obtaining essential information concerning the applicants' professional and personal qualifications. The FAA

uses the information to screen and select the designees who serve as aviation medical examiners.

*Respondents:* Approximately 450 applicants annually.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 30 minutes.

*Estimated Total Annual Burden:* 225 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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

**Ronda Thompson,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.*

[FR Doc. 2015–19831 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[FMCSA Docket No. FMCSA–2015–0061]**

### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA confirms its decision to exempt 51 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

**DATES:** The exemptions were effective on July 23, 2015. The exemptions expire on July 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

#### II. Background

On June 22, 2015, FMCSA published a notice of receipt of Federal diabetes exemption applications from 51 individuals and requested comments from the public (80 FR 35705). The public comment period closed on July 22, 2015, and no comments were received.

FMCSA has evaluated the eligibility of the 51 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

*Diabetes Mellitus and Driving Experience of the Applicants*

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 51 applicants have had ITDM over a range of one to 44 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the June 22, 2015, **Federal Register** notice and they will not be repeated in this notice.

#### III. Discussion of Comments

FMCSA received no comments in this proceeding.

#### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## VI. Conclusion

Based upon its evaluation of the 51 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b)):

Timothy G. Baker (NE)
Daniel E. Benes (WI)
William E. Blake (TX)
Thomas M. Burns (NJ)
George W. Cahall (DE)
John T. Curry (TN)
Willie D. Davis (IL)
Alan E. Dean (NE)
Christopher A. DiCioccio (CT)
Johnny L. Emory (KS)
Ike Gibbs (CA)
Jospeh Gipson (KS)
Juan Gomez Jr. (IA)
George A. Gross (NY)
Herman L. Hall (NJ)
Grover D. Johnson (NY)
Bruce E. Johnston (CO)
Francis D. Judd (MA)
William J. Kaszubski (IL)
George S. Kean (NH)
Jeffrey K. Lageson (MN)
Yehuda Lauber (NY)
Rickie D. Leonard (WA)
Travis R. Mendenhall (OH)
Danny R. Middlebrooks (GA)
Kyle A. Mininger (AL)
John T. Murchison, Jr. (TN)
Axel J. M. Murphy (MN)
Charles M. Naylis (PA)
Craig J. Nelson (IL)
Richard A. Nigro (NJ)
Thomas S. O'Brien (TX)
Paul T. Ozbun (OK)
Modesto F. Pedote (NY)
David M. Pomeroy (IA)
Matthew C. Preston (KY)
Anthony A. Rachuy (MN)
Joseph C. Richards (MD)
Dwight B. Richardson (TX)
James C. Rocco (NJ)
Daniel A. Ryan (MN)
Patrick J. Severance (NY)
Timothy F. Showers (WI)
James A. Smit (MN)
John W. Smith (MT)
Roland Thenor (NY)
Billy L. Wagner (IL)
Steven L. Wear (ND)
Jeffrey S. Wilkinson (IN)
James T. Young (MI)
David J. Zelhart (IL)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19793 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA– 2014–0386]**

### Qualification of Drivers; Application for Exemptions; Hearing

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces that 13 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant theses requests after reviewing the public comments submitted in response to this notice, the exemptions would enable these 13 individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before September 11, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0386 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter

provides, to *www.regulations.gov,* as described in the system records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA– 21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).[1] Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

> First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled ''Hearing Disorders and Commercial Motor Vehicle Drivers'' prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.[2]

## FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be *achieved absent such exemption before granting any such requests.*

## Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0386'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

## Viewing Comments and Documents

To view comments, go to *www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0386'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

## Information on Individual Applicants

*Daniel Alcozer*

Mr. Alcozer, 35, holds an operator's license in Illinois.

*Roy Ernest Bowers*

Mr. Bowers, 59, holds a class A CDL in Georgia.

*Jeffrey R. Emmell*

Mr. Emmell, 41, holds an operator's license in Pennsylvania.

*Jan Nielsen Epitacio*

Mr. Epitacio, 34, holds an operator's license in California.

*Andres Lopez Flores*

Mr. Flores, 35, holds an operator's license in Texas.

*Roland Dean Ingram*

Mr. Ingram, 32, holds an operator's license in Texas.

[1] This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

*Kelvin Lireco Jones*

Mr. Jones, 39, holds an operator's license in Washington.

*Jerry Lee Lewis*

Mr. Lewis, 46, holds a class A CDL in North Carolina.

*Tommy Lee Lynn Jr.*

Mr. Lynn, 44, holds an operator's license in Arizona.

*Kenneth Anthony Oliver*

Mr. Oliver, 59, holds an operator's license in Texas.

*Casey Wayne Patrick*

Mr. Patrick, 30, holds an operator's license in Washington.

*Eduwin Pineiro*

Mr. Pineiro, 46, holds an operator's license in New Jersey.

*Rodney Shane Wilkerson*

Mr. Wilkerson, 38, holds a class A CDL in Alabama.

**Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business September 11, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: July 28, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19796 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0065]**

### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA).

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 44 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before September 11, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0065 using any of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail*: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax*: 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 44 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

**II. Qualifications of Applicants**

*Larry J. Afseth*

Mr. Afseth, 77, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Afseth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Afseth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

*Reynaldo R. Amaro*

Mr. Amaro, 50, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Amaro understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Amaro meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

*Brandon C. Bair*

Mr. Bair, 43, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bair understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bair meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nevada.

*Karl A. Brown*

Mr. Brown, 53, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

*Margaret K. Chezum*

Ms. Chezum, 70, has had ITDM since 2008. Her endocrinologist examined her in 2015 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Chezum understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Chezum meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2015 and certified that she does not have diabetic retinopathy. She holds an operator's license from Iowa.

*James K. Copley*

Mr. Copley, 53, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Copley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Copley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from West Virginia.

*Francis C. Coryea*

Mr. Coryea, 49, has had ITDM since 2004. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Coryea understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Coryea meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

*Richard L. Corzine*

Mr. Corzine, 50, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Corzine understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Corzine meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Illinois.

*Kevin D. Crouse*

Mr. Crouse, 32, has had ITDM since 1993. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crouse understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crouse meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

*Thomas A. Draper*

Mr. Draper, 42, has had ITDM since 1979. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Draper understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Draper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

*Tyler J. Emmert*

Mr. Emmert, 33, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Emmert understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Emmert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

*Wade A. Firn*

Mr. Firn, 58, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Firn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Firn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

*John J. Fortman*

Mr. Fortman, 30, has had ITDM since 1997. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fortman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fortman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

*Jamey M. George*

Mr. George, 42, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. George understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. George meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

*Matthew Harkanson*

Mr. Harkanson, 43, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Harkanson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harkanson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

*Kenneth P. Hazel*

Mr. Hazel, 61, has had ITDM since 2002. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hazel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hazel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

*Tracy D. Henderson*

Mr. Henderson, 55, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Henderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Henderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

*Gary H. Jacobs*

Mr. Jacobs, 55, has had ITDM since 2002. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jacobs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jacobs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Vermont.

