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Federal Register

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

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

DEPARTMENT OF COMMERCE

Office of the Secretary

2 CFR Part 1327

15 CFR Parts 14 and 24

[Docket No.: 150320288–5547–02]

RIN 0605–AA34

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

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce publishes this rule to adopt as a final rule, without change, a joint interim final rule published with the Office of Management and Budget (OMB) for all Federal award-making agencies that implemented guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). This rule is necessary to incorporate into regulation and thus bring into effect the Uniform Guidance as required by OMB for the Department of Commerce.

DATES: This rule is effective August 27, 2015.

FOR FURTHER INFORMATION CONTACT: John Geisen at 202–482–0602 or *jgeisen@doc.gov.*

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

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

The Department of Commerce publishes this final rule to adopt the provisions of the interim final rule. The Department did not request any exceptions to the Uniform Guidance and did not provide any language beyond what was included in 2 CFR 200. The Department did not receive any public comments on its regulations. Accordingly, the Department makes no changes to the interim final rule.

Classification

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Executive Order 12866

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

Barry Berkowitz,

Director of Acquisition Management, U.S. Department of Commerce.

Accordingly, the interim rule amending 2 CFR part 1327, and 15 CFR parts 14 and 24, which was published at 79 FR 75867 on December 19, 2014, is adopted as a final rule without change.

[FR Doc. 2015–18196 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–17–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2463; Directorate Identifier 2015–NM–086–AD; Amendment 39–18216; AD 2015–15–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–10–01 for certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2015–10–01 required inspection for correct assembly of the main landing gear (MLG) alternate extension system reservoir lid, and corrective action if necessary. This new AD revises the applicability. This AD was prompted by the discovery of two errors in the applicability of AD 2015–10–01. We are issuing this AD to, in the event of a failure of the primary MLG extension system, prevent failure of the alternate MLG extension system to fully extend the MLG into a down-and-locked position, which could result in collapse of both left-hand and right-hand MLG sides during touchdown.

DATES: This AD becomes effective August 12, 2015.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in this AD as of July 14, 2015 (80 FR 32449, June 9, 2015).

We must receive comments on this AD by September 11, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For Bombardier service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.* For Parker service information identified in this AD, contact Parker Aerospace, 14300 Alton Parkway, Irvine, CA 92618; telephone: 949–833–3000; Internet: *http://www.parker.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2463.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2463; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7303; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

On May 1, 2015, we issued AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015). AD 2015–10–01 applied to certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2015–10–01 was prompted by reports of hydraulic fluid loss from the reservoir of the MLG alternate extension system. AD 2015–10–01 required inspection for correct assembly of the MLG alternate extension system reservoir lid, and corrective action if necessary. We issued AD 2015–10–01 to, in the event of a failure of the primary MLG extension system, prevent failure of the alternate MLG extension system to fully extend the MLG into a down-and-locked position, which could result in collapse of both left-hand and right-hand MLG sides during touchdown.

AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), corresponds to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–15, dated June 6, 2014. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2463.

Since we issued AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), we have discovered two inadvertent errors in the identification of the affected airplane models in the applicability of AD 2015–10–01. Paragraph (c) of AD 2015–10–01 omitted Bombardier Model DHC–8–400 airplanes and erroneously referred to a model (DHC–8–403) that is not identified on the U.S. type certificate. However, the serial numbers identified in paragraph (c) of AD 2015–10–01 were correct. We have also revised the estimated number of U.S.-registered airplanes affected by this AD. The number of airplanes is less than we originally estimated.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

We are superseding AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), to correct two errors in the applicability in paragraph (c) of AD 2015–10–01, which inadvertently omitted a certain airplane model affected by the unsafe condition, and included a model that is not identified on the U.S. type certificate. We have made no other changes to the requirements published in AD 2015–10–01. Also, there are currently no Bombardier Inc. Model DHC–8–400 airplanes (the omitted airplane model) on the U.S. Register. Therefore, we determined that notice and opportunity for public comment before issuing this AD are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–2463; Directorate Identifier 2015–NM–086–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 84–29–34, dated May 9, 2013, with the attached Parker Service Bulletin 82910012–29–431, dated October 22, 2012. The service information describes procedures to inspect the lid assembly of the MLG alternate extension system reservoir for correct assembly and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 78 airplanes of U.S. registry.

The actions required by AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), and retained in this AD take about 4 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2015–10–01 is $340 per product.

In addition, we estimate that any necessary follow-on actions will take about 2 work-hours and require parts costing $0, for a cost of $170 per product. We have no way of determining the number of aircraft that might need this action.

The new requirements of this AD add no additional economic burden.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), and adding the following new AD:

2015–15–07 Bombardier, Inc.: Amendment 39–18216. Docket No. FAA–2015–2463; Directorate Identifier 2015–NM–086–AD.

(a) Effective Date

This AD becomes effective August 12, 2015.

(b) Affected ADs

This AD replaces AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015).

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 through 4424 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Reason

This AD was prompted by reports of hydraulic fluid loss from the reservoir of the main landing gear (MLG) alternate extension system. We are issuing this AD to, in the event of a failure of the primary MLG extension system, prevent failure of the alternate MLG extension system to fully extend the MLG into a down-and-locked position, which could result in collapse of both left-hand and right-hand MLG sides during touchdown.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Inspection and Corrective Action, With No Changes

This paragraph restates the requirements of AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), with no changes. Within 2,000 flight hours or 12 months after July 14, 2015 (the effective date of AD 2015–10–01), whichever occurs first: Do a general visual inspection of the MLG alternate extension system reservoir lid for correct assembly, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–29–34, dated May 9, 2013, and with the attached Parker Service Bulletin 82910012–29–431, dated October 22, 2012, as referenced in Bombardier Service Bulletin 84–29–34, dated May 9, 2013. Do all applicable corrective actions within 2,000 flight hours or 12 months after July 14, 2015, whichever occurs first.

(h) Retained Credit for Previous Actions, With No Changes

This paragraph restates the provisions of paragraph (h) of AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), with no changes. This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before July 14, 2015 (the effective date of AD 2015–10–01), using Bombardier All Operator Message 543, dated October 17, 2012, which is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2015–10–01, Amendment 39–18156 (80 FR 32449, June 9, 2015), are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–15, dated June 6, 2014, for related information. This MCAI may be found in the AD docket on the

Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2463.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(4) and (k)(6) of this AD.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on July 14, 2015 (80 FR 32449, June 9, 2015).

(i) Bombardier Service Bulletin 84–29–34, dated May 9, 2013.

(ii) Parker Service Bulletin 82910012–29–431, dated October 22, 2012.

(4) For Bombardier service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.*

(5) For Parker service information identified in this AD, contact Parker Aerospace, 14300 Alton Parkway, Irvine, CA 92618; phone: 949–833–3000; Internet: *http://www.parker.com.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 13, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–17975 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0778; Directorate Identifier 2014–NM–095–AD; Amendment 39–18220; AD 2015–15–11]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. This AD was prompted by reports of skin cracks and subsequent findings of hidden corrosion found on the mating surfaces between certain skin and stringers at circumferential skin splices. This AD requires general visual inspections of the fuselage skin at certain lower circumferential splices for the presence of existing external doublers, repetitive inspections of the fuselage skin, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct hidden corrosion due to compromised fillet seals, which can result in skin cracking and consequent loss of capability to support limit loads.

DATES: This AD is effective September 1, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 1, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*You may view this referenced service information at the FAA, Transport Airplane Directorate,

1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0778.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0778; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The NPRM published in the **Federal Register** on November 28, 2014 (79 FR 70799). The NPRM was prompted by reports of skin cracks and subsequent findings of hidden corrosion found on the mating surfaces between certain skin and stringers at circumferential skin splices. The NPRM proposed to require general visual inspections of the fuselage skin at certain lower circumferential splices for the presence of existing external doublers, repetitive inspections of the fuselage skin, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct hidden corrosion due to compromised fillet seals, which can result in skin cracking and consequent loss of capability to support limit loads.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 70799, November 28, 2014) and the FAA's response to each comment.

Concurrence With NPRM (79 FR 70799, November 28, 2014)

United Airlines stated that it concurs with the proposed requirements specified in the NPRM (79 FR 70799, November 28, 2014).

Request To Clarify What Prompted the AD Action and Clarify the Unsafe Condition

Boeing requested that we clarify the unsafe condition and revise various locations of the NPRM (79 FR 70799, November 28, 2014) to indicate that corrosion was discovered only after a skin crack was reported. Boeing explained the hidden corrosion between the skin and stringer was not visibly detectable and was discovered only after a skin crack was reported.

We agree to revise the sentences that specify the unsafe condition and that specify what prompted the AD action. We have revised the **SUMMARY** of this final rule, as well as the Discussion and paragraph (e) of this AD, by adding the phrase ''hidden corrosion due to'' to the sentences that specify the unsafe condition, and by adding the phrase ''skin cracks and subsequent findings of hidden'' to the sentences that discuss what prompted the AD action.

Request To Clarify Requirements Based on Presence of Doubler Repair

Boeing requested that we revise paragraph (g) of the NPRM (79 FR 70799, November 28, 2014) to clarify the proposed requirements for surface low frequency eddy current (LFEC) inspections for areas with and without repair doublers.

We agree to revise paragraph (g) of this AD to clarify configurations of areas with and without repair doublers. We have revised paragraph (g)(1) and added new paragraph (g)(2) to this AD to specify configurations having ''an external repair doubler'' and where ''no existing repair doubler'' exists.

Request To Add Required High Frequency Eddy Current (HFEC) Inspections

Boeing requested that we revise paragraphs (g)(2) and (h)(2)(i) of the NPRM (79 FR 70799, November 28, 2014) by adding HFEC inspections as a required action.

We disagree with specifying HFEC inspections as requested in this AD because this AD already requires compliance with all applicable ''related investigative actions,'' which include applicable HFEC inspections. The terminology for the proposed AD requirements was addressed by the NPRM (79 FR 70799, November 28, 2014). Our standard practice is to specify actions that are related to the primary action and actions that further investigate the nature of any condition found as ''related investigative actions.'' No change has been made to this AD in this regard.

Request To Reference Correct Service Information

UPS requested that the correct eddy current inspection procedure be referenced in the NPRM (79 FR 70799, November 28, 2014). UPS stated that Boeing Information Notice 747–53A2861 IN 01, dated April 24, 2014, was issued to inform operators that Paragraph 3.B, Part 2, Step 1, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, should refer to ''747 Nondestructive test (NDT) Manual Part 6, 53–30–00, Procedure 5,'' instead of ''747 NDT Manual Part 6, 51–00–00, Procedure 8,'' as the correct inspection procedure of the fuselage skin. UPS stated that adding this information would prevent the need for requests for alternative methods of compliance (AMOCs) related to this error.

We find that clarification is needed. To clarify this information, we have added a new exception to include the correct source of service information for this inspection. New paragraph (i)(3) of this AD refers to ''747 NDT Manual Part 6, 53–30–00, Procedure 5,'' as the appropriate source of service information for the eddy current inspection of the fuselage skin. We have also added a reference to paragraph (i)(3) of this AD in paragraphs (g) and (h) of this AD.

Request To Exclude Location From Required Inspections

UPS requested that the NPRM (79 FR 70799, November 28, 2014) be revised to exclude a certain location from the inspection requirements, or that the proposed AD provide an inspection procedure that is adequate for that location. UPS stated that Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, specifies that external surface LFEC inspections for corrosion of the fuselage skin be done using ''747 NDT Manual Part 6, 51–00–00, Procedure 5 or Procedure 12,'' which are appropriate for skins with a specified thickness. UPS stated Table 2 of Appendix C of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, contains an error. Skin panels having part number 65B23792–XX are chem milled with a thickness that exceeds the specification listed in Table 2 of Appendix C of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014. Therefore, the NDT procedures are not valid for those skin panels at this location. UPS stated that since action is identified as ''Required for Compliance,'' by Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, no deviations are allowed without AMOC approval.

We disagree with the request. Agreeing with the request would delay the issuance of the AD and we find that delaying this action would be inappropriate in light of the identified unsafe condition. Boeing is aware of the discrepancy with the NDI instructions, and is actively working on a global AMOC for operators to correct the error by means of a validated procedure. Operators have the option of proposing their own procedure in accordance with paragraph (j) of this AD.

Since chem milling affects the ability to accomplish Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, and the corrective action is not clear in the service information, we have added an exception to new paragraph (i)(4) of this AD to specify where Paragraph 3.B, Part 3, Step 1, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, specifies doing external surface LFEC inspections in accordance with ''747 NDT Manual Part 6, 51–00–00, Procedure 5 or Procedure 12,'' and the skin panels are chem milled with a thickness that exceeds the specification listed in Table 2 of Appendix C of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, this AD requires using an AMOC per paragraph (j) of this AD. We have added a reference to paragraph (i)(4) of this AD in paragraphs (g) and (h) of this AD. Operators may request approval of an AMOC under the provisions of paragraph (j) of this AD, for procedures that would help them meet the NDT test requirements.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 70799, November 28, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 70799, November 28, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–53A2861, dated April 1,

2014. The service information describes procedures for inspections of the fuselage skin at certain lower circumferential splices for the presence of existing external doublers, inspections of the fuselage skin for cracking and corrosion, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this final rule.

Costs of Compliance

We estimate that this AD affects 165 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 121 work-hours × $85 per hour = $10,285.	$0	Up to $10,285	Up to $1,697,025.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–15–11 The Boeing Company: Amendment 39–18220; Docket No. FAA–2014–0778; Directorate Identifier 2014–NM–095–AD.

(a) Effective Date

This AD is effective September 1, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes; certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of skin cracks and subsequent findings of hidden corrosion found on the mating surfaces between certain skin and stringers at circumferential skin splices. We are issuing this AD to detect and correct hidden corrosion due to compromised fillet seals, which can result in skin cracking and consequent loss of capability to support limit loads.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspections and Repair for Group 1 Airplanes

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, except as provided by paragraph (i)(1) of this AD, do external general visual inspections for the presence of external doublers on the fuselage skin, and do the applicable actions specified in paragraphs (g)(1) and (g)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, except as required by paragraphs (i)(2), (i)(3), and (i)(4) of this AD. Do all applicable repetitive inspections of the fuselage skin thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014.

(1) For each affected area with an external repair doubler: Before further flight, do a surface low frequency eddy current (LFEC) inspection for skin cracks of the external lower lobe repair doubler, and do all applicable related investigative and corrective actions. Do all applicable related investigative and corrective actions before further flight.

(2) For any affected area with no external repair doubler: Before further flight, do a surface LFEC inspection for corrosion of the external lower lobe skin surface, and do all applicable related investigative and corrective actions. Do all applicable related investigative and corrective actions before further flight.

(h) Inspections and Repair for Group 2 Airplanes

For airplanes identified as Group 2 in Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, except as provided by paragraph (i)(1) of this AD, do external general visual inspections for the presence of

external doublers on the fuselage skin, and do the applicable actions specified in paragraphs (h)(1) and (h)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, except as required by paragraphs (i)(2), (i)(3), and (i)(4) of this AD.

(1) For affected areas with any existing repair doubler: Before further flight, do inspections and applicable repairs using a method approved in accordance with the procedures specified by paragraph (j) of this AD.

(2) For affected areas with no existing repair doubler, do the applicable actions specified in paragraph (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Before further flight, do a surface LFEC inspection for corrosion of the external lower lobe doubler, a surface LFEC inspection for skin cracks of the external lower lobe doubler, a detailed inspection for cracks of the external lower lobe skin, and do all applicable related investigative and corrective actions. Do all applicable related investigative and corrective actions before further flight.

(ii) Do all applicable repetitive inspections of the fuselage skin thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, specifies to contact Boeing for repair data, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Where Paragraph 3.B, Part 2, Step 1, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, incorrectly identifies ''747 NDT Manual Part 6, 51–00–00, Procedure 8,'' associated with the LFEC inspection for skin cracks of the external lower lobe repair doubler, the correct reference is ''747 NDT Manual Part 6, 53–30–00, Procedure 5.''

(4) Where Paragraph 3.B, Part 3, Step 1, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, specifies doing external surface LFEC inspections in accordance with ''747 NDT Manual Part 6, 51–00–00, Procedure 5 or Procedure 12,'' and the skin panels are chem milled with a thickness that exceeds the specification listed in Table 2 of Appendix C of Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014, this AD requires using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(3) Except as required by paragraph (i) of this AD: Some steps in the Work Instructions are labeled as Required for Compliance (RC). If this service bulletin is mandated by an AD, then the steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures. Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(4) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 747–53A2861, dated April 1, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on July 16, 2015.

Suzanne Masterson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18156 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0921; Directorate Identifier 2014–NM–073–AD; Amendment 39–18193; AD 2015–13–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–14–05 for certain The Boeing Company Model 747–400 and 747–400F series airplanes. AD 2013–14–05 required repetitive inspections of the longeron extension fittings for cracking, and related investigative and corrective actions if necessary. This new AD would continue to require the actions specified in AD 2013–14–05, and would add new repetitive high frequency eddy current (HFEC) inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable related investigative and corrective actions if necessary. This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings, and our determination that more work is necessary on airplanes on which a permanent repair, longeron extension fitting replacement, or modification was accomplished. We are issuing this AD to detect and correct cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

DATES: This AD is effective September 1, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 1, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 26, 2013 (78 FR 43763, July 22, 2013).

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA 2014–0921.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014 0921; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013). AD 2013–14–05 applied to certain The Boeing Company Model 747–400 and 747–400F series airplanes. The NPRM published in the **Federal Register** on December 15, 2014 (79 FR 74038). The NPRM was prompted by reports of cracking in the outboard flange of the longeron extension fittings, and our determination that more work is necessary on airplanes on which a permanent repair, longeron extension fitting replacement, or modification was accomplished, as required by AD 2013–14–05. The NPRM proposed to continue to require the actions specified in AD 2013–14–05, and to add new repetitive high frequency eddy current (HFEC) inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 74038, December 15, 2014) and the FAA's response to each comment.

Support for the NPRM (79 FR 74038, December 15, 2014)

United Airlines expressed that the NPRM (79 FR 74038, December 15, 2014) affects 13 of its Boeing Model 747–400 series airplanes, and that it concurs with the NPRM.

Boeing expressed that it concurs with the NPRM (79 FR 74038, December 15, 2014).

Request To Include the Effective Date

Atlas Air requested that we revise the NPRM (79 FR 74038, December 15, 2014) to include a new paragraph (k)(3) to list the effective date of AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013), or that we include the effective date of AD 2013–14–05 in paragraph (g) of the NPRM. Atlas Air pointed out that the compliance time in paragraph (g) of the NPRM references the ''Compliance'' section of the service information, which is based on the effective date of AD 2013–14–05, and once AD 2013–14–05 is replaced, the effective date of AD 2013–14–05 will no longer exist.

We disagree with the commenter's request to add a new paragraph (k)(3) to this AD, or to add the effective date of AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013), to paragraph (g) of this AD. The effective date of AD 2013–14–05 (August 26, 2013) is specified in the first sentence under paragraph 1.E., ''Compliance,'' of the referenced service information. Therefore, no change is needed for this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 74038, December 15, 2014) for correcting the unsafe condition; and
- do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 74038, December 15, 2014).

Related Service Information Under 1 CFR part 51

We reviewed Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014. The service information describes procedures for repetitive HFEC inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable related investigative and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 41 airplanes of U.S. registry

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC inspection [retained action from AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013)].	32 work-hours × $85 per hour = $2,720 per inspection cycle.	$0	$2,720 per inspection cycle.	$111,520 per inspection cycle

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Terminating action for certain inspections [retained action from AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013)].	479 work-hours × $85 per hour = $40,715.	$0	$40,715	$1,669,315
HFEC inspection [new action]	32 work-hours × $85 per hour = $2,720 per inspection cycle.	$0	$2,720 per inspection cycle.	$111,520 per inspection cycle

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	464 work-hours × $85 per hour = $39,440	$0	$39,440

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013), and adding the following new AD:

2015–13–06 The Boeing Company: Amendment 39–18193 ; Docket No. FAA–2014–0921; Directorate Identifier 2014–NM–073–AD.

(a) Effective Date

This AD is effective September 1, 2015.

(b) Affected ADs

This AD replaces AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013).

(c) Applicability

This AD applies to The Boeing Company Model 747–400 and –400F series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings, and our determination that more work is necessary on airplanes on which a permanent repair, longeron extension fitting replacement, or modification was accomplished, as required by AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013). We are issuing this AD to detect and correct cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Repetitive Inspections

At the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014: Do surface high frequency eddy current (HFEC) inspections for cracking of the left and right longeron extension fittings, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, except as required by paragraph (k)(2) of this AD. Do all applicable corrective actions at the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing

Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014. If no cracking is found, repeat the inspection thereafter at the intervals specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, until a terminating action specified in paragraph (h) of this AD is done.

(h) Terminating Actions for the Inspections Required by Paragraph (g) of This AD

(1) Doing the permanent repair, longeron extension fitting replacement, or preventative modification before the effective date of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, terminates the repetitive inspections required by paragraph (g) of this AD. Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, was incorporated by reference in AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013) and continues to be incorporated by reference in this AD. After accomplishing the actions specified in this paragraph, the actions specified in paragraph (i) of this AD must be done at the times specified in paragraph (i) of this AD.

(2) Doing the repair (PART 4 of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014), longeron extension fitting replacement, or modification on or after the effective date of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, except as required by paragraph (k)(2) of this AD, terminates the repetitive inspection requirements of paragraph (g) of this AD. After accomplishing the actions specified in this paragraph, the actions specified in paragraph (i) of this AD must be done at the times specified in paragraph (i) of this AD.

(i) Post-Modification/Repair/Replacement Inspections

For airplanes on which any action identified in paragraph (h) of this AD has been accomplished (including if the action is done as a corrective action required by paragraph (g) or (j) of this AD): At the applicable time specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, except as required by paragraph (k)(1) of this AD, do a surface HFEC inspection of the left and right longeron extension fittings for cracking, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014. Do all applicable corrective actions at the applicable time specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, except as required by paragraph (k)(2) of this AD. If no cracking is found, repeat the inspection thereafter at the interval specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014.

(j) Inspection of Temporary Repair and Corrective Actions

For airplanes on which a temporary repair specified in Boeing Alert Service Bulletin 747–53A2860 has been done: At the times specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, do a surface HFEC inspection of the temporary repair of the longeron extension fittings for cracking, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, except as required by paragraph (k)(2) of this AD. Do all applicable corrective actions before further flight.

(k) Exceptions to the Service Information

(1) Where Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, specifies a compliance time ''after the Revision 1 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, specifies to contact Boeing for repair information: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g) and (j) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, which was incorporated by reference in AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013).

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (n) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013), are approved as AMOCs for the corresponding provisions of paragraphs (g), (h), and (j) of this AD.

(n) Related Information

For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on September 1, 2015.

(i) Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014.

(ii) Reserved.

(4) The following service information was approved for IBR on August 26, 2013 (78 FR 43763, July 22, 2013).

(i) Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012.

(ii) Reserved.

(5) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(6) You may view this service information at FAA, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on June 19, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–15851 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD; Amendment 39–18191; AD 2015–13–04]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2014–19–05 for all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines. AD 2014–19–05 required an initial one-time vibration check of the engine accessory gearbox (AGB) on certain Arriel 1 and Arriel 2 model engines, and repetitive vibration checks for all Arriel 1 and Arriel 2 engines. This AD was prompted by our determination that we incorrectly identified technical references in AD 2014–19–05. We are issuing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

DATES: This AD is effective September 1, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 1, 2015.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of November 5, 2014 (79 FR 59091, October 1, 2014).

ADDRESSES: For service information identified in this AD, contact Turbomeca S.A., 40220 Tarnos, France; phone: 33 0 5 59 74 40 00; telex: 570 042; fax: 33 0 5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0164.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0164; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014), (''AD 2014–19–05''). AD 2014–19–05 applied to the specified products. The NPRM published in the **Federal Register** on February 4, 2015 (80 FR 6017). The NPRM proposed to continue to require an initial one-time vibration check of the engine AGB on certain higher risk Arriel 1 and Arriel 2 model engines. That NPRM also proposed to continue to require repetitive vibration checks of the engine AGB for all Arriel 1 and Arriel 2 engines at every engine shop visit.

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Allow Sufficient Compliance Time

One commenter requested that sufficient time be allowed to comply with this AD to account for the availability of the vibration test equipment and Turbomeca technical representatives. The commenter indicated that the initial one-time vibration check of the engine AGB requires use of Turbomeca-specified vibration test equipment and is performed by Turbomeca technical personnel.

We do not agree. The compliance times in the AD provide sufficient time for the operator to perform the required maintenance. Operators can also procure the required vibration test equipment to perform the test. We did not change this AD.

Request To Revise Definition of Shop Visit

One commenter requested that we revise the AD to make the definition of ''shop visit'' consistent with EASA AD 2014–0036. The EASA AD specifies that the repetitive vibration check of the engine AGB be performed during a ''qualifying shop visit,'' which is when the engine is ''overhauled or repaired in a qualified Repair Center.'' The commenter indicated that because of the modularity of the Arriel engine, it is possible to separate a major mating flange during ''Level 2'' or ''Level 1 maintenance.''

We do not agree. We do not find specific criteria in EASA AD 2014–0036's definition of ''engine shop visit'' for when the repetitive AGB vibration check should be conducted. We did not change this AD.

Request To Eliminate Repetitive Vibration Check

One commenter requested that the repetitive vibration check required by this AD be eliminated. The commenter indicated that this vibration check is already incorporated in Turbomeca Level 4 maintenance, and in subsequent test requirements, so it will always be done. Further, adding this requirement to the AD only adds to the cost and paperwork requirements for operators.

We do not agree. The repetitive vibration checks of the engine AGB are required to prevent failure of the AGB. We did not change this AD.

Revisions To Service Information References

Turbomeca S.A. updated the service bulletins (SBs) referenced in this AD. We reviewed the updated SBs and found they adequately addressed the unsafe condition. Therefore, we revised this AD to reference the updated versions of the SBs. This AD now references Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version C, dated June 18, 2014, and Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014. We also revised compliance paragraph (e) of this AD to refer to the corresponding paragraphs used in these updated MSBs to require the vibration checks.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed Turbomeca S.A. MSB No. 292 72 0839, Version C, dated June 18, 2014; and Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014. The service information describes procedures for vibration checks. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 1,268 engines installed on aircraft of U.S. registry. We also estimate that it will take about 4 hours per engine to comply with the inspection requirement in this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $431,120.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014), and adding the following new AD:

2015–13–04 Turbomeca S.A.: Amendment 39–18191; Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD.

(a) Effective Date

This AD is effective September 1, 2015

(b) Affected ADs

This AD supersedes AD 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014).

(c) Applicability

This AD applies to all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines.

(d) Unsafe Condition

This AD was prompted by reports of uncommanded in-flight shutdowns on Turbomeca S.A. Arriel 1 and Arriel 2 engines following rupture of the 41-tooth gear forming part of the 41/23-tooth bevel gear located in the engine accessory gearbox (AGB). We are issuing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(1) For all Turbomeca S.A. Arriel 1B, 1D, 1D1, 2B, and 2B1 turboshaft engines, perform a one-time vibration check of the AGB 41/23-tooth bevel gear meshing within 32 months of the effective date of this AD, as follows:

(i) For all Turbomeca S.A. Arriel 1B, 1D, and 1D1 engines, except those engines with an AGB installed with a serial number (S/N) listed in the figure under paragraph 2.2. of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version C, dated June 18, 2014, use paragraph 2.3.1. through 2.3.3. of Turbomeca S.A. MSB No. 292 72 0839, Version C, dated June 18, 2014, to perform the vibration check.

(ii) You must also use Turbomeca S.A. Arriel 1 Technical Instruction (TI) No. 292 72 0839 and Turbomeca S.A. Arriel 1 TI No. 292 72 0840 to do the vibration check.

(iii) For all Turbomeca S.A. Arriel 2B and 2B1 engines, except those engines with an AGB installed with an S/N listed in the figure under paragraph 2.2. of Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014, use paragraphs 2.3.1. through 2.3.3. of Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014, to perform the vibration check. Turbomeca S.A. MSB No. 292 72 2849 refers to Turbomeca S.A. Arriel 2 TI No. 292 72 2849 and to Turbomeca S.A. Arriel 2 TI No. 292 72 2850, which you must also use to do the vibration check.

(iv) The reporting requirements in paragraphs 2.3.1.1.3., 2.3.2.1.3., and the requirement to return module M01 (AGB) to a Repair Center in paragraph 2.3.2.2.2. in Turbomeca S.A. MSB No. 292 72 0839, Version C, dated June 18, 2014, and in Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014, are not required by this AD.

(2) For all affected Turbomeca S.A. engines, during each engine shop visit after the effective date of this AD, perform a vibration check of the AGB 41/23-tooth bevel gear meshing.

(3) If the AGB does not pass the vibration check required by paragraphs (e)(1) or (e)(2) of this AD, replace the AGB with a part eligible for installation.

(f) Credit for Previous Action

If you performed a vibration check of the AGB before the effective date of this AD using Turbomeca S.A. MSB No. 292 72 0839, Version A, dated September 9, 2013, or Version B, dated November 25, 2013, or MSB No. 292 72 2849, Version A, dated September 9, 2013, or Version B, dated November 25, 2013; or during an engine shop visit per paragraph (e)(2) of this AD, you met the initial inspection requirement of paragraph (e)(1) of this AD.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges. The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to

make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(i) Related Information

(1) For more information about this AD, contact Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0036, dated February 11, 2014, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0164-0003.*

(3) Turbomeca S.A. Engine Test Bed Acceptance Test Specifications CCT No. 0292009400, Version T; CCT No. 0292019400, Version R; CCT No. 02920 19690, Version I; CCT No. 0292019530, Version K; CCT No. 0292019610, Version K; CCT No. 0292029450, Version J; CCT No. 0292029490, Version I; CCT No. 0292029440, Version I; CCT No. 0292029480, Version K; CCT No. 0292029520, Version H; CCT No. 0292029410, Version L; CCT No. 0292 029530, Version H; or Turbomeca ID No. 383952; or Turbomeca RTD No. X 292 65 327 2, provide information on performing a vibration check during an engine shop visit. These service documents can be obtained from Turbomeca S.A. using the contact information in paragraph (j)(5) of this AD.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on September 1, 2015.

(i) Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version C, dated June 18, 2014.

(ii) Turbomeca S.A. MSB No. 292 72 2849, Version C, dated June 18, 2014.

(4) The following service information was approved for IBR on November 5, 2014 (79 FR 59091, October 1, 2014).

(i) Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013.

(ii) Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013.

(iii) Turbomeca S.A. Arriel 1 Technical Instruction (TI) No. 292 72 0839, Version E, dated February 20, 2014.

(iv) Turbomeca S.A. Arriel 1 TI No. 292 72 0840, Version A, dated November 29, 2013.

(v) Turbomeca S.A. Arriel 2 TI No. 292 72 2849, Version E, dated February 20, 2014.

(vi) Turbomeca S.A. Arriel 2 TI No. 292 72 2850, Version A, dated November 29, 2013.

(5) For Turbomeca S.A. service information identified in this AD, contact Turbomeca S.A., 40220 Tarnos, France; phone: 33 0 5 59 74 40 00; telex: 570 042; fax: 33 0 5 59 74 45 15.

(6) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(7) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on July 16, 2015.

Robert J. Ganley,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–18051 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0046; Airspace Docket No. 14–ASO–23]

Establishment of Class E Airspace; Headland, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Headland, AL, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Headland Municipal Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, October 15, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Headland Municipal Airport, Headland, AL.

History

On April 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Headland Municipal Airport, Headland, AL (80 FR 22946). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 to establish Class E airspace extending upward from 700 feet above the surface at Headland Municipal Airport, Headland, AL, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Headland Municipal Airport. Controlled airspace extending upward from 700 feet above the surface within a 7-mile radius of the airport would be established for IFR operations.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO AL E5 Headland, AL [New]

Headland Municipal Airport, AL
(Lat. 31°21′51″ N., long. 85°18′45″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Headland Municipal Airport.

Issued in College Park, Georgia, on July 20, 2015.

Gerald E. Lynch,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2015–18340 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0458; Airspace Docket No. 15–ASO–2]

Amendment of Class E Airspace; Campbellsville, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Campbellsville, KY as the Taylor County NDB has been decommissioned, requiring airspace redesign at Taylor County Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, October 15, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 29591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Taylor County Airport, Campbellsville, KY.

History

On April 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace extending upward from 700 feet above the surface at Taylor County Airport, Campbellsville, KY. (80 FR 22950). Interested parties were invited to participate in this rulemaking effort by submitting written comments

on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Taylor County Airport, Campbellsville, KY, with a segment extending from the 7.7-mile radius to 11.3 miles northeast of Taylor County Airport.

Airspace reconfiguration is necessary due to the decommissioning of the Taylor County NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment:

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71 —DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO KY E5 Campbellsville, KY [Amended]

Taylor County Airport, KY
(lat. 37°21′30″ N., long. 85°18′34″ W.)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Taylor County Airport, and within 4 miles each side of the 050° bearing of the airport extending from the 7.7-mile radius to 11.3 miles northeast of the airport.

Issued in College Park, Georgia, on July 20, 2015.

Gerald E. Lynch,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2015–18342 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–0044; Airspace Docket No. 15–ASO–3]

Amendment of Class E Airspace; Greenville, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Greenville, SC as new Standard Instrument Approach Procedures have been developed at Greenville Downtown Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) ope rations at the airport. This action also updates the geographic coordinates of airport.

DATES: Effective 0901 UTC, October 15, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 29591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Greenville Downtown Airport, Greenville, SC.

History

On April 24, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace extending upward from 700 feet above the surface at Greenville Downtown Airport, Greenville, SC. (80 FR 22952). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Greenville Downtown Airport, Greenville, SC. Airspace reconfiguration is necessary to support new Standard Instrument Approach Procedures developed at Greenville Downtown Airport, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport are adjusted to coincide with the FAAs aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO SC E5 Greenville, SC [Amended]

Greenville Downtown Airport, SC
(Lat.34°50′53″ N., long. 82°21′00″ W.)
Greenville-Spartanburg International Airport, SC
(Lat. 34°53′44″ N., long. 82°13′08″ W.)
Donaldson Center Airport
(Lat. 34°45′30″ N., long. 82°22′35″ W.)
DYANA NDB
(Lat. 34°41′28″ N., long. 82°26′37″ W.)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Greenville Downtown Airport, and within a 10-mile radius of Greenville-Spartanburg International Airport, and within a 6.7-mile radius of Donaldson Center Airport and within 4 miles northwest and 8 miles southeast of the 224° bearing from the DYANA NDB extending from the 6.7-mile radius to 16 miles southwest of Donaldson Center Airport.

Issued in College Park, Georgia, on July 20, 2015.

Gerald E. Lynch,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2015–18341 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0968; Airspace Docket No. 14–ASO–17]

Amendment of Class E Airspace; Dyersburg, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Dyersburg, TN as the Dyersburg VORTAC has been decommissioned, requiring airspace redesign at Dyersburg Regional Airport, formerly Dyersburg Municipal Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport.

DATES: Effective 0901 UTC, October 15, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 29591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Dyersburg Regional Airport, Dyersburg, TN.

History

On March 20, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace extending upward from 700 feet above the earth at Dyersburg Regional Airport, Dyersburg, TN (80 FR 14876). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Dyersburg Regional Airport, Dyersburg, TN.

Airspace reconfiguration is necessary due to the decommissioning of the Dyersburg VORTAC and cancellation of the VOR approach, and for continued safety and management of IFR operations at the airport. This action also recognizes the airport's name change from Dyersburg Municipal Airport, to Dyersburg Regional Airport and updates the geographic coordinates of the airport to be in concert with the FAAs aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ASO TN E5 Dyersburg, TN [Amended]

Dyersburg Regional Airport, TN
(Lat. 35°59′53″ N., long. 89°24′24″ W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Dyersburg Regional Airport.

Issued in College Park, Georgia, on July 20, 2015.

Gerald E. Lynch,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2015–18337 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 150427401–5401–01]

RIN 0694–AG61

Addition of Certain Persons to the Entity List; and Removal of Certain Persons From the Entity List Based on Removal Requests

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding ten persons to the Entity List. The ten persons who are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These ten persons will be listed on the Entity List under the destinations of China and South Korea.

This final rule also removes four persons from the Entity List, as the result of requests for removal submitted by these persons, a review of information provided in the removal requests in accordance with the procedure for requesting removal or modification of an Entity List entity, and further review conducted by the End-User Review Committee (ERC).

DATES: This rule is effective July 28, 2015.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to Part 744) notifies the public about entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The ERC, composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add ten persons to the Entity List. These ten persons are being added on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The ten entries added to the Entity List consist of eight entries in China and two entries in South Korea.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these ten persons to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

Pursuant to § 744.11 of the EAR, the ERC determined that the following eight persons under the destination of China and two persons under the destination of South Korea be added to the Entity List for actions contrary to the national security or foreign policy interests of the United States.

Specifically, for the eight additions under the destination of China, there is reasonable cause to believe, based on specific and articulable facts, that these eight persons have violated U.S. export laws by illicitly procuring sensitive U.S. items for unauthorized end use in China and Iran. For the two additions under the destination of South Korea, there is reasonable cause to believe, based on specific and articulable facts that these two persons have violated U.S. export laws by supporting the illicit procurement efforts of ballistic-missile related parties in Iran since at least 2011.

Pursuant to § 744.11(b)(5) of the EAR, the ERC determined that the conduct of these ten persons raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving these persons, and the possible imposition of license conditions or license denials on shipments to the persons, will enhance BIS's ability to prevent violations of the EAR.

For the ten persons recommended for addition on the basis of § 744.11, the ERC specified a license requirement for all items subject to the EAR and a license review policy of presumption of denial. The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to any of the persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule.

This final rule adds the following ten persons to the Entity List:

China

(1) *Beijing FJR Optoelectronic Technology Company Ltd,* a.k.a, the following three aliases:

—FJIR Optoelectronic Technology Company Ltd.;

—Beijing Fu Jerry; *and*

—Fu Jirui.

No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg. 11, No. 4, Anningzhuang Rd, Beijing, China, 100085; *and* Beijing Shunyi district airport into 25–4, Huiyuan, 25th floor, 100028, Beijing; *and* 25–4 Yuhua Rd, 25th Floor, Shunyi District, Beijing, China 101318;

(2) *Beijing Opto-Electronics Technology Company,* a.k.a., the following one alias:

—BOET.

No. 4, Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015;

(3) *BOP Opto-Electronics Technology Company,* a.k.a., the following one alias

—Beijing BOP Electro-Optics.
No. 10, Jiuxianqiao North Road, Chaoyang District, Beijing, China, 100016; *and*
No. 4 Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015;

(4) *China Electronic Technology Group Corporation No. 11 Research Institute,* a.k.a, the following three aliases, and including the named subordinate institutions:

—North China Research Institute of Electro-Optics (NCRIEO);
—China North Research Institute of Electro-Optics; *and*
—CETC 11th Research Institute (CETC 11th RI).

Subordinate institution Beijing Laiyin Company Ltd, a.k.a., the following one alias,

—Beijing North China Lai Yin Opto-Electronics Technology Company;

Subordinate institution China Electronics Technology Corporation (CETC) Infrared Engineering and Technology Company, a.k.a., the following one alias:

—CETC Infrared or CETC IR.
No. 10, Jiuxianqiao North Road, Chaoyang District, Beijing, China, 100016; *and*
No. 4 Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015; *and* Electronic City of Zhong Guan Cun Technical Zone, Beijing, China, 100015.

(5) *China National Commercial New Tone Trading Company Ltd,* Room 616, 2nd Building, No. 45 Fuxingmennei St, Beijing, China, 100801; *and* No. 45 Fuxing Mennei Avenue, Xicheng District, Beijing, China, 100801;

(6) *Fuyuan Huang,* No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg 11, No. 4, Anningzhuang Rd, Beijing, China, 100085;

(7) *Yin Zhao,* No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg 11, No. 4, Anningzhuang Rd, Beijing, China, 100085; *and*

(8) *Yiwu Tianying Optical Instrument Company,* Room 301, 1 Unit, 18 Building, Houcheng Yi Qu, Jiangdong Street, Yiwu City, Zhejiang, China, 322000.

South Korea

(1) *Korea Automation Industry (KAI),*
D–304, Songdo BRC Smart Valley 30 Songdomirae-ro Yeonsu-gu, Incheon, South Korea 406–840; *and* 4F Miejeong B/D, 405–216, MOK 1-Dong, Yangcheon-Ku, Seoul, South Korea; *and* Number 102–704, Daewoo 2nd, 925–7 Dongchundong, Yeonsu-Ku, Incheon, South Korea; *and*

(2) *Joseph Choi, aka Yo-so'p Ch'oe,*
D–304, Songdo BRC Smart Valley 30 Songdomirae-ro Yeonsu-gu, Incheon, South Korea 406–840; *and* 4F Miejeong B/D, 405–216, MOK 1-Dong, Yangcheon-Ku, Seoul, South Korea.

Removals From the Entity List

This rule implements a decision of the ERC to remove four persons, Shanghai Hengtong Optics Technology Limited, located in China; and Zener Electrical & Electronics, Zener Electronics Services, and Zener Navcom, located in the United Arab Emirates (UAE), from the Entity List on the basis of removal requests submitted by these listed persons. Based upon a review of the information provided in the removal requests in accordance with § 744.16 (Procedure for requesting removal or modification of an Entity List entity) and further review conducted by the ERC, the ERC determined that these four persons should be removed from the Entity List.

For the first ERC approved removal, Shanghai Hengtong Optics Technology Limited was added to the Entity List on May 1, 2014 (79 FR 24563) pursuant to § 744.11(b)(2) and (b)(5) of the EAR. The ERC's decision to remove Shanghai Hengtong from the Entity List was based on information provided by the company in its appeal request pursuant to § 744.16, forthcoming information provided by Shanghai Hengtong in subsequent cooperative exchanges, and further reviews conducted by the ERC.

For the three ERC approved removals for Zener Electronics Services, Zener Electrical & Electronics, and Zener Navcom, these persons were added to the Entity List on June 5, 2014 (79 FR 32441), pursuant to § 744.11(b)(1), (b)(2) and (b)(4) of the EAR. The ERC's decision to remove Zener Electronics Services, Zener Electrical & Electronics, and Zener Navcom from the Entity List was based on the information provided by the companies in their appeal request, forthcoming information by the companies in subsequent cooperative exchanges, and further reviews conducted by the ERC.

The Zeneer related entity removals in this rule are limited to the three entities specified in this rule. This rule does not remove any of the other Zener related entities currently on the Entity List (Zener Marine, Zener One Net located in the UAE, and Zener Lebanon located in Lebanon), which were also added to the Entity List on June 5, 2014 (79 FR 32441) and are still subject to the Entity List-based license requirements.

In accordance with § 744.16(c), the Deputy Assistant Secretary for Export Administration has sent written notification to these four persons, informing these persons of the ERC's decision to remove these persons from the Entity List.

This final rule implements the decision to remove the following four persons located in China and the UAE from the Entity List:

China

(1) *Shanghai Hengtong Optics Technology Limited,* a.k.a., the following two aliases:

—Shanghai Hengtong Group; *and*
—Shanghai Hengtong Optic-Electric Co., Ltd.
12F Tower A, Fareast International Plaza, 319 Xianxia Road, Shanghai, China.

United Arab Emirates

(1) *Zener Electrical & Electronics,*
P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Zener Electrical & Electronics Service Building, Liwa Street, Umm al Nar area, Abu Dhabi, U.A.E.;

(2) *Zener Electronics Services,*
Al Sharafi Building, Khalid bin Walid Rd, Dubai, U.A.E.; *and* P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.; *and*

(3) *Zener Navcom,*
P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.

The removal of the four entities referenced above, which was approved by the ERC, eliminates the existing license requirements in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to these entities. However, the removal of these four entities from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of an entity from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides that, ''you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR.'' Additionally these removals do not relieve persons of their obligation to apply for export, reexport or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to

part 732 of the EAR, ''BIS's 'Know Your Customer' Guidance and Red Flags,'' when persons are involved in transactions that are subject to the EAR.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on July 28, 2015, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. For the ten persons added to the Entity List in this final rule, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in-country) to the persons being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then entities being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, because these parties may receive notice of the U.S. Government's intention to place this entity on the Entity List if a proposed rule is published, doing so would create an incentive for these persons to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, or to take steps to set up additional aliases, change addresses, and other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. For the four removals from the Entity List in this final rule, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because it would be contrary to the public interest.

In determining whether to grant removal requests from the Entity List, a committee of U.S. Government agencies (the End-User Review Committee (ERC)) evaluates information about and commitments made by listed persons requesting removal from the Entity List, the nature and terms of which are set forth in 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (72 FR 31005 (June 5, 2007) (proposed rule), and 73 FR 49311 (August 21, 2008) (final rule)). These four removals have been made within the established regulatory framework of the Entity List. If the rule were to be delayed to allow for public comment, U.S. exporters may face unnecessary economic losses as they turn away potential sales because the customer remained a listed person on the Entity List even after the ERC approved the removal pursuant to the rule published at 73 FR 49311 on August 21, 2008. By publishing without prior notice and comment, BIS allows the applicants to receive U.S. exports immediately since these four applicants already have received approval by the ERC pursuant to 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b).

The removals from the Entity List granted by the ERC involve interagency deliberation and result from review of public and non-public sources, including sensitive law enforcement information and classified information, and the measurement of such information against the Entity List removal criteria. This information is extensively reviewed according to the criteria for evaluating removal requests from the Entity List, as set out in 15 CFR part 744, Supplement No. 5 and 15 CFR 744.16(b). For reasons of national security, BIS is not at liberty to provide to the public detailed information on which the ERC relied to make the decisions to remove these four entities. In addition, the information included in

the removal request is information exchanged between the applicant and the ERC, which by law (section 12(c) of the Export Administration Act), BIS is restricted from sharing with the public. Moreover, removal requests from the Entity List contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such removal requests.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(1) because this rule is a substantive rule which relieves a restriction. This rule's removal of four persons from the Entity List removes a requirement (the Entity-List-based license requirement and limitation on use of license exceptions) on these four persons being removed from the Entity List. The rule does not impose a requirement on any other person for these four removals from the Entity List.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subject in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of September 17, 2014, 79 FR 56475 (September 19, 2014); Notice of November 7, 2014, 79 FR 67035 (November 12, 2014); Notice of January 21, 2015, 80 FR 3461 (January 22, 2015).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By adding under China, in alphabetical order, eight Chinese entities;

■ b. By removing under China, one Chinese entity, ''Shanghai Hengtong Optics Technology Limited, a.k.a., the following two aliases:

—Shanghai Hengtong Group; *and*

—Shanghai Hengtong Optic-Electric Co., Ltd., 12F Tower A, Fareast International Plaza, 319 Xianxia Road, Shanghai, China.'';

■ c. By adding in alphabetical order the destination of South Korea under the Country Column, and two South Korean entities; *and*

■ d. By removing under United Arab Emirates, three Emerati entities, ''Zener Electrical & Electronics, P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Zener Electrical & Electronics Service Building, Liwa Street, Umm al Nar area, Abu Dhabi, U.A.E.''; ''Zener Electronics Services, Al Sharafi Building, Khalid bin Walid Rd, Dubai, U.A.E.; *and* P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.''; and ''Zener Navcom, P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.''.

The additions read as follows:

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF.	Beijing FJR Optoelectronic Technology Company Ltd, a.k.a, the following three aliases: —FJIR Optoelectronic Technology Company Ltd.; —Beijing Fu Jerry; *and* —Fu Jirui. No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg. 11, No. 4, Anningzhuang Rd, Beijing, China, 100085; *and* Beijing Shunyi district airport into 25–4, Huiyuan, 25th floor, 100028, Beijing; *and* 25–4 Yuhua Rd, 25th Floor, Shunyi District, Beijing, China 101318.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	**Federal Register** citation
	* *	*	* *	*
	Beijing Opto-Electronics Technology Company, a.k.a., the following one alias: —BOET No. 4, Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER AND DATE]; 7/28/2015.
	* *	*	* *	*
	BOP Opto-Electronics Technology Company, a.k.a., the following one alias: —Beijing BOP Electro-Optics. No. 10, Jiuxianqiao North Road, Chaoyang District, Beijing, China, 100016; *and* No. 4 Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
	* *	*	* *	*
	China Electronic Technology Group Corporation No. 11 Research Institute, a.k.a, the following three aliases, *including the named subordinate institutions:* —North China Research Institute of Electro-Optics (NCRIEO); —China North Research Institute of Electro-Optics; *and* —CETC 11th Research Institute (CETC 11th RI). *Subordinate institution* Beijing Laiyin Company Ltd, a.k.a., the following one alias, —Beijing North China Lai Yin Opto-Electronics Technology Company. *Subordinate Institution:* China Electronics Technology Corporation (CETC) Infrared Engineering and Technology Company, a.k.a., the following one alias: —CETC Infrared or CETC IR. No. 10, Jiuxianqiao North Road, Chaoyang District, Beijing, China, 100016; *and* No. 4 Jiuxianqiao Road, Chaoyang District, Beijing, China, 100015; *and* Electronic City of Zhong Guan Cun Technical Zone, Beijing, China, 100015.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
	China National Commercial New Tone Trading Company Ltd, Room 616, 2nd Building, No. 45 Fuxingmennei St, Beijing, China, 100801; *and* No. 45 Fuxing Mennei Avenue, Xicheng District, Beijing, China, 100801.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
*	*	*	*	*
	Fuyuan Huang, No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg 11, No. 4, Anningzhuang Rd, Beijing, China, 100085.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
*	*	*	*	*
	Yin Zhao, No. 2A Zhonghuan South Road, Wangjing, Chaoyang District, Beijing, China, 100102; *and* Room 302 Office, Bldg 11, No. 4, Anningzhuang Rd, Beijing, China, 100085.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
	Yiwu Tianying Optical Instrument Company, Room 301, 1 Unit, 18 Building, Houcheng Yi Qu, Jiangdong Street, Yiwu City, Zhejiang, China, 322000.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
*	*	*	*	*
SOUTH KOREA	Korea Automation Industry (KAI), D–304, Songdo BRC Smart Valley 30 Songdomirae-ro Yeonsu-gu, Incheon, South Korea 406–840; *and* 4F Miejeong B/D, 405–216, MOK 1-Dong, Yangcheon-Ku, Seoul, South Korea; *and* Number 102–704, Daewoo 2nd, 925–7 Dongchundong, Yeonsu-Ku, Incheon, South Korea.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
	Joseph Choi, aka Yo-so'p Ch'oe, D–304, Songdo BRC Smart Valley 30 Songdomirae-ro Yeonsu-gu, Incheon, South Korea 406–840; *and* 4F Miejeong B/D, 405–216, MOK 1-Dong, Yangcheon-Ku, Seoul, South Korea.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR [INSERT FR PAGE NUMBER]; 7/28/2015.
*	*	*	*	*

Dated: July 22, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–18511 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2015–0571]

Special Local Regulation; Annual Marine Events on the San Diego Bay, Within the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a marine event special local regulation on the navigable waters of Mission Bay, San Diego, CA in support of the annual San Diego Bayfair from September 18, 2015 to September 20, 2015, from 7 a.m. to 6 p.m. This action is necessary to provide for the safety of the participants, crew, spectators, safety vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The special local regulations listed in 33 CFR 100.1101, Table 1, Item 12, will be enforced from 7 a.m. to 6 p.m. from September 18, 2015 to September 20, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this publication, call or email Petty Officer Nick Bateman, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the marine event special local regulation for the annual San Diego Bayfair in 33 CFR 100.1101, Table 1, Item 12 from September 18, 2015 to September 20, 2015, from 7 a.m. to 6 p.m.

Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area of the Mission Bay unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority 33 CFR 100.1101 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Coast Guard determines that the regulated area need not be enforced for the full duration stated on this document, then a Broadcast Notice to Mariners or other communications coordinated with the event sponsor will grant general permission to enter the regulated area.

Dated: July 14, 2015.

J. S. Spaner,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2015–18458 Filed 7–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2014–0865]

Special Local Regulations and Safety Zones; Recurring Events Held in the Coast Guard Sector Northern New England Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Coast Guard will enforce the events outlined in Tables 1 and 2 taking place throughout the Sector Northern New England Captain of the Port (COTP) Zone. This action is necessary to protect marine traffic and spectators from the hazards associated with powerboat races, regattas, boat parades, rowing and paddling boat races, swim events, and fireworks displays. During the enforcement period, no person or vessel may enter the special local regulation area or safety zone without permission of the COTP.

DATES: The special local regulations and safety zones listed in 33 CFR 100.120 and 33 CFR 165.171 will be enforced during the dates and times as listed in the **SUPPLEMENTARY INFORMATION** section of this document. For events occurring before August 1, 2015, actual notice of the safety zone or special local regulation will be provided.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Chief Chris Bains, U.S. Coast Guard, Sector Northern New England, Waterways Management Division, via telephone at 207–347–5003 or email at *Chris.D.Bains@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations and safety zones listed in 33 CFR 100.120 and 33 CFR 165.171. These regulations will be enforced for the duration of each event, on or about the dates indicated in TABLES 1 and 2.

TABLE 1

[33 CFR 100.120]

JUNE	
Charlie Begin Memorial Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Boothbay Harbor Lobster Boat Committee. • Date: June 20, 2015. • Time: 8:00 a.m. to 2:00 p.m. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of John's Island within the following points (NAD 83): 43°50′04″ N., 069°38′37″ W.

TABLE 1—Continued

[33 CFR 100.120]

	43°50′54″ N., 069°38′06″ W. 43°50′49″ N., 069°37′50″ W. 43°50′00″ N., 069°38′20″ W.
Rockland Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Rockland Harbor Lobster Boat Race Committee. • Date: June 21, 2015. • Time: 10:00 a.m. to 3:00 p.m. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of the Rockland Breakwater Light within the following points (NAD 83): 44°05′59″ N., 069°04′53″ W. 44°06′43″ N., 069°05′25″ W. 44°06′50″ N., 069°05′05″ W. 44°06′05″ N., 069°04′34″ W.
Windjammer Days Parade of Ships	• Event Type: Tall Ship Parade. • Sponsor: Boothbay Region Chamber of Commerce. • Date: June 24, 2015. • Time: 1:00 p.m. to 3:00 p.m. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of Tumbler's Island within the following points (NAD 83): 43°51′02″ N., 069°37′33″ W. 43°50′47″ N., 069°37′31″ W. 43°50′23″ N., 069°37′57″ W. 43°50′01″ N., 069°37′45″ W. 43°50′01″ N., 069°38′31″ W. 43°50′25″ N., 069°38′25″ W. 43°50′49″ N., 069°37′45″ W.
Bass Harbor Blessing of the Fleet Lobster Boat Race	• Event Type: Power Boat Race. • Sponsor: Tremont Congregational Church. • Date: June 28, 2015. • Time: 10:30 a.m. to 1:30 p.m. • Location: The regulated area includes all waters of Bass Harbor, Maine in the vicinity of Lopaus Point within the following points (NAD 83): 44°13′28″ N., 068°21′59″ W. 44°13′20″ N., 068°21′40″ W. 44°14′05″ N., 068°20′55″ W. 44°14′12″ N., 068°21′14″ W.
JULY	
Moosabec Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Moosabec Boat Race Committee. • Date: July 4, 2015. • Time: 10:00 a.m. to 12:30 p.m. • Location: The regulated area includes all waters of Jonesport, Maine within the following points (NAD 83): 44°31′21″ N., 067°36′44″ W. 44°31′36″ N., 067°36′47″ W. 44°31′44″ N., 067°35′36″ W. 44°31′29″ N., 067°35′33″ W.
The Great Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Franklin County Chamber of Commerce. • Date: July 5, 2015. • Time: 9:30 a.m. to 2:00 p.m. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Saint Albans Bay within the following points (NAD 83): 44°47′18″ N., 073°10′27″ W. 44°47′10″ N., 073°08′51″ W.
Searsport Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Searsport Lobster Boat Race Committee. • Date: July 11, 2015. • Time: 7:00 a.m. to 3:00 p.m. • Location: The regulated area includes all waters of Searsport Harbor, Maine within the following points (NAD 83): 44°26′50″ N., 068°55′20″ W.

TABLE 1—Continued

[33 CFR 100.120]

	44°27′04″ N., 068°55′26″ W. 44°27′12″ N., 068°54′35″ W. 44°26′59″ N., 068°54′29″ W.
Mayor's Cup Regatta	• Event Type: Sailboat Parade. • Sponsor: Plattsburgh Sunrise Rotary. • Date: July 11, 2015. • Time: 10:00 a.m. to 4:00 p.m. • Location: The regulated area includes all waters of Cumberland Bay on Lake Champlain in the vicinity of Plattsburgh, New York within the following points (NAD 83): 44°41′26″ N., 073°23′46″ W. 44°40′19″ N., 073°24′40″ W. 44°42′01″ N., 073°25′22″ W.
Stonington Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Stonington Lobster Boat Race Committee. • Date: July 12, 2015. • Time: 9:30 a.m. to 3:30 p.m. • Location: The regulated area includes all waters of Stonington, Maine within the following points (NAD 83): 44°08′55″ N., 068°40′12″ W. 44°09′00″ N., 068°40′15″ W. 44°09′11″ N., 068°39′42″ W. 44°09′07″ N., 068°39′39″ W.
The Challenge Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Lake Champlain Maritime Museum. • Date: July 12, 2015. • Time: 10:30 a.m. to 2:30 p.m. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Button Bay State Park within the following points (NAD 83): 44°12′25″ N., 073°22′32″ W. 44°12′00″ N., 073°21′42″ W. 44°12′19″ N., 073°21′25″ W. 44°13′16″ N., 073°21′36″ W.
Yarmouth Clam Festival Paddle Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Maine Island Trail Association. • Date: July 18, 2015. • Time: 12:00 p.m. to 5:00 p.m. • Location: The regulated area includes all waters in the vicinity of the Royal River outlet and Lane's Island within the following points (NAD 83): 43°47′47″ N., 070°08′40″ W. 43°47′50″ N., 070°07′13″ W. 43°47′06″ N., 070°07′32″ W. 43°47′17″ N., 070°08′25″ W.
Friendship Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Friendship Lobster Boat Race Committee. • Date: July 19, 2015. • Time: 8:00 a.m. to 3:00 p.m. • Location: The regulated area includes all waters of Friendship Harbor, Maine within the following points (NAD 83): 43°57′51″ N., 069°20′46″ W. 43°58′14″ N., 069°19′53″ W. 43°58′19″ N., 069°20′01″ W. 43°58′00″ N., 069°20′46″ W.
Tall Ships Visiting Portsmouth	• Event Type: Regatta and Boat Parade. • Sponsor: Portsmouth Maritime Commission, Inc. • Date: July 22, 2015. • Time: 5:30 p.m. to 6:30 p.m. • Location: The regulated area includes all waters of Portsmouth Harbor, New Hampshire in the vicinity of Castle Island within the following points (NAD 83): 43°03′11″ N., 070°42′26″ W. 43°03′18″ N., 070°41′51″ W. 43°04′42″ N., 070°42′11″ W. 43°04′28″ N., 070°44′12″ W. 43°05′36″ N., 070°45′56″ W.

TABLE 1—Continued

[33 CFR 100.120]

	43°05′29″ N., 070°46′09″ W. 43°04′19″ N., 070°44′16″ W. 43°04′22″ N., 070°42′33″ W.
AUGUST	
Eggemoggin Reach Regatta	• Event Type: Wooden Boat Parade. • Sponsor: Rockport Marine, Inc. and Brookline Boat Yard. • Date: August 1, 2015. • Time: 11:00 a.m. to 7:00 p.m. • Location: The regulated area includes all waters of Eggemoggin Reach and Jericho Bay in the vicinity of Naskeag Harbor, Maine within the following points (NAD 83): 44°15′16″ N., 068°36′26″ W. 44°12′41″ N., 068°29′26″ W. 44°07′38″ N., 068°31′30″ W. 44°12′54″ N., 068°33′46″ W.
Lake Champlain Dragon Boat Festival	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Dragonheart Vermont. • Date: August 2, 2014. • Time: 7:00 a.m. to 6:00 p.m. • Location: The regulated area includes all waters of Burlington Bay within the following points (NAD 83): 44°28′49″ N., 073°13′22″ W. 44°28′41″ N., 073°13′36″ W. 44°28′28″ N., 073°13′31″ W. 44°28′38″ N., 073°13′18″ W.
Winter Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Winter Harbor Chamber of Commerce. • Date: August 8, 2015. • Time: 9:00 a.m. to 3:00 p.m. • Location: The regulated area includes all waters of Winter Harbor, Maine within the following points (NAD 83): 44°22′06″ N., 068°05′13″ W. 44°23′06″ N., 068°05′08″ W. 44°23′04″ N., 068°04′37″ W. 44°22′05″ N., 068°04′44″ W.
Merritt Brackett Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Town of Bristol, Maine. • Date: August 16, 2015. • Time: 9:30 a.m. to 3:00 p.m. • Location: The regulated area includes all waters of Pemaquid Harbor, Maine within the following points (NAD 83): 43°52′16″ N., 069°32′10″ W. 43°52′41″ N., 069°31′43″ W. 43°52′35″ N., 069°31′29″ W. 43°52′09″ N., 069°31′56″ W.
Long Island Lobster Boat Race	• Event Type: Power Boat Race. • Sponsor: Long Island Lobster Boat Race Committee. • Date: August 15, 2015. • Time (Approximate): 11:00 a.m. to 7:00 p.m. • Location: The regulated area includes all waters of Casco Bay, Maine in the vicinity of Great Ledge Cove and Dorseys Cove off the north west coast of Long Island, Maine within the following points (NAD 83): 43°41′59″ N., 070°08′59″ W. 43°42′04″ N., 070°09′10″ W. 43°41′41″ N., 070°09′38″ W. 43°41′36″ N., 070°09′30″ W.

TABLE 2

[33 CFR 165.171]

JUNE	
Rotary Waterfront Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Gardiner Rotary. • Date: June 20, 2015.

TABLE 2—Continued

[33 CFR 165.171]

	• Time: 8:30 p.m. to 9:30 p.m. • Location: In the vicinity of the Gardiner Waterfront, Gardiner, Maine in approximate position: 44°13′52″ N, 069°46′08″ W (NAD 83).
Windjammer Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Boothbay Harbor Region Chamber of Commerce. • Date: June 24, 2015. • Time: 8:30 p.m. to 9:00 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83)
JULY	
Burlington Independence Day Fireworks	• Event Type: Fireworks Display. • Sponsor: City of Burlington, Vermont. • Date: July 3, 2015. • Time: 8:30 p.m. to 11:30 p.m. • Location: From a barge in the vicinity of Burlington Harbor, Burlington, Vermont in approximate position: 44°28′31″ N, 073°13′31″ W (NAD 83).
Camden 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Camden, Rockport, Lincolnville Chamber of Commerce. • Date: July 4, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: In the vicinity of Camden Harbor, Maine in approximate position:. 44°12′32″ N, 069°02′58″ W (NAD 83).
Bar Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bar Harbor Chamber of Commerce. • Date: July 4, 2015. • Time: 8:00 p.m. to 10:00 p.m. • Location: In the vicinity of Bar Harbor Town Pier, Bar Harbor, Maine in approximate position: 44°23′31″ N, 068°12′15″ W (NAD 83).
Boothbay Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Boothbay Harbor. • Date: July 4, 2015. • Time: 8:30 p.m. to 9:00 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
Eastport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport 4th of July Committee. • Date: July 4, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: From the Waterfront Public Pier in Eastport, Maine in approximate position: 44°54′25″ N, 066°58′55″ W (NAD 83).
Ellis Short Sand Park Trustee Fireworks	• Event Type: Fireworks Display. • Sponsor: William Burnham. • Date: July 4, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: In the vicinity of York Beach, Maine in approximate position: 43°10′27″ N, 070°36′26″ W (NAD 83).
Jonesport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Jonesport 4th of July Committee. • Date: July 4, 2015. • Time: 8:45 p.m. to 9:30 p.m. • Location: In the vicinity of Beals Island, Jonesport, Maine in approximate position: 44°31′18″ N, 067°36′43″ W (NAD 83).
Portland Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Department of Parks and Recreation, Portland, Maine. • Date: July 4, 2015.

TABLE 2—Continued

[33 CFR 165.171]

	• Rain date: July 5, 2015. • Time: 8:30 p.m. to 11:30 p.m. • Location: In the vicinity of East End Beach, Portland, Maine in approximate position: 43°40′16″ N, 070°14′44″ W (NAD 83).
Southwest Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Southwest Harbor-Tremont Chamber of Commerce. • Date: July 4, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: Southwest Harbor, Maine in approximate position: 44°16′25″ N, 068°19′21″ W (NAD 83).
Lubec Bicentennial Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Lubec, Maine. • Date: July 5, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: In the vicinity of the Lubec Public Boat Launch in approximate position: 44°51′52″ N, 066°59′06″ W (NAD 83).
Vinalhaven 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Vinalhaven 4th of July Committee. • Date: July 4, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: In the vicinity of Grime′s Park, Vinalhaven, Maine in approximate position: 44°02′34″ N, 068°50′26″ W (NAD 83).
Main Street Heritage Days 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Main Street Inc.. • Date: July 5, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: In the vicinity of Reed and Reed Boat Yard, Woolwich, Maine in approximate position: 43°54′56″ N, 069°48′16″ W (NAD 83).
Peaks to Portland Swim	• Event Type: Swim Event. • Sponsor: Cumberland County YMCA. • Date: July 18, 2015. • Time: 8:30 a.m.to 12:00 p.m. • Location: The regulated area includes all waters of Portland Harbor between Peaks Island and East End Beach in Portland, Maine within the following points (NAD 83): 43°39′20″ N, 070°11′58″ W 43°39′45″ N, 070°13′19″ W 43°40′11″ N, 070°14′13″ W 43°40′08″ N, 070°14′29″ W 43°40′00″ N, 070°14′23″ W 43°39′34″ N, 070°13′31″ W 43°39′13″ N, 070°11′59″ W
Richmond Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Richmond, Maine. • Date: July 25, 2015. • Time: 9:00 p.m. to 10:30 p.m. • Location: From a barge in the vicinity of the inner harbor, Tenants Harbor, Maine in approximate position: 44°08′42″ N, 068°27′06″ W (NAD83).
Tri for a Cure Swim Clinics and Triathlon	• Event Type: Swim Event. • Sponsor: Maine Cancer Foundation. • Dates & Times: June 27, 2015 9:00 a.m. to 10:30 a.m. July 8, 2015 5:30 p.m. to 7:00 p.m. July 12, 2015 9:00 a.m. to 10:30 a.m. July 18, 2015 1:30 p.m. to 3:00 p.m. July 26, 2015 7:00 a.m. to 10:00 a.m. • Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Spring Point Light within the following points (NAD 83):. 43°39′01″ N, 070°13′32″ W 43°39′07″ N, 070°13′29″ W

TABLE 2—Continued

[33 CFR 165.171]

	43°39′06″ N, 070°13′41″ W 43°39′01″ N, 070°13′36″ W
August	
Westerlund's Landing Party Fireworks	• Event Type: Fireworks Display. • Sponsor: Portside Marina. • Date: August 1, 2015. • Time (Approximate): 9:00 p.m. to 9:30 p.m. • Location: In the vicinity of Westerlund's Landing in South Gardiner, Maine in approximate position: 44°10′19″ N, 069°45′24″ W (NAD 83).
York Beach Fire Department Fireworks	• Event Type: Fireworks Display. • Sponsor: York Beach Fire Department. • Date: August 2, 2015. • Time (Approximate): 8:00 p.m. to 11:30 p.m. • Location: In the vicinity of Short Sand Cove in York, Maine in approximate position: 43°10′27″ N, 070°36′25″ W (NAD 83).
North Hero Air Show	• Event Type: Air Show. • Sponsor: North Hero Fire Department. • Date: August 1, 2015. • Time (Approximate): 10:00 a.m.to 5:00 p.m. • Location: In the vicinity of Shore Acres Dock, North Hero, Vermont in approximate position: 44°48′24″ N, 073°17′02″ W 44°48′22″ N, 073°16′46″ W 44°47′53″ N, 073°16′54″ W 44°47′54″ N, 073°17′09″ W
Windjammer Weekend Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Camden, Maine. • Date: August 28, 2015. • Time (Approximate): 9:00 p.m. to 10:30 p.m. • Location: From a barge in the vicinity of Northeast Point, Camden Harbor, Maine in approximate position: 44°12′10″ N, 069°03′11″ W (NAD 83)
SEPTEMBER	
Eastport Pirate Festival Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport Pirate Festival. • Date: September 5, 2015. • Time (Approximate): 9:00 p.m. to 10:30 p.m. • Location: From the Waterfront Public Pier in Eastport, Maine in approximate position:. 44°54′17″ N, 066°58′58″ W (NAD 83)
Lake Champlain Swimming Race	• Event Type: Swim Event. • Sponsor: Christopher Lizzaraque. • Date: September 13, 2015. • Time (Approximate): 10:30 a.m. to 3 p.m. • Location: Essex Beggs Point Park, Essex, New York, to Charlotte Beach, Charlotte, Vermont. 44°18′32″ N. 073°20′52″ W 44°20′03″ N. 073°16′53″ W

For events where the date is different from the dates previously published for that event, new Temporary Rules will be issued to enforce limited access areas for the marine event. The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander (PATCOM). The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.'' Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP, Sector Northern

New England. For information about regulations and restrictions for waterway use during the effective periods of these events, please refer to 33 CFR 100.120 and 33 CFR 165.171.

This notice is issued under authority of 33 CFR 100.120, 33 CFR 165.171, and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 29, 2015.

M. A. Baroody,

Captain, U.S. Coast Guard, Captain of the Port Sector Northern New England.

[FR Doc. 2015–18457 Filed 7–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 17, 51, 52, and 59

RIN 2900–AO90

Update to NFPA Standards, Incorporation by Reference

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations incorporating by reference the National Fire Protection Association (NFPA) codes and standards. These codes and standards are referenced in VA regulations concerning community residential care facilities, contract facilities for certain outpatient and residential services, Medical Foster Homes, and State home facilities. To ensure the continued safety of veterans in these facilities, VA is continuing to rely upon NFPA codes and standards for VA approval of such facilities. This rulemaking updates our regulations to adhere to more recent NFPA codes and standards.

DATES: This regulation is effective August 27, 2015. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2015.

FOR FURTHER INFORMATION CONTACT: David Klein, Fire Protection Engineer, (10NA8), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7888. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on July 15, 2014, VA proposed to amend its regulations concerning the incorporation by reference of the National Fire Protection Association (NFPA) codes and standards applicable to community residential care facilities, contract facilities for outpatient and residential treatment services for veterans with alcohol or drug dependence or abuse disabilities, Medical Foster Homes, and State home facilities. 79 FR 41153. We stated in the proposed rule that VA's regulations that govern these facilities require that these facilities meet certain provisions of the codes and standards published by NFPA. These codes and standards are reviewed and updated by NFPA on a 3-year cycle. We also stated that 38 CFR 17.1 is the regulation where VA incorporates by reference the NFPA codes and standards cited in §§ 17.63, 17.74, 17.81, and 17.82. The NFPA codes and standards are also referenced in §§ 51.200, 52.200, and 59.130. VA relies on the NFPA codes and standards in order to provide consistency across the country. By adopting the most current editions of these codes and standards, VA works to ensure that veterans reside and receive care in facilities that are safe while ensuring that these facilities maintain high levels of safety by following one set of codes and standards for the design, renovation, and inspection for community facilities used or approved by VA.

This rulemaking amends § 17.1 to reflect the current edition of NFPA 101, Life Safety Code, and the editions of the NFPA codes and standards that are cited in Chapter 2 of NFPA 101. This rulemaking also amends §§ 51.200, 52.200, and 59.130 to reflect the current editions of NFPA 101, Life Safety Code, and NFPA 99, Health Care Facilities Code. The NFPA codes and standards that have been updated since we published current § 17.1 are NFPA 101, Life Safety Code (2009 edition); NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2008 edition); NFPA 30, Flammable and Combustible Liquids Code (2008 edition); and NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (2009 edition). The NFPA codes and standards updated from the editions referenced in current §§ 51.200 and 59.130 are NFPA 101 (2009 edition) and NFPA 99, Standard for Health Care Facilities (2005). NFPA codes and standards updated from the edition referenced in current § 52.200 is NFPA 101, Life Safety Code (2000 edition). This final rulemaking updates the references to these NFPA codes and standards in the cited VA regulations to reflect the most recent editions cited in NFPA 101, Life Safety Code (2012 edition). We are also updating cited references within VA regulations to be consistent with the current NFPA codes and standards. In some cases, reorganization of material in the NFPA codes and standards, without change in substance, has affected the citation within VA regulations, and we are making minor amendments to reflect these changes.

We provided a 60-day comment period, which ended on September 15, 2014. We received one comment on the proposed rule. The commenter supported the proposed rule, but indicated that the 2015 Edition of NFPA 101 became available on September 11, 2014. The commenter suggested that in addition to the changes in the proposed rule, VA adopt the 2015 standards as well. We agree with the commenter, however, prior to adopting the new standards, VA will issue a proposed rulemaking and allow the public to comment on the NFPA 101 standards for 2015 before these changes can become final. VA will address the suggestion in a future rulemaking.

This final rule is reorganizing § 17.1 by placing the NFPA standards in numerical order. These edits to § 17.1 are technical only. We are not making any edits to the content of § 17.1, other than those already stated in the proposed rulemaking. We are also amending §§ 51.200 and 59.130 by removing the incorporation by reference language from the individual paragraphs where the NFPA codes are referenced and adding a new paragraph that will incorporate by reference all of the NFPA codes currently referenced in each paragraph. The new paragraph in §§ 51.200 and 59.130 adds clarity to each section but does not alter the content. This merely is a technical change.

In the proposed rulemaking, we stated that we would be adding a new paragraph (c) to § 17.1. This subparagraph was intended to permit fire and safety specialists to determine when upgrades to existing facilities are necessary on a case-by-case basis. The proposed paragraph was intended as an exception to the NFPA codes and standards for Medical Foster Homes. Upon further consideration, we are not going to adopt the new paragraph (c) in § 17.1 because this regulation merely

establishes the incorporation by reference of NFPA standards and does not address the enforcement of such standards. The proposed paragraph (c) would have essentially acted as an exception to the NFPA standards, however, this exception is already present in the sections of the NFPA standards that are incorporated by reference in § 17.1. Specifically, the exception that was proposed in paragraph (c) is covered for community residential care facilities, contract facilities for certain outpatient and residential services, and State home facilities through NFPA 101 Chapter 2. The Medical Foster Homes, however, are unique in that they do not fall into any specific occupancy category within NFPA 101 and thus to ensure that the exception will also apply to Medical Foster Homes, we are incorporating the proposed language in § 17.1(c) into current § 17.74(a)(3), which specifically relates to Medical Foster Home owners. The provisions added to § 17.74(a)(3) excepts Medical Foster Home owners from the blanket requirement of having to modify existing fire protection systems to meet the updated installation standards and instead permits fire and safety specialists to determine when upgrades to existing facilities are necessary on a case-by-case basis. This exception will only apply to existing Medical Foster Homes. New homes to the program will be required to meet the updated editions of the fire protection system installation standards. We believe that the non-adoption of the proposed paragraph (c) of § 17.1 and the inclusion of the language in proposed § 17.1(c) in § 17.74(a)(3) is non-substantive and a logical outgrowth of the proposed rulemaking.

We have revised § 51.200(a) by removing the exception for the application of NFPA 101 (2009 edition) for paragraph 19.3.5.1. This exception was added to delay the enforcement of paragraph 19.3.5.1 until August 13, 2013. Since this date has passed and State homes were on notice that the exception would expire on this date, we are making a technical change to remove the outdated language.

Based on the rationale set forth in the **SUPPLEMENTARY INFORMATION** to the proposed rule and in this final rule, VA is adopting the proposed rule as a final rule with the changes stated in the **SUPPLEMENTARY INFORMATION** of this rulemaking.

Approval of Incorporations by Reference

This rulemaking updates the references to the NFPA codes and standards in the cited VA regulations. NFPA 101, Life Safety Code, is the primary source document that establishes the safety requirements for newly constructed and existing facilities. NFPA 101 is unique in that it provides a different set of requirements for the same type of facility based on whether the facility is to be newly constructed or already exists. The provisions of NFPA 25 and 720 used in VA's regulations are generally relied on to establish the requirements for the inspection, testing, and maintenance of already installed existing systems, and the majority of the changes in the updated editions are relatively minor with respect to inspection, testing, and maintenance. We believe that compliance with these minor revisions would not be difficult for the affected facilities. This rulemaking updates NFPA 25 to the 2011 edition and updates NFPA 720 to the 2012 edition. The 2012 edition of NFPA 99, Health Care Facilities Code, revises the fire safety standards to provide for safety standards that are based on the risk of a critical condition and remain relatively unchanged from the previous edition. The standard for NFPA 30, Flammable and Combustible Liquids Code, has not changed; however, the paragraph that contains the definition of safety can has changed in the 2012 edition. We are removing the citation to the specific paragraph and merely referencing the standard to avoid future minor reorganizational changes made by NFPA. The materials for which we are seeking incorporation by reference are available for inspection at the ANSI Incorporation by Reference (IBR) Portal, *http://ibr.ansi.org.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. (For ordering information, call toll-free 1–800–344–3555.)

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

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 final rule updates current fire safety standards and will not require more than a modest capital investment on the part of affected entities. The changes to § 17.1 will likely affect between 50 and 100 of the 1,293 community residential care facilities approved for referral of veterans under the regulations. Medical Foster Homes are small entities, providing between 1 and 3 resident beds to veterans in each Medical Foster Home. The changes to § 17.74 will likely affect fewer than 10 of the 561 Medical Foster Homes approved by VA for referral under the regulations. Any additional costs for compliance with the final rule incurred by either community residential care facilities or Medical Foster Homes will constitute an inconsequential amount of the operational costs of such facilities.

Where modification is anticipated, such as adding heat detection to unused attic space, the impact is minimal because the costs to comply with the new requirements range from $100.00 to $500.00 dollars, which includes labor costs. In many cases, the adoption of the current NFPA codes and standards provides options that are less restrictive than the prior NFPA codes and standards. The changes to §§ 17.81 and 17.82 will affect only small entities; however, most, if not all, of these entities are already in compliance with the current NFPA codes and, therefore, should not be significantly impacted by this rule. The changes to parts 51, 52, and 59 will affect State homes. The State homes that will be subject to this rulemaking are State government entities under the control of State governments. All State homes are owned, operated and managed by State governments except for a small number operated by entities under contract with State governments. These contractors are not small entities. On this basis, 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 final regulatory flexibility analysis requirements of 5 U.S.C. 604.

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,'' which requires 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 Through Fiscal Year to Date.

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 the 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.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.005, Grants to States for Construction of State Home Facilities; 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.016, Veterans State Hospital Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care.

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 July 20, 2015, for publication.

List of Subjects

38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Incorporation by reference, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

38 CFR Part 51

Administrative practice and procedure, Claims, Day care, Dental health, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Incorporation by reference, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

38 CFR Part 52

Administrative practice and procedure, Claims, Day care, Dental health, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Incorporation by reference, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

38 CFR Part 59

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Incorporation by reference, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Dated: July 22, 2015.

William F. Russo,

Acting Director, 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 parts 17, 51, 52, and 59 as follows:

PART 17—MEDICAL

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

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Revise § 17.1 to read as follows:

§ 17.1 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce an edition of a publication other than that specified in this section, VA will provide notice of the change in a rule in the **Federal Register** and the material will be made available to the public. All approved materials are available for inspection at the Department of Veterans Affairs, Office of Regulation Policy and Management (02REG), 810 Vermont Avenue NW., Room 1068, Washington, DC 20420, call 202–461–4902, or at the National Archives and Records Administration (NARA). For information on the availability of

approved materials at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. (For ordering information, call toll-free 1–800–344–3555).

(1) NFPA 10, Standard for Portable Fire Extinguishers (2010 edition), Incorporation by Reference (IBR) approved for §§ 17.63, 17.74, and 17.81.

(2) NFPA 13, Standard for the Installation of Sprinkler Systems (2010 edition), IBR approved for § 17.74.

(3) NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (2010 edition), IBR approved for § 17.74.

(4) NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height (2010 edition), IBR approved for § 17.74.

(5) NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2011 edition), IBR approved for § 17.74.

(6) NFPA 30, Flammable and Combustible Liquids Code (2012 edition), IBR approved for § 17.74.

(7) NFPA 72, National Fire Alarm and Signaling Code (2010 edition), IBR approved for § 17.74.

(8) NFPA 101, Life Safety Code (2012 edition), IBR approved for §§ 17.63, 17.74 (chapters 1 through 11, 24, and section 33.7), 17.81, and 17.82.

(9) NFPA 101A, Guide on Alternative Approaches to Life Safety (2010 edition), IBR approved for § 17.63.

(10) NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (2012 edition), IBR approved for § 17.74.

(Authority: 5 U.S.C. 552(a), 38 U.S.C. 501, 1721.)

■ 3. Amend § 17.74 as follows:

■ a. By revising paragraph (a)(3).

■ b. In paragraph (g)(1), by removing ''sections 24.3.4.1 or 24.3.4.2 of NFPA 101 (incorporated by reference, see § 17.1); section 24.3.4.3 of NFPA 101'' and adding in its place ''sections 24.3.4.1.1 or 24.3.4.1.2 of NFPA 101 (incorporated by reference, see § 17.1); section 24.3.4.1.3 of NFPA 101''.

■ c. In paragraph (o)(2), by removing ''section 3.3.44 of''.

The revision reads as follows:

§ 17.74 Standards applicable to medical foster homes.

(a)* * *

(3) Except as otherwise provided in this section, meet the applicable provisions of chapters 1 through 11 and 24, and section 33.7 of NFPA 101 (incorporated by reference, see § 17.1), and the other codes and chapters identified in this section, as applicable. Existing buildings or installations that do not comply with the installation provisions of the codes or standards referenced in paragraph (b)(1) through (5), (b)(8), and (b)(10) of § 17.1 shall be permitted to be continued in service, provided that the lack of conformity with these codes and standards does not present a serious hazard to the occupants.

* * * * *

PART 51—PER DIEM FOR NURSING HOME CARE OF VETERANS IN STATE HOMES

■ 4. The authority citation for part 51 continues to read as follows:

Authority: 38 U.S.C. 101, 501, 1710, 1720, 1741–1743; and as stated in specific sections.

■ 5. Amend § 51.200 by revising paragraphs (a) and (b) and adding paragraph (i) to read as follows:

§ 51.200 Physical environment.

* * * * *

(a) *Life safety from fire.* The facility must meet the applicable provisions of NFPA 101, Life Safety Code and NFPA 99, Health Care Facilities Code.

(b) *Emergency power.* (1) An emergency electrical power system must be provided to supply power adequate for illumination of all exit signs and lighting for the means of egress, fire alarm and medical gas alarms, emergency communication systems, and generator task illumination.

(2) The system must be the appropriate type essential electrical system in accordance with the applicable provisions of NFPA 101, Life Safety Code and NFPA 99, Health Care Facilities Code.

(3) When electrical life support devices are used, an emergency electrical power system must also be provided for devices in accordance with NFPA 99, Health Care Facilities Code.

(4) The source of power must be an on-site emergency standby generator of sufficient size to serve the connected load or other approved sources in accordance with NFPA 101, Life Safety Code and NFPA 99, Health Care Facilities Code.

* * * * *

(i)(1) Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials incorporated by reference are available for inspection at the Department of Veterans Affairs, Office of Regulation Policy and Management (02REG), 810 Vermont Avenue NW., Room 1068, Washington, DC 20420, call 202–461–4902, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(2) National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. (For ordering information, call toll-free 1–800–344–3555).

(i) NFPA 99, Health Care Facilities Code, Including all Gas & Vacuum System Requirements, (2012 Edition).

(ii) NFPA 101, Life Safety Code (2012 edition).

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PART 52—PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES

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

Authority: 38 U.S.C. 101, 501, 1741–1743, unless otherwise noted.

§ 52.200 [Amended]

■ 7. Amend § 52.200(a) by removing ''NFPA 101, Life Safety Code, 2000 edition'' and add in its place ''NFPA 101, Life Safety Code (2012 edition)''.

PART 59—GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOMES

■ 8. The authority citation for part 59 continues to read as follows:

Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137.

■ 9. Amend § 59.130 by revising paragraph (d)(1) and adding paragraph (i) to read as follows:

§ 59.130 General requirements for all State home facilities.

* * * * *

(d)(1) State homes must meet the applicable provisions of NFPA 101, Life Safety Code, except that the NFPA requirement in paragraph 19.3.5.1 for all buildings containing nursing homes to have an automatic sprinkler system is not applicable until February 24, 2016 for ''existing buildings'' with nursing home facilities as of June 25, 2001 (paragraph 3.3.36.5 in the NFPA 101 defines an ''[e]xisting [b]uilding'' as ''[a] building erected or officially authorized prior to the effective date of the adoption of this edition of the Code by

the agency or jurisdiction''), and NFPA 99, Heath Care Facilities Code.

* * * * *

(i)(1) Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials, incorporated by reference, are available for inspection at the Department of Veterans Affairs, Office of Regulation Policy and Management (02REG), 810 Vermont Avenue NW., Room 1068, Washington, DC 20420, call 202–461–4902, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(2) National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. (For ordering information, call toll-free 1–800–344–3555.)

(i) NFPA 99, Health Care Facilities Code, Including all Gas & Vacuum System Requirements, (2012 Edition).

(ii) NFPA 101, Life Safety Code (2012 edition).

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[FR Doc. 2015–18332 Filed 7–27–15; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 22, 85, 86, 600, 1033, 1036, 1037, 1039, 1042, 1065, 1066, and 1068

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 512, 523, 534, 535, 537, and 583

[EPA–HQ–OAR–2014–0827; NHTSA–2014–0132; FRL–9931–48–OAR]

RIN 2060–AS16; 2127–AL52

Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2; Notice of Public Hearings and Comment Period

AGENCY: Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public hearings; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) and the National Highway Transportation Safety Administration (NHTSA) are announcing public hearings to be held for the joint proposed rules ''Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2,'' and also for NHTSA's Draft Environmental Impact Statement. The proposed rules were published in the **Federal Register** on July 13, 2015. The Draft Environmental Impact Statement was published on June 19, 2015, and is available on the NHTSA Web site mentioned below. Two hearings will be held on August 6 and August 18, 2015.

DATES: NHTSA and EPA will jointly hold a public hearing on Thursday, August 6, 2015, beginning at 9:00 a.m. local time, and a second hearing on Tuesday, August 18, 2015, beginning at 9:00 a.m. local time. EPA and NHTSA will make every effort to accommodate all speakers that arrive and register. Each hearing will continue until everyone has had a chance to speak. If you would like to present oral testimony at one of these this public hearings, please contact the person identified under **FOR FURTHER INFORMATION CONTACT** by August 3, 2015, for the first hearing, or by August 11, 2015, for the second hearing.

In order to provide commenters 30 days after the last public hearing, the comment period for the proposal is being extended through September 17, 2015.

ADDRESSES: The August 6, 2015 hearing will be held at the Palmer House Hilton Hotel, 17 East Monroe Street, Chicago, Illinois. The location for the August 18, 2015 hearing in the Los Angeles-Long Beach, CA area will be announced in a subsequent **Federal Register** document. The hearings will be held at sites accessible to individuals with disabilities. Written comments on the proposed rule may also be submitted to EPA and NHTSA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the notice of proposed rulemaking for the addresses and detailed instructions for submitting written comments.

FOR FURTHER INFORMATION CONTACT: If you would like to present oral testimony at a public hearing, please contact JoNell Iffland at EPA by the date specified under **DATES**, at: Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4454; fax number: (734) 214–4050; email address: *iffland.jonell@epa.gov* (preferred method for registering). Please provide the following information: Name, affiliation, address, email address, and telephone and fax numbers, and whether you require accommodations such as a sign language interpreter.

Questions concerning the NHTSA proposed rule or Draft Environmental Impact Statement should be addressed to NHTSA: Ryan Hagen or Analiese Marchesseault, Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992. Questions concerning the EPA proposed rule should be addressed to EPA: Tad Wysor, Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4332; fax number: (734) 214–4050; email address: *wysor.tad@epa.gov.* You may learn more about the jointly proposed rules by visiting NHTSA's or EPA's Web sites at *http://www.nhtsa.gov/fuel-economy* or *http://www.epa.gov/otaq/climate/regs-heavy-duty.htm* or by searching the rulemaking dockets (NHTSA–2014–0132; EPA–HQ–OAR–2014–0827) at *www.regulations.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the public hearings is to provide the public an opportunity to present oral comments regarding NHTSA and EPA's proposal for ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2.'' These hearings also offer an opportunity for the public to provide oral comments regarding NHTSA's Draft Environmental Impact Statement, accompanying the proposed NHTSA fuel efficiency standards. The proposed rules would establish a second round of standards for the agencies' comprehensive Heavy-Duty National Program, which would further reduce greenhouse gas emissions and increase fuel efficiency for on-road heavy-duty vehicles. These new standards would phase in over time, beginning in the 2018 model year and entering into full effect in model year 2027. NHTSA's proposed fuel consumption standards and EPA's proposed carbon dioxide (CO_2) emission standards are tailored to each of four regulatory categories of heavy-duty vehicles: (1) Combination Tractors; (2) Trailers used in combination with those tractors; (3) Heavy-duty Pickup Trucks and Vans; and (4) Vocational Vehicles. The

proposal also includes separate fuel efficiency and greenhouse gas standards for the engines that power combination tractors and vocational vehicles.

The joint proposed rules for which EPA and NHTSA are holding the public hearings were published in the **Federal Register** on July 13, 2015 (80 FR 40138), and are also available at the Web sites listed above under **FOR FURTHER INFORMATION CONTACT**. NHTSA's Draft Environmental Impact Statement is available on the NHTSA Web site and in NHTSA's rulemaking docket, both referenced above. Once NHTSA and EPA learn how many people have registered to speak at each public hearing, we will allocate an appropriate amount of time to each participant, allowing time for necessary breaks. In addition, we will reserve a block of time for anyone else in the audience who wants to give testimony. For planning purposes, each speaker should anticipate speaking for approximately five minutes, although we may need to shorten that time if there is a large turnout. We request that you bring two copies of your statement or other material for the EPA and NHTSA panels.

NHTSA and EPA will conduct the hearings informally, and technical rules of evidence will not apply. We will arrange for a written transcript of each hearing and keep the official record for the proposed rule open for 30 days after the last public hearing to allow speakers to submit supplementary information. Panel members may ask clarifying questions during the oral statements but will not respond to the statements at that time. You may make arrangements for copies of the transcripts directly with the court reporter. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearings. The comment period for the proposed rule will be extended such that the closing date is 30 days after the last public hearing. Therefore, written comments on the proposal must be post marked no later than September 17, 2015.

Dated: July 22, 2015.

Raymond R. Posten,

Associate Administrator for Rulemaking, National Highway Traffic Safety Administration.

Dated: July 22, 2015.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Environmental Protection Agency.

[FR Doc. 2015–18527 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0322; FRL–9931–13–Region 10] Approval and Promulgation of State Implementation Plans: Oregon: Grants Pass Carbon Monoxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a carbon monoxide Limited Maintenance Plan (LMP) for Grants Pass, submitted by the State of Oregon on April 22, 2015 as a revision to its State Implementation Plan (SIP). In accordance with the requirements of the Clean Air Act (CAA), the EPA is approving this SIP revision because it demonstrates that Grants Pass will continue to meet the carbon monoxide National Ambient Air Quality Standards (NAAQS) for a second 10-year period beyond re-designation, through 2025.

DATES: This rule is effective on September 28, 2015, without further notice, unless the EPA receives adverse comment by August 27, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0322, by any of the following methods:

- *Federal eRulemaking Portal http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov.*
- *Mail:* Lucy Edmondson, EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Lucy Edmondson, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0322. Once submitted, comments cannot be edited or withdrawn. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the EPA without going through *http://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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* 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. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Lucy Edmondson at (360) 753–9082, *edmondson.lucy@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

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I. This Action

The EPA is taking direct final action to approve the carbon monoxide (CO) LMP for Grants Pass, Oregon. The Oregon Department of Environmental Quality (ODEQ) submitted this plan as a SIP revision, on April 22, 2015. This CO LMP is designed to keep Grants Pass in attainment with the CO standard for a second 10-year period beyond re-designation, through 2025.

II. Background

Under Section 107(d)(1)(c) of the CAA, each CO area designated nonattainment prior to enactment of the 1990 Amendments, such as Grants Pass, was designated nonattainment by operation of law upon enactment of the 1990 Amendments. Under section 186(a) of the CAA, each CO area designated nonattainment under section 107(d) was also classified by operation of law as either ''moderate'' or ''serious'' depending on the severity of the area's air quality problem. CO areas with design values between 9.1 and 16.4 parts per million (ppm), such as Grants Pass, were classified as moderate. These nonattainment designations and classifications were codified in 40 CFR part 81. (56 FR 56694) (November 6, 1991).

In August 2000, the EPA approved the first maintenance plan designed to maintain compliance with the CO standard in Grants Pass, OR through the year 2015 (see 65 FR 52932, August 31, 2000). While the central business district represented the maintenance area, the EPA considered the Urban Growth Boundary (UGB) to be a more representative area of influence for carbon monoxide emissions, and the 1993 emission inventory was prepared for the UGB. In addition to approving ODEQ's maintenance plan for the area, the EPA also approved ODEQ's request to redesignate the Grants Pass area to attainment of the CO standard (see 65 FR 52932, August 31, 2000). On November 5, 1999, Oregon submitted a complete rule renumbering and relabeling package to EPA for approval in the SIP. On January 22, 2003, EPA approved the recodified version of Oregon's rules to remove and replace the outdated numbering system (68 FR 2891).

Per CAA section 175A(b), Oregon's current SIP submittal provides a second 10-year CO maintenance plan for Grants Pass that will apply until 2025, and fulfill the final planning requirements under the CAA. In addition, the plan is consistent with the elements of a LMP as outlined in an EPA October 6, 1995 memorandum from Joseph Paisie, the Group Leader of the Integrated Policy and Strategies Group, titled, ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' (LMP Option). To qualify for the LMP Option, the CO design value for an area, based on the eight consecutive quarters (two years of data) used to demonstrate attainment, must be at or below 7.65 ppm (85 percent of the CO NAAQS). In addition, the control measures from the first CO maintenance plan must remain in place and unchanged. The primary control measure has been the emission standards for new motor vehicles under the Federal Motor Vehicle Control Program. Other control measures have been the New Source Review Program and several residential woodsmoke emission reduction efforts. The EPA has determined that the LMP Option for CO is also available to all states as part of the CAA 175A(b) update to the maintenance plans, regardless of the original nonattainment classification, or lack thereof. Thus, the EPA finds that Grants Pass qualifies for the LMP.

III. Public and Stakeholder Involvement in Rulemaking Process

Section 110(a)(2) of the CAA requires that each SIP revision offer a reasonable opportunity for notice and public hearing. This must occur prior to the revision being submitted by the State to the EPA. The State provided notice and an opportunity for public comment from December 16, 2014 until January 26, 2015, with no comments received. ODEQ also held a public hearing on January 22, 2015 in Grants Pass. This SIP revision was submitted by the Governor's designee and was received by the EPA on April 22, 2015. The EPA has evaluated ODEQ's submittal and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

IV. Evaluation of Oregon's Submittal

The EPA has reviewed Oregon's SIP submittal for Grants Pass. The following is a summary of the requirements for a LMP and the EPA's evaluation of how each requirement has been met by the SIP submittal.

A. Base Year Emissions Inventory

The maintenance plan must contain an attainment year emissions inventory to identify a level of CO emissions in the area that is sufficient to attain the CO NAAQS. The April 22, 2015 SIP submittal contains a summary of the CO emissions inventory for Grants Pass for the base year 2005. This summary is based on the Grants Pass Inventory Preparation and Quality Assurance Plan for the Grants Pass Urban Growth Boundary Limited Carbon Monoxide Maintenance Plan, adopted March 2014.

Historically, exceedances of the CO standard in Grants Pass have occurred during the winter months, when cooler temperatures contribute to incomplete combustion, and when CO emissions are trapped near the ground by atmospheric inversions. The UGB was used for the initial 1993 emissions inventory, since it was more representative of the area of influence for carbon monoxide emissions, and used again for the 2005 emission inventory in this LMP. Sources of carbon monoxide in Grants Pass include industry, motor vehicles, non-road mobile sources, (*e.g.,* construction equipment, recreational vehicles, lawn and garden equipment, and area sources (*e.g.,* outdoor burning, woodstoves, fireplaces, and wildfires). The CO season is defined as three consecutive months—December 1 through the end of February. As such, season day emissions in addition to annual emissions are included in the inventory. The unit of measure for annual emissions is in tons per year (tpy), while the unit of measure for season day emissions is in pounds per day (lb/day). In addition, the county-wide emissions inventory data is spatially allocated to the Grants Pass UGB, and to buffers around the UGB, depending on emissions category.

Because violations of the CO NAAQS are most likely to occur on winter weekdays, the inventory prepared is for a ''typical winter day''. The table below shows the estimated tons of CO emitted per winter day by source category for the 2005 base year.

2005 EMISSIONS INVENTORY, MAIN SOURCE CATEGORY SUBTOTALS

Main source category	CO emissions pounds per winter day
Stationary Point Sources	1,202
Onroad Mobile Sources	58,120
Non-road Mobile Sources	6,289
Stationary Area Sources	22,244
Total	87,855

B. Demonstration of Maintenance

The CO NAAQS is attained when the annual second highest 8-hour average CO concentration for an area does not exceed a concentration of 9.0 ppm. The last monitored violation of the CO

NAAQS in Grants Pass occurred in 1990, and CO levels have been steadily in decline.

For areas using the LMP Option, the maintenance plan demonstration requirement is considered to be satisfied when the second highest 8-hour CO concentration is at or below 7.65 ppm (85 percent of the CO NAAQS) for 8 consecutive quarters. The current 8-hour CO Design Value for Grants Pass is 4.0 ppm based on the two most recent years of data (2004–2005), which is significantly below the LMP Option requirement of 7.65 ppm. Therefore, the State has demonstrated that Grants Pass qualifies for the LMP Option.

With the LMP Option, there is no requirement to project emissions of air quality over the upcoming maintenance period. The EPA believes that if the area begins the maintenance period at, or below, 85 percent of the level of the CO 8-hour NAAQS, the applicability of prevention of significant deterioration requirements, the control measures already in the SIP, and Federal control measures already in place will provide adequate assurance of maintenance over the 10-year maintenance period.

C. Monitoring Network and Verification of Continued Attainment

Monitored CO levels in the Grants Pass UGB steadily declined since monitoring began in the area in 1980. CO levels have declined significantly across the nation through motor vehicle emissions controls and fleet turnover to newer, cleaner vehicle models. As CO levels dropped and stayed low, Oregon requested to remove the Grants Pass CO monitor in 2006, and the EPA approved the request on October 19, 2006. ODEQ now uses an alternate method of verifying continued attainment with the CO standard.

ODEQ calculates CO emissions every three years as part of the Statewide Emissions Inventory and submits the data to the EPA for inclusion in the National Emissions Inventory (NEI). ODEQ commits to review the NEI estimates to identify any increases over the 2005 emission levels and source categories, and report on them in the annual network plan for the applicable year. Since on-road motor vehicles are the predominant source of carbon monoxide in Grants Pass (about 70%), this source category will be the primary focus of this review. ODEQ will annually calculate CO emissions and evaluate any increase in CO emissions to confirm it is not due to a change in emission calculation methodology, an exceptional event, or other factor not representative of an actual emissions increase. Recognizing there could be a minor, insignificant emissions increase, for the purposes of triggering the Contingency Plan described below, an increase of five percent in either the total annual or season day emissions, or in the on-road mobile source category, represents a ''significant'' emission increase.

D. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions necessary to ensure prompt correction of any violations of the standard that may occur. In its April 22, 2015 submittal, the State of Oregon included the following contingency measures for this LMP:

1. If ODEQ's three-year periodic review of CO emissions shows a significant increase in emissions, as described in Section 8 of this plan, ODEQ will then reestablish ambient CO monitoring in Grants Pass.

2. If the highest measured 8-hour CO concentration in a given year in Grants Pass exceeds the LMP eligibility level of 7.65 ppm (85 percent of the 8-hr standard), ODEQ will evaluate the cause of the CO increase. Within six months of the validated 7.65 ppm CO concentration, ODEQ will determine a schedule of selected strategies to either prevent or correct any violation of the 8-hour CO standard. The contingency strategies that will be considered include, but are not limited to:

- Improvements to parking and traffic circulation
- Aggressive signal retiming program
- Funding for transit
- Implementation of bicycle and pedestrian networks.

ODEQ (and the advisory group if needed) may also conduct further evaluation, to determine if other strategies are necessary.

3. If a violation of the CO standard occurs, in addition to step two above, ODEQ will replace the Best Available Control Technology (BACT) requirement for new and modified stationary sources with the Lowest Achievable Emission Rate (LAER) technology, and reinstate the requirement to offset any new CO emissions. Additional CO emission reduction measures will be considered, as needed.

V. Transportation and General Conformity

Federal transportation conformity rules (40 CFR parts 51 and 93) and general conformity rules (58 FR 63214, November 30, 1993) continue to apply under a LMP. However, as noted in the LMP Option memo, these requirements are greatly simplified. An area under a LMP can demonstrate conformity without submitting an emissions budget, and as a result, emissions do not need to be capped nor a regional emissions analysis (including modeling) conducted. Grants Pass is currently meeting the requirements of 40 CFR parts 51 and 93.

In the June 24, 2015 adequacy finding for the Grants Pass CO LMP, the EPA determined that Grants Pass has met the criteria to be exempt from regional emissions analysis for CO. However, other transportation conformity requirements such as consultation, transportation control measures, and project level conformity requirements would continue to apply to the area. With approval of the LMP, the area continues to be exempt from performing a regional emissions analysis, but must meet project-level conformity analyses as well as the transportation conformity criteria mentioned above.

VI. Final Action

In accordance with the requirements of the CAA, the EPA is approving the CO LMP for Grants Pass, Oregon submitted by the State of Oregon on April 22, 2015 as a revision to the Oregon SIP. The State has adequately demonstrated that Grants Pass will maintain the CO NAAQS and meet the requirements of a LMP through the second 10-year maintenance period through 2025.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the 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 September 28, 2015 without further notice unless the EPA receives adverse comments by August 27, 2015. If the EPA receives such comments, then the EPA will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 28, 2015 and no further action will be taken on the proposed rule.

VII. Oregon Notice Provision

Oregon Revised Statute 468.126, prohibits ODEQ from imposing a penalty for violation of an air, water or solid waste permit, unless the source has been provided five days advanced written notice of the violation, and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, the statute does not apply to Oregon's Title V program or to any program if application of the notice provision would disqualify the program from Federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

VIII. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of the **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 8, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart MM—Oregon

■ 2. Section 52.1970, paragraph (e), the table entitled ''State of Oregon Air Quality Control Program'' is amended by adding an entry after the existing entries under ''Section 4'' to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(e) * * *

STATE OF OREGON AIR QUALITY CONTROL PROGRAM

SIP citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Section 4				

STATE OF OREGON AIR QUALITY CONTROL PROGRAM—Continued

SIP citation	Title/subject	State effective date	EPA approval date	Explanation
*	* * *	*	*	*
	Grants Pass Second 10-Year Carbon Monoxide Limited Maintenance Plan.	4/16/2015	7/28/2015, [Insert **Federal Register** citation].	
*	* * *	*	*	*

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[FR Doc. 2015–18220 Filed 7–27–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0260; FRL–9931–27–Region 4]

Approval and Promulgation of Implementation Plans; North Carolina: Non-Interference Demonstration for Federal Low-Reid Vapor Pressure Requirement for Gaston and Mecklenburg Counties

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of North Carolina's April 16, 2015, revision to its State Implementation Plan (SIP), submitted through the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ), in support of the State's request that EPA change the Federal Reid Vapor Pressure (RVP) requirements for Gaston and Mecklenburg Counties. This RVP-related SIP revision evaluates whether changing the Federal RVP requirements in these counties would interfere with the requirements of the Clean Air Act (CAA or Act). North Carolina's April 16, 2015, RVP-related SIP revision also updates the State's maintenance plan and the associated motor vehicle emissions budgets (MVEBs) related to its redesignation request for the North Carolina portion of the Charlotte-Rock Hill 2008 8-hour ozone nonattainment area (Charlotte Area) to reflect the requested change in the Federal RVP requirements. EPA has determined that North Carolina's April 16, 2015, RVP-related SIP revision is consistent with the applicable provisions of the CAA.

DATES: This rule is effective July 28, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0260. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning 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: Richard Wong of the Air Regulatory Management Section, in the 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. Mr. Wong may be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is the background for this final action?

On May 21, 2012, EPA designated and classified areas for the 2008 8-hour ozone NAAQS that was promulgated on March 27, 2008, as unclassifiable/attainment or nonattainment for the new 8-hour ozone NAAQS. *See* 77 FR 30088. The Charlotte Area was designated as nonattainment for the 2008 8-hour ozone NAAQS with a design value of 0.079 ppm. On April 16, 2015, DAQ submitted a redesignation request and maintenance plan for the North Carolina portion of the Charlotte Area for EPA's approval. In that submittal, the State included a maintenance demonstration that estimates emissions using a 7.8 psi RVP requirement for Gaston and Mecklenburg Counties for the 2008 8-hour ozone redesignation request and maintenance plan. EPA proposed action on the aforementioned redesignation request and maintenance plan in a **Federal Register** document published on May 21, 2015. *See* 80 FR 29250. The final rule approving the State's redesignation request and maintenance plan was signed on July 17, 2015. The State, in conjunction with its request to redesignate the North Carolina portion of the Charlotte Area to attainment, is also requesting a change of the Federal RVP requirement from 7.8 psi to 9.0 psi.

On April 16, 2015, to support its request for EPA to change the Federal RVP requirement for Gaston and Mecklenburg Counties, DAQ submitted a SIP revision that contains a noninterference demonstration that included modeling assuming 9.0 psi for RVP for Gaston and Mecklenburg Counties and that updates the maintenance plan submission and associated MVEBs for the North Carolina portion of the Charlotte Area. In a notice of proposed rulemaking (NPR) published on May 21, 2015, EPA proposed to approve the State's noninterference demonstration and the updates to its maintenance plan and the associated MVEBs related to the State's redesignation request for the North Carolina portion of the Charlotte Area, contingent upon EPA approval of North Carolina's redesignation request and maintenance plan for the North Carolina portion of the Charlotte Area. *See* 80 FR 29230. The details of North Carolina's submittal and the rationale for EPA's actions are explained in the NPR. EPA did not receive any comments on the proposed action.

II. Final Action

EPA is taking final action to approve the State of North Carolina's noninterference demonstration, submitted on April 16, 2015, in support of the State's request that EPA change

the Federal RVP requirements for Gaston and Mecklenburg Counties from 7.8 psi to 9.0 psi. Specifically, EPA has determined that the change in the RVP requirements for Gaston and Mecklenburg Counties will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. North Carolina's April 16, 2015, SIP revision also updates its maintenance plan and the associated MVEBs related to the State's redesignation request for the North Carolina portion of the Charlotte Area to reflect emissions changes for the requested change to the Federal RVP requirements. EPA is approving those changes to update the maintenance plan and the MVEBs.

EPA has determined that North Carolina's April 16, 2015, RVP-related SIP revision is consistent with the applicable provisions of the CAA for the reasons provided in the NPR. EPA is not taking action today to remove the Federal 7.8 psi RVP requirement for Gaston and Mecklenburg Counties. Any such action would occur in a separate and subsequent rulemaking.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary because this action approves a noninterference demonstration that will serve as the basis of a subsequent action to relieve the Area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule grants or recognizes an exemption or relieves a restriction, and section 553(d)(3), which allows an effective date less than 30 days after publication as otherwise provided by the agency for good cause found and published with the rule. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule will serve as a basis for a subsequent action to relieve the Area from certain CAA requirements. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

III. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 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, 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 September 28, 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, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 17, 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 II—North Carolina

■ 2. In § 52.1770, the table in paragraph (e) is amended by adding a new entry ''Supplement Maintenance Plan for the Charlotte Area, NC 2008 8-hour Ozone Maintenance Area and RVP Standard'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA Approval date	**Federal Register** citation	Explanation
* *	*	*	*	* *
Supplement Maintenance Plan for the Charlotte Area, NC 2008 8-hour Ozone Maintenance Area and RVP Standard.	4/16/2015	7/28/2015	[insert **Federal Register** citation].	Provides the non-interference demonstration for revising the Federal Low-Reid Vapor Pressure requirement for the Charlotte Area, NC.

[FR Doc. 2015–18343 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0357; FRL–9931–33-Region 7]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Revisions to Linn County Air Quality Ordinance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the State Implementation Plan (SIP) for the State of Iowa. The purpose of these revisions is to update the Linn County Air Quality Ordinance, Chapter 10. These revisions reflect updates to the Iowa statewide rules previously approved by EPA and will ensure consistency between the applicable local agency rules and Federally-approved rules.

DATES: This direct final rule will be effective September 28, 2015, without further notice, unless EPA receives adverse comment by August 27, 2015. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0357, by one of the following methods:

1. *www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: Hamilton.heather@epa.gov.*
3. *Mail or Hand Delivery:* Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2015–0357. 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.

Docket: All documents in the 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, 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 Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m. to 4:30 p.m. excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219, at 913–551–7039, or by email at *Hamilton.heather@epa.gov.*

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

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP Revision been met?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The State of Iowa has requested EPA approval of revisions to the local agency's rules and regulations, Linn County Air Quality Ordinance, Chapter 10, as a revision to the SIP. In order for the local program's ''Air Quality Ordinance'' to be incorporated into the Federally-enforceable SIP, on behalf of the local agency, the state must submit the formally adopted regulations and control strategies, which are consistent with the state and Federal requirements, to EPA for inclusion in the SIP. The regulation adoption process generally includes public notice, a public comment period and a public hearing, and formal adoption of the rule by the state authorized rulemaking body. In this case, that rulemaking body is the local agency. After the local agency formally adopts the rule, the local agency submits the rulemaking to the

state, and then the state submits the rulemaking to EPA for consideration for formal action (inclusion of the rulemaking into the SIP). EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the state's submission.

EPA received the request from the state to adopt revisions to the local air agency rules into the SIP on May 4, 2015. The revisions were adopted by the local agency on January 28, 2015, and became effective on January 30, 2015. EPA is approving the requested revisions to the Iowa SIP relating to the following:

- Chapter 10.1 ''Purpose and Ambient Air Quality Standards'';
- Chapter 10.2 ''Definitions'';
- Chapter 10.5 ''Locally Required Permits'';
- Chapter 10.6 ''Permit Fees'';
- Chapter 10.8 ''Emissions from Fuel-Burning Equipment'';
- Chapter 10.12 ''Sulfur Compounds'';
- Chapter 10.13 ''Fugitive Dust,'' and,
- Chapter 10.17 ''Testing and Sampling of New and Existing Equipment.''

II. Have the requirements for approval of a SIP Revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V.

III. What action is EPA taking?

We are taking direct final action to approve the amendments to the Linn County Air Quality Ordinance, Chapter 10. The local agency routinely revises its ''Air Quality Ordinance'' regulations to be consistent with the Federally-approved Iowa Administrative Code and are revised as follows:

Chapter 10.1, ''Purpose and Ambient Air Quality Standards'' is revised to cite the cross reference to state-approved rules at (455B).

Chapter 10.2, ''Definitions'' is revised to add ''major modification,'' ''replacement unit,'' and to revise the definitions of ''regulated New Source Review (NSR) pollutant,'' ''significant,'' and ''untreated.'' Punctuation and grammar corrections were made to the definitions of ''Emissions Unit,'' ''Responsible Official,'' and ''Startup.''

Chapter 10.5, ''Locally Required Permits,'' includes revisions to 10.5(9), ''Exemptions from the Authorization to Install Permit and Permit to Operate Requirements.'' For the purposes of this publication, the exemptions are abbreviated but can be found in their entirety in the Technical Support Document included in the rulemaking docket: f. The equipment in laboratories, n. Asbestos demolition and renovation projects, u. Incinerators and pyrolysis cleaning furnaces, dd. Production welding, and ee. Electric hand soldering, wave soldering and electric solder paste reflow ovens. The following exemptions have been added with this rulemaking: mm. Equipment related to research and development activities at a stationary source, and, nn. A non-road diesel fueled engine as defined in 40 CFR 1068.30 and as amended through October 8, 2008.

Chapter 10.6, ''Permit Fees,'' is revised for administrative corrections to the fourth paragraph of item 2. ''Annual Fee for Permit to Operate.''

Chapter 10.8, ''Emissions from Fuel-Burning Equipment,'' ''d'' has been removed in its entirety as it refers to the State of Iowa Compliance Sampling Manual which is now obsolete.

Chapter 10.12, ''Sulfur Compounds,'' item 2, ''Other Processes Capable of Emitting Sulfur Dioxide'' is revised to add a sentence that the paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being exceeded.

Chapter 10.13, ''Fugitive Dust'' item 1, ''Attainment and Unclassified Areas,'' is revised to add that a person shall take reasonable precautions to prevent particulate matter from becoming airborne in quantities sufficient to cause a nuisance as defined in Iowa Code section 657.1 when the person allows, causes or permits any materials to be handled, transported or stored or a building, its appurtenances or a construction haul road to be used, constructed, altered, repaired or demolished. This does not apply to farming operations or dust generated by ordinary travel on unpaved roads. The revision further states what ordinary travel includes, and the public highway authority shall be responsible for taking corrective action in cases where said authority has received complaints.

Chapter 10.13, ''Fugitive Dust'' item 2, ''Nonattainment Areas'' is revised for administrative changes for clarification.

Chapter 10.17, ''Testing and Sampling of New and Existing Equipment,'' is revised for administrative, grammar, and punctuation corrections for clarification as follows: Item 1, ''Continuous Monitoring of Opacity from Coal-Fired Steam Generating Units,'' item 5, ''Maintenance of Records of Continuous Monitors,'' item 6, ''Reporting of Continuous Monitoring Information,'' item 7, ''Tests by Owner,'' item 8, ''Tests by Department,'' item 9, ''Methods and Procedures,'' and item 10, ''Exemptions from Continuous Monitoring Requirements.''

Chapter 10.17, item 7, ''Tests by Owner'' is also revised to clarify when pretest meetings should be conducted and to clarify reporting requirements. Item 9, ''Methods and Procedures,'' is revised to cite the cross reference to state-approved rules as they apply to permit and compliance demonstration requirements.

As previously mentioned, additional information on the details of the Linn County Air Quality Ordinance revisions can be found in the Technical Support Document in the docket for this action.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Iowa Regulations for Chapter 10 Linn County Air Quality Ordinance, described in the direct final amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet

the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 17, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. In § 52.820, the table in paragraph (c) is amended by revising the entry for ''Chapter 10'' under the heading ''Linn County'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
*	*	*	*	*
Linn County				
Chapter 10	Linn County Air Quality Ordinance, Chapter 10.	1/30/15	7/28/15 and [Insert **Federal Register** citation].	The following definitions are not SIP-approved in Chapter 10.2; Anaerobic lagoon, Biomass, Chemical processing plants (ethanol production facilities that produce ethanol by natural fermentation included in NAICS code 325193 or 312140 are not included in this definition); Federally Enforceable; Greenhouse gases; Maximum Achievable Control Technology (MACT); MACT floor. The following sections are not SIP approved: 10.4(1), Title V Permits; 10.5(9)''b'' Locally Required Permits; Exemptions from the Authorization to Install Permit to Operate Requirements; 10.5(9) ''ll'', Exemption for production painting, adhesive or coating units; 10.8(2)''b'' Emissions From Fuel-Burning Equipment; Emission Limitation; 10.8(3) Emissions From Fuel-Burning Equipment; Exemptions for Residential Heaters Burning Solid Fuels; 10.8(4) Emissions from Fuel-Burning Equipment; Nuisance Conditions for Fuel Burning Equipment; 10.9(2), NSPS; 10.9(3), Emission Standards for HAPs; 10.9(4), Emission Standards for HAPs for Source Categories; 10.10(4) Variance from rules; 10.11, Emission of Objectionable Odors; 10.15, Variances, 10.17(13) Continuous Emissions Monitoring from Acid Rain Program, and 10.24, Penalty.
*	*	*	*	*

* * * * *

[FR Doc. 2015–18346 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2015–0275; FRL–9931–28–Region 4]

Approval and Promulgation of Implementation Plans and Designation of Areas; North Carolina; Redesignation of the Charlotte-Rock Hill, 2008 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking three separate final actions related to a state implementation plan (SIP) revision submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources, Department of Air Quality (NC DAQ), on April 16, 2015. These final actions are for the North Carolina portion of the bi-state Charlotte-Rock Hill, North Carolina-South Carolina 2008 8-hour ozone nonattainment area (hereinafter referred to as the ''bi-state Charlotte Area'' or ''Area''). The bi-state Charlotte Area consists of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties, North Carolina; and a portion of York County, South Carolina. Regarding South Carolina's request to redesignate the South Carolina portion of the Area and its maintenance plan for the 2008 8-hour ozone NAAQS, EPA will address this in a separate action. In the three actions for the North Carolina bi-state Charlotte Area, EPA determines that the bi-state Charlotte Area is attaining the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS); approves and incorporates the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014 and 2026 sub-area motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and volatile organic compounds (VOC) for the North Carolina portion of this Area into the SIP; and redesignates the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS. Additionally, EPA finds the 2014 and 2026 sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area adequate for the purposes of transportation conformity.

DATES: This rule will be effective August 27, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0275. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly

available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning 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: Sean Lakeman of 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. Mr. Lakeman may be reached by phone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background for Final Actions

On May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS that was promulgated on March 27, 2008. *See* 77 FR 30088. The bi-state Charlotte Area was designated as nonattainment for the 2008 8-hour ozone NAAQS and classified as a marginal nonattainment area. On April 16, 2015, NC DAQ requested that EPA redesignate the North Carolina portion of the Area to attainment for the 2008 8-hour ozone NAAQS and submitted a SIP revision containing the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014 and 2026 MVEBs for NO_X and VOC for the North Carolina portion of the bi-state Charlotte Area. In a notice of proposed rulemaking (NPR) published on May 21, 2015, EPA proposed to determine that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS; to approve and incorporate into the North Carolina SIP the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014 and 2026 MVEBs for NO_X and VOC for the North Carolina potion of the bi-state Charlotte Area; and to redesignate the North Carolina portion of the Area to attainment for the 2008 8-hour ozone NAAQS. *See* 80 FR 29250. In that document, EPA also notified the public of the status of the Agency's adequacy determination for the subarea NO_X and VOC MVEBs for the North Carolina portion of the bi-state Charlotte Area. The details of North Carolina's submittal and the rationale for EPA's actions are further explained in the NPR. *See* 80 FR 29250 (May 21, 2015).

II. EPA's Responses to Comments

EPA received two sets of comments on its May 21, 2015, proposed rulemaking actions. Specifically, EPA received adverse comments from the Sierra Club (''Commenter'') and comments supporting the proposed actions from one member of the general public.[1] Full sets of these comments are provided in the docket for this final action. *See* Docket number EPA–R04–OAR–2015–0275. A summary of the adverse comments and EPA's responses are provided below.

Comment 1: The Commenter asserts that North Carolina experienced ''abnormally cool weather'' during the summers of 2013 and 2014 ''that reduced the likelihood of ozone formation'' and that the design values for the Area would have exceeded the 2008 8-hour ozone standard ''but for the uncharacteristically cool summers in 2013 and 2014.'' Therefore, the Commenter believes that EPA ''should decline to issue the requested attainment determination for the Area.''

Response 1: EPA disagrees with the Commenter's position that weather should impact EPA's determination that the area has attained the NAAQS pursuant to CAA section 107(d)(3)(E)(i). That factual determination is based solely on air quality monitoring data and on the Agency's evaluation of that data's compliance with 40 CFR part 50, appendix P. Therefore, weather conditions, including any alleged resulting changes in energy demand, are irrelevant in determining whether an area is factually attaining a NAAQS.

Under EPA regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is determined by calculating the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations at an ozone monitor, also known as a monitor's design value. *See* 40 CFR part 50, appendix P. When the design value is less than or equal to 0.075 parts per million (ppm) at each monitor within the area, then the area is attaining the NAAQS. The data completeness requirement for evaluating monitoring data for NAAQS attainment is met at each monitor when the average percent of days with valid ambient monitoring data is greater than or equal to 90 percent and no single year has less than 75 percent data completeness as defined in appendix P of 40 CFR part 50. Monitoring data must also be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA's Air Quality System (AQS).

EPA's analysis of monitoring data in the bi-state Charlotte Area supports its determination under section 107(d)(3)(E)(i) that the Area has attained the 2008 8-hour ozone NAAQS. The design values for each monitor in the Area for the years 2012–2014 are less than or equal to 0.075 ppm, and the data from these monitors during this time period meet the data quality and completeness requirements and are recorded in AQS. Therefore, the bi-state Charlotte Area has attained the 2008 8-hour ozone NAAQS in accordance with 40 CFR part 50, appendix P requirements.

Comment 2: The Commenter believes that EPA should disapprove North Carolina's redesignation request because ''neither EPA nor DAQ has demonstrated that the recording of a design value below 75 ppb [parts per billion] for the years 2012–2014 is 'due to permanent and enforceable reductions' '' as required by CAA section 107(d)(3)(E)(iii). According to the Commenter, EPA and NC DAQ cannot make this demonstration because ''but for the uncharacteristically cool summers in 2013 and 2014, a design value above 75 ppb would have been recorded.'' The Commenter also contends that the ''uncharacteristically cool summers in 2013 and 2014'' resulted in ''unusually low monthly total consumption of electric power'' and ''starkly lower capacity factors'' from Duke Energy's GG Allen and Marshall power plants during those summers and notes that ''operation of these plants significantly impacts total NO_X emissions and, thus, overall ozone levels.'' [2] Despite the alleged decrease in

[1] The supporting comments state that the 2012–2014 three-year average ''support[s] attainment'' and that the ''[p]rojected NO_X shows decreases in all categories over the next decade, so even if the predicted large projected decreases in on-road NO_X are not met the area should still see an overall decrease in ozone levels.''

[2] The GG Allen plant is located in the portion of Gaston County that is included in the nonattainment area. The Marshall plant is located in Catawba County and is not located within the nonattainment area. During the nonattainment designation in 2012, sources in Catawba County

the capacity factors at these two EGUs, the Commenter states that ''the plants still tend to run at a significantly higher capacity factor on peak ozone days.''

Response 2: Weather effects are not controllable, and weather is just one of the parameters that allow for ozone formation. EPA does not disagree with the Commenter that ozone season temperatures and precipitation are two readily available parameters that can be used to evaluate the potential weather impacts on ozone concentrations. Ozone is more readily formed on warm, sunny days when the air is stagnant. Conversely, ozone production is generally more limited when it is cloudy, cool, rainy, or windy.[3] However, although EPA agrees that the Area experienced cooler and wetter weather during some of the relevant time period, EPA disagrees with the Commenter that the improvement in air quality in the bi-state Charlotte Area was solely the result of ''aberrant weather.'' EPA has examined the weather data presented by the Commenter, and has determined, after conducting its own analysis of the meteorological conditions and the emission reductions occurring during the relevant time period, that the improvement in air quality in the Area was due to those emissions reductions in accordance with CAA section 107(d)(3)(E)(iii).

As noted above, Federal regulations require EPA to use a three-year average to determine attainment of the 2008 8-hour ozone NAAQS. The averaging of values over three years serves to account for some variation in meteorology from year to year. While EPA agrees that 2013 was cooler than the long-term average temperature and may have been less conducive to the formation of ozone, the Agency also notes that the weather conditions in the 2012 ozone season (a season included in the three-year average forming the basis for the attainment determination) were warmer than the long-term average and were more conducive to ozone formation. *See* Table 1, below.[4] Furthermore, temperatures in the summer of 2014 are close to the long-term average temperatures. Given the higher than long-term average 2012 temperatures and the near normal [5] temperatures in 2014, EPA does not agree with the Commenter's conclusion that meteorological conditions during the relevant time period were so unusual or abnormal such that those conditions alone ''provide sufficient justification for EPA to reject DAQ's request for the redesignation of the Area from nonattainment to attainment.'' To the contrary, the certified data show that the Area attained the 2008 8-hour ozone NAAQS from 2012 to 2014, a time period with varying meteorological conditions. Preliminary monitoring data from 2015 also indicates that the bi-state Charlotte Area continues to attain the 2008 8-hour ozone NAAQS.[6]

Table 1 provides temperature and precipitation data for the bi-state Charlotte Area for the ozone seasons (May 1 –September 30) from 2010–2014 obtained from the National Oceanic and Atmospheric Administration's National Centers for Environmental Information (NOAA NCEI).[7] Specifically, Table 1 provides overall average and average maximum ozone season temperatures and total ozone season precipitation; deviation from the 74-year average ozone season temperature and precipitation (termed the ''anomaly''); and the rank of the given year on the 74-year (1940–2014) recorded history list. A rank of 74 is given to the hottest or wettest year.

TABLE 1—CHARLOTTE, NORTH CAROLINA TEMPERATURE AND PRECIPITATION OZONE SEASON (MAY–SEPTEMBER) DATA [8]

Year	Average May-September temperature [degrees F] (anomaly from the long-term average [74.7 degrees F])	Rank [since 1940, scale of 1–74]	Average maximum May-September temperature [degrees F] (anomaly from the long-term average [84.9 degrees F])	Rank [since 1940, scale of 1–74]	Precipitation [inches] (anomaly from the long-term average [18.17 inches])	Rank [since 1940, scale of 1–74]
2010	78.0 (+3.3)	73	88.8 (+3.9)	73	17.67 (−0.5)	36
2011	76.2 (+1.5)	64	87.3 (+2.4)	67	22.1 (+3.93)	58
2012	75.3 (+0.6)	52	86.3 (+1.4)	54	18.87 (+0.7)	44
2013	73.9 (−0.8)	21	83.3 (−1.6)	12	22.63 (+4.46)	61
2014	74.5 (−0.2)	32	84.5 (−0.4)	32	19.01 (+0.84)	46

The data in Table 1 show that both average temperature and precipitation varied significantly from 2010–2014. The rank and anomaly data in Table 1 show that average ozone season temperatures and precipitation were slightly above normal for the year 2012, temperatures were below normal and precipitation was above normal in 2013, and temperatures were near normal and precipitation slightly above normal in 2014. The year 2012 was one of the hottest in the recent past across the Southeast. In fact, a record-setting heat wave occurred in late June through early July 2012, which resulted in high ozone levels measured across the Southeast. Based upon the meteorology analysis, 2012 was hotter, 2013 was cooler, and 2014 was near normal when compared to the long-term average. Therefore, the 2012–2014 period does not appear to be abnormally conducive to low ozone formation and does not undermine EPA's analysis that the attainment in the bi-state Charlotte Area was due to permanent and enforceable reductions.