*Jack L. Lane, Jr.*

Mr. Lane, 55, has had ITDM since 1992. His endocrinologist examined him in 2015 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lane understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lane meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

*Thomas J. Leffingwell*

Mr. Leffingwell, 72, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leffingwell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leffingwell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

*Jordan S. Leventhal*

Mr. Leventhal, 26, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leventhal understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leventhal meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

*Travis C. McMonagle*

Mr. McMonagle, 44, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McMonagle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McMonagle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

*Danald R. Meckley, Jr.*

Mr. Meckley, 63, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Meckley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Meckley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Maryland.

*Jeffrey K. Moore*

Mr. Moore, 59, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

*Michael A. Moore, Sr.*

Mr. Moore, 59, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

*Fernando A. Munoz*

Mr. Munoz, 31, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Munoz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Munoz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Texas.

*Sidney T. Nalley Jr.*

Mr. Nalley, 36, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nalley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Nalley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Georgia.

*Jason B. Nolte*

Mr. Nolte, 52, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nolte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nolte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

*Kenneth H. Owens*

Mr. Owens, 54, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Owens understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Owens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

*James G. Pruitt*

Mr. Pruitt, 69, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pruitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pruitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

*Thomas V. Ransom*

Mr. Ransom, 60, has had ITDM since 1994. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ransom understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ransom meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

*Raymond D. Reber*

Mr. Reber, 63, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reber understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reber meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

*Frank L. Rice*

Mr. Rice, 48, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rice understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rice meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

*Bernard L. Robinson*

Mr. Robinson, 61, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Robinson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robinson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

*Jackson A. Savarese*

Mr. Savarese, 23, has had ITDM since 2003. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Savarese understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Savarese meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

*Richard A. Sawyer*

Mr. Sawyer, 61, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sawyer understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sawyer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Maine.

*Bruno T. Schizzano*

Mr. Schizzano, 52, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schizzano understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schizzano meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

*Christopher S. Seago*

Mr. Seago, 53, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Seago understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Seago meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

*Jamie A. Solem*

Mr. Solem, 34, has had ITDM since 1983. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Solem understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Solem meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

*Joseph W. Sprague*

Mr. Sprague, 48, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sprague understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sprague meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

*Cory M. Vance*

Mr. Vance, 29, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vance understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vance meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Indiana.

*Derrick L. Vaughan*

Mr. Vaughan, 34, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vaughan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vaughan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

*Anthony J. Vicario*

Mr. Vicario, 72, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vicario understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vicario meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New York.

*Henry D. Yeska, III*

Mr. Yeska, 51, has had ITDM since 1974. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Yeska understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yeska meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

## III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in

this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C.. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

## IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0065 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

## V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0065 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: July 28, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19795 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–1998–4334; FMCSA–2007–27897]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 15 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective September 13, 2015. Comments must be received on or before September 11, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1998–4334; FMCSA–2007–27897], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any

personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

## II. Exemption Decision

This notice addresses 15 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 15 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

John A. Bridges (GA)
Duane C. Conway (NV)
Brian W. Curtis (IL)
Robin C. Duckett (SC)
Marco A. Esquivel (CA)
Tomie L. Estes (MO)
Ray C. Johnson (AR)
Terry R. Jones (MO)
James J. Mithcell (NC)
Andrew M. Nurnberg (GA)
Joshua R. Perkins (ID)
Craig R. Saari (MN)
Jerry L. Schroder (IL)
William C. Smith (FL)
Larry D. Steiner (MN)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

## III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 41656; 68 FR 44837; 70 FR 41811; 72 FR 39879; 72 FR 40362; 72 FR 52419; 74 FR 41971; 76 FR 54530; 78 FR 78477). Each of these 15 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

## IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–1998–4334; FMCSA–2007–27897), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number, ''FMCSA–1998–4334; FMCSA–2007–27897'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

### *Viewing Comments and Documents*

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–1998–4334; FMCSA–2007–27897'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on August 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19792 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0052]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 34 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions were granted July 23, 2015. The exemptions expire on July 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

### II. Background

On July 22, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 35699). That notice listed 34 applicants' case histories. The 34 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 34 applications on their merits and made a determination to grant exemptions to each of them.

### III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

> A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 34 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, complete loss of vision, retinal detachment, corneal scarring, Descemet's folds, congenital amblyopia, prosthetic eye, macular hole, central scotoma, congenital glaucoma, staphyloma, refractive amblyopia, total cataract with iris synechia, retinal scar, optic nerve injury, cataract, mydriasis, amblyopia with exotropia, aphakia, and posterior senechiae. In most cases, their eye conditions were not recently developed. Twenty-four of the applicants were either born with their vision impairments or have had them since childhood.

The 10 individuals that sustained their vision conditions as adults have had it for a range of four to 43 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 34 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging four three to 35 years. In the past three years, four drivers were involved in crashes, and three drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 22, 2015 notice (80 FR 35699).

### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 34 applicants, four drivers were involved in crashes, and three drivers were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 34 applicants listed in the notice of June 22, 2015 (80 FR 35699).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 34 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## V. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Conclusion

Based upon its evaluation of the 34 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Robert J. Bickel (MI)
Steven J. Brauer (NJ)
Steven R. Brinegar (TX)
Garry D. Burkholder (PA)
Orlando A. Cabrera (FL)
Dennis W. Cosens, Jr. (NM)
Rodney R. Dawson (KY)
David S. Devine (ID)
Lenton L. Dunston, Jr. (VA)
Raymond C. Favreau (VT)
William J. Gargiulo (OH)
Wladyslaw Gogola (IL)
Antonio Gomez (PA)
Fred S. Graham (TN)
Mark Grenier (CT)
Jay R. Hendricks (FL)
Steven C. Holland (OK)
Acquillious Jackson III (SC)
Jimmy D. Johnson II (TN)
Bradley J. Kearl (UT)
Larry G. Kreke (IL)
Richard A. Lemke (WI)
Lawrence McGowan (OH)
James R. Millijen (CO)
Christopher P. Mroczka (MD)
Gary A. Oster, Jr. (OR)
Mark A. Pleskovitch (IL)
Edward J. Puto (CT)
Andrew Risner (OH)
Kyle B. Sharp (MI)
Francis A. St. Pierre (NH)
Sukru Tamirci (NY)
George F. Treece (IL)
Jeff L. Wheeler (IA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19790 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0117]**

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) in interstate commerce. The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for up to 2 years in interstate commerce.