EPA also evaluated preliminary ozone data and meteorology for May 2015, which is the beginning of the ozone season in the Area. The Commenter provided data to show that the average maximum temperature in May 2015 is

were not found to contribute to violations of the 2008 8-hour ozone NAAQS in the bi-state Charlotte Area. *See http://www.epa.gov/ozonedesignations/2008standards/documents/R4_Charlotte_TSD_Final.pdf.*

[3] *http://www.epa.gov/airtrends/weather.html.*

[4] EPA's use of the phrase ''long-term average'' refers to the 74-year averages identified in Table 1.

[5] EPA's analysis is based on weather data from the National Oceanic and Atmospheric Administration (see below). NOAA defines ''normal'' as the ''long-term average value of a meteorological element for a certain area. For example, 'temperatures are normal for this time of year[.]' Usually averaged over 30 years.'' *See http://www.erh.noaa.gov/er/box/glossary.htm.*

[6] This preliminary data is available at EPA's air data Web site: *http://aqsdr1.epa.gov/aqsweb/aqstmp/airdata/download_files.html#Daily.* The list of monitors in the bi-state Charlotte Area is available under the Designated Area field in Table 5 of the Ozone detailed information file at *http://www.epa.gov/airtrends/values.html.*

[7] Ozone is monitored from April 1 through October 31 in the bi-state Charlotte Area.

[8] EPA obtained this weather data from the NOAA NCEI Web site at *http://www.ncdc.noaa.gov/cag/.*

higher than the average maximum May temperature over the previous ten years. EPA agrees that the average maximum temperature in May 2015 was above average; in fact, the average maximum temperature was 84 degrees Fahrenheit, which is 4.2 degrees above average and it ranks 67 out of 75 years of recorded data in the bi-state Charlotte Area. However, even with this abnormally warm month, the May 2015 preliminary ozone data indicates that no exceedances of the 75 ppb ozone standard occurred and that the highest 8-hour average was 72 ppb. This data also indicates that although meteorological conditions were conducive to ozone formation, emissions in the Area were low enough not to support the formation of ozone above a level that would exceed the 2008 8-hour ozone NAAQS. Additionally, preliminary ozone season data available through June 28, 2015, indicate that the 4th Highest Maximum Daily 8-hour Average value for the bi-state Charlotte area monitors from March 1, 2015 through June 28, 2015 is 72 ppb.[9]

The Commenter's focus on meteorological conditions is inconsistent with EPA's analysis of the permanent and enforceable emission reductions that did occur in the area during the relevant time period. Consistent with EPA's longstanding practice and policy, a comparison of nonattainment period emissions with attainment period emissions is a relevant in demonstrating permanent and enforceable emissions reductions. EPA evaluated the ozone precursor emissions data in the Area and found that there were significant reductions in these emissions in multiple source categories from 2011 (a nonattainment year) to 2014 (an attainment year). The emissions data show that from 2011 to 2014, non-road NO_X and VOC emissions decreased, point source NO_X emissions decreased, and on-road mobile NO_X and VOC emissions have decreased substantially. During this time period, mobile source NO_X emissions decreased by approximately 54.5 tons per summer day (tpsd) (equating to 79 percent of the total NO_X emissions reductions) and mobile source VOC emissions decreased by approximately 26.5 tpsd (equating to 100 percent of the total VOC emissions reductions). It is not necessary for every change in emissions between the nonattainment year and the attainment year to be permanent and enforceable. Rather, the CAA requires that improvement in air quality necessary for the area to attain the relevant NAAQS must be reasonably attributable to permanent and enforceable emission reductions in emissions.

TABLE 2—NO_X EMISSIONS FOR THE CHARLOTTE 2008 OZONE NAAQS NONATTAINMENT AREA

[Tons per summer day]

Year	Point source	Area source	On-road	Non-road	Total
2011	47.17	6.68	112.13	28.75	194.73
2014	32.38	11.40	60.15	26.26	130.18

TABLE 3—VOC EMISSIONS FOR THE CHARLOTTE 2008 OZONE NAAQS NONATTAINMENT AREA

[Tons per summer day]

Year	Point source	Area source	On-road	Non-road	Total
2011	11.37	46.69	55.35	24.4	137.81
2014	12.03	47.88	34.32	18.89	113.12

The emissions reductions identified in Tables 2 and 3, above, are attributable to numerous measures implemented during this period, including the permanent and enforceable mobile source measures discussed in the NPR such as the Tier 2 vehicle and fuel standards, the large non-road diesel engines rule,[10] heavy-duty gasoline and diesel highway vehicle standards,[11] medium and heavy duty vehicle fuel consumption and GHG standards,[12] non-road spark-ignitions and recreational standards,[13] and the national program for GHG emissions and fuel economy standards. These mobile source measures have resulted in, and continue to result in, large reductions in NO_X emissions over time due to fleet turnover (*i.e.,* the replacement of older vehicles that predate the standards with newer vehicles that meet the standards). For example, implementation of the Tier 2 standards began in 2004, and as newer, cleaner cars enter the national fleet, these standards continue to significantly reduce NO_X emissions. EPA expects that these standards will reduce NO_X emissions from vehicles by approximately 74 percent by 2030, translating to nearly 3 million tons annually by 2030.[14] Implementation of the heavy-duty gasoline and diesel highway vehicle standards rule also began in 2004. EPA projects a 2.6 million ton reduction in NO_X emissions by 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.[15]

The State calculated the on-road and non-road mobile source emissions contained in Tables 2 and 3 using EPA-approved models and procedures that account for the Federal mobile source measures identified above, fleet turnover, and increased population.[16] [17]

[9] This preliminary data is available at EPA's air data Web site: *http://aqsdr1.epa.gov/aqsweb/aqstmp/airdata/download_files.html#Daily.* The list of monitors in the bi-state Charlotte Area is available under the Designated Area field in Table 5 of the Ozone detailed information file at *http://www.epa.gov/airtrends/values.html.*

[10] EPA estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide.

[11] Implementation of this rule is expected to achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses.

[12] When fully implemented in 2018, this rule is expected to reduce NO_X emissions from the covered vehicles by 20 percent.

[13] When fully implemented, the standards will result in an 80 percent reduction in NO_X by 2020.

[14] EPA, Regulatory Announcement, EPA420–F–99–051 (December 1999), available at: *http://www.epa.gov/tier2/documents/f99051.pdf.*

[15] 66 FR 5002, 5012 (January 18, 2001).

[16] North Carolina used EPA's MOVES2014 model to calculate on-road emissions factors and EPA's NONROAD 2008a model to quantify off-road emissions.

[17] North Carolina used the interagency consultation process required by 40 CFR part 93 (known as the Transportation Conformity Rule)

Because the model does not include any additional mobile source measures, the large reductions in mobile source emissions quantified in the Area between 2011 and 2014 are the result of the permanent and enforceable mobile source measures listed above and discussed in the NPR.

Regarding the Commenter's discussion of capacity factors at the GG Allen and Marshall power plants and cooling degree days, the Commenter does not attempt to quantify how any decreases in these parameters translate to decreases in NO_X emissions or ozone concentrations; therefore, it is unclear how the changes in capacity factors and cooling degree days support the Commenter's position that EPA cannot redesignate the bi-state Charlotte Area. The data in Table 2, above, demonstrates that the decreases in mobile source NO_X emissions from 2011–2014 are much greater than the decreases in point-source NO_X emissions.

In addition, EPA does not believe that the cooling degree and capacity factor data supports the conclusions reached by the Commenter. The Commenter presents data showing cooling degree days for North Carolina for the past ten years and concludes that the cooler summers in 2013 and 2014 have resulted in a lower demand for air conditioning and thus a lower demand for electric power. EPA acknowledges that the number of cooling degree days in 2013 and 2014 and the total consumption of electricity in North Carolina were lower in 2013 and 2014 than during 2010, 2011, and 2012. However, the Commenter ignores the fact that the numbers of cooling degree days in 2010, 2011, and 2012 were significantly above average. In fact, the number of cooling degree days in 2010 ranks the highest in the 120 years of data available for North Carolina and 2011 ranks the third highest out of those 120 years. In contrast, the number of cooling degree days in 2013 and 2014 were close to the 120-year average—2013 is slightly below the average, but the 2014 cooling degree days are actually above the long-term 120-year average. Also, even within the ten years of data presented by the Commenter, the number of cooling degree days in 2014 is on par with the number of cooling degree days in 2006, 2008, and 2009. EPA therefore does not agree with the Commenter that the number of cooling degree days in 2013 and 2014 undermines the Agency's conclusion about the causes of the attainment air quality in the Area.

EPA also disagrees with the Commenter's characterization of the capacity factor and electric power usage data presented in its comments. For example, the Commenter provides a figure showing total consumption of electric power in North Carolina for each ozone season for only the last five years (2010 through 2014) and concludes that the electric power consumption in 2013 and 2014 was ''unusually low'' using this limited time period as its reference point. However, as demonstrated by the meteorological analysis provided in Table 1 of this final action, 2010, 2011, and 2012 are warmer than long-term average years. Therefore, it is not appropriate to conclude that levels in 2013 and 2014 were ''unusually low'' without evaluating consumption data from a larger time period. EPA also notes that the Commenter's conclusion that ozone season capacity factors in 2012–2014 at the GG Allen and Marshall power plants are ''starkly lower than preceding years'' that ''can be attributed, in part to the aberrantly mild summer weather and the resulting decrease in energy demand'' ignores the fact that 2012 had warmer than average summer temperatures and still had capacity factors at those same units that were lower than or comparable to 2014. The Commenter's assertion is also based on the limited 2010–2014 time period that is not representative of long-term meteorological conditions. Therefore, the Commenter has not established a causal connection between differences in ozone season meteorological conditions and capacity factors for these EGUs.

For the reasons discussed above, EPA does not agree with the Commenter that the meteorological data from the relevant time period undermines its analysis and conclusion that the improvement in air quality in the bi-State Charlotte Area is reasonably attributable to the permanent and enforceable emission reductions identified by the State and EPA.

Comment 3: The Commenter states that ''as EPA has acknowledged, global climate change likely will lead to significantly higher summer temperatures in the years to come and hotter summers, in turn, will lead to increased ozone formation.'' The Commenter therefore believes that it is ''irrational'' for EPA to approve the redesignation request based on data from ''two outlying uncharacteristically cool summers'' that ''Charlotte may not experience again.''

Response 3: EPA agrees that climate change is a serious environmental issue; however, EPA does not agree that the redesignation and maintenance plan at issue are flawed because temperatures may increase in the future. Given the potential wide-ranging impacts of climate change on air quality planning, EPA is developing climate adaptation implementation plans to assess the key vulnerabilities to our programs (including how climate change might affect attainment of national ambient air quality standards) and to identify priority actions to minimize these vulnerabilities.

With respect to climate impacts on future ozone levels, EPA's Office of Air and Radiation has identified as a priority action the need to adjust air quality modeling tools and guidance as necessary to account for climate-driven changes in meteorological conditions and meteorologically-dependent emissions. However, EPA has not yet made those changes. The broad range of potential future climate outcomes and variability of projected response to these outcomes limits EPA's ability, at this time, to translate a general expectation that average ozone levels will increase with rising temperatures to specific ''actionable'' SIP policies at any specific location, including the bi-state Charlotte Area. Thus, EPA believes that it is appropriate to rely upon the existing air quality modeling tools and guidance and applicable CAA provisions to ensure that ozone maintenance areas do not violate the NAAQS (as a result of climate change or any other cause).

As noted above, EPA is currently unable to fully account for the potential impact of climate change on ozone concentrations in the Area. However, there is nothing in the record to suggest that the large emissions reductions of NO_X and VOC projected for the Area over the next 10 years would be outpaced by the potential increase in ozone concentrations caused by climate change over the same time period.

Comment 4: The Commenter contends that EPA should not approve the State's maintenance plan because ''DAQ selected 2014 as the base year for the purpose of its maintenance demonstration, which year is not representative of air quality conditions given aberrant weather, and, thus, inappropriately skewed the analysis of future air quality toward an

which requires EPA, the United States Department of Transportation, metropolitan planning organizations, state departments of transportation, and State and local air quality agencies to work together to develop applicable implementation plans. The on-road emissions were generated by an aggregate of the vehicle activity (generated from the travel demand model) on individual roadways multiplied by the appropriate emissions factor from MOVES2014. The assumptions which are included in the travel demand model, such as population, were reviewed through the interagency consultation process.

underestimation of future emissions.'' According to the Commenter, EPA should ''require DAQ to reevaluate the Area's ability to attain and maintain the ozone NAAQS using emissions data from a year (or years) in which summer weather conditions were more typical.''

Response 4: As discussed in Response 2, EPA does not agree with the Commenter's assertion that the weather in summer 2014 was ''unusually cool'' when the conditions from that year are viewed in comparison to a larger data set, and therefore does not agree that NC DAQ selected an inappropriate base year for a maintenance demonstration. Furthermore, it is unclear how the Commenter concludes that EPA should disapprove the maintenance plan even if the Agency accepted the Commenter's assertion that the weather in 2014 was ''aberrant.'' The maintenance demonstration compares base year emissions to future year emissions. If total future year emissions are above total base year emissions, maintenance is not demonstrated. For some source categories, future year emissions are projected using base year emissions; however, for other source categories, future year emissions projections are independent of base year emissions. Projected emissions for source categories that rely on base year emissions will be proportional to base year emissions in the same degree regardless of the base year emissions used. It is therefore more likely that an area will fail to demonstrate maintenance using a comparison of total emissions if the baseline is artificially low. In addition, while emissions from some source categories may vary as a result of weather conditions, the overall NO_X and VOC emissions released from year to year across source categories is generally not weather-dependent; therefore, weather does not play a determinative role in the base year to future year emissions comparison.

Comment 5: The Commenter claims that EPA must disapprove the State's maintenance plan because ''it fails to specify emissions reductions that are permanent and enforceable. The proposed plan identifies various state and Federal requirements that may apply to the major stationary sources of air pollution located in and in close proximity to the Charlotte Area, however, it fails to present any assurance that such requirements will result in any reduction in emissions.'' In support, the Commenter references three requirements—North Carolina's Clean Smokestacks Act and EPA's Clean Air Interstate Rule (CAIR) and Cross State Air Pollution Rule (CSAPR). As to these three measures, the Commenter states its belief that they are not permanent and enforceable because they are cap and trade programs that could allow for increased NO_X emissions at Duke Energy's GG Allen and Marshall power plants. The Commenter further states that ''DAQ should impose enforceable limits on NO_X emissions from all EGUs [electricity generating units] that are based on available and demonstrated control technology.''

Response 5: EPA disagrees with the Commenter. Consistent with EPA guidance, the State's maintenance plan identifies a number of permanent and enforceable requirements, including measures that regulate area, on-road, and off-road sources, and discusses the emissions reductions associated with each measure.[18] *See* 80 FR 29250. In discussing the emissions reductions and status of these measures, the State has provided assurance that these requirements will result in emissions reductions.[19]

EPA also disagrees with the Commenter's belief that emission reductions associated with the CSA, CAIR, and CSAPR are not permanent and enforceable simply because the underlying program is an emissions trading program. Cap-and-trade programs provide economic incentives for early reductions in emissions and encourage sources to install controls earlier than required for compliance with future caps on emissions. The flexibility under a cap-and-trade system is not about whether to reduce emissions; rather, it is about how to reduce them at the lowest possible cost. Trading programs require total mass emission reductions by establishing mandatory caps on total emissions to permanently reduce the total mass emissions allowed by sources subject to the programs, validated through rigorous continuous emission monitoring and reporting regimens. The emission caps and associated controls are enforced through the associated SIP rules or federal implementation plans. Any purchase of allowances and increase in emissions by one source necessitates a corresponding sale of allowances and either reduction in emissions or use of banked allowances by another covered source.

Given the regional nature of ozone, the corresponding NO_X emission and/or allowance reduction in one affected area will have an air quality benefit that will compensate, at least in part, for the impact of any emission increase in another affected area. EPA disagrees with any suggestion that only specific emission limits on units can be considered ''reductions.'' In fact, the information that EPA has evaluated in order to conclude that the bi-State Charlotte Area has met the criteria for redesignation shows that power plant emissions in both the Area and the surrounding region have substantially decreased as a result of cap-and-trade programs, including CAIR. The facts contradict the theoretical concerns raised by the Commenter and show that the emission trading programs, combined with other controls, have improved air quality in the Area.

Moreover, experience has demonstrated that cap and trade programs do successfully generate lasting emission reductions. For example, the NO_X SIP Call and CAIR have successfully reduced transported emissions contributing to ozone nonattainment in areas across the country. Data collected from long-term national air quality monitoring networks demonstrate that these regional cap-and-trade programs have resulted in substantial achievements in air quality caused by emission reductions from power sector sources.[20] In 2004, EPA designated 91 areas in the Eastern half of the United States as nonattainment for the 8-hour ozone standard adopted in 1997, using data from 2001–2003. Based on data gathered from 2009–2011, 90 of these original Eastern nonattainment areas show concentrations below the 1997 ozone standard.[21]

Many states have sought and continue to seek redesignation of their nonattainment areas relying in part on the reductions attributable to these cap-and-trade programs. *See, e.g.,* 76 FR 59600, 59607 (September 27, 2011) (proposing to redesignate a portion of the Chicago area for the 1997 8-hour ozone NAAQS), finalized at 76 FR 76302 (December 7, 2011); and 74 FR 63995 (December 7, 2009) (redesignation of Great Smoky Mountain National Park for the 1997 8-hour ozone NAAQS). The Commenter's contention that EPA and North Carolina may not rely on the substantial emission reductions that have already occurred

[18] *See, e.g.,* Memorandum from John Calcagni, Director, Air Quality Management Division, to Regional Air Directors entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (September 4, 1992).

[19] See Response 2, above, for further discussion of these permanent and enforceable emissions reductions.

[20] *See, e.g.,* EPA, Progress Report 2011—Clean Air Interstate Rule, Acid Rain Program, and Former NO_X Budget Trading Program—Environmental and Health Results Report (March 2013), available at: *http://www.epa.gov/airmarkets/documents/progressreports/ARPCAIR11_environmental_health.pdf.*

[21] Id. at 12.

from these rules is based on a faulty and rigid interpretation of the CAA would impose a major obstacle for nonattainment areas across the country that have achieved attainment air quality because of the reductions required by the rules. This would unnecessarily undermine a reasonable, proven, and cost-effective approach to combating regional pollution problems.

Of the Federally-enforceable rules relied upon by North Carolina in its redesignation request, the Commenter singles out cap-and-trade programs as insufficiently permanent and enforceable to meet the requirements for redesignation. However, as discussed above, a number of other permanent and enforceable measures have helped contribute to the Area's attainment of the 2008 8-hour ozone standard and ensure maintenance of that standard. There is inherent flexibility in nearly all of these measures, including Federal transportation control measures and SIP emission rate limits, also known as ''command-and-control'' regulations. For example, the rules do not and cannot account for when and where people drive their cars, nor do they dictate that consumers in a certain area invest in newer, lower-emitting cars. Similarly, emission rate limits limit the rate of emissions per unit of fuel consumed, or parts per million of emissions in the exhaust but do not regulate throughput or hours of operation of the regulated sources. It would be unworkable for EPA to disqualify a requirement as ''permanent and enforceable'' for the purposes of redesignation simply because the requirement did not require the exact same pollutant emission reduction every hour of every day of every year. North Carolina relied on a suite of requirements that, while inherently allowing for some flexibility, has collectively served to bring the Area into, and to maintain, attainment of the NAAQS.

EPA's position that cap-and-trade programs are permanent and enforceable measures under section 107(d)(3)(E)(iii) was recently upheld by two Federal appellate courts. In the most recent decision, the United States Court of Appeals for the Sixth Circuit rejected Sierra Club's argument that EPA improperly relied on emissions reductions from cap-and-trade programs such as the NO_X SIP Call, CAIR, and CSAPR in redesignating the Cincinnati-Hamilton nonattainment area for the 1997 $PM_{2.5}$ NAAQS. *Sierra Club* v. *EPA,* 781 F.3d 299 (6th Cir. 2015). This decision is consistent with the opinion of the United States Court of Appeals for the Seventh Circuit in *Sierra Club* v. *EPA,* 774 F.3d 383 (7th Cir. 2014) that EPA could rely on the NO_X SIP Call cap-and-trade program as a permanent and enforceable measure in redesignating the Milwaukee-Racine, Greater Chicago, and St. Louis (Illinois portion) nonattainment areas to attainment for the 1997 8-hour ozone NAAQS.

EPA also notes that North Carolina's maintenance plan provides for verification of continued attainment by performing future reviews of triennial emissions inventories and also for contingency measures to ensure that the NAAQS is maintained into the future if monitored increases in ambient ozone concentrations occur. *See* 80 FR 29250. For this and the above reasons, EPA disagrees with the Commenter's position that the State failed to identify permanent and enforceable emissions reductions in its maintenance plan.

Regarding the need for additional controls at the GG Allen and Marshall power plants, EPA has concluded that the Area has attained, and will maintain, the 2008 8-hour ozone NAAQS with the permanent and enforceable measures identified in the State's submission and in EPA's NPR. EPA also notes that the Marshall Steam Plant is not located within the bi-state Charlotte Area nonattainment boundary, and is therefore not included in the emissions comparison portion of the maintenance demonstration. Furthermore, continued nonattainment status for this Area would not require any further emissions controls for either power plant under their current configurations.

Comment 6: The Commenter believes that redesignating the bi-state Charlotte Area would ''eliminate needed additional air quality planning requirements and jeopardize public health by delaying permanent attainment for the area.'' According to the Commenter, the Area ''consistently records higher asthma rates than the entire state. Moreover, the impacts of ozone pollution have significant environmental justice implications as African Americans carry a disproportionate asthma burden compared with whites in North Carolina.'' The Commenter therefore concludes that EPA should not redesignate the Area and that ''[b]efore making a final decision on whether or not to approve DAQ's redesignation request, EPA must evaluate the environmental justice implications of such action and, if it still determines that redesignation is justified, must allow for additional public comment on any proposed action.''

Response 6: As noted in EPA's May 21, 2015 NPR, Executive Order 12898 establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. These final actions do not relax control measures on existing sources and therefore will not cause emissions increases from those sources. Thus, these actions will not have an adverse human health or environmental effect on any individuals, including minority or low-income populations. As discussed above and in EPA's May 21, 2015 NPR, the Area has attained the 2008 8-hour NAAQS through permanent and enforceable measures, emissions in the Area are projected to decline following the redesignation, and the maintenance plan demonstrates that the Area will continue to meet the NAAQS for the next ten years and includes contingency measures to quickly address any NAAQS violations. While the Commenter has expressed a general concern that this action will ''eliminate needed additional air quality planning requirements and jeopardize public health by delaying permanent attainment,'' the Commenter has not identified any specific requirements of concern or any specific information on the potential emissions impact that would arise if those requirements were not in place. Such future emission impacts are speculative, and to the extent that emissions in fact increase in the future to levels that would impact NAAQS maintenance—which EPA does not think will happen—the Agency could take future action to address actual emissions in the Area.

III. What are the effects of these actions?

Approval of North Carolina's redesignation request changes the legal designation of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in the North Carolina portion of the bi-state Charlotte Area, found at 40 CFR 81.334, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of North Carolina's associated SIP revision also incorporates a plan for maintaining the 2008 8-hour ozone NAAQS in the bi-state Charlotte Area through 2026. The maintenance plan establishes NO_X and VOC MVEBs for 2014 and 2026 for

the North Carolina portion of the bi-state Charlotte Area and includes contingency measures to remedy any future violations of the 2008 8-hour ozone NAAQS and procedures for evaluation of potential violations. The sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area along with the allocations from the safety margin are provided in the tables below.[22]

TABLE 4—CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	11,814	7,173	3,124	3,135
Safety Margin Allocated to MVEB	.....	.....	625	627
Conformity MVEB	11,814	7,173	3,749	3,762

TABLE 5—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	10,079	5,916	2,482	2,278
Safety Margin Allocated to MVEB	.....	.....	510	470
Conformity MVEB	10,079	5,916	2,992	2,748

TABLE 6—CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION—ROCKY RIVER RURAL PLANNING ORGANIZATION SUB-AREA MVEBS

[kg/day]

	2014		2026	
	NO_X	VOC	NO_X	VOC
Base Emissions	32,679	18,038	8,426	8,189
Safety Margin Allocated to MVEB	.....	.....	1,515	1,472
Conformity MVEB	32,679	18,038	9,941	9,661

IV. Final Actions

EPA is taking three separate final actions regarding the bi-state Charlotte Area's redesignation to attainment and maintenance of the 2008 8-hour ozone NAAQS. First, EPA is determining that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS based on complete, quality-assured and certified monitoring data for the 2012–2014 monitoring period.

Second, EPA is approving and incorporating the maintenance plan for the bi-state Charlotte Area, including the sub-area NO_X and VOC MVEBs for 2014 and 2026, into the North Carolina SIP. The maintenance plan demonstrates that the Area will continue to maintain the 2008 8-hour ozone NAAQS, and the sub-area budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5).

Third, EPA is determining that North Carolina has met the criteria under CAA section 107(d)(3)(E) for the North Carolina portion of the bi-state Charlotte Area for redesignation from nonattainment to attainment for the 2008 8-hour ozone NAAQS. On this basis, EPA is approving North Carolina's redesignation request for the 2008 8-hour ozone NAAQS for the North Carolina portion of the bi-state Charlotte Area. As mentioned above, approval of the redesignation request changes the official designation of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in the North Carolina portion of the bi-state Charlotte Area for the 2008 8-hour ozone NAAQS from nonattainment to attainment, as found at 40 CFR part 81.

EPA is also notifying the public that EPA finds the newly-established sub-area NO_X and VOC MVEBs for the bi-state Charlotte Area adequate for the purpose of transportation conformity. Within 24 months from this final rule, the transportation partners will need to demonstrate conformity to the new sub-area NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e).

V. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions,

[22] North Carolina has chosen to allocate a portion of the available safety margin to the NO_X and VOC MVEBs for 2026. NC DAQ has allocated 2.93 tpd (2650 kg/day) to the 2026 NO_X MVEB and 2.83 tpd (2,569 kg/day) to the 2026 VOC MVEB. After allocation of the available safety margin, the remaining safety margin was calculated as 59.72 tpd for NO_X and 10.15 tpd for VOC.

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state or Federal law. For these reasons, these actions:

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 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

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: July 17, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR parts 52 and 81 are 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 II—North Carolina

■ 2. In § 52.1770, the table in paragraph (e) is amended by adding a new entry ''2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
* *	*	*	* *	*
2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	4/16/2015	7/28/2015	[insert Federal Register citation]	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 4. In § 81.334, the table entitled ''North Carolina—2008 8-Hour Ozone NAAQS (Primary and secondary)'' is amended by revising the entries for ''Charlotte-Rock Hill, NC–SC,'' ''Cabarrus County (part),'' ''Gaston County (part),'' ''Iredell County (part),'' ''Lincoln County (part),'' ''Mecklenburg County,'' ''Rowan County (part),'' and ''Union County (part)'' to read as follows:

§ 81.334 North Carolina.

* * * * *

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Charlotte-Rock Hill, NC–SC [2]	This action is effective 7/28/2015.	Attainment		
Cabarrus County (part)				
Central Cabarrus Township, Concord Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township				
Gaston County (part)				
Crowders Mountain Township, Dallas Township, Gastonia Township, Riverbend Township, South Point Township				
Iredell County (part)				
Davidson Township, Coddle Creek Township				
Lincoln County (part)				
Catawba Springs Township, Ironton Township, Lincolnton Township				
Mecklenburg County				
Rowan County (part)				
Atwell Township, China Grove Township, Franklin Township, Gold Hill Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township				
Union County (part)				
Goose Creek Township, Marshville Township, Monroe Township, Sandy Ridge Township, Vance Township				
* * *	*	*	*	*

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.

* * * * *

[FR Doc. 2015–18345 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL–9931–40–OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2015 Compliance Year

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of data availability (NODA).

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs) and is responding to objections to preliminary calculations. EPA has completed final calculations for the first round of NUSA allowance allocations for the 2015 compliance year and has posted spreadsheets containing the calculations on EPA's Web site. The final allocations are unchanged from the preliminary calculations. EPA will record the allocated allowances in sources' Allowance Management System (AMS) accounts by August 1, 2015.

DATES: July 28, 2015.

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

SUPPLEMENTARY INFORMATION: Under the CSAPR FIPs, a portion of each state budget for each of the four CSAPR emissions trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. In a NODA published in the **Federal Register** on June 1, 2015 (80 FR 30988), EPA described the allocation process and provided notice of preliminary calculations for the first-round 2015 NUSA allowance allocations. EPA also described the process for submitting any objections to the preliminary calculations.

In response to the June 1 NODA, EPA received three timely written objections, two late written objections, and several telephone inquiries. The objections and inquiries all concerned the question of whether EPA is correct to exclude emissions that occurred before a unit's monitor certification deadline from the emissions data used to calculate the NUSA allowance allocations. As explained below, under the regulations such emissions are properly excluded because they are not emissions during a ''control period.''

Under the CSAPR FIPs, an eligible unit's first-round NUSA allowance allocation for a given compliance year is generally based on the unit's emissions ''during the immediately preceding control period'' (that is, the control period in the year before the compliance year).[1] An eligible unit's second-round NUSA allowance allocation for a given

[1] 40 CFR 97.412(a)(4)(i), 97.512(a)(4)(i), 97.612(a)(4)(i), and 97.712(a)(4)(i). First-round NUSA allocations may be affected by first-round NUSA over-subscription and rounding.

compliance year is generally based on the positive difference, if any, between the unit's emissions ''during such control period'' (that is, the control period in the compliance year) and the unit's first-round NUSA allocation for the compliance year.[2] A ''control period'' is defined as either a calendar year or a May-September period—for the SO_2 and NO_X annual programs and for the NO_X ozone season program, respectively—subject in both cases to an exclusion, for any given unit, of periods before the unit's monitor certification deadline, thereby ensuring that the unit's ''control periods'' generally represent the periods for which the unit must hold CSAPR allowances equal to its emissions.[3] The emissions data used in calculating NUSA allowance allocations under the CSAPR FIPs thus properly exclude any emissions occurring before a unit's monitor certification deadline because such emissions are not emissions ''during the immediately preceding control period'' or ''during such control period.''[4]

EPA excluded emissions before units' monitor certification deadlines from the preliminary calculations of first-round 2015 NUSA allowance allocations discussed in the June 1 NODA. In the final calculations, EPA has likewise excluded emissions before units' monitor certification deadlines and has made no other changes to the data used in the preliminary calculations. The final first-round 2015 NUSA allowance allocations are therefore unchanged from the preliminary calculations.

The final unit-by-unit data and allowance allocation calculations are set forth in Excel spreadsheets titled ''CSAPR_NUSA_2015_NOx_Annual_1st_Round_Final_Data'', ''CSAPR_NUSA_2015_NOx_OS_1st_Round_Final_Data'', and ''CSAPR_NUSA_2015_SO_2_1st_Round_Final_Data,'' available on EPA's Web site at *http://www.epa.gov/crossstaterule/actions.html.* The three spreadsheets show EPA's final determinations of first-round 2015 NUSA allocations under the CSAPR NO_X annual, NO_X ozone season, and SO_2 (Group 1 and Group 2) trading programs, respectively.

Pursuant to CSAPR's allowance recordation timing requirements, the allocated NUSA allowances will be recorded in sources' AMS accounts by August 1, 2015. EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that NUSA allocations are subject to potential correction if a unit to which NUSA allowances have been allocated for a given compliance year is not actually an affected unit as of January 1 (or May 1 in the case of the NO_X ozone season program) of the compliance year.[5]

(Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), and 97.711(b).)

Dated: July 20, 2015.

Reid P. Harvey,

Director, Clean Air Markets Division.

[FR Doc. 2015–18516 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

[2] 40 CFR 97.412(a)(9)(i), 97.512(a)(9)(i), 97.612(a)(9)(i), and 97.712(a)(9)(i). Second-round NUSA allocations occur only if all NUSA allowances were not allocated in the first round and may be affected by second-round NUSA over-subscription and rounding.

[3] 40 CFR 97.402, 97.502, 97.602, and 97.702 (definitions of ''control period''); *see also* 40 CFR 97.406(c)(3), 97.506(c)(3), 97.606(c)(3), and 97.706(c)(3) (exclusion of periods before monitor certification deadline).

[4] The CSAPR regulations' exclusion of periods before a unit's monitor certification deadline from ''control periods'' is explicit with respect to control periods in and after 2015, the first year of obligations to hold CSAPR allowances. The regulations' only operative references to control periods before 2015 are the references in the NUSA allowance allocation provisions to ''the immediately preceding control period,'' which, in the context of the 2015 compliance year, indicate 2014 ''control periods.'' EPA interprets the NUSA provisions as intended to operate in the same manner in all compliance years and accordingly interprets the exclusion of periods before a unit's monitor certification deadline as applying to all control periods, including the 2014 ''control periods.''

[5] *See* 40 CFR 97.411(c), 97.511(c), 97.611(c), and 97.711(c).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150619537–5615–01]

RIN 0648–XE037

Western and Central Pacific Fisheries for Highly Migratory Species; 2015 Bigeye Tuna Longline Fishery Closure

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

ACTION: Temporary rule; fishery closure.

SUMMARY: NMFS is closing the U.S. pelagic longline fishery for bigeye tuna in the western and central Pacific Ocean as a result of the fishery reaching the 2015 catch limit. This action is necessary to prevent additional fishing pressure on this fish stock.

DATES: Effective August 5, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Region, 808–725–5032.

SUPPLEMENTARY INFORMATION: Pelagic longline fishing in the western and central Pacific Ocean is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (Act). Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart O.

NMFS established a calendar year 2015 limit of 3,502 metric tons (mt) of bigeye tuna (*Thunnus obesus*) that may be caught and retained in the U.S. pelagic longline fishery in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area) (80 FR 43634, July 23, 2015; 50 CFR 300.224). NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information, and determined that the 2015 catch limit would be reached by August 5, 2015. In accordance with 50 CFR 300.224(e), this rule serves as advance notification to fishermen, the fishing industry, and the general public that the U.S. longline fishery for bigeye tuna in the Convention Area will be closed during the dates provided in the **DATES** heading. The fishery is scheduled to reopen on January 1, 2016. This rule does not apply to the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands, collectively ''the territories,'' as described below.

During the closure, a U.S. fishing vessel may not retain on board, transship, or land bigeye tuna captured by longline gear in the Convention Area, except that any bigeye tuna already on board a fishing vessel upon the effective date of the restrictions may be retained on board, transshipped, and landed, provided that they are landed within 14 days of the start of the closure, that is, by August 19, 2015. This 14-day landing requirement does not apply to a vessel that has declared to NMFS, pursuant to 50 CFR 665.803(a), that the current trip type is shallow-setting.

Longline-caught bigeye tuna may be retained on board, transshipped, and landed if the fish are caught by a vessel with a valid American Samoa longline permit, or landed in the territories. In either case, the following conditions must be met:

(1) The fish is not caught in the U.S. Exclusive Economic Zone (EEZ) around Hawaii;

(2) Other applicable laws and regulations are followed; and

(3) The vessel has a valid permit issued under 50 CFR 660.707 or 665.801.

Bigeye tuna caught by longline gear during the closure may also be retained on board, transshipped, and/or landed if they are caught by a vessel that is included in a specified fishing agreement under 50 CFR 665.819(d), in accordance with 50 CFR 300.224(f)(iv).

During the closure, a U.S. vessel is also prohibited from transshipping bigeye tuna caught in the Convention Area by longline gear to any vessel other than a U.S. fishing vessel with a valid permit issued under 50 CFR 660.707 or 665.801.

The catch limit and this closure do not apply to bigeye tuna caught by longline gear outside the Convention Area, such as in the eastern Pacific Ocean. To ensure compliance with the restrictions related to bigeye tuna caught by longline gear in the Convention Area, however, the following requirements apply during the closure period:

(1) Longline fishing both inside and outside the Convention Area is not allowed during the same fishing trip. An exception would be a fishing trip that is in progress on August 5, 2015. In that case, the catch of bigeye tuna must be landed by August 19, 2015; and

(2) If a longline vessel fishes outside the Convention Area and the vessel then enters the Convention Area during the same fishing trip, the fishing gear must be stowed and not readily available for fishing in the Convention Area. Specifically, hooks, branch lines, and floats must be stowed and the mainline hauler must be covered.

The above two additional prohibitions do not apply to the following vessels:

(1) Vessels on declared shallow-setting trips pursuant to 50 CFR 665.803(a); and

(2) Vessels operating in the longline fisheries of the territories. This includes vessels included in a specified fishing agreement under 50 CFR 665.819(d), in accordance with 50 CFR 300.224(f)(iv). This group also includes vessels with valid American Samoa longline permits and vessels landing bigeye tuna in one of the territories, as long as the bigeye tuna were not caught in the EEZ around Hawaii, the fishing was compliant with all applicable laws, and the vessel has a valid permit issued under 50 CFR 660.707 or 665.801.

Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this action, because it would be contrary to the public interest. This rule closes the U.S. longline fishery for bigeye tuna in the western and central Pacific as a result of reaching the applicable bigeye tuna catch limit. The limit is codified in Federal regulations and is based on agreed limits established by the Western and Central Pacific Fisheries Commission. NMFS forecasts that the fishery will reach the 2015 limit by August 5, 2015. Although this is much earlier than in previous years, longline fishermen have been subject to longline bigeye tuna limits in the western and central Pacific since 2009. They have received ongoing, updated information about the 2015 catch and progress of the fishery in reaching the Convention Area limit via the NMFS Web site, social media, and other means. This constitutes adequate advance notice of this fishery closure. Additionally, the publication timing of this rule provides longline fishermen with seven days' advance notice of the closure date, and allows two weeks to return to port and land their catch of bigeye tuna.

For the reasons stated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this temporary rule. NMFS must close the fishery as soon as possible to ensure that fishery does not exceed the catch limit. According to NMFS stock-status-determination criteria, bigeye tuna in the Pacific Ocean are currently experiencing overfishing. NMFS implemented the catch limit to reduce the effects of fishing on bigeye tuna and restore the stock to levels capable of producing maximum sustainable yield on a continuing basis. Failure to close the fishery immediately would result in additional fishing pressure on this stock, in violation of Federal law and international obligations.

This action is required by 50 CFR 300.224 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: July 23, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015–18433 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120627194–3657–02]

RIN 0648–XE005

Atlantic Highly Migratory Species; North Atlantic Swordfish Fishery

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

ACTION: Temporary rule; Swordfish General Commercial permit retention limit adjustment for Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions.

SUMMARY: NMFS is adjusting the Swordfish (SWO) General Commercial permit retention limits for the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions for the remainder of 2015, unless otherwise noticed. The SWO General Commercial permit retention limit in each of these three regions is increased to six SWO per vessel per trip. The SWO General Commercial permit retention limit in the Florida SWO Management Area will remain unchanged at zero SWO per vessel per trip. This adjustment applies to SWO General Commercial permitted vessels and HMS Charter/Headboat permitted vessels when on a non-for-hire trip. This action is based upon consideration of the applicable inseason regional retention limit adjustment criteria.

DATES: The adjusted SWO General Commercial permit retention limits in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions are effective July 30, 2015 through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Rick Pearson or Randy Blankinship, 727–824–5399.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of North Atlantic SWO by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. North Atlantic SWO quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT)

into two equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species or taking SWO recreationally, and a reserve category, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended, and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The 2015 adjusted North Atlantic SWO quota is 3,359.4 mt dw (see FR 80 25609, May 5, 2015). From the adjusted quota, 50 mt dw was allocated to the reserve category for inseason adjustments and research, and 300 mt dw was allocated to the incidental category, which includes recreational landings and landings by incidental SWO permit holders, per § 635.27(c)(1)(i). This resulted in an allocation of 3,009.4 mt dw for the directed fishery, which is split equally (1,504.7 mt dw) between two seasons in 2015 (January through June, and July through December).

Adjustment of SWO General Commercial Permit Vessel Retention Limits

The 2015 North Atlantic SWO fishing year, which is managed on a calendar-year basis and divided into two equal semi-annual quotas, began January 1, 2015. Landings attributable to the SWO General Commercial permit are counted against the applicable semi-annual directed fishery quota. Regional default retention limits for this permit have been established and are automatically effective from January 1 through December 31 each year, unless changed based on the inseason regional retention limit adjustment criteria at § 635.24(b)(4)(iv). The default retention limits established for the SWO General Commercial permit are: (1) Northwest Atlantic region—three SWO per vessel per trip; (2) Gulf of Mexico region—three SWO per vessel per trip; (3) U.S. Caribbean region—2 SWO per vessel per trip; and, (4) Florida SWO Management Area—zero SWO per vessel per trip. The default retention limits apply to SWO General Commercial permitted vessels and to HMS Charter/Headboat permitted vessels when fishing on non-for-hire trips. As a condition of these permits, vessels may not possess, retain, or land any more SWO than is specified for the region in which the vessel is located. The retention limits were not adjusted in 2014.

NMFS has received requests to increase the retention limits in the Northwest Atlantic region and in the Florida SWO Management Area. Under § 635.24(b)(4)(iii), NMFS may increase or decrease the SWO General Commercial permit vessel retention limit in any region within a range from zero to a maximum of six SWO per vessel per trip. Any adjustments to retention limits must be based upon consideration of the relevant criteria provided in § 635.24(b)(4)(iv), which include: The usefulness of information obtained from biological sampling and monitoring of the North Atlantic SWO stock; the estimated ability of vessels participating in the fishery to land the amount of SWO quota available before the end of the fishing year; the estimated amounts by which quotas for other categories of the fishery might be exceeded; effects of the adjustment on accomplishing the objectives of the fishery management plan and its amendments; variations in seasonal distribution, abundance, or migration patterns of SWO; effects of catch rates in one region precluding vessels in another region from having a reasonable opportunity to harvest a portion of the overall SWO quota; and, review of dealer reports, landing trends, and the availability of SWO on the fishing grounds.

NMFS has considered these criteria, as discussed below, and their applicability to the SWO General Commercial permit retention limit in all regions for the remainder of 2015. Last year, with application of the default SWO General Commercial permit retention limits, total annual directed SWO fishery landings were approximately 1,303 mt dw (39 percent of the 3,303-mt dw total annual adjusted directed fishery quota). This year, through June 30, 2015, directed SWO landings are 481.6 mt dw (36.5 percent of the 1,505 mt dw Jan. to June semi-annual adjusted directed subquota; or 16 percent of the 3,010 mt dw total annual adjusted directed quota).

Given that SWO directed landings fell well below the available 2014 quota, and that 2015 landings continue to be below the available 2015 directed SWO quota, and considering the regulatory criteria, NMFS has determined that the SWO General Commercial permit vessel retention limit in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions applicable to persons issued a SWO General Commercial permit or HMS Charter/Headboat permit (when on a non-for-hire trip) should be increased from the default levels discussed above.

A principal consideration is the objective of providing opportunities to harvest the full North Atlantic directed SWO quota without exceeding it based upon the 2006 Consolidated HMS FMP goal: ''Consistent with other objectives of this FMP, to manage Atlantic HMS fisheries for continuing optimum yield so as to provide the greatest overall benefit to the Nation, particularly with respect to food production, providing recreational opportunities, preserving traditional fisheries, and taking into account the protection of marine ecosystems.'' At the same time, it is also important for NMFS to continue to provide protection to important SWO juvenile areas and migratory corridors.

After considering all of the relevant criteria, NMFS has determined that this year, increases from the default limits are warranted. With respect to the regulatory criteria, NMFS has examined dealer reports and landing trends, and determined that the information obtained from biological sampling and monitoring of the North Atlantic SWO stock is useful. Recently implemented electronic dealer reporting provides accurate and timely monitoring of landings. This information indicates that sufficient directed SWO quota is available that would warrant an increase in the SWO General Commercial permit retention limit. Regarding the regulatory criterion that NMFS consider ''the estimated ability of vessels participating in the fishery to land the amount of SWO quota available before the end of the fishing year,'' the directed SWO quota has not been harvested for several years and, based upon current landing trends, is not likely to be harvested or exceeded in 2015. Based upon recent landings rates from dealer reports, an increase in the vessel retention limit for SWO General Commercial permit holders is not likely to cause quotas for other categories of the fishery to be exceeded. Similarly, regarding the criterion that NMFS consider the estimated amounts by which quotas for other categories of the fishery might be exceeded, NMFS expects there to be sufficient SWO quota for the remainder of the year, and thus increased catch rates in one region are not expected to preclude vessels in another region from having a reasonable opportunity to harvest a portion of the overall SWO quota. Landings by vessels issued this permit (and Charter/Headboat permitted vessels on a non-for-hire trip) are counted against the adjusted directed SWO quota. As indicated above, this quota has not been exceeded for several years and, based upon current landing trends, is not likely to be exceeded in

2015. Similarly, NMFS expects that there will be sufficient SWO quota for the remainder of the year, thus increased catch rates in one region are not expected to preclude vessels in another region from having a reasonable opportunity to harvest a portion of the overall SWO quota.

With regard to SWO abundance, the 2014 report by ICCAT's Standing Committee on Research and Statistics indicated that the North Atlantic SWO stock is not overfished (B_{2011}/B_{msy} = 1.14), and overfishing is not occurring (F_{2011}/F_{msy} = 0.82). Increasing the retention limit for this U.S. handgear fishery is not expected to affect the SWO stock status determination because any additional landings would be in compliance with the ICCAT recommended U.S. North Atlantic SWO quota allocation.

Mature SWO are anticipated to migrate to the fishing grounds off the northeast U.S. coast during the summer and fall months. Based upon landings over the last several years, it is highly unlikely that the June through December directed SWO subquota will be filled with the current default retention limits of three SWO per vessel per trip (Northwest Atlantic and Gulf of Mexico), and two SWO per vessel per trip (U.S. Caribbean). For the entire 2014 fishing year, 39 percent of the total adjusted directed SWO quota was filled.

Increasing the SWO General Commercial permit retention limit to six fish per vessel per trip will increase the likelihood that directed SWO landings will approach, but not exceed, the annual SWO quota, as well as increase the opportunity for catching SWO during the June through December directed subquota period. Increasing opportunity within this subquota period is also important because of the migratory nature and seasonal distribution of SWO, one of the regulatory criteria to be considered when changing the retention limit inseason (variations in seasonal distribution, abundance, or migration patterns of SWO). In a particular geographic region, or waters accessible from a particular port, the amount of fishing opportunity for SWO may be constrained by the short amount of time the SWO are present as they migrate. Dealer reports for Swordfish General Commercial permitted vessels indicate swordfish are available from June through December in both the Northwest Atlantic and Gulf of Mexico regions and are likely to be available in the U.S. Caribbean region during December and January.

Based upon these considerations, NMFS has determined that a six-fish per vessel per trip SWO General Commercial permit retention limit is warranted in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions through December 31, 2015, for SWO General Commercial permitted vessels and HMS Charter/Headboat permitted vessels when on a non-for-hire trip. It would provide a reasonable opportunity to harvest the U.S. quota of SWO without exceeding it, while maintaining an equitable distribution of fishing opportunities; help achieve optimum yield in the SWO fishery; allow for the collection of data for stock monitoring purposes; and be consistent with the objectives of the 2006 Consolidated HMS FMP, as amended. Therefore, NMFS increases the SWO General Commercial permit retention limit from the default limit to six SWO per vessel per trip in these three regions, effective from July 30, 2015 through December 31, 2015. The regional SWO retention limits will automatically revert back to the default levels on January 1, 2016.

As indicated above, NMFS has also received requests since publication of the final rule implementing Amendment 8 to the 2006 Consolidated HMS FMP (which established the SWO General Commercial permit) to increase the retention limit of SWO in the Florida SWO Management Area from the default of zero. NMFS has determined that the retention limit will remain at zero SWO per vessel per trip in the Florida SWO Management Area in 2015. As described in Amendment 8 to the 2006 Consolidated HMS FMP, the area off the southeastern coast of Florida, particularly the Florida Straits, contains oceanographic features that make the area biologically unique. It provides important juvenile SWO habitat, and is essentially a narrow migratory corridor containing high concentrations of SWO located in close proximity to high concentrations of people who may fish for them. Public comment on Amendment 8, including from the Florida Fish and Wildlife Conservation Commission, indicated concern about the resultant high potential for the improper rapid growth of a commercial fishery, increased catches of undersized SWO, the potential for larger numbers of fishermen in the area, and the potential for crowding of fishermen, which could lead to gear and user conflicts. These concerns remain valid. NMFS will continue to collect information to evaluate the appropriateness of the retention limit in the Florida SWO Management Area and other regional retention limits.

These adjustments are consistent with the 2006 Consolidated HMS FMP as amended, ATCA, and the Magnuson-Stevens Act, and are not expected to negatively impact stock health.

Monitoring and Reporting

NMFS will continue to monitor the SWO fishery closely through mandatory landings and catch reports. Dealers are required to submit landing reports and negative reports (if no SWO were purchased) on a weekly basis.

Depending on the level of fishing effort and catch rates of SWO, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure that available quota is not exceeded or to enhance fishing opportunities. Subsequent actions, if any, will be published in the **Federal Register**. In addition, fishermen may access *http://www.nmfs.noaa.gov/sfa/hms/species/swordfish/landings/index.html* for updates on quota monitoring.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP, as amended, provide for inseason retention limit adjustments to respond to changes in SWO landings, the availability of SWO on the fishing grounds, the migratory nature of this species, and regional variations in the fishery. Based on available SWO quota, stock abundance, fishery performance in recent years, and the availability of SWO on the fishing grounds, among other considerations, adjustment to the SWO General Commercial permit retention limits from the default levels is warranted. Analysis of available data shows that adjustment to the SWO daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the ''Atlantic HMS Breaking News'' Web site at *http://www.nmfs.noaa.gov/sfa/hms/news/breaking_news.html.* Delays in temporarily increasing these retention limits would adversely affect those SWO General Commercial permit holders and HMS Charter/Headboat permit holders that would otherwise have an opportunity to harvest more than the default retention limits of three

SWO per vessel per trip in the Northwest Atlantic and Gulf of Mexico regions, and two SWO per vessel per trip in the U.S. Caribbean region. Further, any delay could exacerbate the problem of low SWO landings and subsequent quota rollovers. Limited opportunities to harvest the directed SWO quota may have negative social and economic impacts for U.S. fishermen. Adjustment of the retention limits needs to be effective as soon as possible to allow the impacted sectors to benefit from the adjustment during the relevant time period, which would have largely passed by for some fishermen if the action is delayed for notice, and to not preclude fishing opportunities for fishermen who have access to the fishery only during this time period. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.24(b)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 23, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015–18431 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 150305219–5619–02]

RIN 0648–BE78

Fisheries Off West Coast States; Highly Migratory Species Fisheries; Recreational Fishing Restrictions for Pacific Bluefin Tuna

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

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is issuing regulations to modify the existing Pacific bluefin tuna (PBF) *Thunnus orientalis* recreational daily bag limit in the Exclusive Economic Zone (EEZ) off California, and to establish filleting-at-sea requirements for any tuna species in the U.S. EEZ south of Point Conception, Santa Barbara County, under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This action is intended to conserve PBF, and is based on a recommendation of the Pacific Fishery Management Council (Council).

DATES: The final rule is effective July 30, 2015.

ADDRESSES: Copies of the Regulatory Impact Review (RIR), Environmental Assessment, and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* identified by ''NOAA–NMFS–2015–0029'', or contact the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Region, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115–0070, or *RegionalAdministrator.WCRHMS@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Craig Heberer, NMFS, 760–431–9440, ext. 303, or *Craig.Heberer@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2015, NMFS published a proposed rule in the **Federal Register** (80 FR 22156) that would modify and add regulations at 50 CFR 660.721, to reduce the daily bag limits for sport-caught PBF harvested in the EEZ off the coast of California and to promulgate new at-sea fillet regulations applicable south of Point Conception, Santa Barbara County. The public comment period on the proposed rule was open until May 6, 2015, and NMFS received 976 comments, which are summarized and discussed below. This final rule is intended to reduce fishing mortality and aid in rebuilding the PBF stock, which is overfished and subject to overfishing (78 FR 41033, July 9, 2013), and to satisfy the United States' obligation to reduce catches of PBF by sportfishing vessels in accordance with conservation measures adopted by the Inter-American Tropical Tuna Commission (IATTC). This rule is implemented under the authority of the MSA as a conservation measure recommended by the Council during the 2015–2016 biennial management cycle, as established in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) framework provisions for changes to routine management measures.

The proposed rule contains additional background information, including the basis for the new regulations. Additional information on changes since the proposed rule is included below.

Modified Daily Bag Limit Regulations

This final rule reduces the existing bag limit of 10 PBF per day to 2 PBF per day and the maximum multiday possession limit (*i.e.,* for trips of 3 days or more) from 30 PBF to 6 PBF. For fishing trips of less than 3 days, the daily bag limit is multiplied by the number of days fishing to determine the multiday possession limit (*e.g.,* the possession limit for a 1-day trip would be two fish and for a 2-day trip, four fish). The bag limits of this section apply on the basis of each 24-hour period at sea, regardless of the number of trips per day. The final rule does not authorize any person to take and retain more than one daily bag limit of fish during 1 calendar day. The daily bag and multiday possession limits apply to the U.S. EEZ off the coast of California and might be more or less conservative than Mexico's limits. The U.S. recreational limits would not apply to U.S. anglers while in Mexico's waters, but to facilitate enforcement and monitoring, the limits will apply to U.S. vessels in the U.S. EEZ or landing to U.S. ports, regardless of where the fish were harvested.

New At-Sea Filleting Requirements

The regulations establish new requirements for filleting tuna at-sea (*i.e.,* each fish must be cut into six pieces placed in an individual bag so that certain diagnostic characteristics are left intact), which will assist law enforcement personnel in accurately identifying the different tuna species. These requirements apply to tuna species caught south of the line running due west true from Point Conception, Santa Barbara County (34°27′ N. lat.). As defined in 50 CFR 660.702, tuna refers to the following species: Yellowfin, *Thunnus albacares;* bluefin, *T. orientalis;* bigeye, *T. obesus;* albacore, *T. alalunga;* and skipjack tuna, *Katsuwonus pelamis.*

Public Comments and Responses

NMFS received 976 written public comments pertaining to the proposed action.

NMFS categorized comments by whether they supported a reduced bag limit and/or establishment of new fillet requirements. Summaries of the comments received and NMFS' responses appear below. Some comments were beyond the scope of this rulemaking and are not addressed here. Nonetheless, those comments are valuable; and NMFS will consider them for future management planning.

Comment 1: Reducing the daily bag limit from 10 PBF per day to 2 PBF per

day would result in an 80 percent reduction in catch, which goes beyond the 25–40 percent harvest reduction measure embodied in IATTC Resolution C–14–06.

Response: A reduction of 80 percent in the daily limit (from 10 PBF per day to 2 PBF per day) does not reflect the actual estimated reduction in catch (harvest), which is the metric for rebuilding the stock of PBF in both domestic and international conservation measures. The alternatives analyzed and presented to the Council, including the preferred alternative of 2 PBF per day, were intended to reduce retained recreational catch of PBF compared to the status quo (*i.e.,* 10 PBF per day). The existing 10 fish per day bag limit for PBF was adopted in 2007 and became effective in 2008. California Passenger Fishing Vessel (CPFV) logbook data for the 2008 to 2013 time period, were analyzed to cover the period when the existing 10 fish bag limit has been in effect. On average, a daily bag limit change from 10 to 4 fish would result in a 5 to 10 percent catch reduction; a daily bag limit of 3 fish would equal a 15 percent reduction; a daily bag limit of 2 fish, a 30 percent reduction; and a daily bag limit of 1 fish, a 50 percent reduction.

Comment 2: In lieu of a daily bag limit, NMFS should have considered using quota management, including the use of in-season closures if needed. A catch limit (*i.e.,* a quota) of 208 metric tons should be applied, consistent with IATTC scientific staff recommendations for sportfishing harvest reductions needed to rebuild the PBF stock.

Response: Prior to the IATTC annual meeting in 2014, IATTC scientific staff recommended keeping non-commercial catches in the eastern Pacific Ocean (EPO) below 214 mt based on the same methods, and years, that they used to recommend a commercial limit for the EPO (IATTC–87–03d). IATTC member countries expressed concerns about the appropriateness of these methods for the recreational sector. After additional work, the IATTC scientific staff recommended percentage reductions based on more recent levels of catch, and in lieu of an annual quota. This is reflected in Resolution C–14–06, which states: ''Taking into account the IATTC scientific staff's conservation recommendation that a reduction of 20 percent to 45 percent in catches would be beneficial for the stock, provided that these reductions are implemented over the entire range of the stock. . . .'' The implementation of a daily bag limit meets the conservation recommendation in Resolution C–14–06 while also allowing U.S. anglers to target PBF throughout the season; a catch limit could result in a retention prohibition on PBF early in the recreational fishing season. This seasonal access is valued by anglers, and also an important component for maintaining the economic viability of sportfishing businesses that depend on fishing throughout the season.

Comment 3: NOAA should have considered a slot size limit (range of allowable harvest by size) to protect younger, pre-spawning PBF and older, reproductively mature PBF.

Response: The majority of PBF harvested by U.S. anglers in the EPO are 1–3 year old juvenile fish (average weight 30 pounds) that have not yet reached sexual maturity (*i.e.,* are reproductively inactive). PBF reach sexual maturity at approximately five years of age and roughly 125 pounds. PBF spawn in the western Central Pacific Ocean (WCPO) between central Japan and the northern Philippines, and in the Sea of Japan from April through August (2014 PBF Stock Assessment, International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean). Very few PBF of spawning size are available to U.S. anglers in the EPO therefore a slot limit constraining harvest by size would not be a demonstrably effective measure. In addition, instituting a slot limit management measure would require additional and costly monitoring and compliance resources to effectively implement. Expanded state and Federal monitoring efforts, including increased dockside surveys and at-sea sampling efforts, are being implemented to more accurately track the recreational and commercial harvest of PBF to comply with conservation measures in place.

Comment 4: Given the severely depressed status of the stock, a 1-fish daily bag limit resulting in a projected harvest impact reduction of 54 percent would be more appropriate to address the harvest reductions embodied in IATTC Resolution C–14–06.

Response: A 2-fish daily bag limit is consistent with IATTC scientific staff recommendations and Pacific Council recommendations. IATTC Resolution C–14–06 recommends a reduction of 20 percent to 45 percent in PBF catches to assist in the rebuilding of the PBF stock, provided that these reductions are implemented over the entire range of the stock. For the period 2004–2013, the impact of recreational catch of PBF in the EPO (predominantly by California-based recreational vessels) has ranged from 0.4 percent to 24 percent of the total EPO fishery impact and 0.1 percent to 4.7 percent of the stock-wide fishery impact. The implementation of a bag limit of 2 PBF per day is estimated to reduce the U.S. recreational harvest of PBF by 30 percent, as compared to the average U.S. West Coast sport fishing harvest of PBF during the 2008–2013 time frame. The estimated 30 percent reduction is consistent with IATTC scientific staff recommendations and guidance embodied in MSA Section 304(i) for reducing the relative impact of the U.S. fleet on the stock. The percentage of angler bags that would face a reduction increases steeply when considering a reduction from a 2 fish per day bag limit to a 1 fish per day limit, while the reduction in the overall U.S. recreational mortality increases by a relatively smaller amount. Estimated employment impacts also increase sharply with lower bag limits; for instance, job loss in the CPFV industry on the range from 14 to 85 full-time positions, out of an estimated 1,537 total positions, is expected with a bag reduction to one fish per day (Draft Environmental Assessment, Daily Bag Limits, Possession Limits, and At-Sea Processing for Pacific Bluefin Tuna in California Recreational Fisheries. Pacific Fishery Management Council, June 2015). The 2 fish per day bag limit is consistent with MSA National Standards, including Standard 8, which requires consideration of the importance of fishery resources to fishing communities when implementing conservation and management measures.

Comment 5: A total PBF recreational fishery closure is warranted based on the estimated 96-percent PBF population biomass decrease from the unfished biomass.

Response: There is no evidence to suggest that a unilateral closure of U.S. recreational fishing for PBF will either end overfishing or have a measurable impact on reducing overfishing because catch of PBF by the U.S.-based recreational fishery represents such a small portion of the total Pacific-wide catch. Furthermore, such a prohibition would economically harm U.S. West Coast fishing communities. Despite the fact that U.S. West Coast-based sport fishermen are not permitted to sell their catch, other positive regional economic impacts generated by recreational fishing activities, as well as the pleasure of recreational fishing, would be negatively impacted by a fishing closure. The Pacific Council considered impacts to recreational fisheries when adopting the measures contained in this rule as part of its biennial management process, and in accordance with responsibilities under MSA section 304(i) to address the relative impact of U.S. fisheries on the PBF stock. During

its deliberations, the Pacific Council considered an analysis of the potential impact of recreational bag and possession limit reductions, including a 0-bag limit scenario (*i.e.,* a moratorium on retention of catch), which is similar in nature to closing the fishery. This analysis was based on CPFV logbook data from the 2008 to 2013 fishing seasons and included results indicating that a moratorium on PBF fishing (*e.g.,* reducing the current PBF bag limit from 10 to 0 fish) could lead to a loss of up to $13.8 million in annual trip expenditures and $25.8 million in annual gross sales within the southern California due to a decrease in the number of CPFV trips that target PBF (5,275 angler days in U.S. waters and 56,338 angler days in Mexico waters). Additionally, the 0-bag limit scenario was estimated to generate a potential employment loss in the southern California economy of up to 178 full-time equivalent jobs. In addition to the indirect economic impact of a potential no-retention measure, recreational fishermen would also be deprived of the pleasure of fishing for, and retaining, even small numbers of PBF.

Comment 6: Given the increased presence and abundance of PBF off the U.S. West Coast over the past few seasons, a bag limit reduction is unnecessary.

Response: The spawning stock biomass (SSB) of PBF is at historic lows (about 4 percent compared to the SSB if no fishing had taken place) while the amount and rate of PBF harvested each year continues to be high (2014 PBF Stock Assessment, International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean). The U.S. has a statutory obligation under both the MSA and the Tuna Conventions Act (statutory authority to implement IATTC Resolutions) to reduce harvest of PBF. All member nations to the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC) that harvest PBF have committed to harvest reductions that contribute to the rebuilding of the PBF stock.

Of the tunas, PBF has the broadest geographic range, spanning large expanses of the Pacific Ocean. They spawn in the WCPO between central Japan and the northern Philippines, and in the Sea of Japan from April through August. Based on tag return data, a portion of these fish are known migrate to waters off the U.S. West Coast and Mexico. The exact proportion that migrates is unknown, but it is possible that in the last few years a larger proportion of the juveniles have migrated from the spawning grounds to the U.S. West Coast and Mexico. The migration patterns of PBF are influenced by oceanographic conditions and vary among years. Increases in the number of fish observed locally may be a result of changes in the proportion of fish migrating to the eastern Pacific, and/or conditions along the west coast that may have shifted schools further north.

Comment 7: The proposed fillet requirements are overly burdensome and unnecessary to adequately identify tuna species; specifically, NMFS should not require fishermen to cut out the collars and the belly flaps.

Response: The at-sea fillet requirements will assist law enforcement personnel in accurately differentiating among species of tuna, specifically yellowfin and PBF. Personnel from NMFS, the California Department of Fish and Wildlife (CDFW), and key sportfishing industry stakeholders worked with state and Federal law enforcement personnel to design and test the proposed at-sea fillet requirements. The final fillet specifications were derived, in part, from advice provided by regionally recognized tuna species identification specialists and based on a series of filleting demonstrations and simulated identification exercises. One of the key diagnostic characteristics for identifying these two species is the shape and length of the pectoral fin. Another diagnostic characteristic is the thickness of the belly flaps and the shape of the urogenital pore. The belly wall is thicker and the urogenital pore is rounded in PBF versus a thinner belly wall and a more oval-shaped pore in yellowfin tuna. Therefore, to facilitate enforcement, NOAA has a compelling reason for requiring fishermen to leave these characteristics intact (*i.e.,* by keeping pectoral fins attached to the collars, and including the belly flap) when filleting at-sea.

Comment 8: The fillet requirements would create unsafe conditions at sea, given the difficulty in making the proposed cuts, specifically the collar cuts, while working on unstable and slippery vessel platforms.

Response: The fillet requirements will only apply south of a line running due west true from Point Conception, Santa Barbara County (34°27′ N. latitude) to the U.S.-Mexico border. If rough seas create a safety risk while filleting, fishermen may choose to not fillet their catch until reaching calmer waters. Individuals may also leave the fish whole or process them in another manner such that the species may be determined. This could include gilling and gutting, a process in which the fish is bled and the gills and/or internal organs are removed, but the rest of the fish remains intact. This type of processing is not considered filleting.

Comment 9: More should be done to constrain commercial harvests of PBF given the majority of the impacts on the stock have been attributed to commercial fisheries interactions. Domestic regulations are not equitable to measures being implemented internationally to rebuild the stock.

Response: While this comment was not within the scope of this rulemaking, NMFS notes that considerable effort is being undertaken to constrain commercial harvests of PBF both domestically and internationally. The United States is part of this effort and is obligated under the treaty establishing the IATTC and under the MSA to constrain harvest by U.S. commercial and recreational fleets. All members of the WCPFC and IATTC, including the United States, are obligated to make catch reductions in the interest of rebuilding the stock. Specifically, the WCPFC Conservation and Management Measure 2014–04 stipulates that:

- All members must reduce their fishing of PBF to below the average amount they fished in 2002 to 2004 in the WCPO; and
- All members must reduce their catch of PBF smaller than 30 kg (66 lbs) by 50 percent of the average amount fished in 2002 to 2004 in the WCPO.

Additionally, IATTC Resolution C–14–06 stipulates that:

- A 20- to 45-percent reduction be made to PBF catches to benefit rebuilding of the stock, provided that these reductions are implemented over the entire range of the stock; and
- U.S. commercial catches cannot exceed 600 mt in 2015 and 2016 combined; and the total commercial catches by all IATTC Members cannot exceed 6,600 mt in 2015 and 2016 combined in the EPO.

Comment 10: There is potential for high grading PBF (releasing or discarding smaller fish so that larger fish may be retained within the bag limit); unquantified catch and release mortality could negatively impact the stock.

Response: While the potential for high grading exists based on the reduced bag and the desire for anglers to retain larger fish, the impact of PBF mortalities due to catch and release is expected to be minimal on a stock-wide basis. As stated above, the U.S. recreational catch of PBF in the EPO (*i.e.,* predominantly by California-based recreational vessels) from 2004 to 2013 has comprised 0.4 percent to 24 percent of the total EPO fishery and 0.1 percent to 4.7 percent of the stock-wide fishery. Limited

monitoring of discards in the PBF sport fishery, including the level of catch and release events, will take place in 2015. If it is determined that the mortalities associated with high grading and or discards are impacting the PBF stock recovery and rebuilding schedule, NMFS and the Pacific Council could develop additional management measures, as part of the biennial management measure cycle under the HMS FMP.

Comment 11: Release all spawning size female PBF and retain only male PBF greater than 15 pounds.

Response: This management approach, also known as a slot limit, has proven effective in several federally managed fisheries, but the sex of PBF, like all other tuna species, cannot be identified by visual characteristics. Therefore, a slot limit is impractical for this fishery. In addition, the majority of PBF captured in the EPO sport fishery are juvenile, pre-spawning fish.

Comment 12: Commercial fishing for PBF should be prohibited shoreward of 60 miles to create an exclusion zone that would help to recover the stock and provide more opportunities for sport fishermen to offset the reduced bag limit.

Response: Restrictions on commercial fisheries are beyond the scope of this rulemaking. Both the U.S. commercial and recreational sectors are contributing to rebuilding of the PBF stock. The U.S. commercial harvest of PBF is limited to 600 mt for 2015 and 2016, combined, with the caveat that harvest cannot exceed 425 mt in any single year (*i.e.,* via a separate rulemaking based on IATTC Resolution C–14–06). Additionally, if the U.S. commercial harvest in 2015 exceeds 300 mt, the harvest for 2016 will be limited to 200 mt. These commercial catch restrictions comport with the recommendation by IATTC scientific staff to reduce the catch of PBF by 20- to 45-percent. The implementation of an additional conservation measure (*i.e.,* requiring the U.S. commercial fleet to fish seaward of 60 miles off the U.S. West Coast) would place an additional economic burden beyond what is required to rebuild the PBF stock. An additional area closure would unduly penalize U.S. commercial fishing interests and jeopardize the economic viability of this seasonal fishery.

Comment 13: The effective date for the regulations should be tied to the Mexican government reopening the PBF sport fishery in their waters in 2015.

Response: When a stock has been declared overfished or overfishing is occurring, as is the case with PBF, MSA Section 304(i) requires that the NMFS take action to address the relative impact of U.S. fishing on the stock. That requirement is not contingent on the actions of a foreign government, such as the prohibition on sport harvest of PBF within Mexico's EEZ, therefore NMFS is not tying the effective date of this final rule to the Mexican government's reopening the PBF sport fishery.

Comment 14: The at-sea fillet requirements for tunas should be contingent on PBF being present in U.S. waters.

Response: There would need to be a notification methodology designed and put in place that would accurately identify when PBF have moved into U.S. waters to make the at-sea fillet requirements contingent on the presence/absence of PBF in U.S. waters. A reliable and valid methodology is not currently in place, therefore NMFS is not making at-sea filleting requirements contingent on the presence of PBF in U.S. waters.

Classification

The Administrator, West Coast Region, NMFS, determined that the regulatory amendment under the HMS FMP is necessary for the conservation and management of the PBF fishery, and that it is consistent with the MSA and other applicable laws.

Administrative Procedures Act

There is good cause, under 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day delay in effectiveness, and to implement this rule 7 days after the date of filing with the Office of the Federal Register. NMFS is waiving the 30-day delay in effectiveness because PBF have appeared in California waters earlier than anticipated. The vast majority of U.S. recreational angling trips for PBF are from 1 to 3 days in duration. Seven days would provide enough advanced notice for recreational vessel operators and anglers to be notified of the new regulations if they are out at sea when the rule publishes. At present, there is extensive media coverage of the presence of PBF in U.S. west coast waters, which suggests that fishing effort targeting PBF will remain a focal point for anglers and could potentially intensify if favorable oceanic conditions result in additional PBF entering local waters. If this rule is delayed to allow for a 30-day delay in effectiveness, the level of harvest permitted under current regulations (10 fish per day with a daily possession limit of 30 fish per day) could compromise efforts to rebuild the PBF stock, conform with State of California regulations, and uphold the U.S. obligations to reduce catch agreed to under IATTC Resolution C–14–06.

There has been considerable and extensive public outreach and education relating to the impending imposition of reduced daily bag and possession limits for PBF that will mitigate the impacts of a shortened delay in effectiveness of this rule. As stated earlier, this rulemaking is based on a recommendation by the Council, which came after several public scoping meetings and extensive opportunities for public input and comment. The State of California and NMFS has kept the regulated public informed with frequent announcements on this action (*e.g.,* California Department of Fish and Wildlife's Marine Management Newsletter and NOAA Fisheries West Coast Recreational Fisheries email listserve, Let's Talk Hookup radio show, San Diego Union Tribune daily newspaper, Western Outdoor News weekly newsletter coverage, and Sportsfishing Association of California (SAC) updates). There is a small fleet of larger U.S. CPFVs that fish longer range trips (3 to18 days) into Mexico's waters from home ports in San Diego. These vessels have constant radio and/or satellite communications contact with their home offices and/or personnel from SAC. When the final rule files with the Office of the Federal Register, notice will be provided to home offices and to SAC to relay to these vessels and their broader membership. Furthermore, since June of 2014, the government of Mexico has prohibited U.S. vessels from catching and landing PBF in their waters. Until that prohibition is lifted there will be no U.S. vessels fishing for PBF in Mexico's waters.

Executive Order 12866

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

Paperwork Reduction Act (PRA)

There are no new collection-of-information requirements associated with this action that are subject to the PRA. Existing collection-of-information requirements associated with the HMS FMP have been approved by the Office of Management and Budget (OMB) under Control Number 0648–0204. Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to 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.

Regulatory Flexibility Act

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 the certification was published in the proposed rule and is not repeated here. One comment was received regarding this certification questioning the ''not likely to adversely impact'' determination contained in the Regulatory Flexibility Act (RFA) economic analysis presented for this action. The final rule implements a reduction in recreational bag and possession limits for PBF, and filleting requirements for harvested tuna. These restrictions directly affect only individual recreational anglers. Recreational anglers may not legally sell their catch, and thus are not considered to be a business. Because recreational anglers are not considered to be a small business entity under the RFA, the economic effects of this final rule to anglers are outside the scope of the RFA. Although the CPFV sector of the sport fishery is likely to experience indirect economic impacts due to the imposition of reduced daily bag and possession limits, an RFA analysis of those impacts was not included since CPFV operators are not subject to direct impacts of this final rule, other than to a limited extent if they personally participate in the recreational fishing activity. Indirect impacts on small business entities, such as a potential decline in demand for CPFV trips, are not considered under the scope of RFA analysis. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 21, 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 660 is amended as follows:

PART 660—FISHERIES OFF THE WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.721, revise the section heading, introductory text, and paragraphs (a) introductory text and (b), and add paragraph (e) to read as follows:

§ 660.721 Recreational fishing bag limits and filleting requirements.

This section applies to recreational fishing for albacore tuna in the U.S. EEZ off the coast of California, Oregon, and Washington and for bluefin tuna in the U.S. EEZ off the coast of California. In addition to individual fishermen, the operator of a U.S. sportsfishing vessel that fishes for albacore or bluefin tuna is responsible for ensuring that the bag and possession limits of this section are not exceeded. The bag limits of this section apply on the basis of each 24-hour period at sea, regardless of the number of trips per day. The provisions of this section do not authorize any person to take and retain more than one daily bag limit of fish during 1 calendar day. Federal recreational HMS regulations are not intended to supersede any more restrictive state recreational HMS regulations relating to federally-managed HMS.

(a) *Albacore Tuna Daily Bag Limit.* Except pursuant to a multi-day possession permit referenced in paragraph (c) of this section, a recreational fisherman may take and retain, or possess onboard no more than:

* * * * *

(b) *Bluefin Tuna Daily Bag Limit.* A recreational fisherman may take and retain, or possess on board no more than two bluefin tuna during any part of a fishing trip that occurs in the U.S. EEZ off California south of a line running due west true from the California—Oregon border [42°00′ N. latitude].

* * * * *

(e) *Restrictions on Filleting of Tuna South of Point Conception.* South of a line running due west true from Point Conception, Santa Barbara County (34°27′ N. latitude) to the U.S.-Mexico border, any tuna that has been filleted must be individually bagged as follows:

(1) The bag must be marked with the species' common name; and

(2) The fish must be cut into the following six pieces with all skin attached: the four loins, the collar removed as one piece with both pectoral fins attached and intact, and the belly cut to include the vent and with both pelvic fins attached and intact.

[FR Doc. 2015–18380 Filed 7–23–15; 11:15 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 144
Tuesday, July 28, 2015

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2010–BT–STD–0003]

RIN 1904–AC19

Energy Conservation Program: Energy Conservation Standards for Commercial Refrigeration Equipment

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

ACTION: Publication of determination.

SUMMARY: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes that the U.S. Department of Justice (DOJ) make a determination on the impact, if any, on the lessening of competition likely to result from a U.S. Department of Energy (DOE) proposed rule for energy conservation standards and that DOE publish the determination in the **Federal Register**. DOE published its final rule for energy conservation standards for commercial refrigeration equipment on March 28, 2014, and is publishing DOJ's November 25, 2013 determination on such proposed rule.

DATES: Date of DOJ determination—November 25, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–1692. Email: *walk-in_coolers_and_walk-in_freezers@EE.Doe.Gov*.

Ms. Johanna Hariharan, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 287–6307. Email: *Johanna.Hariharan@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On March 28, 2014 (79 FR 17725), DOE published a final rule amending energy conservation standards for commercial refrigeration equipment. Those amended standards were determined by DOE to be technologically feasible and economically justified and would result in the significant conservation of energy. The Energy Conservation and Policy Act of 1975 (42 U.S.C.6291, *et seq;* ''EPCA''), Public Law 94–163, requires that the Attorney General make a determination and analysis of the impact, if any, of any lessening of competition likely to result from a proposed standard, within 60 days of publication. (42 U.S.C. 6295(o)(2)(B)(ii)) EPCA also requires that DOE publish the determination and analysis in the **Federal Register**. *Id.*

DOE received the determination in response to the September 11, 2013 NOPR (78 FR 55781) from the Attorney General and the U.S. Department of Justice (DOJ) on November 25, 2013. DOE is publishing the text of DOJ's November 25, 2013 determination.

Issued in Washington, DC, on July 21, 2015.

Kathleen B. Hogan,

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

U.S. DEPARTMENT OF JUSTICE
Antitrust Division
WILLIAM J. BAER
Assistant Attorney General
RFK Main Justice Building
950 Pennsylvania Avenue NW.
Washington, DC 20530–0001
(202) 514–2401/(202) 616–2645 (Fax)

November 25, 2013

Eric J. Fygi
Deputy General Counsel Department of Energy Washington, DC 20585

Dear Deputy General Counsel Fygi:

I am responding to your September 24, 2013 letter seeking the views of the Attorney General about the potential impact on competition of proposed energy conservation standards for walk-in coolers and refrigerators. Your request was submitted under Section 325(o)(2)(B)(i)(V) of the Energy Policy and Conservation Act, as amended (ECPA), 42 U.S.C. 6295(o)(2)(B)(i)(V), which requires the Attorney General to make a determination of the impact of any lessening of competition that is likely to result from the imposition of proposed energy conservation standards. The Attorney General's responsibility for responding to requests from other departments about the effect of a program on competition has been delegated to the Assistant Attorney General for the Antitrust Division in 28 CFR 0.40(g).

In conducting its analysis the Antitrust Division examines whether a proposed standard may lessen competition, for example, by substantially limiting consumer choice, by placing certain manufacturers at an unjustified competitive disadvantage, or by inducing avoidable inefficiencies in production or distribution of particular products. A lessening of competition could result in higher prices to manufacturers and consumers, and perhaps thwart the intent of the revised standards by inducing substitution to less efficient products.

We have reviewed the proposed standards contained in the Notice of Proposed Rulemaking (78 FR 176, September 11, 2013) (NOPR). We have also reviewed supplementary information submitted to the Attorney General by the Department of Energy, including a transcript of the public meeting held on the proposed standards on October 3, 2013. Based on this review, our conclusion is that the proposed energy conservation standards for commercial refrigeration equipment are unlikely to have a significant adverse impact on competition.

Sincerely,

William J. Baer

Enclosure

[FR Doc. 2015–18530 Filed 7–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3073; Directorate Identifier 2015–CE–017–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Viking Air Limited Model DHC–3 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as reports of corrugation cracking found at various wing stations and on the main spar lower cap. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 11, 2015.

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

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

For service information identified in this proposed AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) 1–800–663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073.You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3073; Directorate Identifier 2015–CE–017–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada, which is the aviation authority for Canada, has issued AD No. CF–2015–05, dated March 18, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for Viking Air Limited Model DHC–3 airplanes. The MCAI states:

> An operator found cracks on the upper inner wing skin corrugations emanating from the rib attachment points. As a result, Viking Air Limited released Service Bulletin (SB) V3/0002, Revision NC to inspect for possible corrugation cracking between wing stations 34 and 110. Subsequently, operators discovered additional corrugation cracking at multiple wing stations and on the main spar lower cap.
>
> These cracks, if not detected and rectified, may compromise the structural integrity of the wing. In order to address this potentially unsafe condition, Viking Air Limited has issued SB V3/0002, Revision C, specifying repetitive internal borescope and visual inspections. This AD is issued to mandate compliance with that SB.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073.

Related Service Information Under 1 CFR Part 51

We reviewed Viking DHC–3 Otter Service Bulletin No. V3/0002, Revision ''C'', dated April 30, 2014; and Viking DHC–3 Otter Service Bulletin 3–STC (03–50)-001, Revision ''NC'', dated April 30, 2014. The service information describes procedures for installing additional wing inspection access panels and inspecting the wings using borescope and visual methods. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 38 products of U.S. registry. We also estimate that it would take about 36 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $5,000 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $306,280, or $8,060 per product.

The scope of damage found in the required inspection could vary significantly from airplane to airplane. We have no way of determining how much damage may be found on each airplane or the cost to repair damaged parts on each airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII,

Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Viking Air Limited: Docket No. FAA–2015–3073; Directorate Identifier 2015–CE–017–AD.

(a) Comments Due Date

We must receive comments by September 11, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited DHC–3 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 57: Wings.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as reports of corrugation cracking found at various wing stations and on the main spar lower cap. We are issuing this proposed AD to detect cracking and correct as necessary to address the unsafe condition on these products.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(5) of this AD:

(1) Within 30 days after the effective date of this AD, determine the accumulated air time for each wing by contacting Technical Support at Viking Air Limited. You can find contact information for Viking Air Limited in paragraph (h) of this AD.

(2) Within 30 days after the effective date of this AD, determine all installed supplemental type certificates (STC) or modifications affecting the wings. Based on the accumulated air time determined from paragraph (f)(1) of this AD and before the initial inspection required in paragraph (f)(3) of this AD, install access panels as follows:

(i) If the airplane is free of STCs or any other modifications affecting the wings, install additional inspection access panels following the Accomplishment Instructions Part A of Viking DHC–3 Otter Service Bulletin No. V3/0002, Revision ''C'', dated April 30, 2014.

(ii) If the airplane is fitted with STC SA2009NY (which can be found on the internet at: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/F7309B7D9B008C588625734F00730144?OpenDocument&Highlight=sa02009ny*), incorporate additional inspection access panels following the Accomplishment Instructions of Viking Air Limited SB 3–STC (03–50)–001, Revision ''NC'', dated April 30, 2014.

Note 1 to paragraph (f)(2)(ii) of this AD: STC SA03–50 would be the Canadian equivalent of the United States STC 2A2009NY.

(iii) If there are other STCs or modifications affecting the wings the operator must contact the FAA to request an FAA-approved alternative method of compliance using the procedures in paragraph (g)(1) of this AD and 14 CFR 39.19. To develop these procedures, we recommend you contact the STC holder for guidance in developing substantiating data.

(3) Based on the accumulated air time on the wings determined in paragraph (f)(1) of this AD, perform initial and repetitive borescope and visual inspections of both the left-hand and right-hand wing box following Part B of the Accomplishment Instructions of Viking DHC–3 Otter Service Bulletin V3/0002, Revision ''C'', dated April 30, 2014, using the inspection schedules specified in Table 1 of paragraph (f)(3) of this AD:

TABLE 1 OF PARAGRAPH (f)(3) OF THIS AD—INSPECTION SCHEDULE

Effectivity	Initial inspection	Repetitive inspection
If Viking Air Limited SB V3/0002, Revision ''A'', dated February 22, 2013; or Viking Air Limited SB V3/0002, Revision ''B'', dated July 3, 2013; were complied with prior to the effective date of this AD.	The initial inspection is not required since the inspection was accomplished while complying with Revision ''A'' or ''B'' of Viking Air Limited SB V3/0002.	Repetitively inspect not to exceed every 1,600 wing air time hours accumulated after the last inspection or 2,100 flight cycles after the last inspection, whichever occurs first.
If, as of the effective date of this AD, the airplane has less than 31,200 wing air time hours.	Inspect within 800 wing air time hours after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs first.	
If, as of the effective date of this AD, the airplane has 31,200 hours wing air time or more but less than 31,600 hours wing air time hours.	Inspect upon or before accumulating 32,000 wing air time hours or within 6 months after the effective date of this AD, whichever occurs first.	

TABLE 1 OF PARAGRAPH (f)(3) OF THIS AD—INSPECTION SCHEDULE—Continued

Effectivity	Initial inspection	Repetitive inspection
If, as of the effective date of this AD, the airplane has 31,600 wing air time hours or more.	Inspect within 400 wing air time hours accumulated after the effective date of this AD or 3 months after the effective date of this AD, whichever occurs first.	

(4) If the total flight cycles have not been kept, multiply the total number of airplane hours time-in-service (TIS) by 2 to calculate the cycles. For the purpose of this AD, some examples are below:

(i) .5 hour TIS x 2 = 1 cycle; and

(ii) 200 hours TIS x 2 = 400 cycles.

(5) If any cracks are found, contact Technical Support at Viking Air Limited for an FAA-approved repair and incorporate the repair before further flight. You can find contact information for Viking Air Limited in paragraph (i) of this AD. The FAA-approved repair must specifically reference this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Aziz Ahmed, Aerospace Safety Engineer, FAA, New York Aircraft Certification Office (ACO), 1600 Steward Avenue, suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI Transport Canada AD No. CF–2015–05, dated March 18, 2015. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3073. For service information related to this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; Fax: 250–656–0673; telephone: (North America) 1–800–663–8444; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on July 21, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18304 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1835; Airspace Docket No. 14–AGL–7]

Proposed Establishment of Class E Airspace; Hart/Shelby, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Hart/Shelby, MI. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures at Oceana County Airport. The FAA is proposing this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before September 11, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2015–1835/Airspace Docket No. 14–AGL–7, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7740.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Oceana County Airport, Hart/Shelby, MI.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1835/Airspace Docket No. 14–AGL–7.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Oceana County Airport, Hart/Shelby, MI, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AGL MI E5 Hart/Shelby, MI [New]

Oceana County Airport, MI
(Lat. 43°38′30″ N., long. 086°19′45″ W.)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of Oceana County Airport.

Issued in Fort Worth, TX, on June 14, 2015.

Humberto Melendez,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–18339 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1136; Airspace Docket No. 15–ANM–12]

Proposed Amendment of Class D and Class E Airspace, Revocation of Class E Airspace; Mountain Home, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace, Class E surface area airspace, Class E airspace extending upward from 700 feet above the surface, and remove Class E surface area

airspace designated as an extension at Mountain Home AFB, Mountain Home, ID. After reviewing the airspace, the FAA found it necessary to increase the Class D airspace area and reduce the Class E airspace areas for the safety and management of Instrument Flight Rules (IFR) operations for arriving and departing aircraft at the airport. This action also would initiate the use of geographic coordinates as reference points instead of navigation aids to describe the controlled airspace areas, and would update the geographic coordinates of Mountain Home Municipal Airport.

DATES: Comments must be received on or before September 11, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–1136; Airspace Docket No. 15–ANM–12, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4563.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Mountain Home AFB, Mountain Home, ID.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1136; Airspace Docket No. 15–ANM–12.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class D airspace, Class E surface area airspace, Class E airspace extending upward from 700 feet above the surface, and removing Class E surface area airspace as an extension as this airspace is no longer needed, at Mountain Home AFB, Mountain Home, ID. The FAA found additional Class D airspace necessary to protect instrument arrival procedures at the airport. Class D airspace would extend upward from the surface to and including 5,500 feet within a 5-mile radius northeast of Mountain Home AFB, extending to 6.5 miles to the southeast and northwest of the airport. Class E surface area airspace would extend upward from the surface within a 5-mile radius northeast of Mountain Home AFB, extending to 6.5 miles to the southeast and northwest of the airport. Class E airspace extending upward from 700 feet above the surface would be modified to within a 7.7-mile radius northeast of Mountain Home AFB, extending to 12.4 miles to the northeast, and 17.7 miles to the east. This action would also update the geographic coordinates of Mountain Home Municipal Airport.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR

71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 5000: Class D Airspace.

* * * * *

ANM ID D Mountain Home, ID [Modified]

Mountain Home AFB, ID

(Lat. 43°02′37″ N., long. 115°52′21″ W.)

That airspace extending upward from the surface to and including 5,500 feet MSL within a 5-mile radius of the Mountain Home AFB, and within 2 miles each side of the 135° bearing from the airport extending from the 5-mile radius to 6.5 miles southeast of the airport, and within 2 miles each side of the 315° bearing from the airport extending from the 5-mile radius to 6.5 miles northwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM ID E2 Mountain Home, ID [Modified]

Mountain Home AFB, ID

(Lat. 43°02′37″ N., long. 115°52′21″ W.)

That airspace extending upward from the surface within a 5-mile radius of the Mountain Home AFB, and within 2 miles each side of the 135° bearing from the airport extending from the 5-mile radius to 6.5 miles southeast of the airport, and within 2 miles each side of the 315° bearing from the airport extending from the 5-mile radius to 6.5 miles northwest of the airport.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM ID E4 Mountain Home, ID [Removed]

Paragraph 6005+Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM ID E5 Mountain Home, ID [Modified]

Mountain Home AFB, ID

(Lat. 43°02′37″ N., long. 115°52′21″ W.)

Mountain Home Municipal Airport

(Lat. 43°07′54″ N., long. 115°43′50″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 43°06′48″ N., long. 115°28′39″ W.; to lat. 43°02′06″ N., long. 115°31′12″ W.; to lat. 43°03′25″ N., long. 115°36′21″ W.; to lat. 42°54′24″ N., long. 115°48′41″ W.; to lat. 42°54′24″ N., long. 115°56′47″ W.; to lat. 43°00′12″ N., long. 116°04′42″ W.; to lat. 43°06′51″ N., long. 116°01′24″ W.; to lat. 43°09′22″ N., long. 115°57′57″ W.; to lat. 43°12′54″ N., long. 115°42′51″ W., thence to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°33′06″ N., long. 116°11′32″ W.; to lat. 42°48′43″ N., long. 115°00′21″ W.; to lat. 42°23′58″ N., long. 115°00′21″ W.; to lat. 42°23′58″ N., long. 115°17′55″ W.; thence clockwise along the 46.0-mile radius of Mountain Home AFB to lat. 43°09′20″ N., long. 116°54′22″ W.; thence to point of beginning.

Issued in Seattle, Washington, on July 20, 2015.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–18338 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 171

RIN 1400–AD44

[Public Notice: 9198]

Public Access to Information

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to revise its regulations of November 3, 2004 and October 11, 2007 governing the availability to the public of information that is under the control of the Department. There have been several changes in the law and regulations governing disclosure of such information, including the OPEN Government Act of 2007 and the OPEN FOIA Act of 2009. This proposed rule reflects changes in the FOIA and other statutes and consequent changes in the Department's procedures since the last revision of the Department's regulations on this subject.

DATES: The Department will consider comments from the public that are received within September 28, 2015.

ADDRESSES: You may make comments by any of the following methods, and you must include the RIN in the subject line of your message.

- *Mail (paper, disk, or CD–ROM submissions):* Director, Office of Information Programs and Services, U.S. Department of State, State Annex 2 (SA–2), 515 22nd Street NW., Washington, DC 20522–8100.
- *Fax:* (202) 261–8579.
- *Hand Delivery or Courier:* State Annex 2 (SA–2), 515 22nd Street NW., Washington, DC.
- Persons with access to the Internet may view this rule and submit comments by going to *www.regulations.gov*.

Inspection of public comments: All comments received before the close of the comment period will be available for public inspection, including any personally identifiable or confidential business or financial information that is included in a comment. The Department of State will post all comments received before the close of the comment period at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Marianne Manheim, FOIA Public Liaison, Office of Information Programs and Services, *manheimmj@state.gov*, (202) 261–8359, U.S. Department of State, State Annex 2 (SA–2), 515 22nd Street NW., Washington, DC 20522–8100.

SUPPLEMENTARY INFORMATION: This proposed rule updates 22 CFR part 171. Notably, the former subpart C pertaining to declassification of national security information and access to classified information by historical researchers and certain former government personnel has been removed from Part 171 and incorporated into 22 CFR part 9 on National Security Information (*See* final rule at 79 FR 35935). The former subpart F pertaining to appeals no longer exists, and the information formerly contained within that subpart was added to subparts B and C of Part 171 and 22 CFR part 9. Additionally, the responsibility for responding to requests for public financial disclosure reports has been transferred to the Department of State's Office of the Legal Adviser. Accordingly, any such requests are processed by the Office of the Legal Adviser rather than the Office of Information Programs and Services (see subpart D).

Regulatory Findings

Administrative Procedure Act. The Department of State is publishing this proposed rule consistent with the provisions of 5 U.S.C. 553, with a 60-day public comment period.

Regulatory Flexibility Act. The Department of State, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996. This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Order 12988—Civil Justice Reform. The Department has reviewed this regulation in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Orders 12372 and 13132—Federalism. This regulation 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. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments. The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Executive Orders 12866 and 13563—Improving Regulation and Regulatory Review. The Department has considered this proposed rule in light of these Executive Orders and affirms that this regulation is consistent with the guidance therein. The benefits of this rulemaking for the public include, but are not limited to, providing an up-to-date procedure for requesting information from the Department. The Department is aware of no cost to the public from this rulemaking.

Paperwork Reduction Act. This rule does not impose or revise any reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 171

Administrative practice and procedure, freedom of information, privacy.

For the reasons set forth in the preamble, the Department of State proposes to revise 22 CFR part 171 to read as follows:

PART 171—PUBLIC ACCESS TO INFORMATION

Subpart A—General Policy and Procedures

Sec.
171.1 General provisions.
171.2 Types of records maintained.
171.3 Records available on the Department's Web site.
171.4 Requests for information—types and how made.
171.5 Archival records.

Subpart B—Freedom of Information Act Provisions

171.10 Purpose and scope.
171.11 Processing requests.
171.12 Business information.
171.13 Appeal of denial of request for records.
171.14 Fees to be charged.
171.15 Miscellaneous fee provisions.
171.16 Waiver or reduction of fees.
171.17 Resolving disputes.
171.18 Preservation of records.

Subpart C—Privacy Act Provisions

171.20 Purpose and scope.
171.21 Definitions.
171.22 Request for access to records.
171.23 Request to amend or correct records.
171.24 Request for an accounting of record disclosures.
171.25 Appeals of denial of PA requests and PA amendment requests.
171.26 Exemptions.

Subpart D—Process To Request Public Financial Disclosure Reports

171.30 Purpose and scope.
171.31 Requests.

Authority: 22 U.S.C. 2651a; 5 U.S.C. 552, 552a; E.O. 12600 (52 FR 23781); the Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1824 (codified as amended at 5 U.S.C. app. 101–505); 5 CFR part 2634.

Subpart A—General Policy and Procedures

§ 171.1 General provisions.

(a) This subpart contains the rules that the Department of State and the Foreign Service Grievance Board (FSGB), an independent body, follow in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, and the Privacy Act of 1974 (PA), 5 U.S.C. 552a, as amended. Records of the Department shall be made available to the public upon request made in compliance with the access procedures established in this Part, except for any records exempt by law from disclosure. Regulations at 22 CFR 172.1–9 govern, *inter alia,* the service of subpoenas, court orders, and other demands or requests for official Department information or action, as well as the Department's response to demands or requests for official Department information or action in

connection with legal proceedings in the United States to which the Department is not a party.

(b) *Definitions.* (1) For purposes of subparts A, B, and D, *record* means information regardless of its physical form or characteristics—including information created, stored, and retrievable by electronic means—that is created or obtained by the Department and under the control of the Department at the time of the request, including information maintained for the Department by an entity under Government contract for records management purposes. It does not include records that are not already in existence and that would have to be created specifically to respond to a request. Information available in electronic form shall be searched and compiled in response to a request unless such search and compilation would significantly interfere with the operation of the Department's automated information systems.

(2) For purposes of subparts A, B, C, and D, *Department* means the United States Department of State, including its field offices and Foreign Service posts abroad.

§ 171.2 Types of records maintained.

Most of the records maintained by the Department pertain to the formulation and execution of U.S. foreign policy. The Department also maintains certain records that pertain to individuals, such as applications for U.S. passports, applications for visas to enter the United States, records on consular assistance given abroad by U.S. Foreign Service posts to U.S citizens and legal permanent residents, and records on Department employees. Further information on the types of records maintained by the Department may be obtained by reviewing the Department's records disposition schedules, which are available on the Department's Web site at *www.foia.state.gov*.

§ 171.3 Records available on the Department's Web site.

Information that is required to be published in the **Federal Register** under 5 U.S.C. 552(a)(1) is regularly updated by the Department and found on its public Web site: *www.state.gov*. Records that are required by the FOIA to be made available for public inspection and copying under 5 U.S.C. 552(a)(2) also are available on the Department's public Web site. Included on the Department's FOIA home page, *www.foia.state.gov*, are links to other sites where Department information may be available, links to the Department's PA systems of records, and the Department's records disposition schedules. Also available on the FOIA Web site are certain records released by the Department pursuant to requests under the FOIA and compilations of records reviewed and released in certain special projects. In addition, *see* 22 CFR part 173 regarding materials disseminated abroad by the Department.

§ 171.4 Requests for information—types and how made.

(a) Requests for records made in accordance with subparts A, B, and C must be made in writing and may be made by mail addressed to the Office of Information Programs and Services (IPS), U.S. Department of State, State Annex 2 (SA–2), 515 22nd Street NW., Washington, DC 20522–8100, or by fax to (202) 261–8579, or through the Department's FOIA Web site (*www.foia.state.gov*). PA requests may be made by mail or fax only. IPS does not accept requests submitted by email.

(1) Requests for passport records that are covered under PA *System of Records Notice 26,* including passport records issued from 1925 to present, should be mailed to U.S. Department of State, Law Enforcement Liaison Division, CA/PPT/S/L/LE, 44132 Mercure Cir, P.O. Box 1227, Sterling, VA 20166. Further guidance on obtaining passport records is available on the Department's Web site: *travel.state.gov/content/passports/english/passports/services/obtain-copies-of-passport-records.html.*

(2) Requests for records of the Office of Inspector General (OIG) may be submitted to U.S. Department of State, Office of Inspector General, Office of General Counsel, Washington, DC 20520–0308, ATTN: FOIA officer. In addition, FOIA requests seeking OIG records may be submitted via email to *oigfoia@state.gov*, which is preferred. PA requests are accepted by mail only. Guidance is available on the OIG's Web site: *oig.state.gov/foia/index.htm*.

(3) All other requests for other Department records must be submitted to the Office of Information Programs and Services by one of the means noted above. The Office of Information Programs and Services, the Law Enforcement Liaison Division of the Office of Passport Services, and the OIG are the only Department components authorized to accept FOIA requests submitted to the Department.

(4) Providing the specific citation to the statute under which a requester is requesting information will facilitate the processing of the request by the Department. The Department automatically processes requests for information maintained in a PA system of records under both the FOIA and the PA to provide the requester with the greatest degree of access to the requester. Such information may be withheld only if it is exempt from access under both laws; if the information is exempt under only one of the laws, it must be released.

(b) Although no particular format is required, a request must reasonably describe the Department records that are sought. To the extent that requests are specific and include all pertinent details about the requested information, it will be easier for the Department to locate responsive records. For FOIA requests, such details include the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.

(c) While every effort is made to guarantee the greatest possible access to all requesters regardless of the statute(s) under which the information is requested, the following guidance is provided for the benefit of requesters:

(1) *The Freedom of Information Act* applies to requests for records concerning the general activities of government and of the Department in particular (see subpart B of this Part).

(2) *The Privacy Act* applies to requests from U.S. citizens or legal permanent resident aliens for records that pertain to them that are maintained by the Department in a system of records retrievable by the individual's name or personal identifier (see subpart C of this Part).

(d) As a general matter, information access requests are processed in the order in which they are received. However, if the request is specific and the search can be narrowed, it may be processed more quickly. Additionally, FOIA requests granted expedited processing will be placed in the expedited processing queue (see section 171.11(f) of this Part for more information). Multi-tracking of FOIA requests is also used to manage requests (see section 171.11(h)).

§ 171.5 Archival records.

The Department ordinarily transfers records designated as historically significant to the National Archives when they are 25 years old. Accordingly, requests for some Department records 25 years old or older should be submitted to the National Archives by mail addressed to Special Access and FOIA Staff (NWCTF), 8601 Adelphi Road, Room 5500, College Park, MD 20740; by fax to (301) 837–1864; or by email to

specialaccess_foia@nara.gov. The Department's Web site, *www.foia.state.gov*, has additional information regarding archival records.

Subpart B—Freedom of Information Act Provisions

§ 171.10 Purpose and scope.

This subpart contains the rules that the Department follows under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended. The rules should be read together with the FOIA, which provides additional information about access to records and contains the specific exemptions that are applicable to withholding information, the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines), and information located at *www.foia.state.gov*. The Department processes records maintained in a Privacy Act (PA) system of records that are determined to be exempt from disclosure under the PA under the FOIA as well. As a result, requests that seek such records are also subject to this subpart.

§ 171.11 Processing requests.

(a) *In general.* The Director of the Office of Information Programs and Services (IPS) is responsible for initial action on all FOIA requests for Department records with two exceptions: Requests submitted directly to the Office of Inspector General (OIG), which receives and processes requests for OIG records; and the Office of Passport Services in the Bureau of Consular Affairs (PPT), which receives and processes requests for passport records (see section 171.4(a)). Once received by IPS, all requests for records coming under the jurisdiction of the following bureaus or offices are processed by those bureaus, although IPS may provide review and coordination support to these bureaus/offices in some situations: The Bureau of Consular Affairs' Office of Visa Services, Office of Passport Services (except for information identified in 171.4(a)), and Office of Overseas Citizens Services; the Bureau of Diplomatic Security; the Bureau of Human Resources; the Office of Medical Services; and the Foreign Service Grievance Board (FSGB). Additionally, the FSGB, as an independent body, processes all FOIA requests seeking access to its records and responds directly to requesters.

(b) *Definitions.* The following definitions apply for purposes of this section:

(1) *Control* means the Department's legal authority over a record, taking into account the ability of the Department to use and dispose of the record, the intent of the record's creator to retain or relinquish control over the record, the extent to which Department personnel have read or relied upon the record, and the degree to which the record has been integrated into the Department's record-keeping systems or files.

(2) *Urgently needed information.* The information has a particular value that will be lost if not disseminated quickly. Ordinarily this means a breaking news story of general public interest. Information of historical interest only or information sought for litigation or commercial activities would not generally qualify, nor would a news media publication or broadcast deadline unrelated to the breaking nature of the story.

(3) *Actual or alleged Federal government activity.* The information concerns actual or alleged actions taken or contemplated by the government of the United States, or by one of its components or agencies, including the Congress.

(4) *Unusual circumstances* means:

(i) The need to search for and collect the requested records from Foreign Service posts or Department offices other than IPS; (ii) the need to search for, collect, and appropriately examine a voluminous amount of distinct records; or

(iii) The need to consult with another agency or other agencies that has/have a substantial interest in the records, or among two or more Department components that have a substantial subject-matter interest therein. In the majority of requests received by the Department unusual circumstances exist due to the need to search in multiple bureaus/offices/posts located around the globe.

(c) *Form of request and response.* A requester may ask for any information he or she believes the Department has in its possession or control. The requester must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The more specific the information the requester furnishes, the more likely that Department personnel will be able to locate responsive records if they exist. Any records provided in response to a request shall be provided in the form or format requested if the records are readily reproducible in that form or format.

(d) *Agreement to pay fees.* By making a FOIA request, the requester shall be considered to have agreed to pay all applicable fees up to $25, unless a fee waiver is granted. IPS will confirm this agreement in an acknowledgement letter. When making a request, the requester may specify a willingness to pay a greater or lesser amount. If the Department determines that costs and fees will exceed the amount agreed to by the requester, the Department shall inform the requester of estimated fees and process up to the amount of the original agreement, unless a new agreement is made.

(e) *Receipt of request.* The Department is in receipt of a request when it reaches IPS, OIG, or PPT, depending on which office is the intended recipient. At that time, the Department (IPS, OIG, or PPT) has 20 working days in which to determine whether to comply with a perfected request. Regardless of which of the three offices authorized to receive FOIA requests receives the request (whether IPS, OIG, or PPT), the Department shall have no more than 10 working days to direct a request to the appropriate office (whether IPS, OIG, or PPT), at which time the 20-day limit for responding to the request will commence. The 20-day period shall not be tolled by the Department except:

(1) The Department may make one request to the requester for clarifying information and toll the 20-day period while waiting for the requester's response; or

(2) If necessary to clarify with the requester issues regarding fees. In either case, the Department's receipt of the information from the requester ends the tolling period.

(f) *Expedited processing.* Requests shall receive expedited processing when a requester demonstrates that a ''compelling need'' for the information exists. A ''compelling need'' is deemed to exist where the requester can demonstrate one of the following:

(1) Failure to obtain requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

(2) The information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity. Requesters must demonstrate that their primary activity involves publishing or otherwise disseminating information to the public in general, not just to a particular segment or group.

(3) Failure to release the information would impair substantial due process rights or harm substantial humanitarian interests.

(4) A request for expedited processing may be made at the time of the initial

request for records or at any later time. The request for expedited processing shall set forth with specificity the facts on which the request is based. A notice of the determination whether to grant expedited processing shall be provided to the requester within 10 calendar days of the date of the receipt of the request in the appropriate office (whether IPS, OIG, or PPT). A denial of a request for expedited processing may be appealed to the Director of IPS within 30 calendar days of the date of the Department's letter denying the request. A decision in writing on the appeal will be issued within 10 calendar days of the receipt of the appeal. See section 171.4 of this subpart for contact information.

(g) *Time limits.* The statutory time limit for responding to a FOIA request or to an appeal from a denial of a FOIA request is 20 working days. Whenever the statutory time limit for processing a request cannot be met because of ''unusual circumstances'' as defined in the FOIA, and the Department extends the time limit on that basis, the Department shall, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which processing of the request can be expected to be completed. See 22 CFR 171.11(b)(4). Where the extension exceeds 10 working days, the Department shall, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing. The Department shall make available its designated FOIA contact and its FOIA Public Liaison for this purpose.

(h) *Multi-track processing.* The Department uses three processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request. The Department also uses a processing track for requests in which the Department has granted expedited processing. The Department may provide requesters in a slower track an opportunity to limit the scope of their request in order to qualify for faster processing.

(i) *Tracking requests.* Requesters may contact IPS using the individualized tracking number provided to the requester in the acknowledgment letter, and the Department will provide, at a minimum, information indicating the date on which the agency received the request and an estimated date for completion.

(j) *Cut-off date.* In determining which records are responsive to a request, the Department ordinarily will include only records in its possession as of the date of initiation of the search for responsive records, unless the requester has specified an earlier cut-off date.

(k) *Electronic records.* Information maintained in electronic form shall be searched and compiled in response to a request unless such search and compilation would significantly interfere with the operation of the Department's automated information systems.

(l) *Segregation of records.* The Department will release any reasonably segregable portion of a record after redaction of the exempt portions. The amount of information redacted and the exemption under which the redaction is made shall be indicated on the released portion of the record unless including that indication would harm an interest protected by the exemption. If technically feasible, the amount of information redacted and the exemption under which the redaction is made shall be indicated at the place in the record where the redaction was made.

(m) *Referrals and consultations.* (1) If the Department determines that records retrieved as responsive to the request were created by another agency, it ordinarily will refer the records to the originating agency for direct response to the requester. If the Department determines that Department records retrieved as responsive to the request are of interest to another agency, it may consult with the other agency before responding to the request.

(2) Whenever the Department refers any part of the responsibility for responding to a request to another agency, it shall document the referral, maintain a copy of the record that it refers, and notify the requester of the referral.

(3) *Agreements regarding consultations and referrals.* The Department may make agreements with other agencies to eliminate the need for consultations or referrals for particular types of records.

(4) The Department will make efforts to handle referrals and consultations according to the date that the referring agency initially received the FOIA request .

(5) The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. In such instances, the Department will coordinate with the originating agency to seek its views on the disclosability of the record(s).

(n) *Requests for information about individuals to be processed under the FOIA*—(1) *First-party requests.* A first-party request is one that seeks access to information pertaining to the person making the request.

(2) *Verification of personal identity.* To protect the personal information found in its files, the Department recommends that first-party requesters provide the following information so that the Department can ensure that records are disclosed only to the proper persons: The requester's full name, current address, citizenship or legal permanent resident alien status, and date and place of birth (city, state, and country). A first-party request should be signed, and the requester's signature should be either notarized or made under penalty of perjury pursuant to 28 U.S.C. 1746 as a substitute for notarization.

(3) *Third-party requests.* A third-party request is one that seeks access to information pertaining to a third party (*i.e.,* an individual other than the person submitting the request). A third-party requester who is the legal representative of another person covered under the PA, and submits all requirements under subpart C, will be treated as a first-party requester.

(i) A third-party requester may receive greater access to requested information by submitting information about the subject of the request that is set forth in subsection 171.11(n)(1), and providing proof that that third party is deceased or the third party's authorization to the Department to release information about him- or herself to the requester. The third-party authorization: Should take one of the following forms:

(ii) A signed and notarized authorization by the third party; or

(iii) A declaration by the third party made in compliance with the requirements set forth in 28 U.S.C. 1746 authorizing disclosure pertaining to the third party to the requester. The third-party authorization or declaration should be dated within six months of the date of the request. In addition, the Department's Certification of Identity form, DS–4240, can be used to provide authorization from a third party.

(iv) Please note that if a requester is seeking information about a third party and the information is located in a PA system of records, the requester should review subpart C of this section. By providing verification of identity and authorization under that subpart, the third party is treated as a first party for processing purposes. Without providing the required information listed in that subpart, the request will still be processed under the FOIA procedures in subpart B.

(4) *Requests for visa information.* According to the Immigration and Nationality Act, 222(f) (8 U.S.C. 1202(f)), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. Other information found in the visa file, such as information submitted as part of the application and information not falling within section 222(f) or another FOIA exemption may be provided. In order to provide more information to requesters seeking visa records, the following information should be provided with the FOIA request for both the petitioner and the beneficiary: Full name, as well as any aliases used; current address; date and place of birth (including city, state, and country); the type of visa (immigrant or non-immigrant); the country and Foreign Service post where the visa application was made; when the visa application was made; and whether the visa application was granted or denied; and if denied, on what grounds. Providing additional information regarding the records sought will assist the Department in properly identifying the responsive records and in processing the request. In order to gain maximum access to any visa records that exist, attorneys or other legal representatives requesting visa information on behalf of a represented individual should submit a statement signed by both the petitioner and the beneficiary authorizing release of the requested visa information to the representative. Alternatively, the Department's form, DS–4240, may be used to certify the identity of the requester and to provide authorization from the petitioner and the beneficiary to release the requested information to the legal representative. Forms created by other Federal agencies will not be accepted.

(5) *Requests for passport records:* All passport records requests must meet the requirements found in subpart C, section 171.22(d). If the PA requirements are not met, the requests will be processed under this subpart and access may be limited.

§ 171.12 Business information.

(a) *Definitions.* The following definitions apply for purposes of this section:

(1) *Business information* means commercial or financial or proprietary intellectual information obtained by the Department from a submitter that may be exempt from disclosure as privileged or confidential under Exemption 4 of the FOIA.

(2) *Submitter* means any person or entity from which the Department obtains business information, directly or indirectly. The term includes corporations, partnerships, and sole proprietorships; state, local, and tribal governments; foreign governments, NGOs and educational institutions.

(b) *Designation of business information.* A submitter of information must use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers exempt from disclosure under FOIA Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(c) *Notice to submitters.* The Department shall provide a submitter with prompt written notice of a FOIA request that seeks its business information, or of an administrative appeal of a denial of such a request, whenever required under paragraph (d) of this section, except as provided in paragraph (e) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (f) of this section. The notice shall either describe the information requested or include copies of the requested records or record portions containing the business information.

(d) *When notice is required.* Notice shall be given to a submitter whenever:

(1) The information has been designated in good faith by the submitter as information considered exempt from disclosure under Exemption 4; or

(2) The Department has reason to believe that the information may be exempt from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure under that exemption or any other applicable exemption.

(e) *When notice is not required.* The notice requirements of paragraphs (c) and (d) of this section shall not apply if:

(1) The Department determines that the information is exempt from disclosure;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous, except that, in such a case, the Department shall, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.

(f) *Opportunity to object to disclosure.* The Department will allow a submitter a reasonable time to respond to the notice described in paragraph (c) of this section and will specify that time period in the notice. If a submitter has any objections to disclosure, it should provide the component a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond to the notice within the time specified in it, the submitter will be considered to have no objection to disclosure of the information. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* The Department shall consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever the Department decides to disclose business information over the objection of a submitter, it shall give the submitter written notice, which shall include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Notice of lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the Department shall promptly notify the submitter.

(i) *Notice to requester.* Whenever the Department provides a submitter with notice and an opportunity to object to disclosure under paragraph (f) of this section, the Department shall also notify the requester. Whenever the Department notifies a submitter of its intent to disclose requested business information under paragraph (g) of this section, the

Department shall also notify the requester. Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the Department shall notify the requester.

§ 171.13 Appeal of denial of request for records.

(a) Any denial, in whole or in part, of a request for Department records under the FOIA may be administratively appealed to the Appeals Review Panel of the Department. This appeal right includes the right to appeal the determination that no records responsive to the request exist in Department files. Appeals must be postmarked within 60 calendar days of the date of the Department's denial letter and sent to: Appeals Officer, Appeals Review Panel, Office of Information Programs and Services, at the address set forth in section 171.4 of this part, or faxed to (202) 261–8571. The time limit for a response to an appeal is 20 working days, which may be extended in unusual circumstances, as defined in 171.11(b). The time limit begins to run on the day the appeal is received by IPS.

(b) Requesters may decide to litigate a request that is in the appeal stage. Once a summons and complaint is received by the Department in connection with a particular request, the Department will administratively close any open appeal regarding such request.

(c) Requesters should submit an administrative appeal, to IPS at the above address, of any denial, in whole or in part, of a request for access to FSGB records under the FOIA. IPS will assign a tracking number to the appeal and forward it to the FSGB, which is an independent body, for adjudication.

(d) *Decisions on appeals.* A decision on an appeal must be made in writing. A decision that upholds the Department's determination will contain a statement that identifies the reasons for the affirmance, including any FOIA and Privacy Act exemptions applied. The decision will provide the requester with notification of the statutory right to file a lawsuit and will inform the requester of the mediation services offered by the Office of Government Information Services of the National Archives and Records Administration as a non-exclusive alternative to litigation. If the Department's decision is remanded or modified on appeal, the requester will be notified of that determination in writing. The Department will thereafter further process the request in accordance with that appeal determination and respond directly to the requester.

§ 171.14 Fees to be charged.

(a) *In general.* The Department shall charge fees that recoup the full allowable direct costs it incurs in processing a FOIA request in accordance with the provisions of this part and with the OMB Guidelines. It shall use the most efficient and least costly methods to comply with requests for records made under the FOIA. The Department will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself.

(b) *Definitions.* The following definitions apply for purposes of this section:

(1) *Direct costs* are those costs the Department incurs in searching for, duplicating, and, in the case of commercial use requests, reviewing records in response to a FOIA request. The term does not include overhead expenses.

(2) *Search costs* are those costs the Department incurs in looking for, identifying, and retrieving material, in paper or electronic form, that is potentially responsive to a request. The Department shall attempt to ensure that searching for material is done in the most efficient and least expensive manner so as to minimize costs for both the Department and the requester. The Department may charge for time spent searching even if it does not locate any responsive record, or if it withholds the record(s) located as entirely exempt from disclosure. Further information on current search fees is available by visiting the FOIA home page at *www.foia.state.gov* and reviewing the Information Access Guide.

(3) *Duplication costs* are those costs the Department incurs in reproducing a requested record in a form appropriate for release in response to a FOIA request.

(4) *Review costs* are those costs the Department incurs in examining a record to determine whether and to what extent the record is responsive to a FOIA request and the extent to which it may be disclosed to the requester, including the page-by-page or line-by-line review of material within records. It does not include the costs of resolving general legal or policy issues that may be raised by a request.

(5) *Categories of requesters.* ''Requester fee category'' means one of the categories in which a requester will be placed for the purpose of determining whether the requester will be charged fees for search, review, and duplication. ''Fee waiver'' (see section 171.16 of this subpart) means the waiver or reduction of processing fees that may be granted if the requester can demonstrate that certain statutory standards are satisfied. There are three categories of requesters: Commercial use requesters, distinct subcategories of non-commercial requesters (educational and non-commercial scientific institutions, representatives of the news media), and all other requesters.

(i) A *commercial use requester* is a person or entity who seeks information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person on whose behalf the request is made. In determining whether a requester belongs within this category, the Department will look at the way in which the requester intends to use the information requested. Commercial use requesters will be charged for search time, review time, and duplication in connection with processing their requests.

(ii) *Distinct subcategories of non-commercial requesters.*

(A) An *educational institution requester* is a person or entity who submits a request under the authority of a school that operates a program of scholarly research. A requester in this category must show that the records are not sought for a commercial use and are not intended to promote any particular product or industry, but rather are sought to further scholarly research of the institution. A signed letter from the chairperson on an institution's letterhead is presumed to be from an educational institution. A student seeking inclusion in this subcategory who makes a request in furtherance of the completion of a course of instruction is carrying out an individual research goal and does not qualify as an educational institution requester. *See* OMB Fee Guidelines, 52 FR at 10014. Educational institution requesters will not be charged for search and review time, and the first 100 pages of duplication will be provided free of charge.

(1) Example 1. A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

(2) Example 2. A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

(B) A *non-commercial scientific institution requester* is a person or entity that submits a request on behalf of an

institution that is not operated on a ''commercial'' basis and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. Non-commercial scientific institution requesters will not be charged for search and review time, and the first 100 pages of duplication will be provided free of charge.

(C) A *representative of the news media* is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term *news* means information that is about current events or that would be of current interest to the public. *News media* include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available to the general public. ''Freelance'' journalists shall be regarded as working for a news media entity if they can demonstrate a solid basis for expecting publication through that entity, such as by a contract or past publication record. These examples are not all-inclusive. A representative of the news media will not be charged for search and review time, and the first 100 pages of duplication will be provided free of charge.

(iii) *All other requesters* are persons or entities that do not fall into the requester categories defined above. All other requesters will be provided the first two hours of search time and the first 100 pages of duplication free of charge, and will not be charged for review time.

(c) *Searches for responsive records.* The Department charges the estimated direct cost of each search based on the average current salary rates of the categories of personnel doing the searches. Updated search and review fees are available at *www.foia.state.gov*

(d) *Manual (paper) and computer searches.* For both manual and computer searches, the Department shall charge the estimated direct cost of each search based on the average current salary rates of the categories of personnel doing the searches.

(e) *Review of records.* Only requesters who are seeking records for commercial use may be charged for time spent reviewing records to determine whether they are responsive, and if so, releasable. Charges may be assessed for the initial review only, *i.e.,* the review undertaken the first time the Department analyzes the applicability of a specific exemption to a particular record or portion of a record

(f) *Duplication of records.* Paper copies of records shall be duplicated at a rate of $0.15 per page. Other charges may apply depending on the type of production required. Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester shall pay the direct costs associated with scanning those materials. For other forms of duplication, the Department shall charge the direct costs.

(g) *Other charges.* The Department shall recover the full costs of providing services such as those below:

(1) Sending records by special methods such as express mail, overnight courier, etc.

(2) Providing records to a requester in a special format.

(3) Providing duplicate copies of records already produced to the same requester in response to the same request.

(h) *Payment.* Fees shall be paid by either personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Office of Information Programs and Services, U.S. Department of State, State Annex 2 (SA–2), 515 22nd Street NW., Washington, DC, 20522–8100. A receipt for fees paid will be given upon request.

(i) *When certain fees are not charged.* The Department shall not charge search fees (or in the case of educational and non-commercial scientific institutions or representatives of the news media, duplication fees) when the Department fails to comply with any time limit under 5 U.S.C. 552(a)(6), unless unusual circumstances (*see* section 171.11(b) of this subpart) or exceptional circumstances exist. Exceptional circumstances cannot include a delay that results from a predictable agency workload of requests unless the agency demonstrates reasonable progress in reducing its backlog of pending requests. *See* 5 U.S.C. 552(a)(6)(C). Apart from the stated provisions regarding waiver or reduction of fees, *see* 22 CFR 171.16, the Department retains the administrative discretion to not assess fees if it is in the best interests of the government to do so.

§ 171.15 Miscellaneous fee provisions.

(a) *Charging interest.* The Department shall begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. The fact that a fee has been received by the Department within the thirty-day grace period, even if not processed, shall stay the accrual of interest. Interest will be at the rate prescribed in 31 U.S.C. 3717 and shall accrue from the date of the billing.

(b) *Charges for unsuccessful search or if records are withheld.* The Department may assess charges for time spent searching, even if it fails to locate the records or if the records located are determined to be exempt from disclosure.

(c) *Advance payment.* The Department may not require a requester to make an advance payment, *i.e.,* payment before work is commenced or continued on a request, unless:

(1) It estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. In such a case, the Department shall notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or shall, in its discretion, require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay an assessed fee within 30 days of the date of its billing. In such a case, the Department shall require the requester to pay the full amount previously owed plus any applicable interest and to make an advance payment of the full amount of the estimated fee before the Department begins to process a new or pending request from that requester.

(3) If a requester has failed to pay a fee properly charged by another U.S. government agency in a FOIA case, the Department may require proof that such fee has been paid before processing a new or pending request from that requester.

(4) When the Department acts under paragraph (c)(1) or (2) of this section, the administrative time limits prescribed in the FOIA, 5 U.S.C. 552(a)(6) (*i.e.,* 20 working days from receipt of initial requests and 20 working days from receipt of appeals, plus permissible extensions of these time limits), will begin only after the Department has received fee payments described in paragraphs (c)(1) and (c)(2) of this section.

(d) *Aggregating requests.* When the Department reasonably believes that a requester, or a group of requesters acting in concert, has submitted multiple requests involving related matters solely to avoid payment of fees, the Department may aggregate those requests for purposes of assessing processing fees.

(e) *Effect of the Debt Collection Act of 1982, as amended.* The Department shall comply with provisions of the Debt Collection Act, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to effect repayment.

(f) *Itemization of charges.* The Department shall, where possible, provide the requester with a breakdown of fees charged indicating how much of the total charge is for search, review, and/or duplication for each specific request.

§ 171.16 Waiver or reduction of fees.

(a) Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where the requester seeks a waiver or reduction of fees and the Department determines, in its discretion, that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(1) In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government, the Department shall consider all four of the following factors:

(i) The subject of the request must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent.

(2) In order to determine whether disclosure of the information is not primarily in the commercial interest of the requester, the Department will consider the following factors:

(i) The existence and magnitude of a commercial interest, *i.e.,* whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(ii) The primary interest in disclosure, *i.e.,* whether disclosure is primarily in the commercial interest of the requester.

(iii) Requests for purposes of writing a book, an article, or other publication will not be considered a commercial purpose.

(b) The Department may refuse to consider waiver or reduction of fees for requesters from whom unpaid fees remain owed to the Department for another FOIA request.

(c) Where only some of the records to be released satisfy the requirements for a waiver or reduction of fees, a waiver or reduction shall be granted for only those records.

(d) Requests for a waiver or reduction of fees should be made when the request is first submitted to the Department and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

(e) A decision to refuse to waive or reduce fees may be appealed to the Director of IPS, within 30 calendar days of the date of the Department's refusal letter. See section 171.4 of this subpart for address information. A decision in writing on the appeal shall be issued within 30 working days of the receipt of the appeal.

§ 171.17 Resolving disputes.

The Office of Government Information Services (OGIS) in the National Archives and Records Administration is charged with offering mediation services to resolve disputes between persons making FOIA requests and Federal agencies as a non-exclusive alternative to litigation. Additionally, the FOIA directs the Department's FOIA Public Liaison to assist in the resolution of disputes. The Department will inform requesters in its agency appeal response letter of services offered by OGIS and the FOIA Public Liaison. Requesters may reach the Department's FOIA Public Liaison at Office of Information Programs and Services, A/GIS/IPS/PP/LA, U.S. Department of State, Washington, DC 20522–8100, or at (202) 261–8484. Requesters may contact OGIS at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001; at *ogis@nara.gov*; and at (202) 741–5770, or toll-free at (877) 684–6448.

§ 171.18 Preservation of records

The Department shall preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 14 of the National Archives and Records Administration. Records shall not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Subpart C—Privacy Act Provisions

§ 171.20 Purpose and scope.

This subpart contains the rules that the Department follows under the Privacy Act of 1974 (PA), 5 U.S.C. 552a, as amended. These rules should be read together with the text of the statute, which provides additional information about records maintained on individuals. The rules in this subpart apply to all records in systems of records maintained by the Department that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those records by the Department. If any records retrieved pursuant to an access request under the PA are found to be exempt from access under that Act, they will be processed for possible disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended. No fees shall be charged for access to or amendment of PA records.

§ 171.21 Definitions.

As used in this subpart, the following definitions shall apply:

(a) *Individual* means a citizen or a legal permanent resident alien (LPR) of the United States.

(b) *Maintain* includes maintain, collect, use, or disseminate.

(c) *Record* means any item, collection, or grouping of information about an individual that is maintained by the Department and that contains the individual's name or the identifying

number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(d) *System of records* means a group of any records under the control of the Department from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

§ 171.22 Request for access to records.

(a) *In general.* Requests for access to records under the PA must be made in writing and mailed to the Office of Information Programs and Service, the Office of Passport Services, or the Office of Inspector General at the addresses given in section 171.4 of this Part. The Director of the Office of Information Programs and Services (IPS) is responsible for acting on all PA requests for Department records except for requests received directly by the Office of Inspector General, which processes its own requests for information, and the Office of Passport Services within the Bureau of Consular Affairs which receives directly and processes its own PA requests for information as described in PA System of Record Notice 26. Once received by IPS, all processing of PA requests coming under the jurisdiction of the Bureau of Consular Affairs/Visa Services Office and Overseas Citizens Services, the Bureau of Diplomatic Security, the Bureau of Human Resources, the Office of Medical Services, and the Foreign Service Grievance Board (FSGB) are handled by those bureaus or offices instead of IPS.

(b) *Description of records sought.* Requests for access should describe the requested record(s) in sufficient detail to permit identification of the record(s). At a minimum, requests should include the individual's full name (including maiden name, if appropriate) and any other names used, current complete mailing address, and date and place of birth (city, state and country). Helpful data includes the approximate time period of the record and the circumstances that give the individual reason to believe that the Department maintains a record under the individual's name or personal identifier, and, if known, the system of records in which the record is maintained. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search, or to ensure that a record retrieved does in fact pertain to the individual.