**DATES:** Comments must be received on or before September 11, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2015–0117 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov,* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, or via email at *fmcsamedical@dot.gov,* or by letter to FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for up to a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statutes allow the Agency to renew exemptions at the end of the 2-year period. The 12 individuals listed in this notice have requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in

interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

**Submitting Comments**

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2015–0117'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

**Viewing Comments and Documents**

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2015–0117'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

**Summary of Applications**

*Nicholes Arroyo*

Mr. Arroyo is a 33 year-old driver in New Jersey. He has a history of epilepsy and has remained seizure free for one year. He takes anti-seizure medication with the dosage and frequency remaining the same since 2006. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Arroyo receiving an exemption.

*Eric Joseph Barnwell*

Mr. Barnwell is a 43 year-old class A CDL holder in Michigan. He has a history of a seizure disorder and has remained seizure free since 1990. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Barnwell receiving an exemption.

*Kevin Scott Brelsford*

Mr. Brelsford is a 40 year-old class A CDL holder in Maine. He has a history of epilepsy and has remained seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Brelsord receiving an exemption.

*Jason S. Coleman*

Mr. Coleman is a 43 year-old driver in New Jersey. He has a history of a seizure disorder and has remained seizure free since 1994. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Coleman receiving an exemption.

*Donald Adin Horst*

Mr. Horst is a 65 year-old driver in Maryland. He has a history of a single seizure in 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Horst receiving an exemption.

*Bradley Jolley*

Mr. Jolley is a 40 year-old driver in New Jersey. He has a history of epilepsy and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Jolley receiving an exemption.

*Charles A. McCarthy III*

Mr. McCarthy is a 68 year-old class B CDL holder in Massachusetts. He has a history of a single seizure in 1998. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. McCarthy receiving an exemption.

*Paul Eric Ray*

Mr. Ray is a 49 year-old driver in Iowa. He has a history of epilepsy and has remained seizure free since 2006, although he experiences stereotypical auras. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Ray receiving an exemption.

*Randy P. Schuelke*

Mr. Schuelke is a 54 year-old class A CDL holder in Wisconsin. He has a history of epilepsy and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Schuelke receiving an exemption.

*Eric Lee Troendle*

Mr. Troendle is a 38 year-old class A CDL holder in Iowa. He has a history of a brain tumor and has remained seizure free since 2014. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Troendle receiving an exemption.

*Brian J. Underwood*

Mr. Underwood is a 42 year-old class A CDL holder in Ohio. He has a history of epilepsy and has remained seizure free since 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Underwood receiving an exemption.

*Cory R. Wagner*

Mr. Wagner is a 40 year-old class A CDL holder in Illinois. He has a history of epilepsy and has remained seizure free since 1997. He takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Wagner receiving an exemption.

**Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in

this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: July 28, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19797 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0111]**

### Parts and Accessories Necessary for Safe Operation; Ford Motor Company Application for an Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant Ford Motor Company's (Ford) exemption application to allow motor carriers to operate Ford's Transit-based commercial motor vehicles (CMVs) that do not meet the exhaust system location requirements in the Federal Motor Carrier Safety Regulations (FMCSRs). The FMCSRs require (1) the exhaust system of a bus powered by a gasoline engine to discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus and (2) the exhaust system of every truck and truck tractor to discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab. Although the Ford Transit does not meet these requirements, it has undergone performance-based testing which demonstrates that the exhaust system achieves a level of safety equivalent to or greater than the level of safety that would be obtained by complying with the regulation. Ford performed carbon monoxide (CO) concentration tests which used CO monitors at various locations within the vehicle to measure the concentration of CO ingress into the occupant compartment (from the vehicles' own powertrain and exhaust system) under various driving conditions including idle and top speed. The tests showed that the resulting CO concentration is below every threshold used by Federal agencies. FMCSA has concluded that the limited 2-year exemption will achieve a level of safety equivalent to or greater than the level of safety provided by the rule restricting the location of exhaust systems on CMVs to ensure that exhaust fumes will not affect the driver's alertness or health or the health of passengers.

**DATES:** This exemption is effective August 12, 2015 and ending August 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luke Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

*Docket:* For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

**SUPPLEMENTARY INFORMATION:**

### Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### Ford's Application for Exemption

Ford applied for an exemption from 49 CFR 393.83 to allow motor carriers to operate Ford-manufactured Transit-based CMVs that do not comply with the exhaust system location requirements. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.83, ''Exhaust systems,'' includes requirements regarding the location of exhaust systems on CMVS to ensure that exhaust fumes will not affect the driver's alertness or health or the health of passengers. Specifically, § 393.83(c) states that ''[t]he exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus''; § 393.83(e) states that ''[t]he exhaust system of every truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.''

Ford noted in its application that, while its Transit-based CMVs may not satisfy the specific exhaust system location requirements of § 393.83, it has several internal requirements applicable to the design of the tailpipe system that ensure the system will provide high levels of safety for its customers. According to the application:

> . . . Ford's requirements address passenger compartment exhaust gas intrusion and management of high temperature components. These requirements include testing of the system and basic design requirements for the location of the tailpipe in relation to underbody components like the brake lines and fuel lines.
>
> Most significantly Ford uses internal performance based tests that demonstrate the system achieves a level of safety equivalent to or greater than, the level of safety that would be obtained by complying with the regulation. The main test of interest is the Carbon Monoxide Concentration test. This performance based test uses CO monitors at various locations in the vehicle to measure the concentration of CO ingress into the occupant compartment (from vehicles' own powertrain and exhaust system) under various driving conditions including idle and top speed.

Ford tested the 2015 model year Transit in accordance with ''Ford global common engineering test procedures,'' which limits carbon monoxide (CO) levels to 27 parts-per-million (ppm) for a 30 minute Time Weighted Average (TWA) during continuous driving. Ford stated that the 27 ppm limit is based on the Environmental Protection Agency's (EPA) Acute Exposure Guideline Level limits for CO exposure for 8 hour TWA, which is more severe than both the Occupational Safety & Health

Administration's (OSHA) permissible exposure limit of 50 ppm for an 8 hour TWA and the National Institute of Occupational Safety and Health's (NIOSH) permissible exposure limit of 35 ppm for a 10 hour TWA. Under ''worst-case conditions,'' Ford measured the CO level to be 17 ppm for the Model year 2015 Transit, well below the EPA, OSHA, and NIOSH limits.

Additionally Ford stated that it has internal requirements to establish the appropriate clearance required between a vehicle and the ground to meet a minimum level of on-road functionality. Ford has specific departure angle requirements for their vehicle to reduce tailpipe contact with the ground, curbs, ramps, etc., during various driving modes which may result in damage to the exhaust system that may adversely affect the exhaust function.

FMCSA published a notice of the application in the **Federal Register** on April 17, 2015, and asked for public comment (80 FR 21294).

**Comments**

The Agency received one comment, from an anonymous commenter. The commenter expressed concern ''that over time after the vehicle is initially manufactured, the exhaust system will be subject to wear and tear and as such may not perform to the same standard that it did upon original manufacture. Although Ford was able to demonstrate that the system was able to detect potentially dangerous situations with the exhaust at the time of manufacture, we will truly have no understanding of how that system will perform 10 or 15 years later.''