(c) *Verification of personal identity.* The Department will require reasonable identification of individuals requesting records about themselves under the PA's access provisions to ensure that records are only accessed by the proper persons. Requesters must state their full name, current address, citizenship or legal permanent resident alien status, and date and place of birth (city, state, and country). The request must be signed, and the requester's signature must be either notarized or made under penalty of perjury pursuant to 28 U.S.C. 1746. If the requester seeks records under another name the requester has used, a statement, under penalty of perjury, that the requester has also used the other name must be included. Requesters seeking access to copies of the Passport Office's passport records must meet the requirements in 171.22(d).

(d) *Special requirements for passport records.* Given the sensitive nature of passport records and their use, requesters seeking access to copies of the Passport Office's passport records under the PA must submit a letter that is either notarized or made under penalty of perjury pursuant to 28 U.S.C. 1746, which includes the full name at birth and any subsequent name changes of the individual whose records are being requested (if submitting the request on behalf of a minor, provide the representative's full name as well); the date and place of birth of the individual whose records are being requested; the requester's current mailing address; and, if available, daytime telephone number and email address; the date or estimated date the passport(s) was issued; the passport number of the person whose records are being sought, if known; and any other information that will help to locate the records. The requester must also include a clear copy of both sides of the requester's valid Government-issued photo identification, *e.g.,* a driver's license.

(e) *Authorized third party access.* The Department shall process all properly authorized third party requests, as described in this section, under the PA. In the absence of proper authorization from the individual to whom the records pertain, the Department will process third party requests under the FOIA. The Department's form, DS–4240, may be used to certify identity and provide third party authorization.

(1) *Parents and guardians of minor children.* Upon presentation of acceptable documentation of the parental or guardian relationship, a parent or guardian of a U.S. citizen or LPR minor (an unmarried person under the age of 18) may, on behalf of the minor, request records under the PA pertaining to the minor. In any case, U.S. citizen or LPR minors may request such records on their own behalf.

(2) *Guardians.* A guardian of an individual who has been declared by a court to be incompetent may act for and on behalf of the incompetent individual upon presentation of appropriate documentation of the guardian relationship.

(3) *Authorized representatives or designees.* When an individual wishes to authorize another person or persons access to his or her records, the individual may submit, in addition to the identity verification information described in paragraph (c) or paragraph (d) of this section if the request is for passport records, a signed statement from the individual to whom the records pertain, either notarized or made under penalty of perjury pursuant to 28 U.S.C. 1746, giving the Department authorization to release records about the individual to the third party. The designated third party must submit identity verification information described in paragraph c. Third party requesters seeking access to copies of the Passport Office's records must submit a clear copy of both sides of a valid Government-issued photo identification (*e.g.,* a driver's license) in addition to the other information described above.

(f) *Referrals and consultations.* If the Department determines that records retrieved as responsive to the request were created by another agency, it ordinarily will refer the records to the originating agency for direct response to the requester. If the Department determines that Department records retrieved as responsive to the request are of interest to another agency, it may consult with the other agency before responding to the request. The Department may make agreements with other agencies to eliminate the need for consultations or referrals for particular types of records.

(g) *Records relating to civil actions.* Nothing in this subpart entitles an individual to access to any information compiled in reasonable anticipation of a civil action or proceeding.

(h) *Time limits.* The Department will acknowledge the request promptly and furnish the requested information as soon as possible thereafter.

§ 171.23 Request to amend or correct records.

(a) An individual has the right to request that the Department amend a record pertaining to the individual that the individual believes is not accurate, relevant, timely, or complete.

(b) Requests to amend records must be in writing and mailed or delivered to

the Office of Information Programs and Services at the address given in section 171.4, with ATTENTION: PRIVACY ACT AMENDMENT REQUEST written on the envelope. IPS will coordinate the review of the request with the appropriate offices of the Department. The Department will require verification of personal identity as provided in section 171.22(c) before it will initiate action to amend a record. Amendment requests should contain, at a minimum, identifying information needed to locate the record in question, a description of the specific correction requested, and an explanation of why the existing record is not accurate, relevant, timely, or complete. The request must be signed, and the requester's signature must be either notarized or made under penalty of perjury pursuant to 28 U.S.C. 1746. The requester should submit as much pertinent documentation, other information, and explanation as possible to support the request for amendment.

(c) All requests for amendments to records shall be acknowledged within 10 working days.

(d) In reviewing a record in response to a request to amend, the Department shall review the record to determine if it is accurate, relevant, timely, and complete.

(e) If the Department agrees with an individual's request to amend a record, it shall:

(1) Advise the individual in writing of its decision;

(2) Amend the record accordingly; and

(3) If an accounting of disclosure has been made, advise all previous recipients of the record of the amendment and its substance.

(f) If the Department denies an individual's request to amend a record, it shall advise the individual in writing of its decision and the reason for the refusal, and the procedures for the individual to request further review. See § 171.25.

§ 171.24 Request for an accounting of record disclosures.

(a) *How made.* Except where accountings of disclosures are not required to be kept, as set forth in paragraph (b) of this section, an individual has a right to request an accounting of any disclosure that the Department has made to another person, organization, or agency of any record about an individual. This accounting shall contain the date, nature, and purpose of each disclosure as well as the name and address of the recipient of the disclosure. Any request for accounting should identify each particular record in question and may be made by writing directly to the Office of Information Programs and Services at the address given in § 171.4.

(b) *Where accountings not required.* The Department is not required to keep an accounting of disclosures in the case of:

(1) Disclosures made to employees within the Department who have a need for the record in the performance of their duties;

(2) Disclosures required under the FOIA.

§ 171.25 Appeals of denials of PA requests and PA amendment requests.

(a) If the Department denies a request for access to PA records, for amendment of such records, or for an accounting of disclosure of such records, the requester shall be informed of the reason for the denial and of the right to appeal the denial to the Appeals Review Panel. Any such appeal must be postmarked within 60 working days of the date of the Department's denial letter and sent to: Appeals Officer, Appeals Review Panel, Office of Information Programs and Services, at the address set forth in section 171.4.

(b) Appellants should submit an administrative appeal of any denial, in whole or in part, of a request for access to FSGB records under the PA to IPS at the above address. IPS will assign a tracking number to the appeal and forward it to the FSGB, which is an independent body, for adjudication.

(c) The Panel will decide appeals from denials of PA amendment requests within 30 business days, unless the Panel extends that period for good cause shown, from the date when it is received by the Panel.

(d) Decisions on appeals will be made in writing, and appellants will receive notification of the decision. A reversal will result in reprocessing of the request in accordance with that decision. An affirmance will include a brief statement of the reason for the affirmance and will inform the appellant that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable.

(e) If the Panel's decision is that a record shall be amended in accordance with the appellant's request, the Chairman shall direct the office responsible for the record to amend the record, advise all previous recipients of the record of the amendment and its substance (if an accounting of previous disclosures has been made), and so advise the individual in writing.

(f) If the Panel's decision is that the amendment request is denied on appeal, in addition to the notification required by paragraph (d) of this section, the Chairman shall advise the appellant:

(1) Of the right to file a concise Statement of Disagreement stating the reasons for disagreement with the decision of the Department;

(2) Of the procedures for filing the Statement of Disagreement;

(3) That any Statement of Disagreement that is filed will be made available to anyone to whom the record is subsequently disclosed, together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(4) That prior recipients of the disputed record will be provided a copy of any statement of disagreement, to the extent that an accounting of disclosures was maintained.

(g) If the appellant files a Statement of Disagreement under paragraph (f) of this section, the Department will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently access the record. When the disputed record is subsequently disclosed, the Department will note the dispute and provide a copy of the Statement of Disagreement. The Department may also include a brief summary of the reasons for not amending the record. Copies of the Department's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by an individual under these regulations.

§ 171.26 Exemptions.

Systems of records maintained by the Department are authorized to be exempt from certain provisions of the PA under both general and specific exemptions set forth in the Act. In utilizing these exemptions, the Department is exempting only those portions of systems that are necessary for the proper functioning of the Department and that are consistent with the PA. Where compliance would not interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, the applicable exemption may be waived, either partially or totally, by the Department or the OIG, in the sole discretion of the Department or the OIG, as appropriate. Records exempt under 5 U.S.C. 552a(j) or (k) by the originator of the record remain exempt if subsequently incorporated into any Department system of records, provided the reason for the exemption remains valid and necessary.

(a) *General exemptions.* If exempt records are the subject of an access request, the Department will advise the requester of their existence and of the name and address of the source agency, unless that information is itself exempt from disclosure.

(1) Individuals may not have access to records maintained by the Department that are maintained or originated by the Central Intelligence Agency under 5 U.S.C. 552a(j)(1).

(2) In accordance with 5 U.S.C. 552a(j)(2), individuals may not have access to records maintained or originated by an agency or component thereof that performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of:

(i) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(ii) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(iii) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. The reason for invoking these exemptions is to ensure effective criminal law enforcement processes.

(iii) Records maintained by the Department in the following systems of records are exempt from all of the provisions of the PA except paragraphs (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (e)(7), (e)(9), (e)(10), and (e)(11), and (i) of 5 U.S.C. 552a to the extent to which they meet the criteria of section (j)(2). The names of the systems correspond to those published in the **Federal Register** by the Department.

Office of Inspector General Investigation Management System. STATE–53.

Information Access Program Records. STATE–35.

Risk Analysis and Management. STATE–78.

Security Records. STATE–36.

(b) *Specific exemptions.* Portions of the following systems of records are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), and (4), (G), (H), and (I), and (f). The names of the systems correspond to those published in the **Federal Register** by the Department.

(1) *Exempt under 5 U.S.C. 552a(k)(1).* Records contained within the following systems of records are exempt under this section to the extent that they are subject to the provisions of 5 U.S.C. 552(b)(1).

Board of Appellate Review Records. STATE–02.

Congressional Correspondence. STATE–43.

Congressional Travel Records. STATE–44.

Coordinator for the Combating of Terrorism Records. STATE–06.

External Research Records. STATE–10.

Extradition Records. STATE–11.

Family Advocacy Case Records. STATE–75.

Foreign Assistance Inspection Records. STATE–48.

Human Resources Records. STATE–31.

Information Access Programs Records. STATE–35.

Intelligence and Research Records. STATE–15.

International Organizations Records. STATE–17.

Law of the Sea Records. STATE–19.

Legal Case Management Records. STATE–21.

Munitions Control Records. STATE–42.

Overseas Citizens Services Records. STATE–05.

Passport Records. STATE–26.

Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.

Personality Index to the Central Foreign Policy Records. STATE–29.

Personnel Payroll Records. STATE–30.

Office of Inspector General Investigation Management System. STATE–53.

Records of the Office of the Assistant Legal Adviser for International Claims and Investment Disputes. STATE–54.

Risk Analysis and Management Records. STATE–78.

Rover Records. STATE–41.

Records of Domestic Accounts Receivable. STATE–23.

Records of the Office of White House Liaison. STATE–34.

Refugee Records. STATE–59.

Security Records. STATE–36.

Visa Records. STATE–39.

(2) *Exempt under 5 U.S.C. 552a(k)(2).* Records contained within the following systems of records are exempt under this section to the extent that they consist of investigatory material compiled for law enforcement purposes, subject to the limitations set forth in (k)(2).

Board of Appellate Review Records. STATE–02.

Coordinator for the Combating of Terrorism Records. STATE–06.

Extradition Records. STATE–11.

Family Advocacy Case Records. STATE–75

Foreign Assistance Inspection Records. STATE–48.

Garnishment of Wages Records. STATE–61.

Information Access Program Records. STATE–35.

Intelligence and Research Records. STATE–15.

Munitions Control Records. STATE–42.

Overseas Citizens Services Records. STATE–05.

Passport Records. STATE–26.

Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.

Personality Index to the Central Foreign Policy Records. STATE–29.

Office of Inspector General Investigation Management System. STATE–53.

Risk Analysis and Management Records. STATE–78.

Security Records. STATE–36.

Visa Records. STATE–39.

(3) *Exempt under 5 U.S.C. 552a(k)(3).* Records contained within the following systems of records are exempt under this section to the extent that they are maintained in connection with providing protective services pursuant to 18 U.S.C. 3056.

Extradition Records. STATE–11.

Information Access Programs Records. STATE–35.

Intelligence and Research Records. STATE–15.

Overseas Citizens Services Records. STATE–05.

Passport Records. STATE–26.

Personality Cross-Reference Index to the Secretariat Automated Data Index. STATE–28.

Personality Index to the Central Foreign Policy Records. STATE–29.

Security Records. STATE–36.

Visa Records. STATE–39.

(4) *Exempt under 5 U.S.C. 552a(k)(4).* Records contained within the following systems of records are exempt under this section to the extent that they are required by statute to be maintained and are used solely as statistical records.

Foreign Service Institute Records. STATE–14.

Human Resources Records. STATE–31.

Information Access Programs Records. STATE–35.

Overseas Citizens Services Records, STATE–05

Personnel Payroll Records. STATE–30.

Security Records. STATE–36.

(5) *Exempt under 5 U.S.C. 552a(k)(5).* Records contained within the following systems of records are exempt under this section to the extent that they consist of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of a confidential informant.

Records Maintained by the Office of Civil Rights. STATE–09.

Foreign Assistance Inspection Records. STATE–48.

Foreign Service Grievance Board Records. STATE–13.

Human Resources Records. STATE–31.

Information Access Programs Records. STATE–35.

Legal Adviser Attorney Employment Application Records. STATE–20.

Overseas Citizens Services Records. STATE–25.

Personality Cross-Reference Index to the Secretariat Automated Data Index. STATE–28.

Office of Inspector General Investigation Management System. STATE–53.

Records of the Office of White House Liaison. STATE–34.

Risk Analysis and Management Records. STATE–78.

Rover Records. STATE–41.

Security Records. STATE–36.

Senior Personnel Appointments Records. STATE–47.

(6) *Exempt under 5 U.S.C. 552a(k)(6).* Records contained within the following systems of records are exempt under this section to the extent that they consist of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Foreign Service Institute Records. STATE–14.

Human Resources Records. STATE–31.

Information Access Programs Records. STATE–35.

Records Maintained by the Office of Civil Rights. STATE–09

Security Records. STATE–36.

(7) *Exempt under 5 U.S.C. 552a(k)(7).* Records contained within the following systems of records are exempt under this section to the extent that they consist of evaluation material used to determine potential for promotion in the armed services, but only to the extent that such disclosure would reveal the identity of a confidential informant.

Overseas Citizens Services Records. STATE–25.

Human Resources Records. STATE–31.

Information Access Programs Records. STATE–35.

Personality Cross-Reference Index to the Secretariat Automated Data Index. STATE–28.

Personality Index to the Central Foreign Policy Records. STATE–29.

Subpart D—Process to Request Public Financial Disclosure Reports

§ 171.30 Purpose and scope.

This subpart sets forth the process by which persons may request access to public financial disclosure reports filed with the Department in accordance with § 101 and § 103(l) of the Ethics in Government Act of 1978, 5 U.S.C. app. 101 and 103(l), as amended by Public Law 112–173, 126 Stat. 1310, Public Law 112–178, 126 Stat. 1408, and Public Law 113–7, 127 Stat. 438, and 5 CFR 2634.202. The retention, public availability, and improper use of these reports are governed by 5 U.S.C. app. 105 and 5 CFR 2634.603.

§ 171.31 Requests.

Requests for access to public financial disclosure reports filed with the Department should be made by submitting a completed Office of Government Ethics request form, OGE Form 201, to *OGE201Request@state.gov* or the Office of the Assistant Legal Adviser for Ethics and Financial Disclosure, U.S. Department of State, 2201 C Street NW., Washington, DC 20520. The OGE Form 201 may be obtained by visiting *http://www.oge.gov* or writing to the address above.

Dated: July 13, 2015.

Joyce A. Barr,

Assistant Secretary for Administration, Department of State.

[FR Doc. 2015–17856 Filed 7–27–15; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2015–0318]

RIN 1625–AA00

Safety Zone; Turritella FPSO, Walker Ridge 551, Outer Continental Shelf on the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a safety zone around the Turritella FPSO system, Walker Ridge 551 on the Outer Continental Shelf (OCS) in the Gulf of Mexico. The purpose of the safety zone is to protect the facility from all vessels operating outside the normal shipping channels and fairways that are not providing services to or working with the facility. Placing a safety zone around the facility will significantly reduce the threat of allisions, collisions, security breaches, oil spills, releases of natural gas, and thereby protect the safety of life, property, and the environment.

DATES: Comments and related material must be received by the Coast Guard on or before August 27, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0318 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of these four methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Rusty Wright, U.S. Coast Guard, District Eight Waterways Management Branch; telephone 504–671–2138, *rusty.h.wright@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
FPSO Floating Production Storage Offloading Vessel
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
USCG United States Coast Guard

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, 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 at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2015–0318] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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 the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0318) 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.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one by using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

Under the authority provided in 14 U.S.C. 85, 43 U.S.C. 1333, and Department of Homeland Security Delegation No. 0170.1, Title 33, CFR part 147 permits the establishment of safety zones for facilities located on the OCS for the purpose of protecting life, property and the marine environment.

Shell Exploration & Production Company requested that the Coast Guard establish a safety zone around the Turritella FPSO, which is a ship-shaped offshore production facility that stores crude oil in tanks located in its hull. It will attach to a moored turret buoy and move in a 360 degree arc around the position 26°25′38.74″ N., 90°48′45.34″ W. The turret buoy is detachable which allows the FPSO to disconnect while the buoy and turret drop below the water's surface to a predetermined depth. The FPSO has a capacity for storing 900,000 barrels of produced oil and is expected to be offloaded on a weekly basis via a floating hose that connects the FPSO to a shuttle tanker. During offloading operations, a shuttle tanker will connect its bow to the Turritella FPSO and its stern to an attendant tug that will assist with safety spacing and stability of the operations. The facility is manned with a crew of 120 people.

The request for the safety zone was made due to safety concerns for both the personnel aboard the facility and the environment. Shell Exploration & Production Company indicated that it is highly likely that any allision with the facility would result in a catastrophic event. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to: (1) The level of shipping activity around the facility; (2) safety concerns for personnel aboard the facility; (3) concerns for the environment; (4) the likeliness that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew; (5) the volume of traffic in the vicinity of the proposed area; (6) the types of vessels navigating in the vicinity of the proposed area; and, (7) the structural configuration of the facility. For the purpose of safety zones established under 33 CFR part 147, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the vicinity of the safety zone primarily consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area also includes an extensive system of fairways.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of the proposed safety zone. The proposed regulation would reduce significantly the threat of allisions, oil spills, and releases of natural gas and increase the safety of life, property, and the environment in the Gulf of Mexico by prohibiting entry into the zone unless specifically authorized by the Commander, Eighth Coast Guard District.

C. Discussion of Proposed Rule

Shell Exploration & Production Company requested a safety zone of 500 meters (1640.4 feet) around the stern of the FPSO when it is moored to the turret buoy. The FPSO can swing in a 360

degree arc around the center point at 26°25′38.74″ N., 90°48′45.34″ W. If the FPSO detaches from the turret buoy, the safety zone of 500 meters (1640.4 feet) will be measured from the center point of the turret buoy. The request for the safety zone was made due to safety concerns for life and property on the facilities, their appurtenances, attending vessels and the environment. Shell Exploration & Production Company indicated that it is highly likely that any allision with the facility would result in a catastrophic event. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to, (1) the level of shipping activity around the facility, (2) safety concerns for personnel aboard the facility, (3) concerns for the environment, (4) the likeliness that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew, (5) the volume of traffic in the vicinity of the proposed area, (6) the types of vessels navigating in the vicinity of the proposed area, both related and unrelated to facility operations, and (7) the structural configuration of the facility.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of a safety zone of 500 meters (1640.4 feet) around the facility. The proposed safety zone would restrict all vessels from entering into, transiting through, remaining in, or anchoring in the safety zone area. Vessels attending to, servicing, or working with the facility would be exempt from the restrictions in this proposed rule. This proposed safety measure reduces significantly the threat of allisions, collisions, oil spills, and releases of natural gas and increases the safety of life, property, and the environment in the Gulf of Mexico. Authorization to deviate from this proposed rule and transit through the safety zone may be requested from the Commander, Eighth Coast Guard District or a designated representative. Such deviation requests would be considered on a case-by-case basis.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed 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.

This rulemaking is not a significant regulatory action due to the location of the Turritella FPSO—on the Outer Continental Shelf—and its distance from both land and safety fairways. Additionally, the area covered by this proposed safety zone is limited in scope as it would encompass only the waters within 500 meters (1640.4 feet) around the stern of the FPSO when it is moored to the turret buoy. The FPSO can swing in a 360 degree arc around the center point at 26°25′38.74″ N., 90°48′45.34″ W. If the FPSO detaches from the turret buoy, the safety zone of 500 meters (1640.4 feet) will be measured from the center point of the turret buoy. This is the area where the FPSO vessel operates and vessels servicing the FPSO transit and maneuver, presenting the area most vulnerable to risk of allusion or collision. Vessels traversing waters near the proposed safety zone will be able to safely travel around the zone using alternate routes. Exceptions to this proposed rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

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 proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor within the area extending 500 meters (1640.4 feet) from the outermost edges of the Turritella FPSO system located in Walker Ridge 551 on the OCS.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the safety zone using alternate routes. Based on the limited scope of the safety zone, any delay resulting from using an alternate route is expected to be minimal depending on vessel traffic and speed in the area. Deviation to transit through the proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

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 proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no 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 proposed rule under that Order and have determined that it 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would 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 proposed 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 From Environmental Health Risks

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

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a safety zone around an OCS facility to protect life, property and the marine environment. This proposed rule is categorical excluded from further review, under figure 2–1, paragraph (34)(g), of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and the 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 proposed rule.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.863 to read as follows:

§ 147.863 Turritella FPSO System Safety Zone.

(a) *Description.* The Turritella, a Floating Production, Storage and Offloading (FPSO) system is proposed to be installed in the deepwater area of the Gulf of Mexico at Walker Ridge 551. The FPSO can swing in a 360 degree arc around the center point of the turret buoy's swing circle at 26°25′38.74″ N, 90°48′45.34″ W, and the area within 500 meters (1640.4 feet) around the stern of the FPSO when it is moored to the turret buoy is a safety zone. If the FPSO detaches from the turret buoy, the area within 500 meters (1640.4 feet) around the center point at 26°25′38.74″ N, 90°48′45.34″ W is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: June 7, 2015.

David R. Callahan,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2015–18397 Filed 7–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AP08

Schedule for Rating Disabilities; Dental and Oral Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend the portion of the VA Schedule for Rating Disabilities (VASRD or rating schedule) that addresses dental and oral conditions. The purpose of these changes is to incorporate medical advances that have occurred since the last amendment, update current medical terminology, and provide clear evaluation criteria for application of this portion of the rating schedule. The proposed rule reflects advances in medical knowledge, recommendations from the Dental and Oral Conditions Work Group (Work Group), which is comprised of subject matter experts from both the Veterans Benefits Administration (VBA) and the Veterans Health Administration (VHA), and comments from experts and the public gathered as part of a public forum. The public forum, focusing on revisions to the dental and oral conditions section of the VASRD, was held on January 25—26, 2011.

DATES: Comments must be received by VA on or before September 28, 2015.

ADDRESSES: Written comments may be submitted through *www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP08—Schedule for Rating Disabilities; Dental and Oral Conditions.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll free number). In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ioulia Vvedenskaya, Medical Officer, Part 4 VASRD Regulations Staff (211C), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: As part of VA's ongoing revision of the VA Schedule for Rating Disabilities (VASRD or rating schedule), VA proposes changes to 38 CFR 4.150, which pertains to dental and oral conditions. The proposed changes will (1) update the medical terminology of certain dental and oral conditions, (2) add medical conditions not currently in the rating schedule, and (3) refine evaluation criteria based on medical advances that have occurred since the last revision and current understanding of functional changes associated with or resulting from disease or injury (pathophysiology).

Schedule of Ratings—Dental and Oral Conditions

Section 4.150 currently lists 16 diagnostic codes encompassing conditions involving dental and oral injury or disease. VA proposes to revise these codes, through addition, removal, and other revisions to reflect current medical science, terminology, and functional impairment.

VA proposes to add two notes at the beginning of § 4.150 to clarify updated medical terminology used later in the diagnostic codes. The first note would provide guidance to disability rating personnel regarding the evidence necessary to support the objective findings described in various diagnostic codes. The note states that, for VA compensation purposes, diagnostic imaging studies include, but are not limited to, conventional radiography (X-ray), computed tomography (CT), magnetic resonance imaging (MRI), positron emission tomography (PET), radionuclide bone scanning, or ultrasonography. The second note regards rating of residuals that, though part of the disease process for a dental or oral condition, cause functional incapacity which cannot be evaluated within the dental and oral conditions system. The note directs disability rating personnel to evaluate the particular functional impairment separately (*e.g.,* loss of vocal articulation, loss of smell, loss of taste, neurological impairment, respiratory dysfunction, and other impairments), and then apply § 4.25 to combine the evaluation with those assigned under the schedule of ratings for dental and oral conditions.

Diagnostic Code 9900, ''Maxilla or Mandible, Chronic Osteomyelitis or Osteoradionecrosis of:''

Current diagnostic code 9900 ''Maxilla or mandible, chronic osteomyelitis or osteoradionecrosis of,'' directs that such conditions be rated as chronic osteomyelitis under diagnostic code 5000. VA proposes to add osteonecrosis of the maxilla or mandible (jaw) as one of the diseases listed under diagnostic code 9900. Osteonecrosis of the jaw, commonly called ONJ, occurs when the jaw bone is exposed (not covered by the gums) and begins to deteriorate from a lack of bloodflow. Without adequate blood flow, the bone begins to weaken, break down, and die, which usually, causes pain. ONJ is associated with cancer treatments, infection, steroid use, or potent antiresorptive therapies that help prevent the loss of bone mass. Examples of potent antiresorptive therapies include bisphosphonates such as alendronate (*Fosamax*); risedronate (*Actonel*); and ibandronate (*Boniva*). While ONJ is linked with these conditions, it also can occur without clearly identifiable risk factors. *Osteonecrosis of the Jaw,* American College of Rheumatology *http://www.rheumatology.org/practice/clinical/patients/diseases_and_conditions/onj.asp* (last updated Sept. 2012). This proposed addition will facilitate assignment of appropriate disability evaluations to veterans who are suffering from osteonecrosis of the jaw (maxilla or mandible).

Diagnostic Codes 9902 ''Mandible, Loss of Approximately One-Half,'' 9906 ''Ramus, Loss of Whole or Part of,'' and 9907 ''Ramus, Loss of Less Than One-Half the Substance of, Not Involving Loss of Continuity''

Current diagnostic codes 9902 ''Mandible, loss of approximately one-half''; 9906 ''Ramus, loss of whole or part of''; and 9907 ''Ramus, loss of less than one-half the substance of, not involving loss of continuity'' address impairments associated with various degrees of mandible loss. Loss of approximately one-half of the mandible, involving temporomandibular articulation, is currently evaluated at 50 percent; if temporomandibular articulation is not involved, it is evaluated at 30 percent. Loss of whole or part of the ramus, involving loss of temporomandibular articulation bilaterally, is currently evaluated at 50 percent; the same disability presented unilaterally is currently evaluated at 30 percent. Without loss of temporomandibular articulation, loss of whole or part of the ramus is evaluated at 30 percent bilaterally and 20 percent unilaterally. Loss of less than one-half the substance of the ramus, not involving loss of continuity, is currently evaluated at 20 percent bilaterally and 10 percent unilaterally.

The mandible is viewed as a single functional unit that consists of the mandibular body and the mandibular rami. The anterior portion of the mandible, called the body, is horseshoe-shaped and runs horizontally. At the posterior ends of the body are two vertical extensions called rami (singular, ramus). The Work Group recognized that, because the ramus is a portion of the mandible, impairments of the ramus should be rated as impairments of the mandible as a whole. Therefore, proposed diagnostic code 9902, ''Mandible, loss of, including ramus, unilaterally or bilaterally,'' combines evaluations currently done under diagnostic codes 9902, 9906, and 9907 to better reflect the current understanding of anatomy, physiology, and disability due to the disease or injury of the mandible, including the rami. Furthermore, the disabling effect of the loss of different portions of the mandible has been combined in light of its anatomy and the usual reconstruction goals. The proposed rating criteria also reflect the function of the portions of the mandible, providing higher evaluations for the loss of the joint than for areas that do not disrupt continuity. Mehta R.P. *et al., Mandibular Reconstruction in 2004: An Analysis of Different Techniques,*

http://www.ncbi.nlm.nih.gov/pubmed/15252248.

The reconstruction of oromandibular defects (mandibular reconstruction) presents a significant surgical challenge. Mandibular deformities and defects may result from trauma, infections, prior radiation exposure, and neoplasms (tumors); most mandibular deformities result from surgical excision of tumors. The mandible plays a major role in airway protection and support of the tongue, lower dentition (teeth), and the muscles of the floor of the mouth permitting chewing, swallowing, speaking, and respiration. It also defines the contour of the lower third of the face. Interruption of mandibular continuity, therefore, produces both a cosmetic and functional deformity. The resulting dysfunction after loss of part of the mandible varies from minimal to major. In order to achieve successful mandibular reconstruction, the reconstructive surgeon must attempt to restore bony continuity and facial contour, maintain tongue mobility, and attempt to restore sensation to the affected areas. In addition, oral and dental rehabilitation postoperatively is important to improve the patient's ability to manipulate the food bolus, swallow, and articulate speech. Jesse E. Smith et al., *Mandibular Plating,* Medscape, *http://emedicine.medscape.com/article/881542-overview* (last updated Dec. 19, 2014).

In light of these disabling effects of mandibular loss and advances in reconstruction of the oral cavity, VA proposes additional levels of disability to recognize greater functional impairment where mandibular loss cannot be replaced by prostheses. VA proposes a 70 percent evaluation for the loss of one-half or more of the mandible, involving temporomandibular articulation, where the loss is not replaceable by prosthesis. VA proposes a 50 percent evaluation for the same anatomical loss, where it is replaceable by prosthesis. VA proposes a 40 percent evaluation for the loss of one-half or more of mandible, not involving temporomandibular articulation, where the loss is not replaceable by prosthesis, and a 30 percent evaluation for the same anatomical loss, where it is replaceable by prosthesis. VA differentiates the evaluations involving one-half or more of the mandible, whether or not involving temporomandibular articulation, on the basis of whether or not they are replaceable by prosthesis because large, complex defects where a prosthesis is not suitable present greater functional and cosmetic impairments.

VA proposes a 70 percent evaluation for the loss of less than one-half of the mandible, involving temporomandibular articulation, where the loss is not replaceable by prosthesis. VA proposes a 50 percent evaluation for the same anatomical loss, where it is replaceable by prosthesis. VA proposes a 20 percent evaluation for the loss of less than one-half of mandible, not involving temporomandibular articulation, where the loss is not replaceable by prosthesis, and a 10 percent evaluation for the same anatomical loss, where it is replaceable by prosthesis. VA differentiates the evaluations involving less than one-half of the mandible, whether or not involving temporomandibular articulation, on the basis of whether or not they are replaceable by prosthesis because large, complex defects where a prosthesis is not suitable present greater functional and cosmetic impairments.

Consequently, VA proposes to delete existing diagnostic codes 9906 ''Ramus, loss of whole or part of:'' and 9907 ''Ramus, loss of less than one-half the substance of, not involving loss of continuity:'' while incorporating relevant evaluation criteria into revised diagnostic code 9902 ''Mandible, loss of, including ramus, unilaterally or bilaterally.''

Diagnostic Code 9903 ''Mandible, Nonunion of, Confirmed by Diagnostic Imaging Studies:''

Current diagnostic code 9903 addresses impairments associated with nonunion of the mandible. Severe and moderate nonunion of the mandible are currently rated at 30 percent and 10 percent, respectively, and evaluation is dependent upon the degree of motion and relative loss of masticatory function. However, the current rating criteria do not reflect modern medical terminology because a nonunion occurs when the mandible does not heal in an appropriate time frame and the result is mobility of the fracture segments present after an adequate healing phase. In addition, if the mandibular fragments are not immobilized properly immediately after fracture, or treatment is delayed, a fibrous union (*i.e.,* nonunion) is formed and radiographic evidence is often needed to make this determination. Edward W. Chang et al., *General Principles of Mandible Fracture and Occlusion,* Medscape, *http://emedicine.medscape.com/article/868375-overview* (last updated Mar. 28, 2014).

Therefore, VA proposes to re-title diagnostic code 9903 as ''Mandible, nonunion of, confirmed by diagnostic imaging studies:'' and base newly developed rating criteria on a better understanding of anatomy, physiology, and functional impairment of the mandibular nonunion. Under proposed diagnostic code 9903, mandibular nonunion would warrant a 30 percent evaluation with the presence of false motion, which is considered severe, or a 10 percent evaluation if there is no false motion, which is considered moderate. In addition, VA proposes to delete the note under current diagnostic code 9903.

Diagnostic Code 9904 ''Mandible, Malunion of:''

Currently, malunion of mandible where severe, moderate, and slight displacement is present is rated at 20, 10, and 0 percent, respectively, and is dependent upon degree of motion and relative loss of masticatory function. However, the current rating criteria do not reflect modern medical terminology because malunion refers to improper alignment of the healed bony segments where the normal anatomic structure is not restored because of unsatisfactory reduction and the result is abnormal occlusion (*i.e.,* open bite) and joint function. Edward W. Chang et al., *General Principles of Mandible Fracture and Occlusion,* Medscape, *http://emedicine.medscape.com/article/868375-overview* (last updated Mar. 28, 2014).

Therefore, VA proposes to base newly developed rating criteria on a better understanding of anatomy, physiology, and functional impairment of the mandibular malunion. Under proposed diagnostic code 9904, mandibular malunion with displacement causing severe or moderate anterior or posterior open bite resulting in displacement would warrant 20 and 10 percent evaluations respectively. A 0 percent evaluation would be assigned for mandibular malunion resulting in displacement that does not cause anterior or posterior open bite. In addition, VA proposes to delete the note under diagnostic code 9904. The proposed rating criteria are based on measurable signs of functional impairment and incorporate all elements of disability evaluation in cases of mandibular malunion.

Diagnostic Code 9905 ''Temporomandibular Disorder.''

Diagnostic code 9905 is currently titled ''Temporomandibular articulation, limited motion of,'' which represents outdated medical terminology. The term TMJ is actually an abbreviation for the longer anatomical term—temporomandibular joint. Unfortunately, over the years, the term

TMJ has developed into a long misunderstood and yet commonly used acronym in the vocabulary of both doctors and patients alike. As a result of this common misappropriation of terminology, in the last several years there has been a concerted effort on the part of the medical profession to change the acronym to TMD (temporomandibular disorder) in an effort to more accurately reflect that which is more often being discussed. The American Association of Oral and Maxillofacial Surgeons (AAOMS) has recognized TMD as appropriate terminology for the group of disorders affecting the temporomandibular joint.

VA proposes to retitle diagnostic code 9905 as ''Temporomandibular disorder (TMD),'' which is consistent with current medical terminology. TMD refers to a collection of medical and dental conditions affecting the temporomandibular joint and/or the muscles of mastication, as well as contiguous tissue components. Although specific etiologies such as degenerative arthritis and trauma underlie some TMD, as a group these conditions have no common etiology or biological explanation and comprise a diverse group of health problems whose signs and symptoms are overlapping, but not necessarily identical. *Temporomandibular Disorders (TMD),* American Academy of Orofacial Pain, *https://s3.amazonaws.com/ClubExpressClubFiles/508439/documents/AAOP_Brochure_-_TMD_Revision_3-27-2014.pdf?AWSAccessKeyId=AKIAIB6I23VLJX7E4J7Q&Expires=1435244199&response-content-disposition=inline%3B%20filename%3DAAOP_Brochure_-_TMD_Revision_3-27-2014.pdf&Signature=Jb117XxOWMO%2FT5tFkXgZ9MobBG0%3D* (last visited Jun. 25, 2015).

Under current diagnostic code 9905, motion limitation for temporomandibular articulation is measured solely as loss of interincisal opening and lateral excursive distance, where ratings for limited interincisal movement are not combined with ratings for limited lateral excursion. Current diagnostic code 9905 provides for the following evaluations: A 40 percent evaluation with interincisal range from 0 to 10 mm (millimeters); a 30 percent evaluation with interincisal range from 11 to 20 mm; a 20 percent evaluation with interincisal range from 21 to 30 mm; a 10 percent evaluation with interincisal range from 31 to 40 mm; and a 10 percent evaluation with lateral excursion of 0 to 4 mm.

The understanding of what constitutes disability due to TMD and how to quantify the contributory components has evolved. Charles F. Guardia et al., *Temporomandibular Disorders,* Medscape, *http://emedicine.medscape.com/article/1143410-overview#showall* (last updated Jan. 7, 2014). The Work Group developed rating criteria that takes into account restriction of diet and limitation of mouth opening in the evaluation of functional impairment due to TMD.

In addition, VA proposes to revise the rating criteria according to the current indicators of normal range of mouth opening measured by vertical (inter-incisal) opening. *Guidelines to the Evaluation of Impairment of the Oral and Maxillofacial Region,* American Association of Oral and Maxillofacial Surgeons, *http://www.astmjs.org/impairment.html.* Under proposed diagnostic code 9905, 10 mm of maximum unassisted vertical opening with dietary restrictions to all mechanically altered foods would warrant a 50 percent evaluation; 10 mm of maximum unassisted vertical opening without dietary restrictions to mechanically altered foods would warrant a 40 percent evaluation; 20 mm of maximum unassisted vertical opening with dietary restrictions to all mechanically altered foods would warrant a 40 percent evaluation; 20 mm of maximum unassisted vertical opening without dietary restrictions to mechanically altered foods would warrant a 30 percent evaluation; 29 mm of maximum unassisted vertical opening with dietary restrictions to full liquid and pureed foods would warrant a 40 percent evaluation; 29 mm of maximum unassisted vertical opening with dietary restrictions to soft and semi-solid foods would warrant a 30 percent evaluation; 29 mm of maximum unassisted vertical opening without dietary restrictions to mechanically altered foods would warrant a 20 percent evaluation; 34 mm of maximum unassisted vertical opening with dietary restrictions to full liquid and pureed foods would warrant a 30 percent evaluation; 34 mm of maximum unassisted vertical opening with dietary restrictions to soft and semi-solid foods would warrant a 20 percent evaluation; 34 mm of maximum unassisted vertical opening without dietary restrictions to mechanically altered foods would warrant a 10 percent evaluation. VA proposes retaining the current criteria at 10 percent for lateral excursion limited to 0 to 4 mm, in addition to adding the 10 percent evaluation for 34 mm of maximum unassisted vertical opening without dietary restrictions to mechanically altered foods.

The additional criteria were added to integrate the use of mechanically altered foods that allows for more accurate assessment of functional capacity in cases of temporomandibular disorder that requires texture-modified diets. Furthermore, properly prepared texture-modified diets can help improve or maintain the nutritional status of a patient who requires a texture-modified diet. Evidence-Based Nutrition Practice Guidelines and Evidence-Based Toolkits developed by the Academy of Nutrition and Dietics (formerly American Dietetic Association) defines mechanically altered foods as altered by blending, chopping, grinding or mashing so that they are easy to chew and swallow (*i.e.,* full liquid, puree, soft and semisolid foods). Academy of Nutrition and Dietics, Level 2 Nutrition Therapy for Dysphagia: Mechanically Altered Foods, *http://nutritioncaremanual.org/vault/editor/Docs/Level%202%20NT%20for%20Dysphagia_MechAltered.pdf* (last visited Jun. 3, 2015).

In addition to the existing note, VA proposes to add two notes under diagnostic code 9905 to provide comprehensive guidance to disability rating personnel. The existing note would be redesignated as Note (1). Note (2) would provide that the normal maximum unassisted range of vertical jaw opening is from 35 to 50 mm, which is based on current guidelines to the evaluation of impairment of the oral and maxillofacial region. *Guidelines to the Evaluation of Impairment of the Oral and Maxillofacial Region,* American Association of Oral and Maxillofacial Surgeons, *http://www.astmjs.org/impairment.html* (last visited Jun. 3, 2015). The guidance on consideration of texture-modified diets is provided in proposed note (3). Proposed note (3) would define ''mechanically altered foods'' as altered by blending, chopping, grinding or mashing so that they are easy to chew and swallow, specifically full liquid, puree, soft and semisolid foods. Finally, proposed note (3) instructs disability rating specialists that, in order to warrant a rating elevation based on mechanically altered foods, a physician must record or verify the use of texture-modified diets.

Diagnostic Code 9911 ''Hard Palate, Loss of:''

Current diagnostic codes 9911 ''Hard palate, loss of half or more:'' and 9912 ''Hard palate, loss of less than half of:'' address loss of the hard palate. VA proposes to restructure the current rating criteria and combine evaluations presently done under these two codes

into proposed diagnostic code 9911, titled ''Hard palate, loss of:'' for ease of use. No change to the evaluation criteria is proposed.

Diagnostic Code 9916 ''Maxilla, Malunion or Nonunion of:''

Current diagnostic code 9916 addresses impairments associated with malunion or nonunion of maxilla. Currently, severe displacement due to malunion or nonunion of maxilla warrants a 30 percent evaluation, while moderate and slight displacement warrant 10 and 0 percent evaluations, respectively. However, the current criteria do not reflect modern medical terminology and do not take into account advances in the understanding of anatomy and physiology of maxillary fractures and its residuals. Kris S. Moe et al., *Maxillary and Le Fort Fractures,* Medscape, *http://emedicine.medscape.com/article/1283568-overview* (last updated Dec. 3, 2013).

Therefore, VA proposes to restructure the rating criteria to recognize the various aspects of maxillary fractures and their functional outcomes. Specifically, in cases of nonunion, the mobility of the maxillary fracture segments is the key sign of nonunion; therefore, disability evaluations would be based on the presence or absence of false motion. In cases of malunion, improper alignment of the healed bony segments, which result in abnormal occlusion (*i.e.,* open bite) and joint function, is the principal component of functional impairment due to maxillary malunion; therefore, disability evaluations would be based on the degree of displacement of bony segments, which cause various degrees of open bite.

Under proposed diagnostic code 9916, maxillary nonunion with false motion present would warrant a 30 percent evaluation. A 10 percent evaluation would be assigned for maxillary nonunion without false motion.

Under proposed diagnostic code 9916, maxillary malunion with displacement that causes severe or moderate anterior or posterior open bite would warrant 30 and 10 percent evaluations, respectively. A 0 percent evaluation would be assigned for maxillary malunion with displacement that causes mild anterior or posterior open bite. For the sake of clarity for disability rating personnel, VA proposes to insert a new note stating that, for VA compensation purposes, the severity of maxillary nonunion is dependent upon the degree of abnormal mobility of maxilla fragments following treatment (*i.e.,* presence or absence of false motion), and that maxillary nonunion has to be confirmed by diagnostic imaging studies. Maxillary nonunion is difficult to diagnose without diagnostic imaging studies because fibrosis makes nonunions semi-stable and mimic healed bone upon physical examination. Thus, diagnostic imaging is necessary for a diagnosis of nonunion.

New Diagnostic Codes

VA also proposes to add two new diagnostic codes in order to account for impairment due to benign and malignant oral lesions (neoplasms). Nader Sadeghi et al., *Malignant Tumors of the Palate,* Medscape, *http://emedicine.medscape.com/article/847807-overview* (last updated Apr. 22, 2015). Surgical resections of benign and malignant tumors often create large defects accompanied by dysfunction and disfigurement, and radiation therapy produces significant morbidity and unique tissue-management problems. Therefore, disabilities resulting from various treatments for benign and malignant neoplasms shall be rated based on residuals such as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring.

Proposed diagnostic code 9917, titled ''Neoplasm, hard and soft tissue, benign,'' directs that such conditions be rated as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring. Proposed diagnostic code 9918, titled ''Neoplasm, hard and soft tissue, malignant,'' directs that such conditions be rated at 100 percent. The note following diagnostic code 9918 would state that the rating of 100 percent shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedure and that, six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. The note would also state that any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of 38 CFR 3.105(e). Lastly, the note would direct rating personnel to evaluate based on residuals, such as loss of supporting structures and/or functional impairment due to scarring, if there has been no local recurrence or metastasis.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would 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 proposed rule would not affect any small entities. Only certain VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

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,'' which requires 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 Through Fiscal Year to Date.

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 the 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 proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.011, Veterans Dental Care, and 64.109, Veterans Compensation for Service-Connected Disability.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors, II, Chief of Staff, approved this document on June 30, 2015, for publication.

List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

Dated: July 9, 2015.

William F. Russo,

Acting Director, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, VA proposes to amend 38 CFR part 4, subpart B as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

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

Authority: 38 U.S.C. 1155, unless otherwise noted.

Subpart B—Disability Ratings

■ 2. Amend § 4.150 by revising the entries for diagnostic codes 9900, 9902–9905, 9911, 9916; adding Notes 1 and 2, diagnostic codes 9917 and 9918; and removing diagnostic codes 9906, 9907, and 9912.

The revisions and addtions read as follows:

§ 4.150 Schedule of ratings—dental and oral conditions.

Note (1): For VA compensation purposes, diagnostic imaging studies include, but are not limited to, conventional radiography (X-ray), computed tomography (CT), magnetic resonance imaging (MRI), positron emission tomography (PET), radionuclide bone scanning, or ultrasonography.

Note (2): Separately evaluate loss of vocal articulation, loss of smell, loss of taste, neurological impairment, respiratory dysfunction, and other impairments under the appropriate diagnostic code and combine under § 4.25 for each separately rated condition.

9900 Maxilla or mandible, chronic osteomyelitis, osteonecrosis or osteoradionecrosis of:
Rate as osteomyelitis, chronic under diagnostic code 5000.

* * * * * * *

9902 Mandible loss of, including ramus, unilaterally or bilaterally:	
Loss of one-half or more,	
Involving temporomandibular articulation.	
Not replaceable by prosthesis	70
Replaceable by prosthesis	50
Not involving temporomandibular articulation.	
Not replaceable by prosthesis	40
Replaceable by prosthesis	30
Loss of less than one-half,	
Involving temporomandibular articulation.	
Not replaceable by prosthesis	70
Replaceable by prosthesis	50
Not involving temporomandibular articulation.	
Not replaceable by prosthesis	20
Replaceable by prosthesis	10
9903 Mandible, nonunion of, confirmed by diagnostic imaging studies:	
Severe, with false motion	30
Moderate, without false motion	10
9904 Mandible, malunion of:	
Displacement, causing severe anterior or posterior open bite	20
Displacement, causing moderate anterior or posterior open bite	10
Displacement, not causing anterior or posterior open bite	0
9905 Temporomandibular disorder (TMD).	
Interincisal range:	
10 millimeters (mm) of maximum unassisted vertical opening.	
With dietary restrictions to all mechanically altered food	50
Without dietary restrictions to mechanically altered foods	40
20 mm of maximum unassisted vertical opening.	
With dietary restrictions to all mechanically altered foods	40
Without dietary restrictions to mechanically altered foods	30
29 mm of maximum unassisted vertical opening.	
With dietary restrictions to full liquid and pureed foods	40
With dietary restrictions to soft and semi-solid foods	30
Without dietary restrictions to mechanically altered foods	20
34 mm of maximum unassisted vertical opening.	
With dietary restrictions to full liquid and pureed foods	30

With dietary restrictions to soft and semi-solid foods	20
Without dietary restrictions to mechanically altered foods	10
Lateral excursion range of motion:	
0 to 4 mm	10

Note (1): Ratings for limited interincisal movement shall not be combined with ratings for limited lateral excursion.
Note (2): For VA compensation purposes, the normal maximum unassisted range of vertical jaw opening is from 35 to 50 mm.
Note (3): For VA compensation purposes, mechanically altered foods are defined as altered by blending, chopping, grinding or mashing so that they are easy to chew and swallow. There are four levels of mechanically altered foods: full liquid, puree, soft, and semisolid foods. To warrant elevation based on mechanically altered foods, the use of texture-modified diets must be recorded or verified by a physician.

* * * * * * *

9911 Hard palate, loss of:	
Loss of half or more, not replaceable by prosthesis	30
Loss of less than half, not replaceable by prosthesis	20
Loss of half or more, replaceable by prosthesis	10
Loss of less than half, replaceable by prosthesis	0

* * * * * * *

9916 Maxilla, malunion or nonunion of:	
Nonunion,	
with false motion	30
without false motion	10
Malunion,	
with displacement, causing severe anterior or posterior open bite	30
with displacement, causing moderate anterior or posterior open bite	10
with displacement, causing mild anterior or posterior open bite	0

Note: For VA compensation purposes, the severity of maxillary nonunion is dependent upon the degree of abnormal mobility of maxilla fragments (i.e., presence or absence of false motion), and maxillary nonunion must be confirmed by diagnostic imaging studies.

9917 Neoplasm, hard and soft tissue, benign.	
Rate as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring.	
9918 Neoplasm, hard and soft tissue, malignant	100

Note: A rating of 100 percent shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedure. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residuals such as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring.

(Authority: 38 U.S.C. 1155)

■ 3. Amend Appendix A to Part 4 by revising the entries for diagnostic codes 9900, 9902, 9903, 9905, 9911, 9916; adding diagnostic codes 9904, 9917 and 9918; and removing diagnostic codes 9906, 9907, and 9912 to read as follows:

APPENDIX A TO PART 4—TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

Sec.	Diagnostic Code No.	
* * *	*	* * * *
* * *	*	* * * *
	9900	Criterion September 22, 1978; criterion February 17, 1994; title [*effective date of final rule*].
* * *	*	* * * *
	9902	Criterion February 17, 1994; evaluation [*effective date of final rule*]; title *[effective date of final rule*].
	9903	Criterion February 17, 1994; evaluation [*effective date of final rule*]; title [*effective date of final rule*].
	9904	Criterion [*effective date of final rule*].
	9905	Criterion September 22, 1978; evaluation February 17, 1994; evaluation [*effective date of final rule*]; title [*effective date of final rule*].
	9906	Removed [*effective date of final rule*].
	9907	Removed [*effective date of final rule*].
* * *	*	* * * *
	9911	Criterion and title [*effective date of final rule*].
	9912	Removed [*effective date of final rule*].
* * *	*	* * * *
	9916	Added February 17, 1994; criterion [*effective date of final rule*].
	9917	Added [*effective date of final rule*].
	9918	Added [*effective date of final rule*].

APPENDIX A TO PART 4—TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946—Continued

Sec.	Diagnostic Code No.					
*	*	*	*	*	*	*

■ 4. Amend Appendix B to Part 4 by revising the entries for diagnostic codes 9900, 9902, 9903, 9905, and 9911; adding 9917 and 9918; and removing 9906, 9907, and 9912.

The revisions read as follows:

APPENDIX B TO PART 4—NUMERICAL INDEX OF DISABILITIES

Diagnostic Code No.						
*	*	*	*	*	*	*

DENTAL AND ORAL CONDITIONS

9900 ..... Maxilla or mandible, chronic osteomyelitis, osteonecrosis or osteoradionecrosis of.						
*	*	*	*	*	*	*
9902 ..... Mandible loss of, including ramus, unilaterally or bilaterally.						
9903 ..... Mandible, nonunion of, confirmed by diagnostic imaging studies.						
*	*	*	*	*	*	*
9905 ..... Temporomandibular disorder (TMD).						
*	*	*	*	*	*	*
9911 ..... Hard palate, loss of.						
*	*	*	*	*	*	*
9917 ..... Neoplasm, hard and soft tissue, benign.						
9918 ..... Neoplasm, hard and soft tissue, malignant.						
*	*	*	*	*	*	*

■ 5. Amend Appendix C to Part 4 by revising the entries for diagnostic codes 9900, 9902, 9903, 9905, and 9911; adding 9917 and 9918; and removing 9906, 9907, and 9912.

The revisions and additions read as follows:

APPENDIX C TO PART 4—ALPHABETICAL INDEX OF DISABILITIES

						Diagnostic Code No.
*	*	*	*	*	*	*
Limitation of motion:						
Temporomandibular						9905
*	*	*	*	*	*	*
Mandible:						
Including ramus, unilaterally or bilaterally						9902
*	*	*	*	*	*	*
Loss of:						
Palate, hard						9911
*	*	*	*	*	*	*
Maxilla or mandible, chronic osteomyelitis, osteonecrosis or osteoradionecrosis of						9900
*	*	*	*	*	*	*
Neoplasms:						
Benign:						
*	*	*	*	*	*	*
Hard and soft tissue						9917

APPENDIX C TO PART 4—ALPHABETICAL INDEX OF DISABILITIES—Continued

	Diagnostic Code No.
* * * * * * *	
Malignant:	
* * * * * * *	
Hard and soft tissue	9918
* * * * * * *	
Nonunion:	
Mandible, confirmed by diagnostic imaging studies	9903
* * * * * * *	

[FR Doc. 2015–17266 Filed 7–27–15; 8:45 am]
BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3017

[Docket No. RM2015–14; Order No. 2602]

Procedures Related to Commission Views

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing rules which establish the Commission's process for developing views to the Secretary of State on certain international mail matters. The proposed rules focus on those proposals concerning international mail that could affect a market dominant rate or classification. The Commission invites public comment on the proposed rules.

DATES: *Comments are due:* August 27, 2015. *Reply comments are due:* September 11, 2015.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. New Commission Responsibility Under the Postal Accountability and Enhancement Act (PAEA)
III. The Proposed Rules
IV. Section-by-Section Analysis
V. Administrative Actions
VI. Ordering Paragraphs

I. Introduction

This rulemaking addresses the Commission's process for developing views to the Secretary of State on certain international mail matters pursuant to 39 U.S.C. 407(c)(1).

The Commission develops its views mainly in the context of the United States' membership in the Universal Postal Union (UPU), the Secretary of State's lead role in international mail matters, and UPU procedures for regulating international mail. For purposes of developing its views, the Commission focuses on those proposals that could affect a market dominant rate or classification.

II. New Commission Responsibility Under the Postal Accountability and Enhancement Act (PAEA)

Under section 407(c)(1) of the PAEA, the Secretary of State, before concluding a treaty, convention, or amendment establishing a market dominant rate or classification, shall request the Commission's views on the consistency of such rate or classification with modern rate-setting criteria.[1] In the context of the UPU, the term ''rate'' typically refers to terminal dues.[2]

Since enactment of the PAEA, the Secretary of State has requested—and the Commission has transmitted—its views on relevant proposals considered at two UPU Congresses.[3] The Commission also has transmitted views to the Secretary of State on relevant proposals considered at the initial meeting of the Postal Operations Council following the 2008 and 2012 Congresses.[4]

III. The Proposed Rules

The development of the Commission's views entails review and analysis of numerous proposals, which typically are posted on the UPU Web site pursuant to a series of deadlines that begin about 6 months before a Congress convenes. In July 2012, based on an interest in obtaining public input, the Commission established a public inquiry docket to solicit comments on the general principles that should guide the development of its views in response to the anticipated request from the Secretary of State.[5]

The Commission proposes formalizing the general approach it adopted in 2012 by enacting rules providing for establishment of an umbrella public inquiry docket associated with each UPU Congress and related meetings. Each docket will be established on or about 150 days before the date the UPU Congress is scheduled to convene. This timeframe is designed to allow adequate time for commenters to prepare submissions (on general principles or on specific proposals, to the extent such proposals are available). It also should allow the Commission sufficient time to consider the comments and prepare its views.

The proposed rules also reflect the Commission's commitment to having the public inquiry docket serve as a mechanism for handling related matters, such as informing the public about the availability of relevant proposals, the Commission's views, or other documents. It also allows available documents to be incorporated into one

[1] *See* Postal Accountability and Enhancement Act, Public Law 109–435, 120 Stat. 3198 (2006), section 405(a). 39 U.S.C. 407(c)(1) refers to a product subject to subchapter I of chapter 36 of the title 39, United States Code. A product subject to the referenced chapter is a market dominant product. Section 407(c)(1) also refers to the standards and criteria established by the Commission under section 3622. In this Order, the phrase ''modern rate regulation'' is used in place of statutory language referring to standards and criteria established pursuant to 39 U.S.C. 3622.

[2] Terminal dues are the fees paid among postal operators for the processing and delivery of inbound letters, large envelopes, and small packets weighing up to 4.4 pounds. They are set every 4 years by the UPU.

[3] The first UPU Congress following enactment of the PAEA was held in July 2008 in Geneva, Switzerland; the second was held in September and October 2012 in Doha, Qatar.

[4] In addition, the Commission has posted supplemental views on its Web site.

[5] *See* Docket No. PI2012–1, Order No. 1420, Notice Providing Opportunity to Comment on Development of Commission Views Pursuant to 39 U.S.C. 407(c)(1), July 31, 2012. Comments submitted in that docket are available on the Commission's Web site.

comprehensive record for improved public accessibility.

The Commission proposes to establish comment deadlines on a docket-by-docket basis, consistent with timely submission of views to the Secretary of State. Due to time constraints, the Commission does not propose inviting reply comments. The Commission may suspend solicitation of comments if it determines that seeking comments would interfere with timely submission of Commission views.

VI. Section-by-Section Analysis

Proposed Rule 3017.1. This section sets out two definitions.

Proposed Rule 3017.2. This section describes the purpose of the rules.

Proposed Rule 3017.3. This section addresses the public inquiry docket.

Proposed Rule 3017.4. This section addresses comment deadlines.

Proposed Rule 3017.5. This section addresses the Commission's use of public comments.

V. Administrative Actions

The Commission establishes Docket No. RM2015–14 for consideration of matters raised in this Order. Pursuant to 39 U.S.C. 505, the Commission designates Laura Zuber to serve as an officer of the Commission (Public Representative) in this proceeding. The Commission invites public comment on the proposed rules. Initial comments are due no later than 30 days from the date of publication of this Order in the **Federal Register**. Reply comments are due no later than 45 days from the date of publication of this Order in the **Federal Register**.

VI. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2015–14 for consideration of the matters raised in this Order.

2. Comments are due no later than 30 days after date of publication in the **Federal Register**. Reply comments are due no later than 45 days after date of publication in the **Federal Register**.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Laura Zuber to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

List of Subjects in 39 CFR Part 3017

Administrative practice and procedure, International agreements, Postal Service.

For the reasons discussed in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

■ 1. Add part 3017 to read as follows:

PART 3017—PROCEDURES RELATED TO COMMISSION VIEWS

Sec.
3017.1 Definitions in this part.
3017.2 Purpose.
3017.3 Establishment and scope of public inquiry docket.
3017.4 Comment deadline(s).
3017.5 Commission discretion as to impact of public comments on its views.

Authority: 39 U.S.C. 407; 503.

§ 3017.1 Definitions in this part.

(a) *Modern rate regulation* refers to the standards and criteria the Commission has established pursuant to 39 U.S.C. 3622.

(b) *Views* refers to the opinion the Commission provides to the Secretary of State in the context of certain Universal Postal Union proceedings on the consistency of a proposal affecting a market dominant rate or classification with modern rate regulation.

§ 3017.2 Purpose.

The rules in this part are intended to facilitate public participation in, and promote the transparency of, the development of Commission views.

§ 3017.3 Establishment and scope of public inquiry docket.

(a) On or about 150 days before a Universal Postal Union Congress convenes, the Commission will establish a public inquiry docket to solicit comments on the general principles that should guide the Commission's development of views on relevant proposals, in a general way, and, if available, on specific relevant proposals.

(b) The public inquiry docket established pursuant to paragraph (a) of this section may also include matters related to development of the Commission's views, such as the availability of relevant proposals, Commission views, other documents, or related actions.

(c) The Commission shall arrange for publication in the **Federal Register** of the notice establishing each public inquiry docket authorized under this part.

§ 3017.4 Comment deadline(s).

(a) The Commission shall establish a deadline for public comments upon establishment of the public inquiry docket that is consistent with timely submission of the Commission's views to the Secretary of State. The Commission may establish other deadlines for public comments as appropriate.

(b) The Commission may suspend or forego solicitation of public comments if it determines that such solicitation is not consistent with timely submission of Commission views to the Secretary of State.

§ 3017.5 Commission discretion as to impact of public comments on its views.

The Commission will review timely filed comments prior to submitting its views to the Secretary of State.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18425 Filed 7–27–15; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0357; FRL 9931–32–Region 7]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Revisions to Linn County Air Quality Ordinance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the State Implementation Plan (SIP) for the State of Iowa. The purpose of these revisions is to update the Linn County Air Quality Ordinance, chapter 10. These proposed revisions reflect updates to the Iowa statewide rules previously approved by EPA and will ensure consistency between the applicable local agency rules and Federally-approved rules.

DATES: Comments on this proposed action must be received in writing by August 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0357, by mail to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and

Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219, at 913–551–7039, or by email at *Hamilton.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Rules and Regulations section of this **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the technical support document that is included in the rulemaking docket. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

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

Dated: July 17, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2015–18347 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0322; FRL–9931–12–Region 10]

Approval and Promulgation of State Implementation Plans: Oregon: Grants Pass Carbon Monoxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a carbon monoxide Limited Maintenance Plan (LMP) for Grants Pass, submitted on April 22, 2015, by the State of Oregon as a revision to its State Implementation Plan (SIP). In accordance with the requirements of the Clean Air Act (CAA), the EPA is proposing to approve this SIP revision because it demonstrates that Grants Pass will continue to meet the carbon monoxide National Ambient Air Quality Standards (NAAQS) for a second 10-year period beyond re-designation, through 2025.

DATES: Comments must be received on or before August 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0322, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov*
- *Mail:* Lucy Edmondson, EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Lucy Edmondson, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

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: Lucy Edmondson at (360) 753–9082, *edmondson.lucy@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: For further information, please see the direct final rule, of the same title, which is located in the Rules section of this **Federal Register**. The EPA is simultaneously approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule.

If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: July 8, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–18219 Filed 7–27–15; 8:45 am]

BILLING CODE P

Notices

Federal Register

Vol. 80, No. 144

Tuesday, July 28, 2015

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 22, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 27, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Domestic Quarantines.

OMB Control Number: 0579–0088.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772) the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. Plant Protection and Quarantine, a program within USDA's Animal and Plant Health Inspection Service, (APHIS) is responsible for implementing this Act and does so through the enforcement of its domestic quarantine regulations contained in title 7 of the Code of Federal Regulations, CFR part 301. Administering these regulations often requires APHIS to collect information from a variety of individuals who are involved in growing, packing, handling, transporting, plants and plant products. The information collected from these individuals is vital to helping ensure that injurious plant diseases and insect pests do not spread within the United States. Information to be collected is necessary to determine compliance with domestic quarantines. Federal/State domestic quarantines are necessary to regulate the movement of articles from infested areas to noninfested area. Collecting information requires the use of a number of forms and documents. APHIS will collect information using various forms and documents.

Need and Use of the Information: APHIS will collect information by interviewing growers and shippers at the time the inspections are being conducted and by having growers and shippers of exported plants and plant products complete an application for a transit permit. Information is collected from the growers, packers, shippers, and exporters of regulated articles to ensure that the articles, when moved from a quarantined area, do not harbor injurious plant diseases and insect pests. The information obtained will be used to determine compliance with regulations and for issuance of forms, permits, certificates, and other required documents.

Description of Respondents: Business or other for-profit; Farms; State, Local or Tribal Government.

Number of Respondents: 28,244.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 512,491.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–18417 Filed 7–27–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 22, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by August 27,

2015. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR 1944–I, ''Self-Help Technical Assistance Grants''.

OMB Control Number: 0575–0043.