**FMCSA Response**

FMCSA acknowledges the commenter's concern that exhaust systems, like other vehicle components and equipment, are subject to wear and tear as vehicles age. However, 49 CFR part 396 requires a motor carrier to systematically inspect, repair, and maintain all motor vehicles subject to its control (§ 396.3(a)), and ensure that all parts and accessories are in safe and proper operating condition at all times (§ 396.3(a)(1)). Further, § 396.17 requires every CMV to be inspected at least once every 12 months in accordance with the provisions of Appendix G to Subchapter B of Chapter III of the FMCSRs, ''Minimum Periodic Inspection Standards,'' which includes a review of the vehicle's exhaust system. Finally, FMCSA expects that, as these exhaust systems wear out, vehicle owners will replace them with exhaust systems identical or equivalent to the original equipment, ensuring an equivalent level of performance.

As noted below, this temporary exemption is valid for a limited period of 2 years, and any party possessing information that would demonstrate that motor carriers using Ford Transit-based CMVS are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

**FMCSA Decision**

The FMCSA has evaluated the Ford exemption application. The Agency believes that granting the temporary exemption to allow the operation of Model Year 2015 Ford Transit-based gas bus models (of all gross vehicle weight ratings), vans over 10,000 pounds gross vehicle weight rating, and corresponding future Transit-based models of the same design produced during the effective period of the exemption will provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. Ford conducted performance-based testing that demonstrates that the design of the exhaust system for the Model Year 2015 and later Fort Transit CMVs (1) results in CO exposure limits that are well below EPA, OSHA, and NIOSH established thresholds, and (2) will maintain a level of safety that is equivalent to the level of safety achieved without the exemption.

**Terms and Conditions for the Exemption**

The Agency hereby grants the exemption for a 2-year period, beginning August 12, 2015 and ending August 14, 2017. During the temporary exemption period, motor carriers will be allowed to operate Model Year 2015 Ford Transit-based gas bus models (of all gross vehicle weight ratings), vans over 10,000 pounds gross vehicle weight rating, and corresponding future Transit-based models of the same design produced during the effective period of the exemption that do not meet the exhaust system location requirements. The exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers using Ford Transit-based CMVs are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

**Preemption**

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person operating a vehicle covered by the exemption.

Issued on August 5, 2015.

**T.F. Scott Darling, III,**

*Chief Counsel.*

[FR Doc. 2015–19801 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0048]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 26 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions were granted June 6, 2015. The exemptions expire on June 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards,

(202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

## II. Background

On May 6, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 26139). That notice listed 26 applicants' case histories. The 26 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 26 applications on their merits and made a determination to grant exemptions to each of them.

## III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 26 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including prosthetic eye, corneal scarring, complete loss of vision, amblyopia pseudophakia secondary to a cataract, glaucoma, and aniosometropic amblyopic correction, field of vision loss, scarring, esotropia, strabismic amblyopia, hyphema, strabismus, cataract, torn retina, macular scar, retinal scar, and retinal detachment. In most cases, their eye conditions were not recently developed. Eighteen of the applicants were either born with their vision impairments or have had them since childhood.

The eight individuals that sustained their vision conditions as adults have had it for a range of four to 30 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 26 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from three to 40 years. In the past three years, no drivers were involved in crashes, and two were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the May 6, 2015 notice (80 FR 26139).

## IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 26 applicants, no drivers were involved in crashes, and two were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 26 applicants listed in the notice of May 6, 2015 (80 FR 26139).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 26 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## V. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Conclusion

Based upon its evaluation of the 26 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

R.J. Bauernfeind (NY)
Ralph H. Bushman (IL)
Stephen M. Cook (PA)
Roderick Croft (FL)
Jeffrey S. Daniel (VA)
Lawrence M. Davis (VT)
Bobby C. Floyd (TN)
Jayme L. Gilbert (NY)
Jesse M. Greene (TN)
David A. Hayes (GA)
George E. Holbrook (MA)
James T. Johnson, Jr. (KY)
Robert W. Kleve (IA)
Bruce E. Koehn (KS)
Corey S. Kuborn (IL)
Collin C. Longacre (PA)
Raymond W. Meier (WA)
Michael L. Penrod (IA)
Harry M. Pierson, Jr. (OR)
Daniel A. Pyle (PA)
David P. Ramos (CA)
Jimmy L. Stevens (SC)
David B. Stone (OK)
Dale G. Stringer (TX)
Carlyle D. Strong (NE)
Michael J. Tauriac, Jr. (LA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 28, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19780 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2006–25246; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 20 individuals. FMCSA has statutory

authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective September 16, 2015. Comments must be received on or before September 11, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2006–25246; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

## II. Exemption Decision

This notice addresses 20 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 20 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Carl Block (NY)
Christopher Brim (TN)
John Camp (GA)
Ralph Carr (PA)
Aubrey R. Cordrey, Jr. (DE)
Phyllis Dodson (IN)
Phillip Ergovich (MO)
Juan M. Guerrero (TX)
Luc G. Guimond (WA)
Berl C. Jennings (VA)
Udum Khamsoksavath (WA)
Michael Lancette (WI)
Vincent Marsee, Sr. (NC)
Charles Moen (MI)
Jerome Paintner (ND)
Timmy J. Pottebaum (IA)
Jeffrey Sanders (NC)
David Snellings (MD)
Edward Spakousky (OR)
Adam Zappetta (WI)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

## III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 20 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (72 FR 180; 72 FR 9397; 74 FR 6211; 76 FR 25762; 78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56986; 78 FR 78477). Each of these 20 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

## IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2006–25246; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–2006–25246; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

*Viewing Comments and Documents*

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–2006–25246; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: August 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19781 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2015–0049]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 23 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** The exemptions were granted July 7, 2015. The exemptions expire on July 7, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov*.

*Docket:* For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

## II. Background

On June 3, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 31636). That notice listed 23 applicants' case histories. The 23 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 23 applications on their merits and made a determination to grant exemptions to each of them.

## III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 23 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia,

amblyopia strabismus, retinal detachment, enucleation, retinal scar, prosthetic eye, angle closure, aphakia, corneal scarring, and complete loss of vision. In most cases, their eye conditions were not recently developed. Seventeen of the applicants were either born with their vision impairments or have had them since childhood.

The six individuals that sustained their vision conditions as adults have had it for a range of two to 25 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 23 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from two to 53 years. In the past three years, no drivers were involved in crashes, and no drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 3, 2015 notice (80 FR 31636).

## IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 23 applicants, no drivers were involved in crashes, and no drivers were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 23 applicants listed in the notice of June 3, 2015 (80 FR 31636).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 23 individuals consistent with the grandfathering provisions applied to

drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

**V. Discussion of Comments**

FMCSA received no comments in this proceeding.