Summary of Collection: Authorized under Public Law 90–448, section 523 of the ''Housing Act of 1949,'' this regulation sets forth the policies and procedures and delegates the authority for providing technical assistance funds to eligible applicants to finance programs of technical and supervisory assistance for the Mutual and Self-Help Housing (MSH) program. The MSH program affords very low and low-income families the opportunity for home ownership by constructing their own homes. The MSH program provides funds to non-profit organizations for supervisory and technical assistance to the homebuilding families. Three types of funds are available under the MSH program: (1) Technical assistance grants, (2) Pre-development grants and (3) Site option loans.

Need and Use of the Information: Rural Housing Service (RHS) will collect information from non-profit organizations that want to develop a Self-Help program in their area to increase the availability of affordable housing. The information is collected at the local, district and state levels. The information requested by RHS includes financial and organizational information about the non-profit organization. RHS needs this information to determine if the organization is capable of successfully carrying out the requirements of the Self-Help program. The information is collected on an as requested or needed basis. RHS has reviewed the program's need for the collection of information versus the burden placed on the public.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 105.

Frequency of Responses: Recordkeeping; Reporting: Monthly, Annually.

Total Burden Hours: 3,284.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–18416 Filed 7–27–15; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Resource Coordinating Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Resource Coordinating Committee (Committee) will meet in Washington, DC. The Committee is authorized under Section 8005 of the Food, Conservation, and Energy Act of 2008 (the Act) (Pub. L. 110–246). Additional information concerning the Committee, including the meeting agenda, supporting documents and minutes, can be found by visiting the Committee's Web site at *http://www.fs.fed.us/spf/coop/frcc/.*

DATES: The meeting will be held on August 4 and 5, 2015, from 8 a.m. to 5 p.m. Eastern Daylight Time (EDT). The meeting is subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the American Forest Foundation, 2000 M St. Suite 550 NW., Washington, DC. Members of the public should RSVP to facilitate entry into the American Forest Foundation. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments placed on the Committee's Web site listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Bedell-Loucks, Forest Resource Coordinating Committee Designated Federal Officer, Cooperative Forestry Staff, by phone at 202–205–1190 or Laurie Schoonhoven, Forest Resource Coordinating Committee Program Coordinator, Cooperative Forestry Staff, by phone at 202–205–0929. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear updates on new and emerging private forest land topics;
2. Prioritize recommendations; and
3. Develop communication strategy.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by July 30, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee staff before August 1, 2015. Written comments and time requests for oral comments must be sent to Laurie Schoonhoven, 1400 Independence Ave. SW., mailstop 1123, Washington, DC 20250, or by email to *lschoonhoven@fs.fed.us.* A summary of the meeting will be posted at *http://www.fs.fed.us/spf/coop/frcc* within 21 days after the meeting.

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

Dated: July 22, 2015.

Patricia Hirami,

Associate Deputy Chief, State and Private Forestry.

[FR Doc. 2015–18486 Filed 7–27–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business—Cooperative Service

Inviting Rural Business Development Grant Program Applications for Grants To Provide Technical Assistance for Rural Transportation Systems

AGENCY: Rural Business—Cooperative Service, USDA.

ACTION: Initial notice.

SUMMARY: This Notice is to invite applications for grants to provide technical assistance for rural transportation (RT) systems under the Rural Business Development Grant (RBDG) program pursuant to 7 CFR part 4280, subpart E, 2 CFR chapter IV and 2 CFR part 200 for fiscal year (FY) 2015. Funding shall be made available to qualified national organizations to provide technical assistance for rural

transportation (RT) systems and for RT systems to Federally Recognized Native American Tribes' (FRNAT) (collectively ''Programs'') from funds appropriated for the RBDG program. The Rural Business—Cooperative Service (RBS) will administer these awards under the RBDG program and 7 U.S.C. 1932(c) for FY 2015. This Notice is subject to the terms and funds for the Programs made available in the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235) (FY 2015 appropriation).

All applicants are responsible for any expenses incurred in developing their applications.

DATES: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on August 27, 2015. Applications received at a USDA Rural Development State Office after that date will not be considered for FY 2015 funding.

ADDRESSES: Submit applications in paper format to the USDA Rural Development State Office for the State where the project is located. A list of the USDA Rural Development State Office contacts can be found at: *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

FOR FURTHER INFORMATION CONTACT: Specialty Programs Division, Business Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., MS 3226, Room 4204-South, Washington, DC 20250–3226, or call 202–720–1400. For further information on this Notice, please contact the USDA Rural Development State Office in the State in which the applicant's headquarters is located.

SUPPLEMENTARY INFORMATION:

Overview

Solicitation Opportunity Title: Rural Business Development Grants.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance Number: 10.351.

Dates: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on August 27, 2015, to be eligible for FY 2015 grant funding. Applications received after this date will not be eligible for FY 2015 grant funding.

A. Program Description

1. *Purpose of the Program.* The purpose of this program is to improve the economic conditions of rural areas.

2. *Statutory Authority.* This program is authorized under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Regulations are contained in 7 CFR part 4280, subpart E. The program is administered on behalf of RBS at the State level by the USDA Rural Development State Offices. Assistance provided to rural areas under the program may include the provision of on-site technical assistance to local and regional governments, public transit agencies, and related non-profit and for-profit organizations in rural areas; the development of training materials; and the provision of necessary training assistance to local officials and agencies in rural areas.

Awards under the RBDG passenger transportation program will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E, and in accordance with section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Information required to be in the application package includes Standard Form (SF) 424, ''Application for Federal Assistance;'' RD 1940–20, ''Request for Environmental Information;'' Scope of Work Narrative; Income Statement; Balance Sheet or Audit for previous 3 years; AD–1047, ''Debarment/Suspension Certification;'' AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion;'' AD–1049, ''Certification Regarding Drug-Free Workplace Requirements;'' SF LLL, ''Disclosure of Lobbying Activities;'' RD 400–1, ''Equal Opportunity Agreement;'' RD 400–4, ''Assurance Agreement;'' a letter stating Board authorization to obtain assistance. For the FRNAT grant, which must benefit FRNATs, at least 75 percent of the benefits of the project must be received by members of FRNATs. The project that scores the greatest number of points based on the RBDG selection criteria and the discretionary points will be selected for each grant.

Applicants must be qualified national non-profit organizations with experience in providing technical assistance and training to rural communities Nation-wide for the purpose of improving passenger transportation service or facilities. To be considered ''national,'' RBS requires a qualified organization to provide evidence that it operates RT assistance programming Nation-wide. There is not a requirement to use the grant funds in a multi-State area. Grants will be made to qualified national non-profit organizations for the provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities.

3. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4280.403.

4. *Application Awards.* The Agency will review, evaluate, and score applications received in response to this Notice based on the provisions in 7 CFR 4280, subpart E and as indicated in this Notice. However, the Agency advises all interested parties that the applicant bears the burden in preparing and submitting an application in response to this Notice.

B. Federal Award Information

Type of Award: Grants.

Fiscal Year Funds: FY 2015.

Available Funds: Anyone interested in submitting an application for funding under this program is encouraged to consult the Rural Development Web Newsroom Web site at *http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* for funding information.

Approximate Number of Awards: Two.

Expected Amounts of Individual Awards and Amount of Funding per Federal Award: One single $502,000 grant and another single $250,000 grant for FRNAT's.

Maximum Awards: A total of $502,000 will be awarded for technical assistance for rural transportation systems and a maximum of $250,000 for FRNATs.

Award Date: Prior to September 30, 2015.

Performance Period: October 1, 2015, through September 30, 2016.

Renewal or Supplemental Awards: None

C. Eligibility Information

1. Eligible Applicants

To be considered eligible, an entity must be a qualified national non-profit organization serving rural areas as evidenced in its organizational documents and demonstrated experience, per 7 CFR part 4280, subpart E. Grants will be competitively awarded to qualified national non-profit organizations.

The Agency requires the following information to make an eligibility determination that an applicant is a national non-profit organization. These applications must include, but are not limited to, the following:

(a) An original and one copy of SF 424, ''Application for Federal Assistance (For Non-construction);''

(b) Copies of applicant's organizational documents showing the

applicant's legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months duration of the Project, and the estimated time it will take from grant approval to beginning of Project implementation;

(d) A written narrative that includes, at a minimum, the following items:

(i) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(ii) Area to be served, identifying each governmental unit, *i.e.,* town, county, etc., to be affected by the Project;

(iii) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(iv) Businesses to be assisted, if appropriate, and Economic Development to be accomplished;

(v) An explanation of how the proposed Project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(vi) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(vii) The method and rationale used to select the areas and businesses that will receive the service;

(viii) A brief description of how the work will be performed, including whether organizational staff or consultants or contractors will be used; and

(ix) Other information the Agency may request to assist it in making a grant award determination;

(e) The latest 3 years of financial information to show the applicant's financial capacity to carry out the proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s) and cash flow statement(s). A current audited report is required if available;

(f) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from RBDG;

(g) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project.

2. Cost Sharing or Matching

Matching funds are not required.

3. Other

Applications will only be accepted from qualified national non-profit organizations to provide technical assistance for rural transportation. There are no ''responsiveness,'' or ''threshold'' eligibility criteria for these grants. There is no limit on the number of applications an applicant may submit under this announcement. In addition to the forms listed under program description, Form AD–3030 or AD 3031, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' must be completed in the affirmative.''

None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

4. Completeness Eligibility

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

D. Application and Submission Information

1. Address To Request Application Package

For further information, entities wishing to apply for assistance should contact the USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice to obtain copies of the application package.

Applications must be submitted in paper format. Applications submitted to a Rural Development State Office must be received by the closing date and local time deadline.

All applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request line at (866) 705–5711 or at *http://fedgov.dnb.com/webform.* Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from the requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)) is required to: (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

2. Content and Form of Application Submission

An application must contain all of the required elements. Each application received in a USDA Rural Development State Office will be reviewed to determine if it is consistent with the eligible purposes contained in section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Each selection priority criterion outlined in 7 CFR 4280.435 must be addressed in the application. Failure to address any of the criteria will result in a zero-point score for that

criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart E, will be provided to any interested applicant making a request to a USDA Rural Development State Office.

All projects to receive technical assistance through these passenger transportation grant funds are to be identified when the applications are submitted to the USDA Rural Development State Office. Multiple project applications must identify each individual project, indicate the amount of funding requested for each individual project, and address the criteria as stated above for each individual project.

For multiple-project applications, the average of the individual project scores will be the score for that application.

The applicant documentation and forms needed for a complete application are located in the PROGRAM DESCRIPTION section of this notice, and 7 CFR part 4280, subpart E. There are no specific formats required per this notice, and applicants may request forms and addresses from the **ADDRESSES** section of this notice.

(a) There are no specific limitations on the number of pages or other formatting requirements other than those described in the PROGRAM DESCRIPTION section.

(b) There are no specific limitations on the number of pages, font size and type face, margins, paper size, number of copies, and the sequence or assembly requirements.

(c) The component pieces of this application should contain original signatures on the original application.

(d) Since these grants are for technical assistance for transportation purposes, no additional information requirements other than those described in this notice and 7 CFR part 4280, subpart E.

3. Submission Dates and Times

(a) *Application Deadline Date:* No later than 4:30 p.m. (local time) September 28, 2015.

Explanation of Deadlines: Applications must be in the USDA Rural Development State Office by the local deadline date and time as indicated above. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day.

(b) The deadline date means that the completed application package must arrive and be received in the USDA Rural Development State Office by the deadline date established above. All application documents identified in this Notice are required.

(c) If completed applications are not received by the deadline established above, the application will neither be reviewed nor considered under any circumstances. (d) The Agency will determine the application receipt date based on the actual date the U.S. Post Office delivers the completed application package.

(e) This notice is for rural transportation technical assistance grants only and therefore, intergovernmental reviews are not required.

(f) These grants are for rural transportation technical assistance grants only, no construction or equipment purchases are permitted. If the grantee has a previously approved indirect cost rate, it is permissible, otherwise, the applicant may elect to charge the 10 percent indirect cost permitted under 2 CFR 200.414(f) or request a determination of its Indirect Cost Rate. Due to the time required to evaluate Indirect Cost Rates, it is likely that all funds will be awarded by the time the Indirect Cost Rate is determined. No foreign travel is permitted. Pre-Federal award costs will only be permitted with prior written approval by the Agency.

(g) Applicants must submit applications in hard copy format as previously indicated in the APPLICATION AND SUBMISSION INFORMATION section of this notice. If the applicant wishes to hand deliver its application, the addresses for these deliveries can be located in the **ADDRESSES** section of this notice.

(h) If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

E. Application Review Information

1. Criteria

All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR 4280.435 and will select grantees subject to the grantees' satisfactory submission of the additional items required by 7 CFR part 4280, subpart E and the USDA Rural Development Letter of Conditions. Failure to address any one of the criteria by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding. The amount of an RT grant may be adjusted, at RBS's discretion, to enable RBS to award RT grants to the applications with the highest priority scores in each category.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR 4280.416 and 4280.417. If determined eligible, your application will be submitted to the National Office. Funding of projects is subject to the applicant's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions. The Agency reserves the right to award additional discretionary points under 7 CFR 4280.435(k).

In awarding discretionary points, the Agency scoring criteria regularly assigns points to applications that direct loans or grants to projects based in or serving census tracts with poverty rates greater than or equal to 20 percent. This emphasis will support Rural Development's mission of improving the quality of life for Rural Americans and commitment to directing resources to those who most need them.

F. Federal Award Administration Information

1. Federal Award Notices

Successful applicants will receive notification for funding from the USDA Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the grant award will be approved. Unsuccessful applications will receive notification by mail.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR 4280.408, 4280.410 and 4280.439. Awards are subject to USDA grant regulations at 2 CFR Chapter IV which incorporates the new Office of Management and Budget (OMB) regulations 2 CFR part 200.

All successful applicants will be notified by letter which will include a letter of conditions, and a letter of intent to meet the conditions. This letter is not an authorization to begin performance. If the applicant wishes to consider beginning performance prior to the grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The grant will be considered officially awarded when all conditions in the letter of conditions have been met and the Agency obligates the funding for the project.

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4280, subpart E; the Grants and Agreements regulations of the U.S. Department of Agriculture

codified in 2 CFR parts 400.1 to 400.18, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub.L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). More information on these requirements can be found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

The following additional requirements apply to grantees selected for this program:

(a) Form RD 4280–2 ''Rural Business and Cooperative Service Grant Agreement.''

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

(f) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

(g) Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

(h) Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

(i) Form RD 400–4, ''Assurance Agreement.''

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Use Form SF 270, ''Request for Advance or Reimbursement.''

3. Reporting

(a) A Financial Status Report and a project performance activity report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal fiscal year. The grantee will cause the project to be completed within the total sums available to it in accordance with the Scope of Work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final project performance report will be required with the final Financial Status Report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the grant if applicable. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the quarter. The project performance reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(3) Objectives and timetable established for the next reporting period.

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or economic development which results in improvements in median household incomes, and any other specific requirements, should be placed in the reporting section in the Letter of Conditions.

(5) Within 90 days after the conclusion of the project, the grantee will provide a final project evaluation report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the grantee may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until a final project, project performance, and financial status report are received and approved by the Agency.

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice.

H. Other Information

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden has been cleared by OMB.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711 or online at *http://fedgov.dnb.com/webform.* Similarly, all applicants must be registered in the System for Award Management (SAM) prior to submitting an application. Applicants may register for the SAM at *http://www.sam.gov.* All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

I. Nondiscrimination

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment, or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint may contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email.

Dated: June 10, 2015.

Lillian E. Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2015–18391 Filed 7–27–15; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of planning meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Maine Advisory Committee to the Commission will convene at 1:00 p.m. at on Tuesday, August 4, 2015, at Lewiston City Hall, 27 Pine Street, Lewiston, Maine 04240. The purpose of the subcommittee meeting is to review projects completed during the committee's appointment term and discuss recruitment efforts for the committee's upcoming term.

Members of the public are invited to submit written comments; the comments must be received in the regional office by Friday, September 4, 2015. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=252* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

Review of Projects Completed During Appointment Term

Maine Advisory Committee Members Recruitment for Future Term

Barbara J. de La Viez, Designated Federal Official

DATES: Tuesday, August 4, 2015 (EDT).

ADDRESSES: Lewiston City Hall, 27 Pine Street, Lewiston, Maine 04240.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis at *ero@usccr.gov,* or 202–376–7533.

Dated: July 23, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–18434 Filed 7–27–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–16–2015]

Authorization of Production Activity; Foreign-Trade Subzone 37D; Xylem Water Systems USA LLC; (Centrifugal and Submersible Pumps) Auburn, New York

On March 23, 2015, Xylem Water Systems USA LLC, operator of Subzone 37D, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility located in Auburn, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 17033–17034, 3–31–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–18451 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Order Temporarily Denying Export Privileges

Washington, DC 20230.

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran

Pejman Mahmood Kosarayanifard, a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates;

Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates;

Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France;

Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates;

Ali Eslamian, 33 Cavendish Square, 4th Floor, London, W1G0PW, United Kingdom, and 2 Bentinck Close, Prince Albert Road St. Johns Wood, London NW87RY, United Kingdom;

Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates;

Skyco (UK) Ltd., 33 Cavendish Square, 4th Floor, London, W1G 0PV, United Kingdom;

Equipco (UK) Ltd., 2 Bentinck Close, Prince Albert Road, London, NW8 7RY, United Kingdom;

Mehdi Bahrami, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey;

Al Naser Airlines, a/k/a al-Naser Airlines, a/k/a Alnaser Airlines and, Air Freight Ltd., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan;

Ali Abdullah Alhay, a/k/a Ali Alhay, a/k/a Ali Abdullah Ahmed Alhay, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and, Anak Street, Qatif, Saudi Arabia 61177;

Bahar Safwa General Trading, PO Box 113212, Citadel Tower, Floor–5, Office #504, Business Bay, Dubai, United Arab Emirates, and, PO Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates;

Sky Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd, a/k/a Sky Blue Bird FZC), P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates;

Issam Shammout, a/k/a Muhammad Isam Muhammad Anwar Nur Shammout, a/k/a Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey.

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730 through 774 (2015) (''EAR'' or the ''Regulations''),[1] I hereby

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2015), originally issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (2000)). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7,

grant the request of the Office of Export Enforcement (''OEE'') to renew the January 16, 2015 Temporary Denial Order, as modified on May 21, 2015 (the ''TDO''). The January 16, 2015 Order denied the export privileges of Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., and Mehdi Bahrami.[2] The May 21, 2015 modification order added Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading to the TDO as additional respondents. I find that renewal of the TDO is necessary in the public interest to prevent an imminent violation of the EAR. Additionally, pursuant to Section 766.23 of the Regulations, including the provisions on notice and an opportunity to respond, I find it necessary to add the following persons as related persons in order to prevent evasion of the TDO:

Sky Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd, a/k/a Sky Blue Bird FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates;

Issam Shammout, a/k/a Muhammad Isam Muhammad Anwar Nur Shammout, a/k/a Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey.

I. Procedural History

On March 17, 2008, Darryl W. Jackson, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary''), signed a TDO denying Mahan Airways' export privileges for a period of 180 days on the grounds that its issuance was necessary in the public interest to prevent an imminent violation of the Regulations. The TDO also named as denied persons Blue Airways, of Yerevan, Armenia (''Blue Airways of Armenia''), as well as the ''Balli Group Respondents,'' namely, Balli Group PLC, Balli Aviation, Balli Holdings, Vahid Alaghband, Hassan Alaghband, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., and Blue Sky Six Ltd., all of the United Kingdom. The TDO was issued *ex parte* pursuant to Section 766.24(a), and went into effect on March 21, 2008, the date it was published in the **Federal Register**.

The TDO subsequently has been renewed in accordance with Section 766.24(d), including most recently on January 16, 2015.[3] As of March 9, 2010, the Balli Group Respondents and Blue Airways were no longer subject to the TDO. As part of the February 25, 2011 TDO renewal, Gatewick LLC (a/k/a Gatewick Freight and Cargo Services, a/k/a Gatewick Aviation Services), Mahmoud Amini, and Pejman Mahmood Kosarayanifard (''Kosarian Fard'') were added as related persons in accordance with Section 766.23 of the Regulations.[4] On July 1, 2011, the TDO was modified by adding Zarand Aviation as a respondent in order to prevent an imminent violation.[5] As part of the August 24, 2011 renewal, Kerman Aviation, Sirjanco Trading LLC, and Ali Eslamian were added to the TDO as related persons. Mahan Air General Trading LLC, Skyco (UK) Ltd., and Equipco (UK) Ltd. were added as related persons on April 9, 2012. Mehdi Bahrami was added to the TDO as a related person as part of the February 4, 2013 renewal order.

On June 19, 2015, BIS, through its Office of Export Enforcement (''OEE''), submitted a written request for renewal of the TDO. The written request was made more than 20 days before the scheduled expiration of the current TDO, which issued on January 16, 2015.[6] Notice of the renewal request also was provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received. Furthermore, no appeal of the related person determinations Assistant Secretary David W. Mills made as part of the September 3, 2010, February 25, 2011, August 24, 2011, April 9, 2012, and February 4, 2013 renewal or modification orders has been made by Kosarian Fard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., or Mehdi Bahrami.[7] Additionally, OEE is requesting that Sky Blue Bird Group and its chief executive officer Issam Shammout be added to the TDO as related persons in accordance with Section 766.23 of the Regulations.

II. Renewal of the TDO

A. Legal Standard

Pursuant to Section 766.24, BIS may issue or renew an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 776.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent [.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. The TDO and BIS's Request for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO and the TDO renewals in this matter and the evidence developed over the course of this investigation indicating a blatant disregard of U.S. export controls and the TDO. The initial TDO was issued as a

2014 (79 FR 46,959 (Aug. 11, 2014)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

[2] See note 3, *infra*.

[3] The January 16, 2015 Order was published in the **Federal Register** on January 23, 2015 (80 Fed Reg. 3552, Jan. 23, 2015). The January 16, 2015 Order was modified on May 21, 2015, adding Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as additional respondents. *See* 80 Fed Reg. 30435 (May 28, 2015). The TDO previously had been renewed on September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, July 31, 2013, January 24, 2014, and July 22, 2014. The August 24, 2011 renewal followed the modification of the TDO on July 1, 2011, which added Zarand Aviation as a respondent. Each renewal or modification order was published in the **Federal Register**.

[4] On August 13, 2014, BIS and Gatewick LLC resolved administrative charges against Gatewick, including a charge for acting contrary to the terms of a BIS denial order (15 CFR 764.2(k)). In addition to the payment of a civil penalty, the settlement includes a seven-year denial order. The first two years of the denial period are active, with the remaining five years suspended on condition that Gatewick LLC pays the civil penalty in full and timely fashion and commits no further violation of the Regulations during the seven-year denial period. The Gatewick LLC Final Order was published in the **Federal Register** on August 20, 2014. *See* 79 FR 49283 (Aug. 20, 2014).

[5] As of July 22, 2014, Zarand Aviation was no longer subject to the TDO.

[6] The May 21, 2015 modification order did not affect the expiration date of the January 16, 2015 Order.

[7] A party named or added as a related person may not oppose the issuance or renewal of the underlying temporary denial order, but may file an appeal of the related person determination in accordance with Section 766.23(c).

result of evidence that showed that Mahan Airways and other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s (''Aircraft 4–6'') to Iran.

As discussed in the September 17, 2008 renewal order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[8] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. Moreover, as discussed in the March 16, 2009, September 11, 2009 and March 9, 2010 Renewal Orders, Mahan Airways registered Aircraft 1–3 in Iran, obtained Iranian tail numbers for them (EP–MNA, EP–MNB, and EP–MNE, respectively), and continued to operate at least two of them in violation of the Regulations and the TDO,[9] while also committing an additional knowing and willful violation when it negotiated for and acquired an additional U.S.-origin aircraft. The additional acquired aircraft was an MD–82 aircraft, which subsequently was painted in Mahan Airways' livery and flown on multiple Mahan Airways' routes under tail number TC–TUA.

The March 9, 2010 Renewal Order also noted that a court in the United Kingdom (''U.K.'') had found Mahan Airways in contempt of court on February 1, 2010, for failing to comply with that court's December 21, 2009 and January 12, 2010 orders compelling Mahan Airways to remove the Boeing 747s from Iran and ground them in the Netherlands. Mahan Airways and the Balli Group Respondents had been litigating before the U.K. court concerning ownership and control of Aircraft 1–3. In a letter to the U.K. court dated January 12, 2010, Mahan Airways' Chairman indicated, *inter alia,* that Mahan Airways opposes U.S. Government actions against Iran, that it continued to operate the aircraft on its routes in and out of Tehran (and had 158,000 ''forward bookings'' for these aircraft), and that it wished to continue to do so and would pay damages if required by that court, rather than ground the aircraft.

The September 3, 2010 renewal order discussed the fact that Mahan Airways' violations of the TDO extended beyond operating U.S.-origin aircraft and attempting to acquire additional U.S.-origin aircraft. In February 2009, while subject to the TDO, Mahan Airways participated in the export of computer motherboards, items subject to the Regulations and designated as EAR99, from the United States to Iran, via the United Arab Emirates (''UAE''), in violation of both the TDO and the Regulations, by transporting and/or forwarding the computer motherboards from the UAE to Iran. Mahan Airways' violations were facilitated by Gatewick LLC, which not only participated in the transaction, but also has stated to BIS that it acted as Mahan Airways' sole booking agent for cargo and freight forwarding services in the UAE.

Moreover, in a January 24, 2011 filing in the U.K. court, Mahan Airways asserted that Aircraft 1–3 were not being used, but stated in pertinent part that the aircraft were being maintained in Iran especially ''in an airworthy condition'' and that, depending on the outcome of its U.K. court appeal, the aircraft ''could immediately go back into service . . . on international routes into and out of Iran.'' Mahan Airways' January 24, 2011 submission to U.K. Court of Appeal, at p. 25, ¶¶ 108, 110. This clearly stated intent, both on its own and in conjunction with Mahan Airways' prior misconduct and statements, demonstrated the need to renew the TDO in order to prevent imminent future violations. Two of these three 747s subsequently were removed from Iran and are no longer in Mahan Airway's possession. The third of these 747s, with Manufacturer's Serial Number (''MSN'') 23480 and Iranian tail number EP–MNE, remained in Iran under Mahan's control. Pursuant to Executive Order 13324, it was designated a Specially Designated Global Terrorist (''SDGT'') by the U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') on September 19, 2012.[10] Furthermore, as discussed in the February 4, 2013 Order, open source information indicated that this 747, painted in the livery and logo of Mahan Airways, had been flown between Iran and Syria, and was suspected of ferrying weapons and/or other equipment to the Syrian Government from Iran's Islamic Revolutionary Guard Corps. Open source information showed that this aircraft had flown from Iran to Syria as recently as June 30, 2013, and continues to show that it remains in active operation in Mahan Airways' fleet.

In addition, as first detailed in the July 1, 2011 and August 24, 2011 orders, and discussed in subsequent renewal orders in this matter, Mahan Airways also continued to evade U.S. export control laws by operating two Airbus A310 aircraft, bearing Mahan Airways' livery and logo, on flights into and out of Iran.[11] At the time of the July 1, 2011 and August 24, 2011 Orders, these Airbus A310s were registered in France, with tail numbers F–OJHH and F–OJHI, respectively.[12]

The August 2012 renewal order also found that Mahan Airways had acquired another Airbus A310 aircraft subject to the Regulations, with MSN 499 and Iranian tail number EP–VIP, in violation of the TDO and the Regulations.[13] On September 19, 2012, all three Airbus A310 aircraft (tail numbers F–OJHH, F–OJHI, and EP–VIP) were designated as SDGTs.[14]

The February 4, 2013 Order laid out further evidence of continued and additional efforts by Mahan Airways and other persons acting in concert with Mahan, including Kral Aviation and another Turkish company, to procure U.S.-origin engines—two GE CF6–50C2 engines, with MSNs 517621 and 517738, respectively—and other aircraft parts in violation of the TDO and the

[8] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[9] The third Boeing 747 appeared to have undergone significant service maintenance and may not have been operational at the time of the March 9, 2010 renewal order.

[10] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.*

[11] The Airbus A310s are powered with U.S.-origin engines. The engines are subject to the EAR and classified under Export Control Classification (''ECCN'') 9A991.d. The Airbus A310s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[12] OEE subsequently presented evidence that after the August 24, 2011 renewal, Mahan Airways worked along with Kerman Aviation and others to de-register the two Airbus A310 aircraft in France and to register both aircraft in Iran (with, respectively, Iranian tail numbers EP–MHH and EP–MHI). It was determined subsequent to the February 15, 2012 renewal order that the registration switch for these A310s was cancelled and that Mahan Airways then continued to fly the aircraft under the original French tail numbers (F–OJHH and F–OJHI, respectively). Both aircraft apparently remain in Mahan Airways' possession.

[13] See note 11, *supra.*

[14] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.* Mahan Airways was previously designated by OFAC as a SDGT on October 18, 2011. 77 FR 64,427 (October 18, 2011).

Regulations.[15] The February 4, 2013 renewal order also added Mehdi Bahrami as a related person in accordance with Section 766.23 of the Regulations. Bahrami, a Mahan Vice-President and the head of Mahan's Istanbul Office, also was involved in Mahan's acquisition of the original three Boeing 747s (Aircraft 1–3) that resulted in the original TDO, and has had a business relationship with Mahan dating back to 1997.

The July 31, 2013 Order detailed additional evidence obtained by OEE showing efforts by Mahan Airways to obtain another GE CF6–50C2 aircraft engine (MSN 528350) from the United States via Turkey. Multiple Mahan employees, including Mehdi Bahrami, were involved in or aware of matters related to the engine's arrival in Turkey from the United States, plans to visually inspect the engine, and prepare it for shipment from Turkey.

Mahan sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), an aircraft parts supplier located in Turkey, and its director/operator, Gulnihal Yegane, a Turkish national who previously had conducted Mahan related business with Mehdi Bahrami and Ali Eslamian. Moreover, as referenced in the July 31, 2013 Order, a sworn affidavit by Kosol Surinanda, also known as Kosol Surinandha, Managing Director of Mahan's General Sales Agent in Thailand, stated that the shares of Pioneer Logistics for which he was the listed owner were ''actually the property of and owned by Mahan.'' He further stated that he held ''legal title to the shares until otherwise required by Mahan'' but would ''exercise the rights granted to [him] exactly and only as instructed by Mahan and [his] vote and/or decisions [would] only and exclusively reflect the wills and demands of Mahan[.]'' [16]

The January 24, 2014 Order outlined OEE's continued investigation of Mahan Airways' activities and detailed an attempt by Mahan, which OEE thwarted, to obtain, via an Indonesian aircraft parts supplier, two U.S.-origin Honeywell ALF–502R–5 aircraft engines (MSNs LF5660 and LF5325), items subject to the Regulations, from a U.S. company located in Texas. An invoice of the Indonesian aircraft parts supplier dated March 27, 2013, listed Mahan Airways as the purchaser of the engines and included a Mahan ship-to address. OEE also obtained a Mahan air waybill dated March 12, 2013, listing numerous U.S.-origin aircraft parts subject to the Regulations—including, among other items, a vertical navigation gyroscope, a transmitter, and a power control unit—being transported by Mahan from Turkey to Iran in violation of the TDO.

The July 22, 2014 Order discusses open source evidence from the March-June 2014 time period regarding two BAE regional jets, items subject to the Regulations, that were painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MOK and EP–MOI, respectively. In addition, aviation industry resources indicated that these aircraft were obtained by Mahan Airways in late November 2013 and June 2014, from Ukrainian Mediterranean Airline, a Ukrainian airline that was added to BIS's Entity List (Supplement No. 4 to Part 744 of the Regulations) on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[17] OEE's on-going investigation indicates that both BAE regional jets remain active in Mahan's fleet, with open source information showing EP–MOI being used on flights into and out of Iran as recently as January 12, 2015. The continued operation of these aircraft by Mahan Airways violates the TDO.

The January 16, 2015 Order details evidence of additional attempts by Mahan Airways to acquire items subject the Regulations in further violation of the TDO. Specifically, in March 2014, OEE became aware of an inertial reference unit bearing serial number 1231 (''the IRU'') that had been sent to the United States for repair. The IRU is subject to the Regulations, classified under ECCN 7A103, and controlled for missile technology reasons. Upon closer inspection, it was determined that IRU came from or had been installed on an Airbus A340 aircraft bearing MSN 056. Further investigation revealed that as of approximately February 2014, this aircraft was registered under Iranian tail number EP–MMB and had been painted in the livery and logo of Mahan Airways.

The January 16, 2015 Order described related efforts by the Departments of Justice and Treasury to further thwart Mahan's illicit procurement efforts. Specifically, on August 14, 2014, the United States Attorney's Office for the District of Maryland filed a civil forfeiture complaint for the IRU pursuant to 22 U.S.C. 401(b) that resulted in the court issuing an Order of Forfeiture on December 2, 2014. EP–MMB remains listed as active in Mahan Airways' fleet.

Additionally, on August 29, 2014, OFAC blocked the property and interests in property of Asian Aviation Logistics of Thailand, a Mahan Airways affiliate or front company, pursuant to Executive Order 13224. In doing so, OFAC described Mahan Airway's use of Asian Aviation Logistics to evade sanctions by making payments on behalf of Mahan for the purchase of engines and other equipment.[18]

The May 21, 2015 modification order detailed the acquisition of two aircraft, specifically an Airbus A340 bearing MSN 164 and an Airbus A321 bearing MSN 550, that were purchased by Al Naser Airlines in late 2014/early 2015 and are currently located in Iran under the possession, control, and/or ownership of Mahan Airways.[19] The

[15] Kral Aviation was referenced in the February 4, 2013 Order as ''Turkish Company No. 1.'' Kral Aviation purchased a GE CF6–50C2 aircraft engine (MSN 517621) from the United States in July 2012, on behalf of Mahan Airways. OEE was able to prevent this engine from reaching Mahan by issuing a redelivery order to the freight forwarder in accordance with Section 758.8 of the Regulations. OEE also issued Kral Aviation a redelivery order for the second CF6–50C2 engine (MSN 517738) on July 30, 2012. The owner of the second engine subsequently cancelled the item's sale to Kral Aviation. In September 2012, OEE was alerted by a U.S. exporter that another Turkish company (''Turkish Company No. 2'') was attempting to purchase aircraft spare parts intended for re-export by Turkish Company No. 2 to Mahan Airways. *See* February 4, 2013 Order.

On December 31, 2013, Kral Aviation was added to BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations. *See* 78 FR75458 (Dec. 12, 2013). Companies and individuals are added to the Entity List for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11.

[16] Pioneer Logistics, Gulnihal Yegane, and Kosol Surinanda also were added to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[17] *See* 76 FR 50407 (Aug. 15, 2011). The July 22, 2014 TDO renewal order also referenced two Airbus A320 aircraft painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MMK and EP–MML, respectively. OEE's investigation also showed that Mahan obtained these aircraft in November 2013, from Khors Air Company, another Ukrainian airline that, like Ukrainian Mediterranean Airlines, was added to BIS's Entity List on August 15, 2011. Open source evidence indicates the two Airbus A320 aircraft may be been transferred by Mahan Airways to another Iranian airline in October 2014, and issued Iranian tail numbers EP–APE and EP–APF, respectively.

[18] See *http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20140829.aspx*. *See* 79 FR 55073 (Sep. 15, 2014). OFAC also blocked the property and property interests of Pioneer Logistics of Turkey on August 29, 2014. *Id.* Mahan Airways' use of Pioneer Logistics in an effort to evade the TDO and the Regulations was discussed in a prior renewal order, as summarized, *supra,* at 13–14. BIS added both Asian Aviation Logistics and Pioneer Logistics to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[19] Both of these aircraft are powered by U.S.-origin engines that are subject to the Regulations

Continued

sales agreements for these two aircraft were signed by Ali Abdullah Alhay for Al Naser Airlines.[20] Payment information reveals that multiple electronic funds transfers (''EFT'') were made by Ali Abdullah Alhay and Bahar Safwa General Trading in order to acquire MSNs 164 and 550. The May 21, 2015 modification order also laid out evidence showing the respondents' attempts to obtain other controlled aircraft, including aircraft physically located in the United States in similarly-patterned transactions during the same recent time period. Transactional documents involving two Airbus A320s bearing MSNs 82 and 99, respectively, again showed Ali Abdullah Alhay signing sales agreements for Al Naser Airlines.[21] A review of the payment information for these aircraft similarly revealed EFTs from Ali Abdullah Alhay and Bahar Safwa General Trading that follow the pattern described for MSNs 164 and 150, *supra.* MSNs 82 and 99 were detained by OEE Special Agents prior to their planned export from the United States.

The June 19, 2015 renewal request demonstrates that Al Naser Airlines' attempts to acquire aircraft on behalf of Mahan Airways extend beyond MSNs 164 and 550. BIS obtained a press release dated May 9, 2015, that appeared on Mahan's Web site and stated that Mahan ''added 9 modern aircraft to its air fleet.'' [22] Specifically the press release states the newly acquired aircraft include eight Airbus A340s and one Airbus A321. Mahan's press release corroborates publicly available aviation databases showing nine additional aircraft recently acquired by Mahan from Al Naser Airlines in May 2015, including MSNs 164 and 550. Evidence presented by OEE further shows that four of the aircraft, all of which are subject to the Regulations and were obtained from Al Naser Airlines, were issued the following Iranian tail numbers: EP–MMD (MSN 164), EP–MMG (MSN 383) EP–MMH (MSN 391) and EP–MMR (MSN 416), respectively.[23] Publicly available flight tracking information provides evidence that two of the recently acquired aircraft, EP–MMH and EP–MMR, are actively being flown on routes into and out of Iran as recently as July 10, 2015, in further violation of the TDO and Regulations.

C. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that Mahan Airways has repeatedly violated the EAR and the TDO, that such knowing violations have been significant, deliberate and covert, and that there is a likelihood of future violations. OEE's on-going investigation continues to reveal or discover additional attempts involving Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading to acquire items subject to the Regulations as part of or through Mahan Airways' extensive network of agents and affiliates in third countries. Therefore, renewal of the TDO is necessary to prevent imminent violation of the EAR and to give notice to companies and individuals in the United States and abroad that they should continue to cease dealing with Mahan Airways and the other denied persons under the TDO in connection with export transactions involving items subject to the EAR.

III. Addition of Related Persons

Pursuant to Sections 766.23 and 766.24(c) of the Regulations, OEE has requested that Sky Blue Bird Group and Issam Shammout be added to the TDO as related persons to Mahan Airways, Al Naser Airlines, and/or Ali Abdullah Alhay in order to prevent evasion of the TDO.

A. Legal Standard

Section 766.23 of the Regulations provides that ''[i]n order to prevent evasion, certain types of orders under this part may be made applicable not only to the respondent, but also to other persons then or thereafter related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business. Orders that may be made applicable to related persons include those that deny or affect export privileges, including temporary denial orders . . . .'' 15 CFR 766.23(a). *See also* 15 CFR 766.24(c) (''A temporary denial order may be made applicable to related persons in accordance with § 766.23 of this part.'').

B. Analysis and Findings

Via notice letters sent in accordance with Section 766.23 of the Regulations on June 2, 2015, OEE provided Sky Blue Bird Group and its chief executive officer Issam Shammout with notice of its intent to seek an order adding them to the TDO as related persons to Mahan Airways, Al Naser Airlines, and/or Ali Abdullah Alhay in order to prevent evasion. No response has been received from Sky Blue Bird or Issam Shammout.

OEE has presented evidence that Sky Blue Bird Group, via Mr. Shammout, was actively involved in Al Naser Airlines' acquisition of MSNs 164 and 550, and the attempted acquisition of MSNs 82 and 99 (which were detained by OEE). Moreover, on May 21, 2015, OFAC designated Sky Blue Bird and Issam Shammout as SDGTs pursuant to Executive Order 13324 for ''providing support to Iran's Mahan Air.'' [24]

In sum, I find pursuant to Section 766.23 that Sky Blue Bird Group and Issam Shammout are connected to Mahan Airways, Al Naser Airlines, and/or Ali Abdullah Alhay in the conduct of trade or business and that their addition to the TDO as related persons is necessary to prevent evasion of the TDO.

IV. Order

IT IS THEREFORE ORDERED:

FIRST, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O.

and classified under ECCN 9A991.d. Both aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[20] Ali Abdullah Alhay is a 25% owner of Al Naser Airlines.

[21] Both aircraft were physically located in the United States and therefore are subject to the Regulations pursuant to Section 734.3(a)(1). Moreover, these Airbus A320s are powered by U.S.-origin engines that are subject to the Regulations and classified under Export Control Classification Number ECCN 9A991.d. The Airbus A320s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of the their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[22] *http://www.mahan.aero/en/mahan-air/press-room/44.* The press release was subsequently removed from Mahan Airways' Web site.

[23] These Airbus A340s are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of the their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[24] *http://www.treasury.gov/press-center/press-releases/Pages/jl10061.aspx. See* 80 FR 30762 (May 29, 2015).

Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; ALI ESLAMIAN, 33 Cavendish Square, 4th Floor, London W1G0PW, United Kingdom, and 2 Bentinck Close, Prince Albert Road St. Johns Wood, London NW87RY, United Kingdom; MAHAN AIR GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; SKYCO (UK) LTD., 33 Cavendish Square, 4th Floor, London, W1G 0PV, United Kingdom; EQUIPCO (UK) LTD., 2 Bentinck Close, Prince Albert Road, London, NW8 7RY, United Kingdom; and MEHDI BAHRAMI, Mahan Airways—Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; AL NASER AIRLINES A/K/A AL–NASER AIRLINES A/K/A ALNASER AIRLINES AND AIR FREIGHT LTD., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan; ALI ABDULLAH ALHAY A/K/A ALI ALHAY A/K/A ALI ABDULLAH AHMED ALHAY, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177; BAHAR SAFWA GENERAL TRADING, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates; SKY BLUE BIRD GROUP A/K/A SKY BLUE BIRD AVIATION A/K/A SKY BLUE BIRD LTD A/K/A SKY BLUE BIRD FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and ISSAM SHAMMOUT A/K/A MUHAMMAD ISAM MUHAMMAD ANWAR NUR SHAMMOUT A/K/A ISSAM ANWAR, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

SECOND, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

THIRD, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

FOURTH, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., Mehdi Bahrami, Sky Blue Bird Group, and/or Issam Shammout may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading and each related person, and shall be published in the **Federal Register**. This Order is effective

immediately and shall remain in effect for 180 days.[25]

Dated: July 13, 2015.

Richard R. Majauskas,

Deputy Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2015–18316 Filed 7–27–15; 8:45 a.m.]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before August 17, 2015. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 15–015. Applicant: University of Pittsburgh, 100 Technology Drive, Suite 350, Pittsburgh, PA 15219. Instrument: Oxygraph-2K. Manufacturer: Oroboros Instruments Corp, Austria. Intended Use: The instrument will be used to evaluate the various putative antidotes to reverse the effects of cyanide or sulfide toxicants on mitochondria in cultured cells. The instrument will be used to measure changes in oxygen consumption rates correlated with either changes in mitochondrial inner-membrane depolarization, changes in calcium fluxes between endoplasmic reticulum and mitochondria, or prevailing levels of hydrogen peroxide and nitric oxide. The instrument is unique in its ability to allow routine measurements to be made with specifications summarized under the term ''high-resolution respirometry'', meaning the limit of detection of O_2 flux is as low as 0.5 pmols^{-1} cm^{-3}, signal noise at zero oxygen concentration is <0.05 μM O_2, oxygen back-diffusion at zero oxygen at <3 pmols^{-1} cm^{-3}, and oxygen consumption at air saturation and standard basic barometric pressure (100kPa) at 2.7 ± 0.9 SD in at 37 degrees Celsius. The dual measurement capability of the instrument is also critical for the experiments. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 1, 2015.

Docket Number: 15–019. Applicant: Oregon State University, 2900 SW Campus Way, LPSC 145, Corvallis, OR 97331–2140. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to identify genus and species of small biological samples such as pollen, diatoms, and dead bacteria, as well as study novel life science and materials science samples. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 23, 2015.

Docket Number: 15–021. Applicant: The City University of New York, 205 East 42nd Street, Room 11–64, New York, NY 10017. Instrument: Electron Microscope. Manufacturer: FEI Company, Japan. Intended Use: The instrument will be used to visualize macromolecular complexes composed of protein, nucleic acids and lipids, organelles and cells in vitrified ice, to understand the structural mechanism by which macromolecular complexes, organelles and cells carry out their actions. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 8, 2015.

Docket Number: 15–022. Applicant: Purdue University, 701 West Stadium Ave., ARMS, West Lafayette, IN 47907. Instrument: Conical twin screw minicompounder. Manufacturer: Xplore, the Netherlands. Intended Use: The instrument will be used to find improved formulations of polymer resins with improved mechanical, thermal, electrical and other properties using compounding, recirculation, master-batch mixing and additive mixing. The instrument satisfies several requirements for the experiments, including surface hardness of components at 2000 Vickers hardness, operational temperature to 450 degrees Celsius, conical twin screw design, capability of both co- and counter-rotating, expandable to specialized screws for nanomaterial compounding, expandable to film line, fiber line, and injection molder, corrosive material tolerance (pH 0–14) and the ability to track viscosity. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 12, 2015.

Docket Number: 15–023. Applicant: Idaho National Laboratory, 2525 Fremont Avenue, Idaho Falls, ID 83415. Instrument: Focused Ion Beam (FIB) Microscope. Manufacturer: FEI, Czech Republic. Intended Use: The instrument will be used to analyze materials including nuclear fuels used in research and power reactors as well as irradiated structural materials associated with the operation of nuclear reactors, to obtain insight on the microstructure stability of nuclear materials, including the effects of radiation on the microstructure of nuclear fuels and structural materials and the effects of porosity due to fission gas and/or helium production. The instrument is used to create a pristine sample surface, void of damage crated by standard sample preparation techniques for microstructure characterization. Additionally, it can be used to create samples from irradiated fuel that have radiation levels that are less than the detection limits of standard radiation counters, which lowers the dose received to personnel when handling FIB'ed samples. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 15, 2015.

Docket Number: 15–024. Applicant: Institute for the Preservation of Cultural Heritage, Yale University, 300 Hefferman Drive, Bldg. 900, West Haven, CT 06516. Instrument: Willard Multi-Function Table. Manufacturer: Willard, United Kingdom. Intended Use: The instrument will be used to carry out conservation processes, for conservation fellows to develop and research methodologies of treatment and to instruct student conservators in structural conservation techniques. The surface of the table can be heated very precisely and evenly, air can be circulated under the surface to create downward pressure, air can also be passed through ducts which can be heated and can produce precisely controlled humidity, a vacuum system can be used to hold objects in place and can be operated independently of the humidification system, which is a unique feature of the instrument.

[25] Review and consideration of this matter have been delegated to the Deputy Assistant Secretary for Export Enforcement.

Research into new techniques and the testing of adhesives and consolidants will be undertaken. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 21, 2015.

Docket Number: 15–025. Applicant: The Rockefeller University, 1230 York Avenue, New York, NY 10065. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used to determine three-dimensional structures of single proteins or multi-protein complexes, complexes between proteins and nucleic acids, which can be either RNA or DNA, as well as lipids, detergents or inhibitors of certain proteins. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 27, 2015.

Docket Number: 15–026. Applicant: University of Delaware, 201 DuPont Hall, University of Delaware, Newark, DE 19716. Instrument: Electron Microscope. Manufacturer: FEI Company, Brno, Czech Republic. Intended Use: The instrument will be used to obtain structural and elemental information of materials such as polymers, colloids and biomaterials, including morphology, size distribution, and crystal structure and their correlations with material processes and properties. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 16, 2015.

Docket Number: 15–027. Applicant: University of Nebraska, Lincoln, 1700 Y St., Lincoln, NE 68588–0645. Instrument: Photonic Professional GT-upgrade. Manufacturer: Nanoscribe GmbH, Germany. Intended Use: The instrument will be used to research micro/nano 3D printing, micro/nano technology, materials, and novel laser-material interactions, using 3D laser lithography techniques integrating both two-photon polymerization (TPP) and multi-photon ablation (MPA). The instrument integrates both a precise piezo stage and a galvano scanner for a large-are and fast micro/nano-structuring. Multi-photon polymerization and multi-photon ablation will be investigated and applied for printing 3D micro/nano-structures of arbitrary geometries, especially those on plasmonics, photonics and microelectromechanical systems. The influence of degree of polymerization on the micro 3D printing will be studied for further 3D fabrication. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 16, 2015.

Docket Number: 15–028. Applicant: University of California, Irvine, 816 F Engineering Tower, Irvine, CA 92697–2575. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to determine nanoparticle size, crystal structure, interface and defect structure, surface structure, composition, electronic state, bad-gap, cell structure, magnetic domain structure, 3D-structure and phase transformation of materials such as metals, ceramics, semiconductors, superconductors, polymers, magnetic and electronic materials, nanomaterials, tissues and cells. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 12, 2015.

Docket Number: 15–030. Applicant: Washington State University, 220 French Administration Building, P.O. Box 641020, Pullman, WA 99164–1020. Instrument: MSM400 Yeast Tetrad Dissection Microscope. Manufacturer: Singer Instruments, United Kingdom. Intended Use: The instrument will be used to gain a basic molecular understanding of how cells repair DNA damage, how different chromosome features (*i.e.* DNA sequence, transcription, replication, protein association) impact the efficiency of repair and ultimately the production of mutation due to failure of repair, using the instrument to isolate haploid yeast with specific genetic backgrounds that can most easily be generated in heterozygous diploid yeast. In addition the instrument will be used to determine on which chromosomes genetic alterations took place in diploid yeast treated with DNA damaging agents, as well as to document the growth and cell cycle stage of yeast. The instrument has a robotic stage that automatically places dissected spores on a grid to ensure correct cataloging of spores, and also allows control of the dissecting needle along 3 axes. No domestic manufactured instruments have these required capabilities. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: July 10, 2015.

Docket Number: 15–032. Applicant: The Trustees of Princeton University, 701 Carnegie Center, Princeton, NJ 08540. Instrument: Helios Dual Beam. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to perform imaging on cross sections of nanoscale, biological, photonic and multifunctional materials, made at precise geometric locations at a very small scale. Additionally, it is used to cross-section through the exact center of an impression, or along planes parallel to a set of microstructural features. Standard methods are incapable of preparing cross sections with the requisite spatial precision. With its unique triple detection system located inside the column and immersion mode, the system is designed for simultaneous detector acquisition for angular and energy selective SE and BSE imaging. Fast access to very precise, clear information is guaranteed, not only top-down, but also on titled specimen or cross-sections. Additional below-the-lens detectors and a beam deceleration mode unsure that all signals are collected and no information is left behind. The instrument extends characterization with a versatile 110mm goniometer stage with tilt capability up to 90 degrees and optimal tripe in-column detection. Unique features of the instrument include the shortest time to nanoscale information using best in class Ga ion gun and Elstar Schlottky FESEM high resolution, stability and automation, sample management tailored to individual application needs, with the high flexibility 110mm and high stability 150mm piezo stages, the focused ion beam can mill any material to a very fine scale, and can make features with a high degree of accuracy at the nanoscale, with critical dimensions of less than 50 nm, rapidly design, create and inspect micro and nano-scale functional prototype devices and create 3D Nanoprototyping with a DualBeam, sharp, refined and charge-free contrast obtained from up to 6 integrated in-column and below-the-lens detectors, can mill difficult charging samples with charge neutralizer. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 18, 2015.

Docket Number: 15–033. Applicant: Battelle Memorial Institute, 790 6th Street, Richland, WA 99354. Instrument:

Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used to understand the structure-property or structure-activity of materials such as catalysts, semiconductors, battery materials, and minerals at high spatial resolution under realistic conditions in order to design better materials. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 16, 2015.

Docket Number: 15–034. Applicant: Purdue University, 401 S. Grant St., West Lafayette, IN 47907. Instrument: Diode-Pumped Solid-State Laser. Manufacturer: Edgewave GmbH, Germany. Intended Use: The instrument will be used to enhance the fundamental understanding of propellant combustion so that safer and higher performance solid propellants can be designed and developed. The instrument is to be used for the measurement of flame radical species in propellant flames in real-time, using high-frame-rate (10–40kHz) imaging of the flame radical OH, produced in the reaction zone. The OH distribution is used to determine the burning mode for the propellant, and the laser system will give the capability to obtain high-frame-rate images of other propellants. The primary technique is high-frame-rate planar laser-induced fluorescence (PLIF) imaging. The UV laser from a Credo dye laser, pumped by the Edgewave DPSS laser, is formed into a focused sheet using a combination of spherical and cylindrical lenses. The frequency of the UV beam is then tuned to a resonance transition for the OH radical and the OH radical is pumped from the ground state to an excited electronic state by absorbing a photon from the laser sheet. Once in the excited state, the OH radical can decay by emitting a photon (fluorescence). The fluorescence light is imaged using a high-frame-rate intensified CMOS camera to produce an image of the OH distribution in the laser sheet, providing both time-and space-resolved information on the laser process. No domestic instruments have the required power, rep rate, and pulse length on the order of 10 nanoseconds. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: June 23, 2015.

Dated: July 21, 2015.

Gregory W. Campbell,

Director of Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2015–18450 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE022

Marine Mammals; File No. 19590

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Terrie Williams, Ph.D., University of California at Santa Cruz, Long Marine Lab, Center for Ocean Health, 100 Shaffer Road, Santa Cruz, CA 95060, has applied in due form for a permit to conduct research on captive marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before August 27, 2015.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19590 from the list of available applications.

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

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 19590 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant is requesting a permit to continue activities authorized under Permit No. 13602. This research compares the energetic and cardiovascular responses and diving physiology of odontocetes and pinnipeds to determine key physiological factors. Captive bottlenose dolphins (*Tursiops truncatus*) and temporarily held non-releasable Hawaiian monk seals (*Neomonachus schauinslandi*) at Long Marine Lab will be used as model species due to availability, trainability, and a foundation of data from previous studies by the applicant. Additional captive marine mammal species (up to 132 animals representing 8 species over 6 years, listed in the application) will be added through cooperative agreements with accredited zoological institutions in the U.S. Other species and subjects from rehabilitation and stranding programs in the U.S. may be added opportunistically. This research on captive animals will provide data for understanding the impact of changing environmental demands on wild marine mammals. Two approaches are used, (1) basic physiological evaluation (caloric intake, metabolism, heart rate, stroke rate, aerobic dive capacity, thermal capacity) measured seasonally on mature and immature dolphins, and (2) comparative evaluation of identical parameters for other species representing different marine mammal evolutionary lineages. Research methods include training marine mammals for voluntary participation to the maximum extent feasible to (1) assess body condition and morphometrics, (2) measure metabolic rate (stationing under a metabolic hood), (3) sample blood (for blood gases and lactate concentration) and administer Evan's blue dye and deuterium oxide (determination of oxygen stores, (4) attach instruments (*e.g.,* ECG monitors to measure heart rate), (5) monitor heat flow and skin temperature with a handheld surface probe, and (6) measure body temperature via a flexible

rectal probe or an ingested stomach temperature pill. The permit is requested for the maximum duration of five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 23, 2015.

Julia Harrison,

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

[FR Doc. 2015–18453 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD900

Marine Mammals; File No. 18786

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to NMFS Office of Protected Resources, Marine Mammal Health and Stranding Response Program (Responsible Party: Teri Rowles, D.V.M., Ph.D.), 1315 East-West Highway, Silver Spring, MD 20910, to take, import, and export marine mammals and marine mammal parts for research and enhancement purposes.

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

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On May 1, 2015, notice was published in the **Federal Register** (80 FR 24903) that a request for a permit to conduct research and enhancement on marine mammals had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 18786 authorizes the MMHSRP to: (1) Carry out response, rescue, rehabilitation and release of threatened and endangered marine mammals under NMFS jurisdiction (Cetacea and Pinnipedia [excluding walrus]), and disentanglement of all marine mammals under NMFS jurisdiction, pursuant to sections 109(h), 112(c), and Title IV of the MMPA; and, carry out such activities as enhancement pursuant to section 10(a)(1)(A) of the ESA; (2) Conduct health-related, bona fide scientific research studies on marine mammals and marine mammal parts under NMFS jurisdiction pursuant to sections 104(c) and Title IV of the MMPA and section 10(a)(1)(A) of the ESA, including research related to emergency response that may involve compromised animals, and research on healthy animals that have not been subject to emergency response (*e.g.,* baseline health studies); (3) Conduct Level B harassment on all marine mammal species under NMFS jurisdiction incidental to MMHSRP activities in the U.S.; and (4) Collect, salvage, receive, possess, transfer, import, export, analyze, and curate marine mammal specimens under NMFS jurisdiction for purposes delineated in numbers (1) and (2) above. The permit expires June 30, 2020.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI).

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

Dated: July 9, 2015.

Julia Harrison,

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

[FR Doc. 2015–18452 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XS81

Marine Mammals; File No. 14296

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Briana Witteveen, Ph.D., University of Alaska Fairbanks, School of Fisheries and Ocean Sciences, 118 Trident Way, Kodiak, AK 99615, has been issued a minor amendment to Scientific Research Permit No. 14296–01.

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

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The original permit (No. 14296), issued on July 14, 2010 (74 FR 58243) through July 31, 2015 authorized scientific research on cetaceans year-round in the Gulf of Alaska, with an emphasis on examining prey use and foraging patterns of gray (*Eschrichtius robustus*), fin (*Balaenoptera physalus*), humpback (*Megaptera novaengliae*), and killer (*Orcinus orca*) whales and exploring the responses of humpback

whales to acoustic deterrent devices. Takes may occur by close approach to collect photographs, recordings of vocalizations, biopsy samples, prey parts, sloughed skin, to attach suction cup tags, and to document response to acoustic deterrents. Sei (*Balaenoptera borealis*), blue (*Balaenoptera musculus*), minke (*Balaenoptera acutorostrata*), sperm (*Physeter microcephalus*), and North Pacific right whales (*Eubalaena japonica*) may be taken by close approach to collect photographs and biopsy samples. Other species of marine mammals might be incidentally harassed during research activities. A minor amendment to the permit (No. 14296–01) was issued on June 19, 2012 to allow researchers to attach tags using a carbon fiber wind surfing mast (*i.e.,* a pole).

The current minor amendment (No. 14296–02) extends the duration of the permit through July 31, 2016, but does not change any other terms or conditions of the permit.

Dated: July 9, 2015.

Julia Harrison,

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

[FR Doc. 2015–18454 Filed 7–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0027]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed revision of a public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 28, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to U.S. Army Corps of Engineers, 441 G Street NW., Washington, DC 20314–1000, Attn: CECW–CO–R, or call Department of the Army Reports clearance officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for a Department of the Army Permit; ENG Form 4345, OMB Control Number 0710–0003.

Needs and Uses: Information collected is used to evaluate, as required by law, proposed construction or filing in waters of the United States that result in impacts to the aquatic environment and nearby properties, and to determine if issuance of a permit is in the public interest. Respondents are private landowners, businesses, non-profit organizations, and government agencies. Respondents also include sponsors of proposed and approved mitigation banks and in-lieu fee programs.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; Federal government; State; local or tribal government.

Annual Burden Hours: 880,000.

Number of Respondents: 80,000.

Responses per Respondent: 1.

Average Burden per Response: 11 hours.

Frequency: On occasion.

The Corps of Engineers is required by three federal laws, passed by Congress, to regulate construction-related activities in waters of the United States. This is accomplished through the review of applications for permits to do this work.

Dated: July 23, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18543 Filed 7–27–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Commission on the Future of the Army; Notice of Federal Advisory Committee Meeting

AGENCY: Deputy Chief Management Officer, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The DoD is publishing this notice to announce two days of meetings of the National Commission on the Future of the Army (''the Commission''). The meetings will be partially closed to the public.

DATES: Date of the Closed Meeting: Monday, August 17, 2015, from 11:00 a.m. to 5:00 p.m.

Date of the Open Meeting: Tuesday, August 18, 2015, from 9:00 a.m. to 12:00 p.m.

ADDRESSES:

Address of Closed Meeting, August 17, 2015: Rm 12110, 5th Floor, Zachary Taylor Building, 2530 Crystal Dr., Arlington, VA 22202.

Address of Open Meeting, August 18, 2015: Polk Conference Room, Room 12158, James Polk Building, 2521 S. Clark St., Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Don Tison, Designated Federal Officer, National Commission on the Future of the Army, 700 Army Pentagon, Room 3E406, Washington, DC 20310–0700, Email: *dfo.public@ncfa.ncr.gov.* Desk (703) 692–9099. Facsimile (703) 697–8242.

SUPPLEMENTARY INFORMATION: This meeting will be held under the provisions of the Federal Advisory

Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of Meetings:

During the closed meeting on Monday, August 17, 2015, the Commission will hear classified testimony from individual witnesses, members from two subcommittees and engage in discussion on the roles the Army fills in Combatant Commands, Current and Future operational environment and threats to the land forces in the Area of Responsibly.

During the open meeting on Tuesday, August 18, 2015, the Commission will hear comments from a panel of representatives from the Air Force, Navy, Marine Corps and Joint Staff, representatives from the RAND Corporation, the Public will have the opportunity to provide verbal comments, and immediately afterwards the Commission will discuss topics raised during the organizational and public comment session.

Agendas:

August 17, 2015—Closed Hearing: The Commission will hear comments from the Deputy Secretary of Defense, Combatant Commanders and representatives from the Operational and the Aviation Sub Committees. The Combatant Commanders have been asked to address: The current and future operational environment and threats for land forces in Area of Responsibility, Roles that Army forces fulfill in COCOM including Executive Agency missions, Army forces contribution to Theater Security Cooperation including State Partnership for Peace activities, Current and Future operational and strategic network threats and Multi Composition Integration.

Speakers include, but are not limited to; Deputy Secretary of Defense, representatives from U.S. Pacific Command, U.S. Southern Command, and U.S. Cyber Command. All presentations and resulting discussion are classified.

August 18, 2015—Open Hearing: The Commission will hear verbal comments from representatives from the United States Navy, United States Air Force, United States Marine Corps, and the Joint Staff on Department interdependence. The RAND corporation will present an analysis of Risk as it relates to the size of the Army. Time will be allocated for public comment and immediately afterwards the Commission will discuss topics raised during the Organizational and public comments session.

Meeting Accessibility:

In accordance with applicable law, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of the meeting scheduled for Monday, August 17, 2015, from 11:00 a.m. to 5:00 p.m. will be closed to the public. Specifically, the Assistant Deputy Chief Management Officer, with the coordination of the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it will discuss matters covered by 5 U.S.C. 552b(c)(1).

Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for August 18, 2015 from 9:00 a.m. to 12:00 p.m. at the James Polk Building is open to the public. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register. Members of the media must comply with the rules of photography and video filming in the James Polk Building. The closest public parking facility is located in the basement and along the streets. Visitors will be required to present one form of photograph identification. Visitors to the James Polk Office Building will be screened by a magnetometer, and all items that are permitted inside the building will be screened by an x-ray device. Visitors should keep their belongings with them at all times. The following items are strictly prohibited in the James Polk Office Building: Any pointed object, *e.g.,* knitting needles and letter openers (pens and pencils are permitted); any bag larger than 18″ wide x 14″ high x 8.5″ deep; electric stun guns, martial arts weapons or devices; guns, replica guns, ammunition and fireworks; knives of any size; mace and pepper spray; razors and box cutters.

Written Comments:

Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open and/or closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mr. Donald Tison, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All comments received before Friday, August 14, 2015, will be provided to the Commission before the August 18, 2015, meeting. Comments received after Friday, August 14, 2015, will be provided to the Commission before its next meeting. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section.