**IV. Conclusion**

Based upon its evaluation of the 23 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Michael J. Altobelli (CT)
Johnny A. Bingham (NC)
Robert A. Buckley (IN)
Allen E. Clark (NY)
Don A. Clymer (PA)
Bryan K. Dalton (NC)
Joseph B. Fry (KS)
David B. Ginther (PA)
Dominic F. Giordano (CT)
Thomas E. Groves (WV)
Jose J. Guzman-Olguin (IL)
Stephen T. Hines (NJ)
James J. Keranen (MI)
Wesley S. Kilpatrick (OK)
Herbert S. Lear (PA)
Christopher V. May (GA)
Nathan C. Nissen (IA)
Jeffery Reed (KY)
Gregory S. Richter, Sr. (PA)
David J. Rotenberger (ND)
George Tomecek, Jr. (PA)
Richard G. Vaughn (NC)
Paul C. Weiss (PA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: August 6, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015–19782 Filed 8–11–15; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA–2015–0007–N–20]**

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that FRA is forwarding the modified Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the collection of information was published on April 24, 2015 (80 FR 23069).

**DATES:** Comments must be submitted on or before September 11, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Safety Regulatory Analysis Division, RRS–21, U.S. Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), or Ms. Kebo Chen, Staff Director, Railroad Safety Information Management Division, RRS–22, U.S. Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6079). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On April 24, 2015, FRA published a 60-day notice in the **Federal Register** soliciting comment on an ICR that the agency is seeking OMB approval. *See* 80 FR 23069. In its ICR, FRA proposed to utilize Form FRA 6180.54's Special Study Block 49b (SSB) to collect specific information concerning rail cars carrying petroleum crude oil (crude oil) in trains involved in FRA reportable accidents.

FRA received two comments in response to the notice, from the U.S. Department of Commerce's Bureau of Economic Analysis (BEA) and an article titled ''DOT Takes Additional Actions on Crude Oil Trains—Incident Report ICR,'' originally posted on the blog Chemical Facility Security News by Peter Coyle on April 20, 2015. The substance of both comments, along with FRA's responses to those comments is discussed below. You may also review the full text of the comments online at *www.regulations.gov* in docket number FRA–2015–0007.

BEA's comment generally expresses support for the information collection activities associated with FRA's accident/incident reporting regulations, and references specific FRA forms that the BEA uses in its analysis that are different than the form this ICR covers. FRA appreciates BEA's comment, but notes that the comment relates to FRA forms that are outside the scope of this ICR. This ICR is limited to modifying the existing instructions on Form FRA F 6180.54 titled ''Rail Equipment Accident/Incident Report'' and does not impact FRA's information collection activities under other FRA accident/incident reporting forms.

In his comment, Mr. Coyle asserts that FRA's proposed collection of information related to crude oil train accidents is of limited usefulness and ''will provide almost nothing in the way of information that can be used for analytical purposes.'' Mr. Coyle suggests that FRA design a new report ''specifically for rail accidents and incidents involving damaged and leaking rail cars containing crude oil.'' Mr. Coyle also asserts that combining the number of cars loaded with crude oil and crude oil residue cars in the data collection will ''about double the number of cars involved in accidents and damaged in accidents since most

railcars in crude oil service are not cleaned before being returned for refilling.'' Further, Mr. Coyle asserts that ''since there is no effort being made to determine what types of tank cars are actually in use and the rate of failure (measured by leaks) for each type of tank car, the FRA will not be able to adequately describe how the continuing change of the makeup of the crude oil tank car fleet will affect the failure rate of the fleet.''

In response to Mr. Coyle's concern that the proposed information collection will not provide useful information for analytical purposes, FRA acknowledges that the proposed modifications will not capture all information about an accident that FRA needs to fully analyze an accident. FRA believes these simple modifications will, however, make this data more readily accessible to FRA and help to capture more specific information on the behavior of tank cars transporting crude oil in accident conditions. As Mr. Coyle suggests FRA should do, FRA intends to continue considering other options for gathering additional information concerning rail cars carrying crude oil (and other hazardous materials) involved in reportable accidents. However, implementation of any significant changes by FRA (such as the development of a new form) will necessitate a notice and comment rulemaking, a time consuming process. FRA does not want to wait for the completion of a rulemaking proceeding to begin making changes to improve the existing data collection. FRA believes that utilizing the existing SSB in the short term is the most efficient and expeditious method of improving FRA's information collection activity. FRA will, however, continue to evaluate additional, more comprehensive, methods of improving the agency's overall information collection activities related to the transportation of hazardous materials by railroad.

In response to Mr. Coyle's assertion that combining the number of cars loaded with crude oil and crude oil residue cars in the data collection will double the number of cars reported to be in accidents and damaged in accidents, FRA notes that residue cars, including cars carrying residue amounts of crude oil, are already included in the counts of all hazardous materials cars in blocks 8, 9, and 10 of FRA Form 6180.54. These current counts will not change as a result of the additional information collection in the SSB of Form FRA F 6180.54. Thus, FRA believes Mr. Coyle's assertion is incorrect.

Finally, Mr. Coyle asserts that ''since there is no effort being made to determine what types of tank cars are actually in use and the rate of failure (measured by leaks) for each type of tank car, the FRA will not be able to adequately describe how the continuing change of the makeup of the crude oil tank car fleet will affect the failure rate of the fleet.'' However, FRA again notes that the agency intends for the SSB as described in FRA's April 24, 2015 notice to be a short term method of obtaining some additional information on the number and behavior of tank cars transporting crude oil involved in FRA reportable accidents. FRA will continue to evaluate whether it needs more data as part of a comprehensive, long-term improvement in its information collection activities for the rail transportation of crude oil and the rail transportation of hazardous materials in general.

FRA received no other comments. After careful consideration of each of the comments discussed above, FRA reevaluated and certified this information collection activity under 5 CFR 1320.5(a), and is now forwarding this ICR to OMB for review and approval under 5 CFR 1320.12(c).

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the ICR and the expected burden. FRA is submitting the proposed revisions to OMB for clearance as the PRA requires.

*Title:* Accident Incident Reporting and Recordkeeping.

*OMB Control Number:* 2130–0500.

*Abstract:* The collection of information arises from FRA's accident reporting regulations set forth in 49 CFR part 225. Part 225 requires railroads to submit monthly reports summarizing collisions, derailments, and certain other accidents/incidents involving damages above a certain dollar threshold, as well as certain injuries to passengers, employees, and other persons on railroad property (including those which are railroad work-related). Because the reporting requirements and information needed regarding each category are unique, a different form is used for each category. FRA is modifying the instructions for one of the three referenced agency forms to request that the SSB of Form FRA F 6180.54 be used to capture (with coded letters) information pertaining to accidents that involve rail cars transporting crude oil.

*Type of Request:* Revision of a Currently Approved Information Collection.

*Affected Public:* Businesses (Railroads).

*Form(s):* FRA F 6180.54.

*Annual Estimated Burden:* 39,058 hours.

*Addressee:* Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

*Comments are invited on the following:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information 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.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on August 6, 2015.