Oral Comments:

In addition to written statements, twenty minutes will be reserved for individuals or interest groups to address the Commission on August 18, 2015. Those interested in presenting oral comments to the Commission must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting; no more than five minutes each for individuals. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration:

Individuals and entities who wish to attend the public hearing and meeting on Tuesday, August 18, 2015 are encouraged to register for the event with the DFO using the electronic mail and facsimile contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, day time phone number. This information will assist the Commission in contacting individuals should it decide to do so at a later date. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments should be typed.

Additional Information:

The DoD sponsor for the Commission is the Deputy Chief Management Officer. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2016 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the Army will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources.

Dated: July 23, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18423 Filed 7–27–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–HA–0086]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 27, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: DoD Patient Safety Survey; OMB Control Number 0720–0034.

Type of Request: Reinstatement.

Number of Respondents: 14,022.

Responses per Respondent: 1.

Annual Responses: 14,022.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 2,337.

Needs and Uses: The DoD Patient Safety Culture Survey will be critical to evaluate and better assess the needs of MHS facilities to promote patient safety culture. Survey results will be prepared at the facility and Service levels, as well as MHS overall. Facilities will benefit by being given the opportunity to receive feedback about their staff's responses to the survey, which will provide insight into their strengths and areas for improvements the survey will provide an overview of the status of Service and MHS patient safety to higher leadership, who can then appropriately allocate the necessary resources and tools to decrease medical errors and improve safety.

Affected Public: Federal Government; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

Written comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: July 22, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18401 Filed 7–27–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–40]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah A. Ragan or Ms. Heather N. Harwell, DSCA/LMO, (703) 604–1546 or (703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–40 with attached Policy Justification and Sensitivity of Technology.

Dated: July 23, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUL 21 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-40, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Lebanon for defense articles and services estimated to cost $245 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

for J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 15–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Lebanon

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$230 million
Other	$15 million
Total	$245 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* One thousand (1,000) BGM–71E–4B–RF Tube-launched, Optically-tracked, Wireless-guided (TOW) 2A Anti-Armor Radio-Frequency missiles, five hundred (500) BGM–71–H–1–RF TOW Bunker Buster Radio Frequency (RF) missiles, fifty (50) M220A2 TOW launchers, containers, spare and repair parts, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics and technical support services, and other related elements of program and logistics support.

(iv) *Military Department:* Army (WER, Amendment #1 and WFD, Amendment #1)

(v) *Prior Related Cases, if any:*

FMS Case WER—$12.6M—June 2014
FMS Case WFD—$9M—October 2014

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services proposed to be sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 21 JULY 2015

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Lebanon—TOW 2A Missiles

The Government of Lebanon has requested possible sale of One thousand (1000) BGM–71E–4B–RF Tube-launched, Optically-tracked, Wireless-guided (TOW) 2A Anti-Armor Radio-Frequency missiles, five hundred (500) BGM–71–H–1–RF TOW Bunker Buster Radio Frequency (RF) missiles, fifty (50) M220A2 TOW launchers, containers, spare and repair parts, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics and technical support services, and other related elements of program and logistics support. The estimated cost is $245 million.

This proposed sale will enhance the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale of TOW missiles will improve Lebanon's capability to meet current and future threats and provide greater security for its critical infrastructure. Lebanon will use the enhanced capability to strengthen its homeland defense. Lebanon will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be The Raytheon Company in Andover, Massachusetts. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Lebanon.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The TOW 2A Radio-Frequency (RF) missile (BGM–71E–4B–RF) is a direct attack missile designed to defeat targets such as armored vehicles and reinforced urban structures. The TOW 2A RF missile can be launched from the same launcher platforms as the existing wire-guided TOW 2A missile without modification to the launcher. The TOW 2A missile (both wire & RF) contains two tracker beacons (xenon and thermal) for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the missile by an RF link contained within the missile case. The hardware, software, and technical publications provided with the sale are Unclassified.

2. The TOW Bunker Buster (BB) Radio Frequency (RF) missile (BGM–71H–1–RF) is used to defeat field fortifications, bunkers, and urban structures. The TOW BB Aero RF missile can be launched from the same launcher platforms as the existing wire-guided TOW 2A missiles without modification to the launcher. The TOW BB missile (both wired and RF) contains two tracker beacons (xenon and thermal) for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the missile by an RF link contained within the missile case. The hardware, software, and technical publications provided with the sale are Unclassified.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Lebanon can provide substantially the same degree of protection for the technology being released as the U.S. Government. The sale is necessary in furtherance of the U.S. foreign policy and national security objectives as outlined in the Policy Justification of the notification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Lebanon.

[FR Doc. 2015–18432 Filed 7–27–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2015–0005]

Proposed Collection; Comment Request

AGENCY: Department of Navy (DON), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Naval Sea Systems Command (NAVSEA), Cost Engineering and Industrial Analysis Group (SEA 05C) announces a proposed public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 28, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Naval Sea Systems Command (SEA 05C), 1333 Isaac Hull Avenue SE., STOP 1340, Washington Navy Yard, ATTN: Denitra Carter, Washington, DC 20376–1340, at (202) 781–5069.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Facilities Available for the Construction or Repair of Ships; Standard Form 17; OMB Control Number 0703–0006.

Needs and Uses: This information collection is part of a joint effort between the Naval Sea Systems Command (NAVSEA) and the U.S. Maritime Administration (MARAD), to maintain a working data set on active U.S. Shipyards. The information collected is required by the Merchant Marine Act of 1936 as amended and is critical in providing both organizations with a comprehensive list of U.S. commercial shipyards and their capabilities and capacities. These shipyards play a crucial role in national defense, the economy and the U.S. transportation infrastructure and as such, are of considerable interest to the U.S. Government. The data collected is used to assess the capabilities and capacities of U.S. commercial shipyards in the areas of ship repair and ship construction. The data is also used to monitor employment numbers for labor forecasting for future build projects as well as providing information on the ability to raise labor to meet national industrial mobilization requirements during times of national emergency. The data collected is the main source of information on these shipyards and is used to these ends.

Affected Public: Business or other for profit.

Annual Burden Hours: 800.

Number of Respondents: 200.

Responses per Respondent: 1.

Average Burden per Response: 4 hours.

Frequency: Annual.

Respondents are businesses involved in shipbuilding and/or ship repair who provide NAVSEA and MARAD with information and a list of facilities available for the construction or repair of ships that is utilized in a database for assessing the production capacity of the individual shipyards.

Dated: July 23, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18427 Filed 7–27–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0096]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Program for International Student Assessment 2012 (PISA:2012) Validation Study 2015 Field Test and Main Study Additional Module Amendment

AGENCY: Institute of Education Science (IES), 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 August 27, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0096. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, (202) 502–7411.

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

Title of Collection: Program for International Student Assessment 2012 (PISA:2012) Validation Study 2015 Field Test and Main Study Additional Module Amendment.

OMB Control Number: 1850–0911.

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

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Responses: 6,620.

Total Estimated Number of Annual Burden Hours: 2,347.

Abstract: PISA (Program for International Student Assessment) is an international assessment of 15-year-olds designed to evaluate, at the end of compulsory education, how well students are prepared for the challenges of further education and the workforce (OMB# 1850–0755). To date, in the United States, PISA has been administered only as a cross-sectional study, and thus it has not been possible to evaluate how well it assesses key competencies of 15-year-olds for their later success. NCES proposes to conduct a follow-up study with students who participated in PISA 2012 to learn how performance on PISA relates to subsequent outcomes and skills of young adults. The follow-up study—referred to in materials to potential respondents as the PISA Young Adult

Follow-Up Study, and in this request as the PISA Validation Study—will provide information about how students' skills and experiences at age 15, collected through PISA, relate to subsequent literacy, numeracy, and problem-solving skills, as well as educational attainment, education and work experiences, skills used in daily life, career intentions, and aspects of well-being. In fall 2015, when these students will be around 18 years of age, they will be asked to take the web-based version of the Organization for Economic Cooperation and Development 's (OECD) Program for the International Assessment of Adult Competencies (PIAAC) assessment and background questionnaire—the Education and Skills Online (ESO). In fall 2013, students in the United States who participated in PISA 2012 and supplied contact information were contacted and invited to update their contact information in preparation for the follow-up study (OMB# 1850–0900 v.1). In March 2015, OMB approved recruitment of the PISA 2012 sample respondents who have been successfully located; administer ESO to a field test sample in the 2015; and subsequently administering ESO to a main study sample in later 2015 (OMB# 1850–0900 v.2). This submission is to add another module, the subjective well-being and health (SWBH) module, to the validation study questionnaire per OECD requirement. The SWBH module was included in the first approval for PISA Validation Study 2015 (OMB# 1850–0900 v.1) and is now being added to the final field test and main study questionnaire in the currently active PISA Validation Study 2015 record (OMB# 1850–0900 v.2).

Dated: July 22, 2015.

Kate Mullan,

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

[FR Doc. 2015–18350 Filed 7–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0066]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Graduate Assistance in Areas of National Need (GAANN) Performance Report

AGENCY: Office of Postsecondary Education, 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 August 27, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0066. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Ell, 202–502–7779.

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

Title of Collection: Graduate Assistance in Areas of National Need (GAANN) Performance Report.

OMB Control Number: 1840–0748.

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

Respondents/Affected Public: Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 291.

Total Estimated Number of Annual Burden Hours: 3,273.

Abstract: Graduate Assistance in Areas of National Need (GAANN) grantees must submit a performance report annually. The reports are used to evaluate grantee performance. Further, the data from the reports will be aggregated to evaluate the accomplishments and impact of the GAANN Program as a whole. Results will be reported to the Secretary in order to respond to GPRA requirements.

Dated: July 22, 2015.

Kate Mullan,

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

[FR Doc. 2015–18356 Filed 7–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0097]

Agency Information Collection Activities; Comment Request; Natural Experiments and Model Career-Focused Schools: An Environmental Scan

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before September 28, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0097. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://*

www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, (202) 245–7405.

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

Title of Collection: Natural Experiments and Model Career-Focused Schools: An Environmental Scan.

OMB Control Number: 1830–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 25.

Abstract: The purpose of this collection is to determine the extent to which there are natural circumstances that approximate random assignment among a group of college- and career-focused schools that belong to one or more school reform networks. A survey will be administered to principals of these schools to determine if they are oversubscribed and use lotteries for student admission. If a sufficient number of schools with such practices are identified, future research could use these naturally occurring experimental conditions to investigate differences in the outcomes achieved by students who attend these types of schools.

Dated: July 23, 2015.

Tomakie Washington,

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

[FR Doc. 2015–18438 Filed 7–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. 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: Thursday, August 27, 2015 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

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:

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

Public Participation: The EM SSAB, Paducah, 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 Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy 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 comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2015Meetings.html.*

Issued at Washington, DC, on July 23, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–18525 Filed 7–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

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), Oak Ridge Reservation. 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: Saturday, August 22, 2015, 8:00 a.m. to 2:00 p.m.

ADDRESSES: The Tremont Lodge, 7726 E. Lamar Alexander Parkway, Townsend, Tennessee 37882.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *melyssa.noe@orem.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

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:

- Meeting Objectives:
  1. Develop an increased understanding of and commitment to the goals of the Board.
  2. Evaluate the effectiveness and achievements of fiscal year (FY) 2015.
  3. Begin development of the FY 2016 work plan.
- Welcome, Opening Remarks and Introduction of New Members
- Review of Objectives, Logistics, Keys to Success
- Comments from the Deputy Designated Federal Officer
- Board Mission and Accomplishments
- Board Operations
- Break
- Presentation on Work Plan Topics and Discussion
- Summary of Morning Discussions
- Board Business
- Public Comment Period
- Remarks from Federal Coordinator and Board Chair
- Lunch Break
- Follow-on Discussion
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, 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 Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy 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 comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

Issued at Washington, DC, on July 22, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–18528 Filed 7–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The EIA has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Uranium Data Program, OMB Control Number 1905–0160. The proposed collection will continue the use of Form EIA–851A ''Domestic Uranium Production Report (Annual),'' Form EIA–851Q ''Domestic Uranium Production Report (Quarterly),'' and the Form EIA–858 ''Uranium Marketing Annual Survey.'' EIA proposed no changes to Forms EIA–851A, EIA–851Q, and EIA–858.

DATES: Comments regarding this proposed information collection must be received on or before August 27, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503, and to Douglas Bonnar, Operations Research Analyst, Fax at 202–586–3045, Email at *douglas.bonnar@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Douglas Bonnar, *douglas.bonnar@eia.gov.* The information collection instruments and instructions are available on the EIAWeb site at *http://www.eia.gov/survey/#uranium.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0160;

(2) *Information Collection Request Title:* Uranium Data Program;

(3) *Type of Request:* Three-year extension;

(4) *Purpose:* Uranium Data Program is intended to collect high-quality statistical data on domestic uranium supply and demand activities, including production, exploration and development, trade, and purchases and sales available to the U.S. The audience for these data includes the Congress, other Executive Branch agencies, the nuclear and uranium industry, and the public in general. Form EIA–851A collects annual data from the U.S. uranium industry on uranium milling and processing, uranium feed sources, uranium mining, employment, drilling, expenditures, and uranium reserves. The data collected are published in EIA's *Domestic Uranium Production Report—Annual, http://www.eia.gov/uranium/production/annual/.* Form EIA–851Q collects monthly data from the U.S. uranium industry on uranium production and sources (mines and other) on a quarterly basis. The data collected are published in EIA's *Domestic Uranium Production Report—Quarterly, http://www.eia.gov/uranium/production/quarterly/.* Form EIA–858 collects annual data from the U.S. uranium market on uranium contracts, deliveries, inventories, enrichment services purchased, uranium use in fuel assemblies, feed deliveries to enrichers, and unfilled market requirements. Uranium deliveries, feed deliveries to enrichers, and unfilled market requirements are reported both for the current reporting year and for the following ten years. The data collected appear in the following EIA publications: *Uranium Marketing Annual Report, http://www.eia.gov/uranium/marketing/* and *Domestic*

Uranium Production Report—Annual, http://www.eia.gov/uranium/production/annual/;

(5) *Annual Estimated Number of Respondents:* 102;

(6) *Annual Estimated Number of Total Responses:* 169;

(7) *Annual Estimated Number of Burden Hours:* 1,207;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours. The information is maintained in the normal course of business. The cost of burden hours to the respondents is estimated to be $86,868 (1,207 burden hours times $71.97 per hour). Therefore, other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, on July 22, 2015.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2015–18524 Filed 7–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2224–000]

Solar Star Colorado III, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Solar Star Colorado III, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 10, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 21, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18299 Filed 7–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1406–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2015–07–20_SA 2766 2nd Amendment to ATC-City of Elkhorn CFA to be effective 5/31/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5166.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–1409–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2015–07–20_SA 2769 2nd Amendment to ATC-Reedsburg CFA to be effective 5/31/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5179.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–2226–000.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: NYISO Compliance Order No. 676–H NAESB WEQ Business Practice Standards to be effective 5/15/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5152.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–2227–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2015–07–20_Minnkota-MISO Coordination and Operation Agreement to be effective 9/1/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5186.
Comments Due: 5 p.m. ET 8/10/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18496 Filed 7–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–170–000.
Applicants: Evergreen Wind Power II, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period of Evergreen Wind Power II, LLC.
Filed Date: 7/16/15.
Accession Number: 20150716–5257.
Comments Due: 5 p.m. ET 8/6/15.

Docket Numbers: EC15–171–000.
Applicants: Wisconsin River Power Company.
Description: Application for Approval of Transaction Under Section 203(a)(1)(B) of the Federal Power Act and Request For An Order Within 30 Days of Wisconsin River Power Company.
Filed Date: 7/17/15.
Accession Number: 20150717–5219.
Comments Due: 5 p.m. ET 8/7/15.

Docket Numbers: EC15–172–000.
Applicants: SEIF/Co-Invest Generation Holdings, LLC, Burgess Biopower, LLC.
Description: Application of SEIF/Co-Invest Generation Holdings, LLC, et. al. for Authorization under Section 203 of the Federal Power Act for Disposition of Jurisdictional Facilities and Requests for Expedited Consideration and Confidential Treatment.
Filed Date: 7/20/15.
Accession Number: 20150720–5130.
Comments Due: 5 p.m. ET 8/10/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–519–001.
Applicants: ISO New England Inc.
Description: Compliance filing: Order No. 676–H Compliance Filing to be effective 5/15/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5113.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–531–001.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2015_7_17_Order676HCompliance to be effective 5/15/2015.
Filed Date: 7/17/15.
Accession Number: 20150717–5175.
Comments Due: 5 p.m. ET 8/7/15.

Docket Numbers: ER15–696–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing per 6/18/15 Order in Docket No. ER15–696–000 to be effective 6/18/2015.
Filed Date: 7/20/15.
Accession Number: 20150720–5134.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–1985–000; ER15–1986–000; ER15–1987–000; ER15–1988–000; ER15–1989–000; ER15–1990–000; ER15–1991–000; ER15–1992–000; ER15–1993–000; ER15–1994–000; ER15–1995–000; ER15–1996–000; ER15–2029–000; ER15–2030–000; ER15–2031–000; ER15–1997–000; ER15–2032–000; ER15–1998–000; ER15–1999–000; ER15–2000–000; ER15–2001–000; ER15–2002–000; ER15–2003–000; ER15–2007–000; ER15–2004–000; ER15–2005–000; ER15–2006–000.
Applicants: AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe Renewable Energy, LLC, Calvert Cliffs Nuclear Power Plant, LLC, CER Generation, LLC, Commonwealth Edison Company, Constellation Mystic Power, LLC, Constellation Power Source Generation, LLC, Cow Branch Wind Power, LLC, CR Clearing, LLC, Criterion Power Partners, LLC, Exelon Framingham, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Handsome Lake Energy, LLC, Harvest II Windfarm, LLC, Harvest WindFarm, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC, Nine Mile Point Nuclear Station, LLC, PECO Energy Company, R.E. Ginna Nuclear Power Plant, LLC, Shooting Star Wind Project, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.
Description: Supplement to June 26, 2015 AV Solar Ranch 1, LLC, et. al. tariff filings.
Filed Date: 7/17/15.
Accession Number: 20150717–5222.
Comments Due: 5 p.m. ET 7/31/15.

Docket Numbers: ER15–2224–000.
Applicants: Solar Star Colorado III, LLC.
Description: Baseline eTariff Filing: Solar Star Colorado III, LLC Market-Based Rate Tariff to be effective 8/1/2015.
Filed Date: 7/17/15.
Accession Number: 20150717–5176.
Comments Due: 5 p.m. ET 8/7/15.

Docket Numbers: ER15–2225–000.
Applicants: Erie Power LLC.
Description: Request of Erie Power LLC for Limited Tariff Waiver and Motion for Expedited Action and Supporting Affidavit of John Marczewski.
Filed Date: 7/16/15.
Accession Number: 20150716–5259.
Comments Due: 5 p.m. ET 7/30/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18489 Filed 7–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–173–000.
Applicants: KMC Thermo, LLC, Webb Energy LLC.
Description: Joint Application of KMC Thermo, LLC and Webb Energy LLC for Authorization under Section 203 of the Federal Power Act and Request for Expedited Action.
Filed Date: 7/20/15.
Accession Number: 20150720–5255.
Comments Due: 5 p.m. ET 8/10/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–781–004.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Second Compliance Filing—Generator Interconnection Process Improvement to be effective 3/1/2014.
Filed Date: 7/20/15.
Accession Number: 20150720–5202.
Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–746–002.
Applicants: RC Cape May Holdings, LLC.
Description: Tariff Amendment: Second Supplement to Reactive Rate Schedule Change Request to be effective 12/31/9998.
Filed Date: 7/21/15.
Accession Number: 20150721–5100.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1344–002.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Response to Deficiency Letter issued in Docket No. ER15–1344 to be effective 6/18/2015.

Filed Date: 7/17/15.

Accession Number: 20150717–5145.

Comments Due: 5 p.m. ET 8/7/15.

Docket Numbers: ER15–1473–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2015–07–20_SA 2771 2nd Amendment to ATC-Cloverland CFA to be effective 6/8/2015.

Filed Date: 7/20/15.

Accession Number: 20150720–5199.

Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–1479–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2015–07–20_SA 2773 2nd Amendment to ATC-Adams-Columbia CFA to be effective 6/9/2015.

Filed Date: 7/20/15.

Accession Number: 20150720–5200.

Comments Due: 5 p.m. ET 8/10/15.

Docket Numbers: ER15–1638–001.

Applicants: Dynegy Conesville, LLC.

Description: Tariff Amendment: Response to Defiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5010.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1640–001.

Applicants: Dynegy Dicks Creek, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5011.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1641–001.

Applicants: Dynegy Fayette II, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5012.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1642–001.

Applicants: Dynegy Hanging Rock II, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5014.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1643–001.

Applicants: Dynegy Killen, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5015.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1644–001.

Applicants: Dynegy Lee II, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5016.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1645–001.

Applicants: Dynegy Miami Fort, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5017.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1647–001.

Applicants: Dynegy Stuart, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5018.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1648–001.

Applicants: Dynegy Washington II, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5019.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–1649–001.

Applicants: Dynegy Zimmer, LLC.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/2/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5020.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–2085–000.

Applicants: Dow Pipeline Company.

Description: Supplement to June 30, 2015 Dow Pipeline Company tariff filing.

Filed Date: 7/17/15.

Accession Number: 20150717–5221.

Comments Due: 5 p.m. ET 8/7/15.

Docket Numbers: ER15–2228–000.

Applicants: Louisville Gas and Electric Company.

Description: Section 205(d) Rate Filing: Revisions to Attach N Small Generator Interconnection Procedures and Agreement to be effective 7/24/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5064.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–2229–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. Resource Termination—Hampshire Council of Governments.

Filed Date: 7/21/15.

Accession Number: 20150721–5089.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–2230–000.

Applicants: Jersey Central Power & Light Company, Pennsylvania Electric Company, Metropolitan Edison Company, PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Pennsylvania Electric Company et al. Filing of New Service Agreements to be effective 9/21/2015.

Filed Date: 7/21/15.

Accession Number: 20150721–5093.

Comments Due: 5 p.m. ET 8/11/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–4–001.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing and Petition for Approval of Rules of Procedure Revisions of North American Electric Reliability Corporation.

Filed Date: 7/17/15.

Accession Number: 20150717–5232.

Comments Due: 5 p.m. ET 8/17/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 21, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18497 Filed 7–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–1118–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Multiple Shipper Option Agreement—Rate Schedules AFT–1 and AFT–CL to be effective 10/1/2015.
Filed Date: 7/15/15.
Accession Number: 20150715–5098.
Comments Due: 5 p.m. ET 7/27/15.

Docket Numbers: RP15–1119–000.
Applicants: Gas Transmission Northwest LLC.
Description: Compliance filing Compliance to CP12–494–000—Carty Lateral Rates to be effective 12/31/9998.
Filed Date: 7/15/15.
Accession Number: 20150715–5122.
Comments Due: 5 p.m. ET 7/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18498 Filed 7–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of meetings be announced in the **Federal Register.** Due to national security considerations, under section 10(d) of the Act and 5 U.S.C. 552b(c), the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954, 42 U.S.C. 2161 and 2162, as amended.

DATES: August 13, 2015, 8:30 a.m. to 5:00 p.m. and August 14, 2015, 9:00 a.m. to 4:00 p.m.

ADDRESSES: U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Loretta Martin, Office of RDT&E (NA–113), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–7996.

SUPPLEMENTARY INFORMATION:

Background

The DPAC provides advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Purpose of the Meeting: The purpose of this meeting of the DPAC is to review previous presentations received by the Committee and discuss a draft of the classified report to be provided to the National Nuclear Security Administration in response to the charge to the Committee.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed. Such data and matters will be discussed at this meeting.

Tentative Agenda: Day 1—Welcome, annual ethics briefing, discussion of draft report; Day 2—Discussion of draft report, reconciliation of input, conclusion.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Loretta Martin at the address listed above.

Minutes

The minutes of the meeting will not be available.

Issued in Washington, DC, on July 22, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–18526 Filed 7–27–15; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0090; FRL–9931–22–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Miscellaneous Metal Parts and Products (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Miscellaneous Metal Parts and Products (40 CFR part 63, subpart MMMM) (Renewal)'' (EPA ICR No. 2056.05, OMB Control No. 2060–0486), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0090, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless

the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Respondents are existing facilities and new facilities with miscellaneous metal parts and products surface coating operations, and associated equipment or containers used for mixing, conveying, storage, or waste.

Form Numbers: None.

Respondents/affected entities: Respondents are existing facilities and new facilities with miscellaneous metal parts and products surface coating operations, and associated equipment or containers used for mixing, conveying, storage, or waste.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart MMMM).

Estimated number of respondents: 4,992 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 2,280,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $230,050,000 (per year), which includes $1,050,000 in either annualized capital/start up or operation & maintenance costs.

Changes in the Estimates: There is a small increase in the respondent burden due to adjustments. The increase is not due to regulation changes. In this ICR, we assume existing respondents have to re-familiarize themselves each year with the regulatory requirements. In addition, we have rounded the estimates to three significant digits, which results in an apparent increase.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–18441 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0452; FRL–9930–15]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before August 27, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0452, 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.

Submit written withdrawal request by mail to: Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. ATTN: Donna Kamarei.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Donna Kamarei, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0443; email address: *kamarei.donna@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental and human health advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

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

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

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

II. What action is the Agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 171 pesticide products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests,

EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration codes	Product name	Chemical name
000499–00368	WHITMIRE PT 2000 GREEN-SHIELD HORTICULTURAL ALGICIDE, DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
000499–00482	TC 192	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
000499–00542	TC–287	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
000875–00109	QUAT–256	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
000875–00187	D-TROL, DISINFECTANT, SANITIZER & ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001007–00098	QUAT-A-MONE	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001203–00041	DELTA FOREMOST 3066 ES SHOW-OFF GERMICIDAL CONCENTRATE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001258–01269	BAQUACIL PREMIUM ALGAECIDE	Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride).
001258–01335	VANTOCIL NR 3.8	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
001270–00184	ZEP LEMONEX GERMICIDAL DETERGENT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001270–00191	ZEP VENTURE	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001270–00235	ZEP BOWL SHINE	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001677–00232	LONZA SQ SANITIZER/DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
001706–00177	NALCON 7642	Dialkyl * methyl benzyl ammonium chloride * (60% C14, 30% C16, 5% C18, 5% C12), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
001839–00101	CD 1.6 (D & F) DETERGENT/DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001839–00103	CD 3.2 (D & F) DETERGENT/DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
001839–00146	NP 1.8 D&F DETERGENT/DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
001839–00160	BTC 885 THICKENED PHOSPHORIC ACID GERMICIDAL BOWL CLEANER..	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
002212–00016	ELIMSTAPH NO. 2	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
002296–00097	BACTI-CHEM GENERAL TYPE DETERGENT CLEANER-DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
002296–00107	LEMON-QUAT DISINFECTANT CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
002296–00108	PINE QUAT	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
002296–00109	CHERRY-QUAT	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
002724–00517	SPEER GERMICIDAL MULTI-PURPOSE CLEANER.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14), Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
002724–00518	MAGIC GUARD DISINFECTANT/SANITIZER/DEODORIZER.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14), Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
002724–00519	MAGIC GUARD CLEANER/DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
002724–00562	MAGIC GUARD LEMON ODOR DISINFECTANT-DEODORANT-CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
002935–00548	HYAMINE DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
003635–00278	X-CELL 420	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Dialkyl * methyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
003862–00075	MINT 7	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
003862–00185	SPUR-TEX DISINFECTANT CLEANER-DEODORANT.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration codes	Product name	Chemical name
004822–00370	S.C. JOHNSON WAX TOILET DUCK	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
004822–00484	BD1	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
004822–00546	DEXTER 1	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
004822–00577	RUT DISINFECTANT CLEANER	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
005813–00031	PINE SOL HOUSEHOLD CLEANER DISINFECTANT.	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride.
005813–00034	PINE-SOL MULTIPURPOSE CLEANER DISINFECTANT.	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride.
005813–00035	PINE-SOL PRESTO	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride.
005813–00059	CLOROX DISINFECTING SPRAY III	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
005813–00067	CLOROX 409–R	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride, Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
005813–00074	CLOROX TLC	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride, Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
005813–00088	JULIA	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
005813–00097	BRAC	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride, and Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00001	BARQUAT LB–50	Alkyl * dimethyl benzyl ammonium chloride * (65%C12, 25%C14, 10%C16).
006836–00011	BARQUAT OJ–50	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
006836–00031	LONZA SANITIZER-CLEANER 45–7	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00033	LONZA FORMULATION 70–12	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00035	BARQUAT MX–80	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00036	BARQUAT MX–50	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00047	BARQUAT OJ–10 SWIMMING POOL ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
006836–00055	BARQUAT MB 80–10	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00056	BARQUAT 42–10	Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00069	LONZA BARQUAT MX 80–10	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00076	LONZA FORMULATION S–23	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00079	205M WATER TREATMENT MICROBIOCIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00080	BARDAC 203–MP	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00082	BARQUAT OJ–80	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
006836–00096	HYAMINE 10–X (CRYSTALS)	Benzenemethanaminium, N,N-dimethyl-N-(2-(2-(methyl-4-(1,1,3,3-tetramethylbutyl)phenoxy)ethoxy)ethyl)-, chloride.
006836–00097	BENZETHONIUM CHLORIDE USP GERMICIDE CONCENTRATE.	Benzenemethanaminium, N,N-dimethyl-N-(2-(2-(4-(1,1,3,3-tetramethylbutyl)phenoxy)ethoxy)ethyl)-, chloride.
006836–00106	HYAMINE 3500 W/E–80%	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00155	BIO-QUAT 50–24	Alkyl * dimethyl benzyl ammonium chloride * (61%C12, 23%C14, 11%C16, 2.5%C18 2.5%C10 and trace of C8).
006836–00160	BIO QUAT 50–35	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
006836–00161	BIO-QUAT 80–24 FOR MANUFACTURING USE ONLY.	Alkyl * dimethyl benzyl ammonium chloride * (61%C12, 23%C14, 11%C16, 2.5%C18 2.5%C10 and trace of C8).
006836–00166	BIO-GUARD M–15 DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
006836–00170	BIO QUAT T–501	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00171	BIO-QUAT 80–28R	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
006836–00172	BIO-QUAT 50–36	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00173	BIO QUAT 50–28R	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration codes	Product name	Chemical name
006836–00174	BIO QUAT 80–36	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
006836–00175	BIO-QUAT 80–35	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
006836–00183	BIO-QUAT 50–60, DISINFECTANT, FUNGICIDE, ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00186	BARQUAT 80–28RX	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00187	BIO QUAT 80–42	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00188	BIO QUAT 50–42	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00189	BIO QUAT 50–30	Alkyl * dimethyl benzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
006836–00190	BIO QUAT 50–25	Alkyl * dimethyl benzyl ammonium chloride * (67%C12, 25%C14, 7%C16, 1%C8, C10, and C18).
006836–00191	BARQUAT 50–65	Decyl isononyl dimethyl ammonium chloride.
006836–00209	BARDAC 2180	Decyl isononyl dimethyl ammonium chloride.
006836–00218	BARDAC RW–10	Decyl isononyl dimethyl ammonium chloride.
006836–00219	BARDAC CW–10	Decyl isononyl dimethyl ammonium chloride.
006836–00220	BARDAC CW–50	Decyl isononyl dimethyl ammonium chloride.
006836–00221	BARDAC RW–50	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00227	LONZA FORMULATION DC–800	Decyl isononyl dimethyl ammonium chloride.
006836–00228	BARDAC 2150 LA	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00230	JORDAQUAT 350	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
006836–00244	CSP–46 CONCENTRATE	Alkyl * dimethyl benzyl ammonium chloride * (67%C12, 25%C14, 7%C16, 1%C18).
006836–00285	BARQUAT 50–65A	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00294	BARDAC 255M	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00295	BARDAC 288M	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00298	BARQUAT MB–40 SWIMMING POOL ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00301	LONZA FORMULATION FC–600	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
006836–00320	LONZA CQ DISINFECTANT CLEANER	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
006943–00001	KORK RUB CLEANER DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
007364–00090	POOL-PAL 500 ALGAECIDE	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
008540–00003	FORMULA NO. 30–A	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
008540–00013	GARRATT CALLAHAN FORMULA 35	Benzenemethanaminium, N,N-dimethyl-N-(2-(2-(4-(1,1,3,3-tetramethylbutyl)phenoxy)ethoxy)ethyl)-, chloride.
008660–00061	VERTAGREEN ALGAECIDE	Alkyl * dimethyl benzyl ammonium chloride * (67%C12, 25%C14, 7%C16, 1%C18), and Dialkyl * methyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
008959–00036	PORTATRINE	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
009367–00005	EMULSO GERMICIDAL BOWL CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
009367–00045	MINT–O	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
009386–00014	AMA–3510	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
009688–00056	DEODORIZING DISINFECTING CLEANER I.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
009688–00057	CHEMSICO SPRAY DISINFECTANT I WITH BACTERIOSTATIC ACTION.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
009688–00135	CHEMSICO SURFACE DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (61%C12, 23%C14, 11%C16, 5%C18).
010324–00002	MAQUAT LC12S–80%	Alkyl * dimethyl benzyl ammonium chloride * (95%C14, 3%C12, 2%C16).
010324–00121	MAQUAT 2855	Alkyl * dimethyl benzyl ammonium chloride * (95%C14, 3%C12, 2%C16).
010324–00135	MAQUAT MC1412–55%	Alkyl * dimethyl benzyl ammonium chloride * (65%C12, 25%C14, 10%C16).
010707–00008	MAGNACIDE 408 INDUSTRIAL BACTERICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
012204–00010	MARCICIDE	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
037265–00042	PINE ODOR DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
037265–00049	STRIKE BAC LEMON ODOR DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
045309–00017	AQUACLEAR ALGAECIDE FORMULA–5	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration codes	Product name	Chemical name
045309–00032	FREE 'N CLEAR SWIMMING POOL ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Dialkyl * methyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
045309–00033	FREE N' CLEAR 10 SWIMMING POOL ALGAECIDE.	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
045309–00044	SWIM FREE CONCENTRATED POLYCIDE II ALGAECIDE FOR SWIMMING POOLS.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047000–00087	SUPERSWEET MULTI-PURPOSE DISINFECTANT.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00001	FORMULATION HS–32Q	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00006	FORMULATION HS–652Q	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00010	FMB 451–8 CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00011	FMB 451–5 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
047371–00013	FMB 6075–8 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
047371–00014	FMB 3328–8 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18).
047371–00015	FMB 6075–5 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00016	FMB 4500–5 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00018	FMB 451–28 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00019	FMB 3328–5 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
047371–00020	FMB 3328–28 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00022	FMB 4500–28 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00032	FORMULATION HS–8451P	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
047371–00035	FORMULATION HS–33A	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00046	SAK–64L CLEANER	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047371–00050	HUNTINGTON FMB 65–15 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047371–00051	LONZA FMB–28 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00055	WTM–1210 WATER TREATMENT MICROBIOCIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00061	FMB 1210–100 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
047371–00062	FMB 28–28 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
047371–00063	FMB 3328–D40 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047371–00069	HS–65 SWIMMING POOL ALGAECIDE	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00070	HUNTINGTON FMB 504–5 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00073	FMB 504–8 QUAT	Alkyl * dimethyl benzyl ammonium chloride * (58%C14, 28%C16, 14%C12).
047371–00085	FMB 28–15 QUAT CONCENTRATED GERMICIDE.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00089	FORMULATION AE–90	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047371–00092	HS–65 WINTERIZING ALGICIDE	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00101	FORMULATION PA–1210	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00102	FORMULATION POQ 1210	Alkyl * dimethyl ethylbenzyl ammonium chloride * (50%C12, 30%C14, 17%C16, 3%C18), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
047371–00104	FORMULATION HS–3328	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00105	FORMULATION POQ–451	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
047371–00107	FORMULATION HS–65 SWIMMING POOL ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00149	PA–1210 HUMIDIFIER ALGAECIDE	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00153	FORMULATION POQ451 (1:32)	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration codes	Product name	Chemical name
047371–00161	HS–451 DISINFECTANT/SANITIZER (50%).	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
047371–00181	WTM–1210 MICROBICIDE (33%)	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
048181–00001	HYDROCIDE GERMICIDE AND DISINFECTANT.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
061282–00060	TRYAD	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
063664–00001	QSP–451 SWIMMING POOL ALGAECIDE.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 25%C12, 15%C16).
067262–00015	AQUA CHEM BALANCED FOR CLEAN POOLS ALGAECIDE LIQUID.	Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14), and Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
067517–00017	QUATERNARY DISINFECTANT	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
067517–00019	ODOR CONTROL	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
067517–00039	ANNIHILATOR CLEANER/DISINFECTANT.	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride, and Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
067619–00003	CPPC SPRAY 1	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
067619–00005	CPPC PS SPRAY 19054	1-Decanaminium, N,N-dimethyl-N-octyl-, chloride, and Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
067619–00022	LEX	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
070627–00001	SPRAY DISINFECTANT HG	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
070627–00059	ANTIBACTERIAL SCRUBBING BUBBLES BATHROOM CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
070627–00064	BUTCHER'S BRIGHT DISINFECTANT FOAM CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
070627–00065	BUTCHER'S CLOCKWORK DISINFECTANT DEODORIZER SANITIZER.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
070627–00066	BUTCHER'S BATH GUARD ACID FREE DISINFECTANT BATHROOM CLEANER.	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
074655–00003	SPECTRUM RX–36	Alkyl * dimethyl benzyl ammonium chloride * (50%C14, 40%C12, 10%C16).
074655–00015	SPECTRUM RX1000	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12).
081002–00001	CHLORINE FREE SPLASHES ALGICIDE	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).
090924–00008	BACTRON K–86 MICROBIOCIDE	Alkyl * dimethyl benzyl ammonium chloride * (60%C14, 30%C16, 5%C18, 5%C12), and Alkyl * dimethyl ethylbenzyl ammonium chloride * (68%C12, 32%C14).

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company number	Company name and address
499	BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709.
875	Diversey, Inc., 8310 16th Street, Sturtevant, WI 53177.
1007	Zoetis, Inc., 333 Portage Street, Kalamazoo, MI 49007–4931.
1203	Delta Foremost Chemical Corp., 3915 Air Park Street, Memphis, TN 38118.
1258	Arch Chemicals, Inc., 1200 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
1270	Zep, Inc., 1259 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
1677	Ecolab, Inc., 370 Wabasha Street North, St. Paul, MN 55102.
1706	Nalco Company, 370 N. Wabasha Street, St. Paul, MN 55102–1390.
1839	Stepan Company, 22 W. Frontage Rd., Northfield Rd., IL 60093.
2212	Walter G. Legge Company, Inc., 444 Central Avenue, Peekskill, NY 10566.
2296	National Chemical Laboratories, Inc., 401 N. 10th Street, Philadelphia, PA 19123.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company number	Company name and address
2724	Wellmark International, 1501 E. Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
2935	Wilbur-Ellis Company, 2903 S. Cedar Avenue, Fresno, CA 93725.
3635	Dubois Chemicals, Inc., 3630 E. Kemper Road, Cincinnati, OH 45241.
3862	ABC Compounding Co., Inc., P.O. Box 16247, Atlanta, GA 30321–0247.
4822	S.C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.
5813	The Clorox Co., C/O PS&RC, P.O. Box 493, Pleasanton, CA 94566–0803.
6836	Lonza, Inc., 90 Boroline Road, Allendale, NJ 07401.
6943	Tate Soaps & Surfactants, Inc., P.O. Box 2543, Kokomo, IN 46904–2543.
7364	GLB Pool & Spa, 90 Boroline Road, Allendale, NJ 07401.
8540	Garratt-Callahan Co., 50-Ingold Road, Burlingame, CA 94010.
8660	United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
8959	Applied Biochemists, 90 Boroline Road, Allendale, NJ 07401.
9367	Theo Chem Laboratories, Inc., 7373 Rowlett Park Drive, Tampa, FL 33610–1141.
9386	Kemira Chemicals, Inc., 1000 Parkwood Circle, Suite 500, Atlanta, GA 30339.
9688	Chemsico, One Rider Trail Plaza Drive, Suite 300, Earth City, MO 63045, Lithia Springs, GA 30122.
10324	Mason Chemical Company, 723 W. Algonquin Rd., Suite B, Arlington Heights, IL 60005.
10707	Baker Petrolite, LLC., 12645 West Airport Blvd., Sugar Land, TX 77478.
12204	Mid-American Research Chemical Corp., P.O. Box 927, Columbus, NE 68602–0927.
37265	Genlabs, 5568 Schaefer Avenue, Chino, CA 91710.
45309	Aqua Clear Industries, LLC., P.O. Box 2456, Suwanee, GA 30024–0980.
47000	Chem-tech, LTD., 4515 Fleur Drive #303, Des Moines, IA 50321.
47371	H & S Chemicals Division, 90 Boroline Road, Allendale, NJ 07401.
48181	Hydrox Laboratories, 825 Tollgate Rd., Elgin, IL 60123.
63664	Quality Swimming Pool Products Division, 90 Boroline Road, Allendale, NJ 07401.
67262	Recreational Water Products, Inc., P.O. Box 1449, Buford, GA 30515–1449.
67517	PM Resources, Inc., 3200 Meacham Boulevard, Fort Worth, TX 76137.
67619	Clorox Professional Products Co. C/O PS&RC, P.O. Box 493, Pleasanton, CA 94566–0803.
70627	Diversey, Inc., 8310 16th Street, Sturtevant, WI 53177.
74655	Solenis, LLC., 7910 Baymeadows Way, Suite 100, Jacksonville, FL 32256.
81002	Splashes, Inc., 90 Boroline Road, Allendale, NJ 07401.
90924	Nalco Champion, 370 Wabasha Street North, St. Paul, MN 55102–1390.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30–day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180–day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

None of the registrations in Table 1 of Unit II. are for minor agricultural use. Accordingly, EPA will provide a 30–day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 17, 2015.

Jennifer L. McLain,

Acting Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2015–18541 Filed 7–27–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Appointment of Chairman and New FASAB Members

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d) the Federal Advisory

Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that Mr. D. Scott Showalter has been appointed to serve as the Chairman of the Board beginning January 1, 2016. Mr. Showalter's term will conclude on June 30, 2019. Notice is also given that Ms. Gila Bronner and Mr. George Scott have been appointed to five-year terms as members of the Federal Accounting Standards Advisory Board (FASAB) beginning January 1, 2016.

For Further Information Regarding Ms. Bronner or Mr. Scott, Contact: Ms. Wendy M. Payne, Executive Director, 441 G St. NW., Mail Stop 6H19, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Public Law 92–463.

Dated: July 22, 2015.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. 2015–18407 Filed 7–27–15; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Thursday, September 24th, 2015 in the Commission Meeting Room, from 1 p.m. to 4 p.m. at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

DATES: Thursday, September 24th, 2015.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov.*

SUPPLEMENTARY INFORMATION: At the September 24th meeting, the FCC Technological Advisory Council will discuss progress on and issues involving its work program agreed to at its initial meeting on April 1st, 2015. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 7–A224, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may not be possible to fill.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer.

[FR Doc. 2015–18404 Filed 7–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0876]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 27, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0876.

Title: Sections 54.703, USAC Board of Directors Nomination Process and Sections 54.719 through 54.725, Review of the Administrator's Decision.

Form Number(s): N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and not-for-profit institutions.

Number of Respondents and Responses: 557 respondents; 557 responses.

Estimated Time per Response: 20–32 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47 U.S.C. 151 through 154, 201 through 205, 218 through 220, 254, 303(r), 403 and 405.

Total Annual Burden: 17,680 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the FCC. However, respondents may request confidential treatment of their information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The information in this collection is used by the Commission to select Universal Service Administrative Company (USAC) Board of Directors and to ensure that requests for review are filed properly the Commission.

Section 54.703 states that industry and non-industry groups may submit to the Commission for approval nominations for individuals to be appointed to the USAC Board of Directors.

Sections 54.719 through 54.725 describes the procedures for Commission review of USAC decisions including the general filing requirements pursuant to which parties may file requests for review.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer.

[FR Doc. 2015–18403 Filed 7–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10454, The Royal Palm Bank of Florida, Naples, FL

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for The Royal Palm Bank of Florida, Naples, FL (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of The Royal Palm Bank of Florida on July 20, 2012. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: July 22, 2015.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–18360 Filed 7–27–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, July 21, 2015, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Thomas J. Curry (Comptroller of the Currency), concurred in by Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: July 21, 2015.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2015–18547 Filed 7–24–15; 11:15 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0205; Docket 2015–0001; Sequence 12]

General Services Administration Acquisition Regulation (GSAR; Submission for OMB Review; Environmental Conservation, Occupational Safety, and Drug-Free Workplace

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding the extension of a previously existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Environmental Conservation, Occupational Safety, and Drug-Free Workplace. A notice was published in the **Federal Register** at 80 FR 27970 on May 15, 2015. No comments were received.

DATES: Submit comments on or before: August 27, 2015.

ADDRESSES: Submit comments identified by Information Collection 3090–0205 by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0205, Environmental Conservation,

Occupational Safety, and Drug-Free Workplace'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace.

Instructions: Please submit comments only and cite Information Collection 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Funk, Procurement Analyst, General Services Acquisition Policy Division, GSA, at telephone 215–446–4860 or via email to *kevin.funk@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Hazardous Substance Act and Hazardous Material Transportation Act prescribe standards for packaging of hazardous substances. To meet the requirements of the Acts, the General Services Administration Regulation prescribes provision 552.223–72, Hazardous Material Information, to be inserted in solicitations and contracts that provides for delivery of hazardous materials on a Free On Board (FOB) origin basis.

This information collection will be accomplished by means of the provision which requires the contractor to identify for each National Stock Number (NSN), the DOT Shipping Name, Department of Transportation (DOT) Hazards Class, and whether the item requires a DOT label. Contracting Officers and technical personnel use the information to monitor and ensure contract requirements based on law and regulation.

Properly identified and labeled items of hazardous material allows for appropriate handling of such items throughout GSA's supply chain system. The information is used by GSA, stored in an NSN database and provided to GSA customers. Non-Collection and/or a less frequently conducted collection of the information resulting from GSAR provision 552.223–72 would prevent the Government from being properly notified. Government activities may be hindered from apprising their employees of; (1) All hazards to which they may be exposed; (2) Relative symptoms and appropriate emergency treatment; and (3) Proper conditions and precautions for safe use and exposure.

B. Annual Reporting Burden

Respondents: 563.
Responses per Respondent: 3.
Total Responses: 1689.
Hours per Response: .67.
Total Burden Hours: 1132.

C. Public Comments

Public Comments are particularly invited on: Whether this collection of information is necessary and whether it 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; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division, 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace, in all correspondence.

Dated: July 23, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Director, Office of Acquisition Policy.

[FR Doc. 2015–18461 Filed 7–27–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–15–15AUE; Docket No. CDC–2015–0057]

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 comments on a proposed CDC-funded information collection entitled ''Capacity Building Assistance Assessment for HIV Prevention''. This request is for a one-year Office of Management and Budget approval to assess the capacity of each community-based organizations (CBOs) and their partnership who receive federal funds to implement their Comprehensive High-Impact HIV Prevention activities.

DATES: Written comments must be received on or before September 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0057 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

Capacity Building Assistance Assessment for HIV Prevention—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

For over 30 years, Human Immunodeficiency Virus (HIV) has been an epidemic, affecting millions globally. According to the CDC, by the end of 2010 an estimated 1,144,500 persons aged 13 years and older were living with HIV infection in the U.S., including 180,900 (15.8%) persons who are unaware of their infection. Over the past 10 years, deaths among persons in the U.S. living with HIV have declined, the number of people living with HIV has increased, and the number of new HIV infections has remained stable with approximately 50,000 new infections annually.

Some groups are disproportionately affected by this epidemic. For example, between 2006 and 2009, there was an almost 50% increase in the number of new HIV infections among young Black men who have sex with men (MSM). In order to address these health disparities, the CDC is funding 90 CBOs and their collaborative partners (Partnerships) to address the national HIV epidemic by reducing new infections, increasing access to care, and promoting health equity; particularly for people living with and at greatest risk of HIV infection. This includes African Americans/Blacks; Latinos/Hispanics; all races and ethnicities of gay, bisexual, and other MSM; IDUs; and transgender persons.

Building the capacity of the funded organizations to conduct HIV programs and services is a priority to ensure effective and efficient delivery of HIV prevention treatment and care services. Since the late 1980s, CDC has been working with CBOs to broaden the reach of HIV prevention efforts. Over time, the CDC's program for HIV prevention has grown in size, scope, and complexity, responding to changes in approaches to addressing the epidemic, including the introduction of new guidance, effective behavioral, biomedical, and structural interventions, and public health strategies.

The Capacity Building Branch within the Division of HIV/AIDS Prevention (D provides national leadership and support for capacity building assistance (CBA) to help improve the performance of the HIV prevention workforce. One way that it accomplishes this task is by funding CBA providers to work with CBOs, health departments, and communities to increase their knowledge, skills, technology, and infrastructure to implement and sustain science-based, culturally appropriate interventions and public health strategies.

Applicants selected for funding must work with the CDC-funded CBA providers to develop and implement a Capacity Building Assistance Strategic Plan (CBASP). The information collected via this process will be used to construct a CBASP for each funded organization in collaboration with CDC's Capacity Building Branch (CBB). CBA Providers will provide technical assistance and training to ensure that the CBOs and Partnerships have the skills and support they need to successfully implement their CDC-funded HIV High Impact Prevention program.

CBA providers will conduct face-to-face field visits with the CBOs and partners utilizing the structured organizational needs assessment tool. This comprehensive tool consists of two Parts, (Part I and Part II). Part I will be completed by all organizations and Part II will be completed only by the lead organizations of a Partnership. The tool offers a mixed-methods data collection approach consisting of checklists, close-ended (quantitative) questions, and open-ended (qualitative) questions. CBOs will be asked to complete the tool prior to the field visits in order to maximize time during the visits for discussion and strategic planning.

Findings from this project will be used by the participating CBOs and Partnerships, the CBA providers, and the Capacity Building Branch. By the end of the project, the participating CBOs and Partnerships will have tailored CBA strategic plans that they can use to help sustain their programs across and beyond the life of their funding. Based on these plans, the CBA providers in collaboration with CDC will be able to better identify and address those needs most reported by CBOs. Finally, the Capacity Building Branch will be able to refine its approach to conceptualizing and providing CBA on a national level in the most cost-effective manner possible.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Grantees	CBO Needs Assessment Tool	90	1	4	360
Total					360

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. 2015–18357 Filed 7–27–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15GJ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Investigating the Implementation and Evaluation of Top-ranked HSMS Elements—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, sections 20 and 22 (section 20–22, Occupational Safety and Health Act of 1977) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

This project seeks to understand the best practices for developing, implementing, and maintaining a robust risk management system (*i.e.* health and safety management system [HSMS]). Researchers suggest that an HSMS requires considerable knowledge, skills, abilities, and competencies from all individuals within an organization as well as focused and purposeful coordination between them.

Previous research considered the sheer number of possible choices to be a barrier to HSMS adoption. Therefore, NIOSH began to understand what the most fundamentally important elements were that support the development, implementation and maintenance of a comprehensive, effective risk-based HSMS. NIOSH surveyed practicing health and safety executives, managers, and professionals (9 total) from a variety of mining commodities to determine if they agreed on which HSMS elements and practices were most important. The results of this study suggested that the following areas require consistent focus and attention: Leadership Development; Accountability; Knowledge, Skills, and Abilities Development; System Coordination; Culture Enhancement; Behavior Optimization; and Risk Management. To date, little empirical research has been conducted to address practical research questions related to each.

Therefore, the current research task is designed to investigate research questions related to the practical purpose, implementation, and evaluation of each element: (1) How is each of these HSMS elements best executed within mining organizations?; (2) how do you know an element has been successfully implemented within the organization?; and (3) what are the barriers to implementing these HSMS elements within mining organizations?

This study employs a strictly qualitative approach to answer the research questions. A qualitative approach allows researchers to probe participants and learn about their specific experiences through in-depth examples. A protocol that will be used during an interview and/or focus group was developed. The subject matter in the protocol is focused on implementing and evaluating specific elements within managers' HSMS and possible barriers to implementation and evaluation.

NIOSH is seeking a three-year approval for this project which will target mine sites for participation by reaching out to organizational leaders/managers of health and safety at respective mines for their participation. Data collection, in the form of interviews and/or focus groups will occur to answer the questions for this study.

Respondents targeted for this study include corporate or site mine managers (also referred to in some cases as leaders, executives, coordinators or supervisors). These individuals are responsible for the day-to-day administration and/or implementation of the HSMS. In some cases, more than one individual is responsible for certain aspects of the HSMS. Therefore, depending on how these responsibilities are designated at mine sites and how many of these leaders are interested at each mine site, researchers will either facilitate a single interview or a focus group with mine site leadership.

Participants will be recruited through members of mine management using a mine recruitment script. It is estimated that a sample of up to 100 individuals (approximately 34 per year) will agree to participate among a variety of mine sites. Participants will be between the ages of 18 and 75, currently employed, and living in the United States. Participation will require no more than 60 minutes of workers' time. There is no cost to respondents other than their time.

Upon collection of the data, researchers will analyze and determine the effect that each element has on a mine's ability to develop, implement or maintain an HSMS. With that said, lines of theoretical inquiry will be used to inform the thinking behind the practical guidance ultimately provided to mining organizations. Essentially, best practices can be provided that are applicable across an HSMS, not respective to just one aspect or element. Therefore, the findings will be used to make an HSMS more feasible and applicable for the mining industry.

The total estimated burden hours are 32.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Safety/health Mine Representative	Mine Manager Recruitment Script	8	1	5/60
Safety/health Mine Manager	HSMS Interview/Focus Group Protocol	34	1	55/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–18455 Filed 7–27–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15AUK: Docket No. CDC–2015–0058]

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 a proposed information collection entitled *Monitoring and Reporting System for the Prescription Drug Overdose Prevention for States Cooperative Agreement.* CDC will use the information collected to monitor cooperative agreement awardees and to identify challenges to program implementation and achievement of outcomes.

DATES: Written comments must be received on or before September 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0058 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

Monitoring and Reporting System for the Prescription Drug Overdose Prevention for States Cooperative agreement—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Drug overdose is the leading cause of injury death in the United States. Opioid-prescribing behaviors are associated with an increased risk for morbidity and mortality. While opioid pain relievers can play an important role in the management of some types of pain, the overprescribing of these powerful drugs has fueled a national epidemic of prescription drug abuse and overdose. To reverse this complex epidemic and prevent future overdose, abuse, and misuse, the Centers for Disease Control and Prevention (CDC) provides support to states to improve surveillance. Support and guidance for these programs have been provided through cooperative agreement funding and technical assistance administered by CDC's National Center for Injury Prevention and Control (NCIPC).

The goal of this ICR is to collect information from awardees funded under the Prescription Drug Overdose Prevention for States (CDC–RFA–CE15–1501) cooperative agreement, for program monitoring and improvement among funded state health departments.

Information to be collected will provide crucial data for program performance monitoring and budget tracking, and provide CDC with the capacity to respond in a timely manner to requests for information about the program from the Department of Health and Human Services (HHS), the White House, Congress, and other sources. Awardees will report progress and activity information to CDC on an annual schedule using an Excel-based fillable electronic templates, pre-populated to the extent possible by CDC staff, to be submitted via Grant Solutions. Each awardee will submit an Annual reporting Progress Report Tool. The estimated burden per response is 4 hours for each Annual reporting Progress Report Tool. In addition, each awardee will submit an Annual reporting Evaluation Plan Tool. The estimated burden per response is 3 hours for each Annual reporting Evaluation Plan Tool.

In Year 1, each awardee will have additional burden related to initial collection of the reporting tools. Initial Collection Annual Progress Report Tool is estimated to be 20 hours per response, Initial population of the tools is a one-time activity which is annualized over the 3 years of the information collection request. After completing the initial population of the tools, pertinent information only needs to be updated for each annual report. The same instruments will be used for all information collection and reporting.

CDC will use the information collected to monitor each awardee's progress and to identify facilitators and challenges to program implementation and achievement of outcomes. Monitoring allows CDC to determine whether an awardee is meeting performance and budget goals and to make adjustments in the type and level of technical assistance provided to them, as needed, to support attainment of their performance measures.

OMB approval is requested for three years. Participation in the information collection is required as a condition of funding. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State and Territorial Health Department Program Awardees.	Initial Collection Annual Progress Report Tool.	16	1	20	320
	Annual reporting—Progress Report Tool.	16	1	4	64
	Annual reporting Evaluation Plan Tool.	16	1	4	64
Total					448

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. 2015–18456 Filed 7–27–15; 8:45 am]

BILLING CODE 4163–18P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15UJ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Examining How Local Health Departments Can Leverage Age-Friendly Cities Initiatives to Build Resilience in Elderly Populations—New—Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Despite considerable progress in efforts to define and build community resilience (CR), critical gaps remain in addressing the needs of older adults (age 60+), which is expected to rise to 25% by 2050. Age Friendly Initiatives (AFIs), including Senior Villages (SV) represent a promising strategy for U.S. communities and cities to support older adults aging in place, and could potentially build CR. However, few AFIs have wholly incorporated the critical element of emergency preparedness and

resilience. Even when these domains have been included, there is no evaluation of whether these efforts have resulted in improved resilience outcomes among seniors (*e.g.,* greater self-sufficiency). This study will quantify the contribution that AFIs and SVs have made to improving resilience outcomes for older adults and provide guidance to local health departments (LHDs) for improving their engagement with AFIs/SVs.

The Office of Public Health Preparedness and Response proposes to conduct a new information collection, *Examining How Local Health Departments Can Leverage Age-Friendly Cities Initiatives to Build Resilience in Elderly Populations.* Information collection activities will target four groups. Respondents will include AFI Staff, Village Directors, LHD Representatives, and adults aged 65+ within the AFI and SV communities.

The study will outline where current AFIs and CR efforts align; conduct interviews in AFIs and SVs across the U.S. to understand relationships with LHDs; clarify the process through which policymakers can incorporate CR into AFIs; survey test sites in a quasi-experimental design of AFIs currently underway; and develop a toolkit to help LHDs identify the need for AFIs, evaluate and monitor AFIs ability to improve resilience, develop effective and efficient partnerships with AFIs to expand AFI–LHD efforts across the U.S to build community resilience.

OMB approval is requested for two years. Participation in the survey is voluntary. There are no costs to respondents other than their time. The total estimated annual burden hours are 302. A summary of annualized burden hours is below.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)
Age Friendly Initiative Staff	Interview Guide for Age Friendly Initiative Staff.	16	1	30/60
Senior Village Director	Interview Guide for Senior Village Director	15	1	30/60
Local Health Department Representative	Interview Guide for Local Health Department Representative.	8	1	30/60
Older Adult—Screened Out	Senior Village Survey	716	1	2/60
Older Adult—Participant	Senior Village Survey	775	1	20/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–18424 Filed 7–27–15; 8:45am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6059–N3]

Medicare, Medicaid, and Children's Health Insurance Programs: Announcement of the Extended Temporary Moratoria on Enrollment of Ambulance Suppliers and Home Health Agencies in Designated Geographic Locations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Extension of temporary moratoria.

SUMMARY: This document announces the extension of temporary moratoria on the enrollment of new ambulance suppliers and home health agencies, subunits, and branch locations in specific locations within designated metropolitan areas in Florida, Illinois, Michigan, Texas, Pennsylvania, and New Jersey to prevent and combat fraud, waste, and abuse.

DATES: *Effective Date:* July 29, 2015.

FOR FURTHER INFORMATION CONTACT: Belinda Gravel, (410) 786–8934.

News media representatives must contact CMS' Public Affairs Office at (202) 690–6145 or email them at *press@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. CMS' Imposition of Temporary Enrollment Moratoria

Section 6401(a) of the Affordable Care Act added a new section 1866(j)(7) to the Social Security Act (the Act) to provide the Secretary with authority to impose a temporary moratorium on the enrollment of new Medicare, Medicaid, or CHIP providers and suppliers, including categories of providers and suppliers, if the Secretary determines a moratorium is necessary to prevent or combat fraud, waste, or abuse under these programs. For a more detailed explanation of these authorities, please see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 extension and establishment of a temporary moratoria document (hereinafter referred to as the February 4, 2014 moratoria document or notice) (79 FR 6475).

Based on this authority and our regulations at § 424.570, we initially imposed moratoria to prevent enrollment of new home health agencies, subunits, and branch locations [1] (hereafter referred to as HHAs) in Miami-Dade County, Florida and Cook County, Illinois, as well as surrounding counties, and part B ambulance suppliers in Harris County, Texas and surrounding counties, in a notice issued on July 31, 2013 (78 FR 46339). We then exercised this authority again in a notice published on February 4, 2014 (79 FR 6475) when we extended the existing moratoria for an additional 6 months and expanded it to include enrollment of HHAs in Broward County, Florida; Dallas County, Texas; Harris County, Texas; and Wayne County, Michigan and surrounding counties, and enrollment of ground ambulance suppliers in Philadelphia, Pennsylvania and surrounding counties. Then, we further extended the previously mentioned moratoria in moratoria documents issued on August 1, 2014 (79 FR 44702) and February 2, 2015 (80 FR 5551).

[1] As noted in the preamble to the final rule implementing the moratorium authority (February 2, 2011, CMS–6028–FC (76 FR 5870), home health agency subunits and branch locations are subject to the moratoria to the same extent as any other newly enrolling home health agency.

B. Determination of the Need for Moratorium

In imposing these enrollment moratoria, CMS considered both qualitative and quantitative factors suggesting a high risk of fraud, waste, or abuse. CMS relied on law enforcement's longstanding experience with ongoing and emerging fraud trends and activities through civil, criminal, and administrative investigations and prosecutions. CMS' determination of a high risk of fraud, waste, or abuse in these provider and supplier types within these geographic locations was then confirmed by CMS' data analysis, which relied on factors the agency identified as strong indicators of risk. (For a more detailed explanation of this determination process and of these authorities, see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 moratoria document (79 FR 6475)).

1. Consultation With Law Enforcement

In consultation with the HHS-Office of Inspector General (OIG) and the Department of Justice (DOJ), CMS identified two provider and supplier types in nine geographic locations that warrant a temporary enrollment moratorium. For a more detailed discussion of this consultation process, see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 moratoria document (79 FR 6475).

2. Beneficiary Access to Care

Beneficiary access to care in Medicare, Medicaid, and CHIP is of critical importance to CMS and its state partners, and CMS carefully evaluated access for the target moratorium locations. Prior to imposing these moratoria, CMS reviewed Medicare data for these areas and found no concerns with beneficiary access to HHAs or ground ambulance suppliers. CMS also consulted with the appropriate State Medicaid Agencies and with the appropriate State Departments of Emergency Medical Services to determine if the moratoria would create access to care concerns for Medicaid and CHIP beneficiaries in the targeted locations and surrounding counties. All of CMS' state partners were supportive of CMS analysis and proposals, and together with CMS, determined that these moratoria would not create access to care issues for Medicaid or CHIP beneficiaries.

3. Lifting a Temporary Moratorium

In accordance with § 424.570(b), a temporary enrollment moratorium imposed by CMS will remain in effect for 6 months. If CMS deems it necessary, the moratorium may be extended in 6-month increments. CMS will evaluate whether to extend or lift the moratorium before any subsequent moratorium periods. If one or more of the moratoria announced in this document are extended or lifted, CMS will publish a document to that effect in the **Federal Register**.