**Patrick Warren,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 2015–19751 Filed 8–11–15; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

**[Docket No. FISCAL–2015–0001]**

### Request for Public Comment on the Process for Transferring *my*RA® Account Balances to Private Sector Roth IRAs

**AGENCY:** Bureau of the Fiscal Service, Fiscal Service, Treasury.

**ACTION:** Notice and Request for Information.

**SUMMARY:** The United States Department of the Treasury's Bureau of the Fiscal Service (Fiscal Service) has developed a new Treasury electronic retirement savings bond to give working individuals (particularly those not currently saving) a new opportunity to begin saving for retirement.[1] The bond, targeted to new savers who lack access to an employer-sponsored retirement plan, is available as an investment for eligible individuals who choose to save in Roth IRAs maintained by Treasury's financial agent. A Roth IRA invested in the new bond is called a *my*RA® (short for my Retirement Account). Account holders can transfer their *my*RA account balance into a private sector Roth IRA of their choosing at any time.[2]

Individuals can continue to participate in *my*RA until they reach the ''Transfer Threshold,'' which is the point when their account balance reaches $15,000 or they have participated in *my*RA for 30 years, whichever occurs first. *my*RA is designed to encourage new savers to develop a regular habit of saving so that they will be ready to graduate from this starter account and continue saving in the private sector for the long term. The retirement savings bond will be redeemed when the myRA account holder graduates from the starter account, the *my*RA account will be closed, and the account balance may be transferred (or rolled over) tax-free to a private sector Roth IRA.[3]

Treasury requests information and public comment on possible options for (1) communicating effectively with account holders about considerations and options for transferring their *my*RA account balances to private sector Roth IRAs, and (2) transferring the *my*RA account balances of account holders who do not provide transfer instructions to Treasury's financial agent by the time they reach the Transfer Threshold.

**DATES:** Submit comments on or before Friday, October 23, 2015.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. You may submit comments using one of the following methods:

- *Electronic Submission:* Submit electronic comments through the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions on the Web site for submitting comments.
- *Mail:* Send comments to the Department of the Treasury, Bureau of the Fiscal Service, Attn: Kimberly S. Reese, 200 Third Street Room 402, Parkersburg, WV 26106.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Reese, at (304) 480–7929 or *kimberly.reese@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

*my*RAs are designed to encourage more Americans to begin saving. They provide individuals—particularly those lacking access to employer-sponsored retirement plans—a simple, safe, and affordable way to save by investing in a newly-developed U.S. retirement savings bond.

## II. *my*RA Features

The newly-developed retirement savings bond is the only investment that can be held by a *my*RA account. No fees are charged to individuals for opening and maintaining the *my*RA account or for investing in the retirement savings bond. Currently, account holders can fund their *my*RA accounts via their employers' direct deposit processes. Later in 2015, the program also will allow individuals to fund their *my*RA accounts directly via electronic (ACH) transfers from other accounts, such as their bank or credit union accounts. Account holders are able to manage their accounts either online or by calling a customer service center operated by Treasury's designated financial agent.

To be simple and convenient for new savers, the bond has been designed as an add-on security. This means that, instead of having a fixed denomination, such as $100 or $1,000, the amount of the bond grows with contributions plus interest. Therefore, an individual may make initial and subsequent contributions in any amount (subject to the Roth IRA contribution limits), on a regular basis or from time to time, and need not acquire multiple bonds because all contributions are added to the principal amount of the bond. Because the bond is the only investment that may be held in a *my*RA, the total account balance of the *my*RA is equal to the principal amount of the bond plus the interest accrued in the account (minus any withdrawals by the account holder).

The amount in the *my*RA account cannot go down in value (except as a result of withdrawals, transfers, or rollovers by the account holder), and is backed by the full faith and credit of the United States. The bond will continue to earn interest until the account holder redeems it, or until the bond reaches the Transfer Threshold of $15,000 or 30 years, whichever is earlier. Interest is earned at the same variable rate as securities issued to the Government Securities Investment Fund (G Fund) in the Thrift Savings Plan for federal employees. The G Fund interest rate is calculated pursuant to 5 U.S.C. 8438(e)(2), and the retirement savings bond interest rate compounds daily at 1/360 of the annual percentage rate.

Account holders can choose to transfer their *my*RA account balance into a private sector Roth IRA of their choosing at any time. After an individual's *my*RA account balance reaches the Transfer Threshold, the retirement savings bond will stop earning interest. Subsequently, the bond will be redeemed, and the *my*RA account will be closed. Treasury wishes to encourage individuals to proactively transfer their *my*RA account balances to a private sector Roth IRA at or prior to the Transfer Threshold, and to make this process of graduating to the private sector understandable and easy for account holders.

Treasury recognizes that some account holders may not actively select a destination for their *my*RA account balances. For those *my*RA account holders, Treasury would like to develop appropriate procedures by which its financial agent will transfer the account holder's *my*RA account balance to a Roth IRA at a private sector IRA provider determined under a Treasury-approved process. Entities eligible to be designated for this purpose could potentially include any U.S. depository institution or other U.S. entity that is qualified to offer and does offer Roth IRAs.

## III. Sample Approaches for Transfer Process

This section describes potential approaches for the transfer of *my*RA account balances to other Roth IRAs. Under each of these approaches there is no added cost to the U.S. government relating to the transfer of *my*RA account

[1] More information on *my*RA is available at *www.myRA.gov.*

[2] Some private sector IRAs have minimum initial investment requirements.

[3] Under current tax law, Roth IRAs may be transferred or rolled over tax-free only to other Roth IRAs, not to traditional IRAs or to employer-sponsored plans.

balances to other Roth IRA providers to accept transferred *my*RA account balances. Furthermore, Treasury's designated financial agent will be responsible for all communication and contact with account holders during this process as well as administrative and record keeping services associated with this process.

Under any of the approaches outlined below, the financial agent would notify a *my*RA account holder at certain times before the account is expected to reach the Transfer Threshold. Before or when the account reaches the Transfer Threshold, the account holder could instruct the financial agent to transfer his or her *my*RA account balance to a new or existing Roth IRA at a provider of the account holder's choosing (or could request a distribution). For account holders who do not provide instructions following the initial notice, the financial agent would follow up with an additional notice or notices requesting transfer or distribution instructions and providing information about private sector Roth IRA transfer options.

An account holder who does not provide transfer instructions after reaching the Transfer Threshold would ultimately receive a notice stating that the account balance will be transferred to a specified private sector Roth IRA.[4] Accordingly, the financial agent, pursuant to a process established by Treasury, would open a Roth IRA on behalf of the account holder at a provider designated to accept a transfer and would transfer the account holder's *my*RA account balance to the accepting Roth IRA provider. Both the accepting Roth IRA provider and the financial agent would notify the account holder of the transfer when it occurs.

As described below, Treasury is considering alternative possible approaches for the process of automatically transferring the *my*RA account balances of account holders who do not provide the financial agent with instructions.

*A. Rotating Approach: Allocation of Transfers Among a Number of Roth IRA Providers Determined Under a Treasury-Approved Process*

One approach Treasury is considering is to approve a number of specified Roth IRA providers that are willing to open and maintain Roth IRAs for *my*RA account holders who fail to give instructions after their *my*RA accounts reach the Transfer Threshold. Under this approach, the list of these Roth IRA providers would be sent to *my*RA account holders pursuant to one or more of the notices described above. For account holders who do not provide transfer instructions, the financial agent would transfer their *my*RA account balances to providers on the list on a rotating basis. For example, if there were seven providers on the list, the first account holder's account balance might be transferred to Provider A, the second account holder's account balance might be transferred to Provider B, and so forth until account balances have been transferred to all seven providers. At that point, the process would start over with the account balance for the eighth account holder being transferred to Provider A, and so forth. Account holders would be notified of the Roth IRA provider on the list to which their *my*RA account balance would be transferred.

*B. Single-Provider Approach: Allocation of Transfers to a Single Roth IRA Provider Determined Under a Treasury-Approved Process*

Another approach Treasury is considering is to approve a single Roth IRA provider (instead of multiple providers) that is willing to open and maintain Roth IRAs for *my*RA account holders who fail to give instructions after their *my*RA accounts reach the Transfer Threshold.

*C. Other Approaches*

Comments are invited on possible alternatives to, or variations on, the potential approaches outlined above that should be considered.

## IV. Request for Comments

The public is invited to comment on any aspect of these possible approaches, including the specific issues listed below and suggestions or other information for the design of this process. In particular, suggestions are requested on how to provide appropriate consumer protections without imposing undue or unnecessary requirements, conditions, costs, or complexity.

*A. General Input*

- Which potential approach outlined above—multiple possible default destinations or a single default destination—would result in both the best end user and the best service provider experience?
- What are the inherent risks and benefits of the potential approaches outlined above from an end user as well as a service provider perspective?

*B. Notification and Education Questions*

- What are the key topics, messages, and information Treasury should provide to account holders about their options, and about saving for retirement more generally, when they are considering the transfer of their account balances? When and in what form should these communications and related retirement savings education occur? How can Treasury make the best use of *my*RA as an opportunity to promote financial capability and literacy and financial education?
- How far in advance, how often, and in what form (*e.g.*, email, mailed notification, telephone calls, text messages) should the financial agent notify *my*RA account holders of the approaching Transfer Threshold, and how and in what form should account holders be notified that their account balances have been automatically transferred?
- As part of the notification process under either scenario described above, should the financial agent include a list of available Roth IRA providers to help account holders choose their own Roth IRA providers, in addition to a list of the providers selected to receive automatic transfers of *my*RA account balances?
  - ○ If so, what eligibility criteria should Treasury consider in selecting providers to be on that potentially broader list of Roth IRA providers? How should the eligibility criteria be similar to or different from the eligibility criteria for a provider to accept automatically-transferred accounts?
  - ○ What information about each provider and its IRAs, investments, and services (and the associated fees and expenses) should be provided? Should the information about different providers be made readily comparable and, if so, how? Should a Treasury-provided internet portal be made available (or be linked to) for this purpose?
- To what extent could or should Treasury partner with outside organizations or use other means of communication besides direct contact from the financial agent to promote awareness of the Transfer Threshold and transfer options? Specific examples are requested, together with explanations as to why they would be effective.

*C. Automatic Transfer Process Questions*

- As part of the process for opening a *my*RA account, the designated financial agent obtains a customer's

[4] A transfer to the private sector would have no tax consequences for account holders and would allow them to continue to grow their retirement savings beyond *my*RA (unlike a distribution of the funds upon reaching the Transfer Threshold, which ordinarily would be a taxable event, depending on account holders' circumstances).

consent to automatically transfer the *my*RA account balance and related account and personal information to another Roth IRA provider if the *my*RA account reaches the Transfer Threshold without transfer or distribution instructions from the account holder. Will Roth IRA providers be comfortable opening accounts on this basis?

• What eligibility criteria should Treasury consider in selecting providers to receive automatic transfers?

• Should Treasury impose any specific guidelines or conditions on providers? If so, what types of guidelines or conditions should there be? How long should they remain in effect or should they be indefinite?

• Is there a particular number of Roth IRA providers that should be selected among those that are willing to accept automatic transfers of *my*RA account balances?

• How would the number of providers on the list affect the willingness of potential providers to participate as recipients of automatic transfers?

• What factors are likely to make a Roth IRA provider willing (or unwilling) to be selected to receive automatically transferred *my*RA account balances?

• Are there potential requirements that would discourage Roth IRA providers from choosing to be on the list of institutions that accept automatically transferred *my*RA account balances?

• Are there potential circumstances that would cause providers to wish to decline receipt of an automatically transferred *my*RA account?

• If there are multiple providers receiving automatically transferred *my*RA account balances, how should accounts be transferred to providers?

*D. Automatic Transfer Provider Fee Structure Questions*

• Should Treasury establish guidelines for the types and/or amounts of fees or other charges that providers that accept automatic transfers may charge the account holder? If so, how? What types and levels of fees or other charges should be permitted? How should they be disclosed?

• How would any such guidelines affect the willingness of such providers to participate?

• Should any such guidelines require that all such providers charge the same fees, or should varying fees be permitted?

*E. Automatic Transfer Investment Offering Questions*

• What types of investment options should providers that accept automatic transfers be permitted or required to offer, and what policies, fees, or determining factors should be considered?

• Should these or other providers be required to provide a default investment option for automatically transferred accounts, and, if so, what should that default investment option be (for example, a target date fund)?

• Should the default investment be different depending upon the characteristics (*e.g.*, age or account balance size) of a particular account holder?

• Should providers be required to offer alternative investment options in addition to a default option? If so, should there be specific criteria for the types of alternative investment options, for example having at least one ''safe'' (principal-protected) alternative investment option?

*F. Other Questions*

• Are there key or unique features of *my*RA that Treasury should consider when selecting providers or that could present a challenge in the context of transfers to the private sector?

• What other operational, legal, or regulatory issues should Treasury be aware of or take into consideration in developing a *my*RA account balances transfer process?

**V. Comments Instructions**

Comments should refer to docket number FISCAL–2015–0001, and should also include (1) the supporting rationale; and (2) alternative approaches, if any, that should be considered, including specific examples and options. All comments received will become part of this docket, and in general, will be published on *www.regulations.gov* without change, including any business or personal information provided. You should only submit information that you wish to make publicly available. Comments received will also be available for public inspection and copying at the Treasury Department Library, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220. To visit the library, call (202) 622–0990 for an appointment.

**Authority:** 31 CFR part 347.

Dated: August 6, 2015.

**David A. Lebryk,**

*Fiscal Assistant Secretary.*

[FR Doc. 2015–19798 Filed 8–11–15; 8:45 am]

BILLING CODE 4810–AS–P

## DEPARTMENT OF VETERANS AFFAIRS

### Enhanced-Use Lease of Department of Veterans Affairs (VA) Real Property for the Development of a Housing Facility on One Parcel of Land Totaling Approximately 5.4 Acres of Land in Grand Island, Nebraska

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Amended notice of intent to enter into an amended Enhanced-Use Lease (EUL).

**SUMMARY:** The Secretary of VA intends to amend the scope and terms of an existing EUL that was entered into during the month of December 2011, totaling approximately 4.6 acres of land, for the purpose of constructing and developing 102 units of supportive housing for Veterans. Since that time market conditions have changed making the original scope infeasible. This notice provides details on the current scope and terms of the proposed amended EUL. The EUL lessee will finance, design, develop, manage, maintain and operate up to 78 units of housing for eligible Veterans, on approximately 5.4 acres of land in one or more phases at the Grand Island VAMC campus for eligible homeless Veterans, and Veterans at risk of homelessness, on a priority placement basis, and provide supportive services that guide resident Veterans toward attaining long-term self-sufficiency.

**FOR FURTHER INFORMATION CONTACT:** Edward L. Bradley III, Office of Asset Enterprise Management (044), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7778.

**SUPPLEMENTARY INFORMATION:** As required under Section 211(b)(2)(B) of Public Law 112–154, this amended EUL will adhere to the prior version of VA's EUL statute dated as of December 30, 2011.

**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 A. McDonald, Secretary of Veterans Affairs, approved this document on August 7, 2015 for publication.

Approved: August 10, 2015.

**Jeffrey M. Martin,**

*Program Office Manager, Regulation Policy and Management, Office of General Counsel.*

[FR Doc. 2015–19902 Filed 8–11–15; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Loan Guaranty: Maximum Allowable Attorney Fees

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice; correction.

**SUMMARY:** On July 31, 2015, the Department of Veterans Affairs published a notice in the **Federal Register** providing information to participants in the Department of Veterans Affairs (VA) Home Loan Guaranty program concerning the maximum attorney fees allowable in calculating the indebtedness used to determine the guaranty claim payable upon loan termination (80 FR 45718). This notice contained two administrative errors.

**DATES:** These corrections will be effective as of August 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Trevayne, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Department of Veterans Affairs, Washington, DC 20420, (202) 632–8795 (Not a toll-free number).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 31, 2015, FR Doc. # 2015–18762, the table representing the Secretary's determination of the reasonable and customary cost of legal services needs to be replaced with the following table:

| Jurisdiction | VA non-judicial foreclosure [1 2] | VA judicial foreclosure [1 2] | Deed-in-lieu of foreclosure |
|---|---|---|---|
| Alabama | $1325 | N/A | $350 |
| Alaska | 1600 | N/A | 350 |
| Arizona | 1350 | N/A | 350 |
| Arkansas | 1400 | N/A | 350 |
| California | 1350 | N/A | 350 |
| Colorado | 1650 | N/A | 350 |
| Connecticut | N/A | 2450 | 350 |
| Delaware | N/A | 1800 | 350 |
| District of Columbia | 1200 | 2300 | 350 |
| Florida | N/A | 2800 | 350 |
| Georgia | 1325 | N/A | 350 |
| Guam | 1600 | N/A | 350 |
| Hawaii | N/A | 2950 | 350 |
| Idaho | 1150 | N/A | 350 |
| Illinois | N/A | 2300 | 350 |
| Indiana | N/A | 2050 | 350 |
| Iowa | 850 | 1880 | 350 |
| Kansas | N/A | 1800 | 350 |
| Kentucky | N/A | 2250 | 350 |
| Louisiana | N/A | 1900 | 350 |
| Maine | N/A | 2300 | 350 |
| Maryland | 2400 | N/A | 350 |
| Massachusetts | N/A | 2550 | 350 |
| Michigan | 1425 | N/A | 350 |
| Minnesota | 1450 | N/A | 350 |
| Mississippi | 1200 | N/A | 350 |
| Missouri | 1350 | N/A | 350 |
| Montana | 1150 | N/A | 350 |
| Nebraska | 1150 | N/A | 350 |
| Nevada | 1525 | N/A | 350 |
| New Hampshire | 1350 | N/A | 350 |
| New Jersey | N/A | 2975 | 350 |
| New Mexico | N/A | 2000 | 350 |
| New York—Western Counties [3] | N/A | 2675 | 350 |
| New York—Eastern Counties | N/A | 3475 | 350 |
| North Carolina | 1575 | N/A | 350 |
| North Dakota | N/A | 1750 | 350 |
| Ohio | N/A | 2250 | 350 |
| Oklahoma | N/A | 2000 | 350 |
| Oregon | 1350 | 2600 | 350 |
| Pennsylvania | N/A | 2350 | 350 |
| Puerto Rico | N/A | 2050 | 350 |
| Rhode Island | 1725 | N/A | 350 |
| South Carolina | N/A | 1650 | 350 |
| South Dakota | N/A | 2200 | 350 |
| Tennessee | 1200 | N/A | 350 |
| Texas | 1325 | N/A | 350 |
| Utah | 1350 | N/A | 350 |
| Vermont | N/A | 2250 | 350 |
| Virgin Islands | N/A | 1800 | 350 |
| Virginia | 1350 | N/A | 350 |
| Washington | 1350 | N/A | 350 |
| West Virginia | 1150 | N/A | 350 |
| Wisconsin | N/A | 2000 | 350 |

| Jurisdiction | VA non-judicial foreclosure [1 2] | VA judicial foreclosure [1 2] | Deed-in-lieu of foreclosure |
|---|---|---|---|
| Wyoming | 1150 | N/A | 350 |

[1] When a foreclosure is stopped due to circumstances beyond the control of the holder or its attorney (including, but not limited to bankruptcy, VA-requested delay, property damage, hazardous conditions, condemnation, natural disaster, property seizure, or relief under the Servicemembers Civil Relief Act) and then restarted, VA will allow a $350 restart fee in addition to the base foreclosure attorney fee. This fee recognizes the additional work required to resume the foreclosure action, while also accounting for the expectation that some work from the previous action may be utilized in starting the new action.

[2] VA will allow attorney fees of $650 (Chapter 7) or $850 (initial Chapter 13) for obtaining bankruptcy releases directly related to loan termination. For additional requests for relief filed under each bankruptcy chapter, VA will allow an additional $250.

[3] Western Counties of New York for VA are: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates. The remaining counties are in Eastern New York.

Second, in the last sentence of the **SUPPLEMENTARY INFORMATION** section of the published Notice, on page 1, reference was made to Paragraph (b)(5)(ii) of section 34.4314. Change this reference to section 36.4314 vs. 34.4314.

Dated: August 6, 2015.

**Michael Shores,**

*Chief, Impact Analyses, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.*

[FR Doc. 2015–19771 Filed 8–11–15; 8:45 am]

**BILLING CODE 8320–01–P**

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