Once a moratorium is lifted, the provider or supplier types that were unable to enroll because of the moratorium will be designated to CMS' high screening level under § 424.518(c)(3)(iii) and § 455.450(e)(2) for 6 months from the date the moratorium is lifted.

II. Extension of Home Health and Ambulance Moratoria—Geographic Locations

As noted earlier, we previously imposed moratoria on the enrollment of new HHAs in the Florida counties of Broward, Miami-Dade, and Monroe; the Illinois counties of Cook, DuPage, Kane, Lake, McHenry, and Will; the Michigan counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne; and the Texas counties of Brazoria, Chambers, Collin, Fort Bend, Galveston, Dallas, Harris, Liberty, Denton, Ellis, Kaufman, Montgomery, Rockwall, Tarrant, and Waller. Further, we previously imposed moratoria on the enrollment of new ground ambulance suppliers in the Texas counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller; the Pennsylvania counties of Bucks, Delaware, Montgomery, and Philadelphia; and the New Jersey counties of Burlington, Camden, and Gloucester. These moratoria became effective upon publication in the **Federal Register** of a notice on July 31, 2013 (78 FR 46339) and a moratoria document on February 4, 2014 (79 FR 6475), and were subsequently extended by documents published in the **Federal Register** on August 1, 2014 (79 FR 44702) and February 2, 2015 (80 FR 5551).

As provided in § 424.570(b), CMS may deem it necessary to extend previously-imposed moratoria in 6-month increments. Under this authority, CMS is extending the temporary moratoria on the Medicare enrollment of HHAs and ground ambulance suppliers in the geographic locations discussed herein. Under regulations at § 455.470 and § 457.990, these moratoria also apply to the enrollment of HHAs and ground ambulance suppliers in Medicaid and CHIP. Under § 424.570(b), CMS is required to publish a document in the **Federal Register** announcing any extension of a moratorium, and this extension of moratoria document fulfills that requirement.

CMS consulted with the HHS–OIG regarding the extension of the moratoria on new HHAs and ground ambulance suppliers in all of the moratoria counties, and HHS–OIG agrees that a significant potential for fraud, waste, and abuse continues to exist in these geographic areas. The circumstances warranting the imposition of the moratoria have not yet abated, and CMS has determined that the moratoria are still needed as we monitor the indicators and continue with administrative actions, such as payment suspensions and revocations of provider/supplier numbers. (For more information regarding the monitored indicators, see the February 4, 2014 moratoria document (79 FR 6475)).

Based upon CMS' consultation with the relevant State Medicaid Agencies, CMS has concluded that extending these moratoria will not create an access to care issue for Medicaid or CHIP beneficiaries in the affected counties at this time. CMS also reviewed Medicare data for these areas and found there are no current problems with access to HHAs or ground ambulance suppliers. Nevertheless, the agency will continue to monitor these locations to make sure that no access to care issues arise in the future.

Based upon our consultation with law enforcement and consideration of the factors and activities described previously, CMS has determined that the temporary enrollment moratoria should be extended for an additional 6 months.

III. Summary of the Moratoria Locations

CMS is executing its authority under sections 1866(j)(7), 1902(kk)(4), and 2107(e)(1)(D) of the Act to extend these moratoria in the following counties for these providers and suppliers:

TABLE 1—HHA MORATORIA

State	City/metro area	Counties
FL	Fort Lauderdale	Broward.

TABLE 1—HHA MORATORIA—Continued

State	City/metro area	Counties
FL	Miami	Monroe, Miami-Dade.
IL	Chicago	Cook, DuPage, Kane, Lake, McHenry, Will.
MI	Detroit	Macomb, Monroe, Oakland, Washtenaw, Wayne.
TX	Dallas	Collin, Dallas, Denton, Ellis, Kaufman, Rockwall, Tarrant.
TX	Houston	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller.

TABLE 2—PART B AMBULANCE MORATORIA

State	City/metro area	Counties
PA/NJ	Philadelphia	Bucks, Burlington (NJ), Camden (NJ), Delaware, Gloucester (NJ), Montgomery, Philadelphia.
TX	Houston	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller.

IV. Clarification of Right to Judicial Review

Section 1866(j)(7)(B) of the Act states that there shall be no judicial review under section 1869, section 1878, or otherwise, of a temporary moratorium imposed on the enrollment of new providers of services and suppliers if the Secretary determines that the moratorium is necessary to prevent or combat fraud, waste, or abuse. Accordingly, our regulations at 42 CFR 498.5(l)(4) state that for appeals of denials based on a temporary moratorium, the scope of review will be limited to whether the temporary moratorium applies to the provider or supplier appealing the denial. The agency's basis for imposing a temporary moratorium is not subject to review. Our regulations do not limit the right to seek judicial review of a final agency decision that the temporary moratorium applies to a particular provider or supplier. In the preamble to the February 2, 2011 (76 FR 5918) final rule with comment period establishing this regulation, we explained that ''a provider or supplier may administratively appeal an adverse determination based on the imposition of a temporary moratorium up to and including the Department Appeal Board (DAB) level of review.'' We are clarifying that providers and suppliers that have received unfavorable decisions in accordance with the limited scope of review described in § 498.5(l)(4) may seek judicial review of those decisions after they exhaust their administrative appeals. We reiterate, however, that section 1866(j)(7)(B) of the Act precludes judicial review of the agency's basis for imposing a temporary moratorium.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VI. Regulatory Impact Statement

CMS has examined the impact of this document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

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). A regulatory impact analysis (RIA) must be prepared for major regulatory actions with economically significant effects ($100 million or more in any 1 year). This document will prevent the enrollment of new home health providers and ambulance suppliers in Medicare and new home health providers and ambulance suppliers in Medicaid and CHIP. Though savings may accrue by denying enrollments, the monetary amount cannot be quantified. After the imposition of the moratoria on July 31, 2013, 848 HHAs and 14 ambulance companies in all geographic areas affected by the moratoria had their applications denied. We have found the number of applications that are denied after 60 days declines dramatically, as most providers and suppliers will not submit applications during the moratoria period. Therefore, this document does not reach the economic threshold, and thus is not considered a major action.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $35.5 million in any one year. Individuals and states are not included in the definition of a small entity. CMS is not preparing an analysis for the RFA because it has determined, and the Secretary certifies, that this document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if an action may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, CMS defines a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. CMS is not preparing an analysis for section 1102(b) of the Act because it has determined, and the Secretary certifies, that this document will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any regulatory action whose mandates require spending in any 1 year of $100

million in 1995 dollars, updated annually for inflation. In 2015, that threshold is approximately $144 million. This document will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed regulatory action (and subsequent final action) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Because this document does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, the Office of Management and Budget reviewed this document.

Authority: Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

Dated: July 1, 2015.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–18327 Filed 7–24–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Disaster Information Collection Plans.

OMB No.: NEW.

Description: This request is for approval of a plan for conducting more than one information collection that is very similar, voluntary, low-burden and uncontroversial. The Information collections under this generic clearance will be activated during a disaster. These forms will be used after a disaster to develop a technical assistance plan for affected ACF programs.

Presidential Policy Directive-8 (PPD–8), which was signed into law in 2011, provides federal guidance and planning procedures under established phases—protection, preparedness, response, recovery, and mitigation. The data collection addresses response, and recovery for ACF programs with a statutory preparedness planning requirement and other programs without that requirement.

ACF/Office of Human Services Emergency Preparedness and Response (OHSEPR) has a requirement under PPD–8, the National Response Framework, and the National Disaster Recovery Framework to report impacts of disasters to ACF-supported human services programs to the HHS Secretary's Operation Center (SOC). ACF/OHSEPR works in conjunction with the Assistant Secretary for Preparedness and Response (ASPR), and the Federal Emergency Management Agency (FEMA) to ensure that impacted ACF programs are returned to their normal or close to normal operations.

The primary purpose of the information collection pertains to ACF's initiative to provide real time updates during the response and recovery phases of a disaster; the information will be used to respond to inquiries about human services response and recovery efforts, specifically for individuals, children, and families that need support from ACF programs. Further, the information collection will be used to support ACF/OHSEPR's goal to quickly identify critical gaps, resources, needs, and services to support State, local and non-profit capacity for disaster case management and to augment and build capacity where none exists.

Respondents: Varies, depending on programmatic impact (could be state administrators, or grantees).

Annual Burden Estimates

The estimate is based on a single disaster per year. The estimate is for one state administrator to go through all the applicable questions with the Regional and Central Office staff, if applicable.

Instrument	Number of respondents	Number of responses per respondent	Burden hours per response	Total burden hours
Program Specific Disaster Information Collection	50	15	0.5	25

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–18440 Filed 7–27–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration for Native Americans; Notice of Meeting

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Health and Human Services (HHS), Administration for Children and Families (ACF), will host a Tribal Consultation to consult on ACF programs and tribal priorities.

DATES: September 14, 2015.

ADDRESSES: 901 D Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lillian A. Sparks Robinson, Commissioner, Administration for Native Americans, at 202–401–5590, by email at *Lillian.sparks@acf.hhs.gov,* or by mail at 370 L'Enfant Promenade SW., 2 West, Washington, DC 20447.

SUPPLEMENTARY INFORMATION: On November 5, 2009, President Obama signed the ''Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation.'' The President stated that his Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications, including, as an initial step, through complete and consistent implementation of Executive Order 13175.

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

HHS has taken its responsibility to comply with Executive Order 13175 very seriously over the past decade; including the initial implementation of a Department-wide policy on tribal consultation and coordination in 1997, and through multiple evaluations and revisions of that policy, most recently in 2010. ACF has developed its own agency-specific consultation policy that complements the Department-wide efforts.

The ACF Tribal Consultation Session will begin on the morning of September 14, 2015, and continue throughout the day until all discussions have been completed. To help both tribal officials and the ACF Principals prepare for this consultation, planning teleconference calls will be held on:

Wednesday, August 19, 2015, 3 p.m.–3:30 p.m. Eastern Time
Wednesday, August 26, 2015, 3 p.m.–3:30 p.m. Eastern Time
Wednesday, September 2, 2015, 3 p.m.–3:30 p.m. Eastern Time

The call-in number is: 866–769–9393. The passcode is: 4449449#.

The purpose of the planning calls will be to identify individuals who will provide oral testimony to ACF, solicit for tribal moderators and identify specific topics of interest so we can ensure that all appropriate individuals are present.

Testimonies are to be submitted no later than September 8, 2015, to: Lillian Sparks Robinson, Commissioner, Administration for Native Americans, 370 L'Enfant Promenade SW., Washington, DC 20447, *anacommissioner@acf.hhs.gov.*

To facilitate the security process when entering our building, we would appreciate if participants register for the session by sending an email to *anacommissoner@acf.hhs.gov* with the names of attendees, titles, and tribe/organization name. If you plan to provide testimony, please include the name of the office(s) you wish to address. We are also interested in collecting the same information from anyone who will be attending by webinar.

Dated: July 21, 2015.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2015–18430 Filed 7–27–15; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0386]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and Listing of Ingredients in Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 27, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0650. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and Listing of Ingredients in Tobacco Products—OMB Control Number 0910–0650—Extension

On June 22, 2009, the President signed the Tobacco Control Act (Pub. L. 111–31) into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 301 *et seq.*) by, among other things, adding a chapter granting FDA important authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors.

Section 905(b) of the FD&C Act (21 U.S.C. 387e(b)), as amended by the Tobacco Control Act, requires that ''every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products . . .'' register with FDA the name, places of business, and all establishments owned or operated by that person. Every person must register by December 31 of each year. Section 905(c) of the FD&C Act requires that first-time persons ''engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person.'' Section 905(d) states that persons required to register under section 905(b) or (c) shall register any additional establishment that they own or operate in any State which begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products. Section 905(h)

addresses foreign establishment registration requirements, which will go into effect when regulations are issued by the Secretary. Section 905(i)(1) of the FD&C Act, as amended by the Tobacco Control Act, requires that all registrants ''shall, at the time of registration under any such subsection, file with [FDA] a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution,'' along with certain accompanying consumer information, such as all labeling and a representative sampling of advertisements. Section 904(a)(1) of the FD&C Act (21 U.S.C. 387d(a)(1)), as amended by the Tobacco Control Act, requires each tobacco product manufacturer or importer, or agent thereof, to submit ''a listing of all ingredients, including tobacco, substances, compounds, and additives that are * * * added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand or by quantity in each brand and subbrand.'' Since the Tobacco Control Act was enacted on June 22, 2009, the information required under section 904(a)(1) must be submitted to FDA by December 22, 2009, and include the ingredients added as of the date of submission. Section 904(c) of the FD&C Act also requires submission of information whenever additives, or the quantities of additives, are changed.

FDA issued guidance documents on both: (1) Registration and Product Listing for Owners and Operators of Domestic Tobacco Product Establishments and (2) listing of Ingredients in Tobacco Products to assist persons making such submissions to FDA under the Tobacco Control Act. While electronic submission of registration and product listing information and ingredient listing information are not required, FDA is strongly encouraging electronic submission to facilitate efficiency and timeliness of data management and collection. To that end, FDA designed electronic submission applications to streamline the data entry process for registration and product listing and for ingredient listing. These tools allow for importation of large quantities of structured data, attachment of files (*e.g.,* in portable document format (PDFs) and certain media files), and automatic acknowledgement of FDA's receipt of submissions.

FDA also developed paper forms (Form FDA 3741—Registration and Listing for Owners and Operators of Domestic Tobacco Product Establishments, and Form FDA 3742—Listing of Ingredients in Tobacco Products) as an alternative submission tool. Both the electronic submission application and the paper forms can be accessed at *http://www.fda.gov/tobacco*.

In the **Federal Register** of April 21, 2015 (80 FR 22202), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

FDA Form/activity/TCA section	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours	Total operating and maintenance costs
Tobacco Product Establishment Initial Registration and Listing; Form FDA 3741 Registration and Product Listing for Owners and Operators of Domestic Establishments (Electronic and Paper submissions); Section 905(b), (c), (d), (h), or (i).	135	1	135	2	270	$0.66
Tobacco Product Establishment Renewal Registration and Listing; Form FDA 3741 Registration and Product Listing for Owners and Operators of Domestic Establishments (Electronic and Paper submissions); Section 905(b), (c), (d), (h), or (i).	135	1	135	0.20 (12 minutes).	27	0.66
Tobacco Product Initial Ingredient Listing; Form FDA 3742 Listing of Ingredients (Electronic and Paper submissions); Section 904(a)(1) or (c).	135	1	135	2	270	0.66
Tobacco Product Renewal Ingredient Listing; Form FDA 3742 Listing of Ingredients (Electronic and Paper submissions); Section 904(a)(1) or (c).	135	2	270	0.40 (24 minutes).	108	1.32
Obtaining a Dun and Bradstreet D–U–N–S Number	8	1	8	0.5	4	
Tobacco Product Ingredient Listing Electronic and Paper submission	135	1	135	3	405	0.66
Total					1,084	3.96

On April 21, 2015, the FDA published a 60-day notice (80 FR 22202) requesting public comments in the **Federal Register**. In this notice, the total amount of burden hours for this collection was incorrectly listed as 1,354 hours. After an internal review of burden for this collection, FDA realized that the burden in the 60-day **Federal Register** notice did not take into account new information from another Federal Agency (which revised the number of respondents slightly upward), and the use of a new electronic registration and product listing submission system. To correct this oversight, FDA is revising the number of respondents upward, from 125 to 135 respondents. FDA also has incorporated the use of a new electronic system into this collection, so the total hours were revised from 1,354 hours to 1,084 hours in table 1.

The burden estimates have been updated to fully incorporate the use of FDA's new electronic system known as FURLS for submitting registration and product listing information to FDA. This system allows companies to enter information quickly and easily. For example, product label pictures can be uploaded directly into the system and FDA anticipates that most, if not all companies already have electronic versions of their labels for printing, sales, or marketing purposes. FDA anticipates that the initial entry registration and initial product listing will each take 2 hours per entity.

Under section 905, once information is entered into FURLS, the twice yearly conformation or updates to product lists are expected to be simplified as all information previously entered is maintained and visible in the system. Therefore, FDA expects that ongoing maintenance of the product listing information will take 30 minutes twice a year, or a total of 1 hour annually. This is broken down into 12 minutes for recurring Registration and Listing each year, and 24 minutes twice a year for recurring Product Ingredient Listings, or a total of 48 minutes annually.

Based on data shared by another Federal Agency, FDA estimates that 135 establishments will initially submit one report, and then will submit confirmation or update reports on a semiannual basis.

FDA estimates that the confirmation or updating of registration information as required by section 905 will take 12 minutes annually per confirmation or update per establishment.

FDA estimates that the submission of product listings required by section 905 for each establishment will take 2 hours initially. FDA also estimates that the confirmation or updating of product listing information required by section 905 will take 48 minutes annually for two confirmations or updates per establishment.

FDA estimates that obtaining an optional Dun and Bradstreet D–U–N–S number will take 0.5 hours, and that 8 respondents (1 percent × 135 = 1.35 of establishments required to register under section 905, and 5 percent × 135 = 6.75 of submitters required to list ingredients under section 904) will not already have a Dun and Bradstreet D–U–N–S number.

FDA estimates that the submission of ingredient listing information as required by section 904 of the act will take 3 hours per tobacco product.

Dated: July 22, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18410 Filed 7–27–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–2537]

Request for Quality Metrics; Notice of Draft Guidance Availability and Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting; notice of draft guidance availability, request for comments.

SUMMARY: The Food and Drug Administration (FDA), Center for Drug Evaluation and Research (CDER) and Center for Biologics Evaluation and Research (CBER), is announcing the availability of a draft guidance for industry entitled ''Request for Quality Metrics'' and a public meeting regarding the Agency's plans associated with a quality metrics reporting program. The draft guidance and public meeting are intended to gain stakeholders' perspectives on various aspects of the development and planned implementation of a quality metrics program launched under the authority of the Food, Drug, and Cosmetic Act (the FD&C Act). The guidance includes an explanation of how FDA intends to use quality metrics data to further develop the FDA's risk-based inspection scheduling, to identify situations in which there may be a risk for drug supply disruption, to improve the efficiency and effectiveness of establishment inspections, and to improve FDA's evaluation of drug manufacturing and control operations. FDA expects that the initial use of the metrics will be to consider a decreased surveillance inspection frequency for certain establishments. For example, establishments that have highly controlled manufacturing processes have the potential to be inspected less often (as a lower priority for inspection) than similar establishments that demonstrate uncontrolled processes (as a higher priority for inspection). In addition, FDA intends to consider whether these metrics may provide a basis for FDA to use improved risk-based principles to determine the appropriate reporting category for postapproval manufacturing changes. FDA intends to consider the input from this public meeting as we finalize this guidance and the planned implementation of this program, including FDA's initial set of requests for quality metrics data.

DATES: The meeting will be held on August 24, 2015, from 8:30 a.m. to 5 p.m. The meeting may be extended or end early depending on the level of public participation. Register to attend or present at the meeting by August 7, 2015, (see section V.C. for information on how to register or make a presentation at the meeting). If you cannot attend in person, information about how you can access a live Web cast will be located at *http://www.fda.gov/Drugs/NewsEvents/ucm451529.htm.*

Submit either electronic or written comments concerning the draft guidance and collection of information proposed in the draft guidance by September 28, 2015.

ADDRESSES: The meeting will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503 Section B/C), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Althea Cuff, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4061, email: *Althea.Cuff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

More than a decade ago, FDA launched an initiative to encourage the implementation of a modern, risk-based pharmaceutical quality assessment system. As part of this initiative, and in recognition of the increasing complexity of pharmaceutical manufacturing, FDA developed a 21st century vision for manufacturing and quality with input from academia and industry. The desired state was described as follows: ''A maximally efficient, agile, flexible pharmaceutical manufacturing sector that reliably produces high-quality drug products without extensive regulatory oversight.'' [1]

There has been significant progress toward this vision in the intervening

[1] See ''FDA Pharmaceutical Quality Oversight: One Quality Voice'' at *http://www.fda.gov/downloads/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/UCM442666.pdf.*

years, as evidenced by programs and guidance from FDA around major initiatives such as pharmaceutical development and quality by design (QbD), quality risk management and pharmaceutical quality systems, process validation, and process analytical technology (PAT), among others. These programs and guidances are intended to promote effective use of the most current pharmaceutical science and engineering principles and knowledge throughout the lifecycle of a product.

Despite these achievements, however, we have not fully realized our 21st century vision for manufacturing and quality—there continue to be indicators of serious product quality defects. The Agency has found that the majority of drug shortages stem from quality concerns—substandard manufacturing facilities or processes are discovered, or significant quality defects are identified in finished product, necessitating remediation efforts to fix the issue, which in turn, may interrupt production, and cause a shortage of drugs.[2] Taking action to reduce drug shortages remains a top priority for FDA.

The continued existence of product quality issues may point to increased complexities in the supply chain, a lack of innovation in manufacturing, a failure to adopt modern manufacturing technologies and robust quality management systems, or other factors. Title VII of the Food and Drug Administration Safety and Innovation Act (FDASIA) amended the FD&C Act to provide FDA with a number of new authorities to drive safety and quality throughout the drug supply chain. Section 706 of FDASIA amended section 704(a) of the FD&C Act (21 U.S.C. 374(a)) by adding section 704(a)(4), under which FDA may require the submission of any records or other information that FDA may inspect under section 704 of the FD&C Act, in advance or in lieu of an inspection, by requesting the records or information from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug. As described in the draft guidance, under this authority, FDA intends to make an initial set of requests for quality metrics data to owners and operators of certain human drug establishments. FDA intends to make its requests at the time the guidance is finalized and to provide notice of its requests in the **Federal Register**. FDA would use the data it receives to calculate quality metrics and to inform decisions about how to develop its program. FDA may add to, revise, or remove quality metrics data and establishments in such future requests to reflect the Agency's understanding of current manufacturing and establishment considerations and the utility of the data received to date.

FDA used the following criteria for the selection of the quality metrics described in the guidance: Objective, subject to inspection under section 704 of the FD&C Act, and valuable in assessing the overall state of quality of the product and process, commitment to quality by the manufacturer, and the health (*i.e.,* effective functioning) of the associated Pharmaceutical Quality System(s), while avoiding any undue reporting burden.

CGMP regulations for human drugs expect an ongoing program to maintain and evaluate product and process data that relate to product quality (21 CFR 211.180(e)). Manufacturers are expected to use a quality program in order to support process validation, and the metrics described in this guidance could be a part of such a program. As discussed in the guidance, FDA encourages manufacturers to routinely use additional quality metrics beyond the metrics described in this guidance in performing these evaluations.

FDA intends to use quality metrics data to further develop the FDA's risk-based inspection scheduling, to identify situations in which there may be a risk for drug supply disruption, to improve the efficiency and effectiveness of establishment inspections, and to improve FDA's evaluation of drug manufacturing and control operations. FDA expects that the initial use of the metrics will be to consider a decreased surveillance inspection frequency for certain establishments. For example, establishments that have highly controlled manufacturing processes have the potential to be inspected less often (as a lower priority for inspection) than similar establishments that demonstrate uncontrolled processes (as a higher priority for inspection). In addition, FDA intends to consider whether these metrics may provide a basis for FDA to use improved risk-based principles to determine the appropriate reporting category for postapproval manufacturing changes.

In the context of developing this program, to identify some types of mutually useful and objective quality metrics, FDA has consulted with stakeholders through various trade and professional association meetings, and a **Federal Register** document we published on February 12, 2013 (78 FR 9928) soliciting initial input on the use of manufacturing quality metrics as it relates to drug shortages. These efforts have generated several categories of quality-related information that CDER and CBER have considered in developing the quality metrics discussed in the guidance.

As described in the guidance, FDA intends to collect and use quantitative quality metrics data to calculate four quality metrics. Notably, FDA has considered requesting data on the ''Right First Time'' metric, which is a measure of the rework/reprocessing rate or the number of lots released without any processing deviations. We believe that a Right First Time metric can be a useful metric for establishments to measure as part of their own quality metrics program and a leading indicator for product quality. However, as part of our stakeholder consultation, we have also received mixed industry feedback on how to define this metric, whether this metric may be less relevant for finished dosage forms than for active pharmaceutical ingredient (API) manufacturing (where rework is more common), and whether this metric is suitably robust for use in our program. We are requesting further input on this topic (see section V.B.).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on request for quality metrics. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Specific Request for Comments and Information

In addition to comments on the guidance generally, FDA is requesting comments and related supporting information on the following topics, as described in the draft guidance: (1) Optional metrics related to quality culture and process capability/performance, (2) frequency of quality metrics data reporting, (3) an alternative approach to reduce the reporting burden based on the data collection timeframe, and (4) an alternative approach that would allow inclusion of a limited text field for data points or metrics. FDA has described these potential alternative approaches in the draft guidance and is

[2] In 2012, for example, based on information collected from manufacturers, FDA determined that 66 percent of disruptions in drug manufacturing were the result of either (1) efforts to address product-specific quality failures or (2) broader efforts to remediate or improve an unsafe manufacturing facility. ''FDA's Strategic Plan for Preventing and Mitigating Drug Shortages'', see figure 2, at *http://www.fda.gov/downloads/drugs/drugsafety/drugshortages/ucm372566.pdf.*

seeking public comment on these and any other alternative approaches.

III. Comments

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

IV. Paperwork Reduction Act of 1995

The draft guidance contains information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection are given under this section with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

We invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Request for Quality Metrics; Guidance for Industry.

Description: FDA intends to use quality metrics data to further develop the FDA's risk-based inspection scheduling, to identify situations in which there may be a risk for drug supply disruption, to improve the efficiency and effectiveness of establishment inspections, and to improve FDA's evaluation of drug manufacturing and control operations. FDA expects that the initial use of the metrics will be to consider a decreased surveillance inspection frequency for certain establishments. For example, establishments that have highly controlled manufacturing processes have the potential to be inspected less often (as a lower priority for inspection) than similar establishments that demonstrate uncontrolled processes (as a higher priority for inspection). In addition, FDA intends to consider whether these metrics may provide a basis for FDA to use improved risk-based principles to determine the appropriate reporting category for postapproval manufacturing changes.

Section 704(a)(4)(A) of the FD&C Act, added by section 706 of FDASIA, authorizes FDA to request from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug in advance or in lieu of an inspection any records or other information that we may inspect under section 704 of the FD&C Act, provided that we request submission of the information within a reasonable time frame, within reasonable limits, and in a reasonable manner. The draft guidance is intended to describe a set of requests for data under section 704(a)(4) of the FD&C Act that FDA intends to give notice of in the **Federal Register** at the time the guidance is finalized. In general, the information needed to respond to FDA's proposed requests is developed and maintained in the course of manufacturing drugs under existing current good manufacturing practice (CGMP) for finished pharmaceuticals in part 211 (21 CFR part 211), and for APIs under section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)), and could be reviewed during an FDA inspection of a drug establishment. FDA has OMB approval for the information collection currently required under part 211 (OMB control number 0910–0139) and, in table 2, we have calculated the burden for preparing and maintaining the information collection for APIs as currently required under section 501(a)(2)(B) of the FD&C Act but not currently included under OMB control number 0910–0139.

FDA intends to request quality metrics data from owners and operators of certain establishments registered under section 510 of the FD&C Act (21 U.S.C. 360), as described in the draft guidance. FDA intends to request that such establishments compile reports containing the following quality metrics data, segregated by quarter, by product, and establishment:

- The number of lots attempted of the product.
- The number of specification-related rejected lots of the product, rejected during or after manufacturing.
- The number of attempted lots pending disposition for more than 30 days.
- The number of out-of-specification (OOS) results for the product, including stability testing.
- The number of lot release and stability tests conducted for the product.
- The number of OOS results for lot release and stability tests for the product which are invalidated due to lab error.
- The number of product quality complaints received for the product.
- The number of lots attempted which are released for distribution or for the next stage of manufacturing the product.
- If the associated annual product reviews (APRs) or product quality reviews (PQRs) were completed within 30 days of annual due date for the product.
- The number of APRs or PQRs required for the product.

In addition to the baseline metrics described previously, FDA is requesting public comment on whether to include the option of submitting additional, optional metrics as evidence of manufacturing robustness and a commitment to quality:

- Senior Management Engagement—Was each APR or PQR reviewed and approved by the following: (1) The head of the quality unit, (2) the head of the operations unit, (3) both, or (4) neither?
- Corrective Action and Preventive Action (CAPA) Effectiveness—What percentage of your corrective actions involved re-training of personnel (*i.e.,* a root cause of the deviation is lack of adequate training)?
- Process Capability/Performance—A ''yes'' or ''no'' value of whether the establishment's management calculated a process capability or performance index for each critical quality attribute as part of that product's APR or PQR.
- Process Capability/Performance—A ''yes'' or ''no'' value of whether the establishment's management has a policy of requiring a CAPA at some lower process capability or performance index.
- Process Capability/Performance—If ''yes'' to the previous question—What is the process capability or performance index that triggers a CAPA? If ''no'' to the previous question—please do not respond.

We estimate the submission of approximately 63,000 product reports to FDA containing the 15 quality metrics data outlined in this document and described in the draft guidance (''Total Annual Reponses'' in table 1). We estimate that approximately 6,300 establishments will compile and submit these reports, including covered

establishments, reporting establishments, and unregistered foreign establishments, as described in the draft guidance (''Number of Respondents'' in table 1). We specifically request comment on our estimate of 6,300 establishments and the types of establishments that will participate in compiling and reporting quality metrics data.

Our estimate of 63,000 reports is based on the following: Approximately 25,000 reports for drugs subject to approved applications (that is, drugs subject to either approved applications under section 505 of the FD&C Act (21 U.S.C. 355) or under section 351 of the PHS Act, or covered by a submission to a drug master file that is intended to support an application, and approximately 38,000 reports for drugs not subject to approved applications (that is, drugs not subject to either approved applications under section 505 of the FD&C Act or under section 351 of the PHS Act (*e.g.,* drugs marketed pursuant to an OTC monograph and marketed unapproved drugs)).

Our estimate of 6,300 establishments is based on data from FDA's Document Archiving, Reporting & Regulatory Tracking System and the Electronic Drug Registration and Listing System. We estimate that reporting the quality metrics data described previously for each affected product will take approximately 10.6 hours (''Average Burden per Response'' in table 1). This is a weighted average of the estimate for ''drugs subject to approved applications'' (finished product and API) (15.75 hours) and ''drugs not subject to approved applications'' (finished product and API) (7 hours). The time estimate for application and non-application products differs because the groupings are different (*e.g.,* different strengths are grouped in an application and are not grouped for national drug code). These burden hour estimates are based on information provided by CGMP regulatory compliance experts at FDA and in industry. Therefore, we estimate approximately 667,800 total burden hours for compiling and reporting quality metrics data under the draft guidance (''Total Hours'' in table 1). We believe that the estimated burden for the initial set of requests represents a conservative estimate of the annual burden of responding to any future information requests under the quality metrics program.

The burden hour estimate includes the time for compiling information that we understand is currently developed and maintained in the course of manufacturing drugs in compliance with part 211 and section 501(a)(2)(B) of the FD&C Act, and the time for populating spreadsheet(s) for reporting to FDA. The estimate does not include burden hours currently approved under OMB control number 0910–0139 for information collection under part 211. In table 2, we have calculated the burden for information collection for APIs as currently required under section 501(a)(2)(B) of the FD&C Act but not currently included under OMB control number 0910–0139.

The draft guidance requests that all reports be submitted through the FDA Electronic Submission Gateway (ESG). We are not estimating any additional burden associated with accessing the ESG because reporting establishments, which are subject to FDA's establishment registration and drug listing regulations (21 CFR part 207), are required to use the ESG to submit information, and the burdens associated with these submissions are approved under OMB control number 0910–0045. To date, we have not identified any reporting establishments that are not already reporting to the ESG.

In table 1, we estimate the reporting burden for the information collection in the draft guidance.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Draft guidance for industry on request for quality metrics	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Collecting and Reporting to FDA Quality Metric Inputs	6,300	10	63,000	10.6 hours	667,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In table 2, we estimate the recordkeeping burden for preparing and maintaining CGMP records for APIs that are not currently included under OMB control number 0910–0139.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Section 501(a)(2)(B) of the FD&C Act	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Preparing and Maintaining CGMP Records for APIs (not currently included under OMB control number 0910–0139)	1,260	256	322,560	.82 hours	264,499

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Title: Request for Quality Metrics; Public Meeting.

The information collection associated with the public meeting is exempt from OMB regulations on the PRA as follows: 5 CFR 1320.3(h)(8) (exemption from the definition of ''information''): Facts or opinions obtained or solicited at or in connection with public hearings or meetings. 5 CFR 1320.3(h)(4) (exemption from the definition of ''information''): Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment.

V. Attendance and/or Participation at the Public Meeting

A. Purpose and Scope of the Meeting

The purpose of this meeting and public docket is for CDER and CBER to hear from stakeholders any questions, concerns, and suggestions regarding the proposed plans for the scope and implementation of the quality metrics reporting program proposed in this guidance.

B. Questions to Stakeholders

FDA seeks input from stakeholders and other members of the public on the following meeting questions:

1. Are there other objective metrics that FDA should request in advance of or in lieu of an inspection that FDA should collect to improve our understanding of products and establishments for purposes of more informed, risk-based inspection scheduling and identification of potential product shortages?
2. Are the definitions of the metrics and associated data requests selected adequate and clear?
3. Are the metrics requested from each business segment/type clear and appropriate?
4. Should the Agency explore collecting metrics from high-risk excipient producers, and if so, which excipients should be considered high-risk and what metrics should apply?
5. Should the Agency explore collecting metrics from the medical gas manufacturing industry?
6. Should the Agency add the ''Right First Time'' metric (see section I.), and if so, should the definition be a rework/reprocessing rate or a measure of lots manufactured without processing deviations?
7. What data standards/mechanisms would be useful to aid reporting and how should the submissions be structured?
8. Are there reporting hurdles to collecting metrics by reporting establishment/product (segmented by site) versus by site (segmented by product), and how can they be overcome?
9. FDA may consider whether to require the submission of quality metrics on a recurring basis. How frequently should metrics be reported and/or segmented within the reporting period (*e.g.,* annually, semiannually, or quarterly)?

C. Meeting Participation and Request To Present

The FDA Conference Center at the White Oak location is a Federal facility with security procedures and limited seating. Attendance will be free and on a first-come, first-served basis. If you wish to attend (either in person or by Web cast (see *Streaming Web Cast of the Public Meeting*)) and/or present at the meeting, please register for the meeting and/or make a request for oral presentations or comments by visiting *https://qualitymetrics-public-meeting.eventbrite.com* on or before August 7, 2015. The registration request should contain complete contact information for each attendee (*i.e.,* name, title, affiliation, address, email address, telephone number, and priority number(s)). Those without email access can register by contacting Althea Cuff by August 7, 2015 (see **FOR FURTHER INFORMATION CONTACT**).

FDA will try to accommodate all persons who wish to make a presentation. Individuals wishing to present should identify the number of the topic, or topics, they wish to address (see section V.B.). This will help FDA organize the presentations. FDA will notify registered presenters of their scheduled presentation times. The time allotted for each presentation will depend on the number of individuals who wish to speak. Once FDA notifies registered presenters of their scheduled times, they are encouraged to submit an electronic copy of their presentation to Althea Cuff at *Althea.Cuff@fda.hhs.gov* on or before August 7, 2015. If time permits, individuals or organizations that did not register in advance may be granted the opportunity to make a presentation.

Persons registered to make an oral presentation are encouraged to arrive at the meeting room early and check in at the onsite registration table to confirm their designated presentation time. An agenda for the meeting and other background materials will be made available 3 days before the meeting at *http://www.fda.gov/Drugs/NewsEvents/ucm451529.htm*. If you need special accommodations because of a disability, please contact Althea Cuff (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

Meeting Registration and Request to Present: The meeting is free and seating will be on a first-come, first-served basis. If you wish to attend or make an oral presentation, see section V.C. for information on how to register and the deadline for registration. If you cannot attend in person, information about how you can access a live Web cast will be located at *http://www.fda.gov/Drugs/NewsEvents/ucm451529.htm*.

Transcripts: As soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may also be viewed at the Division of Dockets Management (see **ADDRESSES**). A transcript will also be available in either hard copy or on CD–ROM, after submission of a Freedom of Information request. Send written requests to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

Streaming Web Cast of the Public Meeting: For those unable to attend in person, FDA will provide a live Web cast of the meeting. To join the meeting via the Web cast, please go to *https://collaboration.fda.gov/qmpm2015/*. An agenda will be posted on the FDA Web site at *http://www.fda.gov/Drugs/NewsEvents/ucm451529.htm* prior to the meeting.

Docket Comments: Regardless of attendance at the public meeting, interested persons may submit either electronic or written comments regarding this document to the public docket (see **ADDRESSES**) by (see **DATES**). Given that time will be limited at the public meeting, FDA encourages all interested persons to comment in writing to ensure that their comments are considered.

VI. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm* or *http://www.regulations.gov*.

Dated: July 23, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18448 Filed 7–27–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Chronic Fatigue Syndrome Advisory Committee (CFSAC) will hold a meeting. The meeting will be open to the public.

DATES: The meeting will be held on Tuesday, August 18, 2015, from 9:00 a.m. until 5:00 p.m., ET and Wednesday, August 19, 2015, from 9:00 a.m. until 5:00 p.m., ET.

ADDRESSES: Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 800, Washington, DC 20201. For a map and directions to the Hubert H. Humphrey building, please refer to *http://www.hhs.gov/about/hhh.html.*

FOR FURTHER INFORMATION CONTACT: Any questions about meeting registration or public comment sign-up should be directed to *CFSACmtg@hhs.gov.* Please direct other inquiries to *CFSAC@hhs.gov.*

SUPPLEMENTARY INFORMATION: CFSAC was established on September 5, 2002 to advise, consult with, and make recommendations to the Secretary, through the Assistant Secretary for Health, on a broad range of topics including: (1) The current state of knowledge and research and the relevant gaps in knowledge and research about the epidemiology, etiologies, biomarkers, and risk factors relating to myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), and identifying potential opportunities in these areas; (2) impact and implications of current and proposed diagnosis and treatment methods for ME/CFS; (3) development and implementation of programs to inform the public, health care professionals, and the biomedical research communities about ME/CFS advances; and (4) strategies to improve the quality of life of ME/CFS patients.

The agenda for this meeting is being developed and will be posted on the CFSAC Web site, *http://www.hhs.gov/advcomcfs/* when finalized. The meeting will be live-video streamed at *http://www.hhs.gov/live* and archived through the CFSAC Web site: *http://www.hhs.gov/advcomcfs/.* Listening-only via telephone will be available on both days. Call-in information will be posted on the CFSAC Web site.

Individuals who plan to attend in-person on one or both days will need to register in advance so that information can be provided to government security officials to facilitate entrance to the building. A registration form should be downloaded from the CFSAC Web site (*http://www.hhs.gov/advcomcfs/*), completed, and emailed to *CFSACmtg@hhs.gov* to facilitate entrance through building security. Registration will be open on July 27, 2015. All registration should be completed by August 13, 2015. Using the same process as above, members of the media will need to register at *CFSACmtg@hhs.gov.* All attendees will be required to show valid government-issued *picture* identification (state or federal) for entry into the federal building. Attendees will receive a wrist band that must be worn the entire time. Security requires all non-federal employees to be escorted the entire time they are in the building. Upon leaving the building for any reason, persons will be required to follow the security steps mentioned above and receive a new wrist band.

Attendance by visitors who are not U.S. citizens is welcome, but prior approval is required. A form for non-U.S. citizens can be downloaded from the CFSAC Web site (*http://www.hhs.gov/advcomcfs/*), completed, and emailed to *CFSACmtg@hhs.gov before* August 1, 2015.

Members of the public will have the opportunity to provide public comment at the meeting or via telephone. International calls cannot be accommodated. Individuals wishing to provide public comment in-person or via phone will be required to request time for public comment by Monday, August 10, 2015 at the following link: *CFSACmtg@hhs.gov.* An email will be sent by August 13, 2015 to confirm an individual's time for public comment. Each speaker will be limited to three minutes for public comment. No exceptions will be made. Priority will be given to individuals who have not provided public comment within the previous year.

You are not required to submit a written copy of your testimony unless you wish to have it included in the public record. Individuals wishing to submit written comment for the public record should send an electronic copy of their written testimony to: *CFSACmtg@hhs.gov* by August 13, 2015. The document for public record must not exceed 5 single-spaced, typed pages, using a 12-point typeface; it is preferred that the document be prepared in the MS Word format. Please note that PDF files, hand-written notes, charts, and photographs will not be posted on the CFSAC Web site.

Requests to participate in the public comment and provide written testimony will not be accepted at *CFSAC@hhs.gov.* Please send all questions about public comment requests or inquiries to *CFSACmtg@hhs.gov.*

Only written testimony submitted for public record and received by August 13, 2015 are part of the official meeting record; this testimony will be posted to the CFSAC Web site within 60 days after the meeting. Materials submitted should not include sensitive personal information, such as social security number, birthdates, driver's license number, state identification or foreign country equivalent, passport number, financial account number, credit or debit card number. If you wish to remain anonymous the document must specify this.

Persons who wish to distribute printed materials in person (at their own expense) to CFSAC members during the meeting should submit one copy for approval to the Designated Federal Officer at *CFSACmtg@hhs.gov,* prior to August 13, 2015.

Dated: July 17, 2015.

Nancy C. Lee,

Designated Federal Officer, Chronic Fatigue Syndrome Advisory Committee.

[FR Doc. 2015–18444 Filed 7–27–15; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Meeting of the Presidential Commission for the Study of Bioethical Issues

AGENCY: Presidential Commission for the Study of Bioethical Issues, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: The Presidential Commission for the Study of Bioethical Issues (the Commission) will conduct its twenty second meeting on September 2, 2015. At this meeting, the Commission will continue to discuss the role of deliberation and deliberative methods to engage the public and inform consideration in bioethics, and how to integrate pubic dialogue into the bioethics conversation; bioethics education as a forum for fostering deliberative skills, and preparing students to participate in public dialogue in bioethics; goals and methods of bioethics education; and integrating bioethics education across a range of professional disciplines and educational levels.

DATES: The meeting will take place on September 2, 2015, from 9 a.m. to approximately 5 p.m.

ADDRESSES: Renaissance Washington Hotel, 999 9th Street NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Lee, Executive Director, Presidential Commission for the Study of Bioethical Issues, 1425 New York Avenue NW., Suite C–100, Washington, DC 20005. Telephone: 202–233–3960. Email: *Lisa.Lee@bioethics.gov.* Additional information may be obtained at *www.bioethics.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972, Public Law 92–463, 5 U.S.C. app. 2, notice is hereby given of the twenty second meeting of the Commission. The meeting will be open to the public with attendance limited to space available. The meeting will also be webcast at *www.bioethics.gov.*

Under authority of Executive Order 13521, dated November 24, 2009, the President established the Commission. The Commission is an expert panel of not more than 13 members who are drawn from the fields of bioethics, science, medicine, technology, engineering, law, philosophy, theology, or other areas of the humanities or social sciences. The Commission advises the President on bioethical issues arising from advances in biomedicine and related areas of science and technology. The Commission seeks to identify and promote policies and practices that ensure scientific research, health care delivery, and technological innovation are conducted in a socially and ethically responsible manner.

The main agenda items for the Commission's twenty second meeting are to continue discussing the role of deliberation and deliberative methods to engage the public in bioethics, and how to integrate pubic dialogue into the bioethics conversation; bioethics education as a forum for fostering deliberative skills, and preparing students to participate in public dialogue in bioethics; goals and methods of bioethics education; and integrating bioethics education across a range of professional disciplines and educational levels. The draft meeting agenda and other information about the Commission, including information about access to the webcast, will be available at *www.bioethics.gov.*

The Commission welcomes input from anyone wishing to provide public comment on any issue before it. Respectful consideration of opposing views and active participation by citizens in public exchange of ideas enhances overall public understanding of the issues at hand and conclusions reached by the Commission. The Commission is particularly interested in receiving comments and questions during the meeting that are responsive to specific sessions. Written comments will be accepted at the registration desk and comment forms will be provided to members of the public in order to write down questions and comments for the Commission as they arise. To accommodate as many individuals as possible, the time for each question or comment may be limited. If the number of individuals wishing to pose a question or make a comment is greater than can reasonably be accommodated during the scheduled meeting, the Commission may make a random selection.

Written comments will also be accepted in advance of the meeting and are especially welcome. Please address written comments by email to *info@bioethics.gov,* or by mail to the following address: Public Commentary, Presidential Commission for the Study of Bioethical Issues, 1425 New York Avenue NW., Suite C–100, Washington, DC 20005. Comments will be publicly available, including any personally identifiable or confidential business information that they contain. Trade secrets should not be submitted.

Anyone planning to attend the meeting who needs special assistance, such as sign language interpretation or other reasonable accommodations, should notify Esther Yoo by telephone at (202) 233–3960, or email at *Esther.Yoo@bioethics.gov* in advance of the meeting. The Commission will make every effort to accommodate persons who need special assistance.

Dated: July 15, 2015.

Lisa M. Lee,

Executive Director, Presidential Commission for the Study of Bioethical Issues.

[FR Doc. 2015–18443 Filed 7–27–15; 8:45 am]

BILLING CODE 4154–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA) will be holding a meeting to continue discussions and possibly develop recommendations regarding People Living with HIV/AIDS. PACHA members will hear panels on performance measures, HIV and the youth, the National AIDS Housing Coalition and other issues related to people living with HIV. Additionally, PACHA members will discuss the updated National HIV/AIDS Strategy. The meeting will be open to the public.

DATES: The meeting will be held on September 15, 2015, from 9:00 a.m. to approximately 5:00 p.m. (ET) and September 16, 2015, from 9:00 a.m. to approximately 12:30 p.m. (ET).

ADDRESSES: The Ronald Reagan Building and International Trade Center is located at 1300 Pennsylvania Ave. NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 443H, Washington, DC 20201; (202) 205–1178. More detailed information about PACHA can be obtained by accessing the PACHA Web page on the AIDS.Gov Web site at *www.aids.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies to promote effective prevention and cure of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. The agenda for the upcoming meeting will be posted on the AIDS.gov Web site at *www.aids.gov/pacha.*

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Caroline Talev at *caroline.talev@hhs.gov.* Due to space constraints, pre-registration for public attendance is advisable and can be accomplished by contacting Caroline Talev at *caroline.talev@hhs.gov* by close of business on September 8, 2015. Members of the public will have the opportunity to provide comments at the meeting. Any individual who wishes to participate in the public comment session must register with Caroline Talev at *caroline.talev@hhs.gov* by close of business on September 8, 2015; registration for attending the meeting and/or participating in the public comment session will not be accepted by telephone. Individuals are

encouraged to provide a written statement of any public comment(s) for accurate minute taking purposes. Public comment will be limited to two minutes per speaker. Any members of the public who wish to have printed material distributed to PACHA members at the meeting are asked to submit, at a minimum, 1 copy of the material(s) to Caroline Talev, no later than close of business on September 8, 2015.

Dated: July 16, 2015.

B. Kaye Hayes,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2015–18445 Filed 7–27–15; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection, and Bioremediation.

Date: July 28, 2015.

Time: 2:00 p.m. to 4:00 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: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mai.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations, imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development and Characterization of Animal Models for Aging Research.

Date: July 31, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Shiv A Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Research Project Grant.

Date: July 31, 2015.

Time: 1:30 p.m. to 2:00 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: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: AIDS and AIDS Related Research.

Date: August 4, 2015.

Agenda: 2:00 p.m. to 5:00 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: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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: July 22, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–18420 Filed 7–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of 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 a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: August 26, 2015.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 9100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stephen C. Mockrin, Ph.D. Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, (301) 435–0260, *mockrins@nhlbi.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 22, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–18358 Filed 7–27–15; 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 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: Center for Scientific Review Special Emphasis Panel, Vascular Biology and Hematology AREA.

Date: August 17, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@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: July 22, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–18421 Filed 7–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Data Resource Toolkit Protocol for the Crisis Counseling Assistance and Training Program (CCP)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) as part of an interagency agreement with the Federal Emergency Management Agency (FEMA) provides a toolkit to be used for the purposes of collecting data on the Crisis Counseling Assistance and Training Program (CCP). The CCP provides supplemental funding to states and territories for individual and community crisis intervention services during a federal disaster.

The CCP has provided disaster mental health services to millions of disaster survivors since its inception and, as a result of 30 years of accumulated expertise, it has become an important model for federal response to a variety of catastrophic events. Recent State CCPs include programs in New Jersey and New York following 2012 Hurricane Sandy; two programs in Colorado, one related to a wildfire and the second to a flood; a program in Oklahoma in the aftermath of severe storms and tornadoes in 2013; and programs in Washington and Alaska related to flooding and mudslides in 2014. These programs have primarily addressed the short-term mental health needs of communities through (a) outreach and public education, (b) individual and group counseling, and (c) referral. Outreach and public education serve primarily to normalize reactions and to engage people who might need further care. Crisis counseling assists survivors to cope with current stress and symptoms in order to return to predisaster functioning. Crisis counseling relies largely on ''active listening,'' and crisis counselors also provide psycho-education (especially about the nature of responses to trauma) and help clients build coping skills. Crisis counseling typically continues no more than a few times. Because crisis counseling is time-limited, referral is the third important functions of CCPs. Counselors are expected to refer clients to formal treatment if the person has developed more serious psychiatric problems.

Data about services delivered and users of services will be collected throughout the program period. The data will be collected via the use of a toolkit that relies on standardized forms. At the program level, the data will be entered quickly and easily into a cumulative database to yield summary tables for quarterly and final reports for the program. Additionally, we are in the process of developing and testing the feasibility of using mobile devices for data entry purposes. Because the data will be collected in a consistent way from all programs, they can be uploaded or linked into an ongoing national database that likewise provides CMHS and FEMA with a way of producing summary reports of services provided across all programs funded.

The components of the tool kit are listed and described below:

- Encounter logs. These forms document all services provided. Completion of these logs is required by the crisis counselors. There are three types of encounter logs: (1) Individual/Family or Household Crisis Counseling Services Encounter Log; (2) Group Encounter Log; and (3) Weekly Tally Sheet.
  - Individual/Family or Household Crisis Counseling Services Encounter Log. Crisis counseling is defined as an interaction that lasts at least 15 minutes and involves participant disclosure. This form is completed by the Crisis Counselor for each service recipient, defined as the person or persons who actively participated in the session (*e.g.,* by verbally participating), not someone who is merely present. The same form may be completed with other family or household members who are actively engaged in the visit. Information collected includes demographics, service characteristics, risk factors, event reactions, and referral data.
  - Group Encounter Log. This form is used to identify either a group crisis counseling encounter or a group public education encounter. A check at the top identifies the class of activities (*i.e.,* counseling or education). Information collected includes services characteristics, group identity and characteristics, and group activities.
  - Weekly Tally Sheet. This form documents brief educational and supportive encounters not captured on any other form. Information collected includes service characteristics, daily tallies and weekly totals for brief educational or supportive contacts, and material distribution with no or minimal interaction.
- Assessment and Referral Tools. This tool provides descriptive information about intense users of services either child/youth or adults, defined as all individuals receiving a third individual crisis counseling visit. This tool will be used beginning three months postdisaster and will be completed by the crisis counselor.

• Participant Feedback. These surveys are completed by and collected from a sample of service recipients, not every recipient. A time sampling approach (*e.g.,* soliciting participation from all counseling encounters one week per quarter) will be used. Information collected includes satisfaction with services, perceived improvements in self-functioning, types of exposure, and event reactions.

• CCP Service Provider Feedback. These surveys are completed by and collected from the CCP service providers anonymously at six months and one year postevent. The survey will be coded on several program-level as well as worker-level variables. However, the program itself will be identified and shared with program management only if the number of individual workers was greater than 20.

There are no changes to the Individual Encounter Log, Group Encounter Log, Weekly Tally, and the Assessment and Referral Tools since the last approval. Revisions include the addition of mobile device questions to the Service Provider Feedback Form and minor revisions to the gender question on the Participant Feedback Form and Service Provider Feedback Form.

The table below is the estimates of annualized hour burden.

Form	Number of respondents	Responses per respondents	Hours per responses	Total hour burden
Individual Crisis Counseling Services Encounter Log	200	196	.13	5,096
Group Encounter Log	100	33	.07	231
Weekly Tally Sheet	200	33	.2	1,320
Assessment and Referral Tools	200	14	.25	700
Participant Feedback Survey	1,000	1	.25	250
Service Provider Feedback Survey	100	1	.41	41
Total	1,800			7,638

Written comments and recommendations concerning the proposed information collection should be sent by August 27, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–18429 Filed 7–27–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVCES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed 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; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project Behavioral Health Information Technologies and Standards—In-Depth Qualitative Data Collection Activity—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) and Center for Behavioral Health Statistics and Quality (CBHSQ) are proposing to conduct qualitative data collection activities (*i.e.,* focus group and site visits) to assess health information technology (HIT) adoption practices among SAMHSA grantees. As part of its Strategic Initiative to advance the use of health information technologies to support integrated behavioral health care, SAMHSA has been working to develop questions that will examine HIT adoption by behavioral health service providers who are implementing SAMHSA grant programs. The selected programs are funded by the by the Center for Mental Health Services (CMHS), the Center for Substance Abuse Prevention (CSAP), and (CSAT).

This project seeks to expand data necessary to inform the Agency's strategic initiative that focuses on fostering the adoption of health information technologies in community behavioral health services. The qualitative activities will elicit success stories, challenges to adopting health information technologies, and lessons learned regarding SAMHSA grantee access to and use of health information technology and will provide valuable information to inform the behavioral health information technology literature.

Approval of this data collection effort by the Office of Management and Budget (OMB) will allow SAMHSA to identify the current status of health information technology adoption and use among a select group of grantees who have demonstrated success in at least one of the identified health information technology categories: Certified electronic health records, telehealth technologies, mobile health, and social media-based consumer engagement tools. Data from the focus groups and site visits will allow SAMHSA to enhance the health information technology-related programmatic activities among its

grantees by providing data on how health information technologies facilitate the implementation of different types of SAMHSA grants; thereby fostering the appropriate adoption of health information technologies within SAMSHA-funded programs.

Ten (10) respective focus groups and site visit sessions will collect qualitative data to provide a snapshot view of the current state of health information technology adoption. The focus groups will include up to six participations per session and will be representative of the ten Department of Health and Human Services Regions. Site visit participants will be selected from among SAMHSA-funded grant programs and non-profit community behavioral health providers nominated by Project Officers as exemplars in the field of health information technologies, with recognized success in at least one of the four health information technology domain categories.

The proposed ten (10) in-person focus group sessions will not exceed 90-minutes in duration and will be limited to no less than six (6) and no more than (8) participants. The proposed ten (10) in-person site visit sessions will not exceed eight (8) hours in duration and will include, on average two (2) participants at any one time during the visit. The focus group and site visit sessions are expected to occur between the hours of 9:00 a.m. and 5:00 p.m. and will allow sufficient time for food and personal breaks. The total estimated burden to participate in the focus groups is 120 hours. The total estimated burden to participate in the site visits is 160 hours. The following table summarizes the estimated participation burden:

Focus Group and Site Visit Estimated Annual Hour Burden:

Activity	Number of respondents	Number of responses annually per respondent	Total responses	Average hours per response	Total burden hours
Focus Group	80	1	80	1.5	120
Site Visits	20	1	20	8	160
Total	100		100		280

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by September 28, 2015.

Summer King,

Statistician.

[FR Doc. 2015–18428 Filed 7–27–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Test To Collect Biometric Information at Up to Ten U.S. Airports (''Be-Mobile Air Test'')

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: General notice.

SUMMARY: U.S. Customs and Border Protection (CBP) intends to conduct a test to collect biometric and biographic information from certain aliens who are departing the United States on selected flights from up to ten identified U.S. airports. This notice describes the test, its purpose, how it will be implemented, the individuals covered, the duration of the test, where the test will take place, and the privacy considerations. This test will not apply to U.S. citizens.

DATES: The test will begin no earlier than July 6, 2015, and will run for approximately one year. The test will be rolled out over this one-year period at up to ten of the following airports: Los Angeles International Airport, Los Angeles, California; San Francisco International Airport, San Francisco, California; Miami International Airport, Miami, Florida; Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia; Chicago O'Hare International Airport, Chicago, Illinois; Newark Liberty International Airport, Newark, New Jersey; John F. Kennedy International Airport, Jamaica, New York; Dallas Fort Worth International Airport, Dallas, Texas; George Bush Intercontinental Airport, Houston, Texas; and Washington Dulles International Airport, Sterling, Virginia.

FOR FURTHER INFORMATION CONTACT: Edward Fluhr, Assistant Director, Entry/Exit Transformation Office, U.S. Customs and Border Protection, by phone at (202) 344–2377 or by email at *edward.fluhr@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The US-VISIT Program

The Department of Homeland Security (DHS) established the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program in accordance with several federal statutory mandates requiring DHS to create an integrated, automated entry and exit system that records the arrival and departure of aliens, verifies the aliens' identities, and authenticates aliens' travel documents through the comparison of biometric identifiers. Under these various federal statutory mandates, certain aliens may be required to provide biometrics (including digital fingerprint scans, photographs, facial and iris images, or other biometric identifiers [1]) upon arrival in, or departure from, the United States.

On March 16, 2013, US-VISIT's entry and exit operations, including deployment of a biometric exit system, were transferred to U.S. Customs and Border Protection (CBP). See Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113–6, 127 Stat. 198 (2013). The Act also transferred the US-VISIT Program's overstay analysis function to U.S. Immigration and Customs Enforcement (ICE) and its biometric identity management services to the Office of Biometric Management (OBIM), a newly-created office within the National Protection and Programs Directorate. CBP assumed responsibility for operating biometric entry and implementing biometric exit programs on April 1, 2013.

Since the transfer of US-VISIT's entry and exit operations to CBP, CBP has continued to consider ways to collect

[1] As used in this notice, a ''biometric identifier'' is a physical characteristic or other physical attribute unique to an individual that can be collected, stored, and used to verify the identity of a person who presents himself or herself to a CBP officer at the border. To verify a person's identity, a similar physical characteristic or attribute is collected and compared against the previously collected identifier.

biometric information from departing aliens. This notice announces that CBP will be conducting the Biometric Exit Mobile (BE-Mobile) Air Test at up to ten of the identified U.S. airports. In this test, CBP officers will utilize wireless handheld devices to collect biographic and biometric information from certain aliens upon departure, biometrically record their departure, and screen their biometric data against a DHS biometric database [2] in real time. This notice describes the BE-Mobile Air Test, its purpose, how it will be implemented, the individuals covered, the duration of the test, where the test will take place, and the privacy considerations.

Legal Authority

The federal statutes that mandate DHS to create a biometric entry and exit system to record the arrival and departure of certain aliens include, but are not limited to:

- Section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Public Law 106–215, 114 Stat. 337 (2000);
- Section 205 of the Visa Waiver Permanent Program Act of 2000, Public Law 106–396, 114 Stat. 1637, 1641 (2000);
- Section 414 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107–56, 115 Stat. 272, 353 (2001);
- Section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107–173, 116 Stat. 543, 552 (2002);
- Section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108–458, 118 Stat. 3638, 3817 (2004); and
- Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–52, 121 Stat. 266 (2007).

Section 7208 of the IRTPA, as codified at 8 U.S.C. 1365b, specifically requires that DHS's entry and exit data system collect biometric exit data for all categories of individuals who are required to provide biometric entry data.

On January 5, 2004, DHS published an interim final rule (IFR) in the **Federal Register** (69 FR 468) implementing the first phase of US-VISIT at specified air and sea ports of entry. This IFR amended section 235.1 of title 8 of the Code of Federal Regulations (CFR) (8 CFR 235.1) to authorize the Secretary to require certain aliens seeking admission into the United States through nonimmigrant visas to provide fingerprints, photographs, or other biometric identifiers to CBP upon arrival in, or departure from, the United States at air or sea ports of entry.[3] The specified air and sea ports of entry where such collection of biometric information was to occur were designated by notice in the **Federal Register**. 69 FR 482 (January 5, 2004). DHS also published two additional notices expanding the list of designated air and sea ports. See 69 FR 46556 (August 3, 2004) and 69 FR 51695 (August 20, 2004). Since then, aliens who are required under federal law to submit biometric information have been submitting fingerprints and photographs upon entry to the United States at designated air and sea ports of entry. The DHS biometric entry program is now operational at 15 sea ports and 115 airports including the identified airports selected for the BE-Mobile Air Test.

The second phase of US–VISIT was implemented on August 31, 2004 when DHS published an IFR in the **Federal Register** (69 FR 53318) expanding the program to the fifty most highly trafficked land border ports-of-entry in the United States as required by 8 U.S.C. 1365a(d)(2).[4] The IFR also amended 8 CFR 215.8 to provide that the Secretary, or his designee, may establish pilot programs to collect biometric information from certain aliens departing the United States at land border ports of entry, and at up to fifteen air or sea ports of entry designated through notice in the **Federal Register**. Specifically, 8 CFR 215.8(a)(1) provides that the Secretary, or his designee, may establish pilot programs through which the Secretary or his delegate may require an alien who departs the United States from a designated port of entry to provide fingerprints, photographs or other specified biometric identifiers, documentation of his or her immigration status in the United States, and such other evidence as may be requested to determine the alien's identity and whether he or she has properly maintained his or her status while in the United States. The IFR also specified that nonimmigrants seeking to enter the United States without a visa under the Visa Waiver Program (VWP) are also required to provide biometric information to DHS.[5]

Previous Air Exit Pilots

Pursuant to the authority in 8 CFR 215.8, on June 3, 2009, DHS published a notice in the **Federal Register** (74 FR 26721) announcing the commencement of two air exit pilot programs.[6] In one of the pilot programs, CBP collected biometric information from certain aliens at or near the departure gate at the Detroit/Metropolitan Wayne County Airport in cooperation with Northwest Airlines. CBP collected biometric information from aliens departing the United States for foreign destinations who were subject to the biometric screening requirements. The biometric collection consisted of one or more electronic fingerprints captured using a mobile or portable device. CBP also collected biographic information, including travel document information, such as name, date of birth, document issuance type, country and number from these aliens. CBP stored and forwarded the departure records collected to a DHS database daily.

In the second pilot program, Transportation Security Administration (TSA) collected biometric and biographic information from certain aliens at the security checkpoint at the Atlanta/Hartsfield International Airport. Aliens departing the United States for foreign destinations who were subject to biometric screening requirements were directed to an area within the checkpoint where the biographic and biometric information was collected. The biometric collection consisted of one or more electronic fingerprints captured using a mobile or portable device. TSA also collected biographic information, including travel document information, such as name, date of birth, document issuance type, country and number from these aliens. TSA stored and forwarded the departure records collected to a DHS database daily.

These pilot programs concluded on July 2, 2009. Although the technology used in these pilot programs worked,

[2] See the Privacy Impact Assessment at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection* for more information about the databases where the biometric and biographic information will be maintained.

[3] The IFR also authorized the Secretary to establish pilot programs at up to fifteen air or sea ports of entry, to be identified by notice in the **Federal Register**, through which DHS may require certain aliens who depart from a designated air or sea port of entry to provide specified biometric identifiers and other evidence at the time of departure.

[4] Section 1365a(d)(2) provides, in pertinent part, that ''[n]ot later than December 31, 2004, the Attorney General [now the Secretary of Homeland Security] shall implement the integrated entry and exit data system . . . at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens.''

[5] On December 19, 2008, DHS published a final rule in the **Federal Register** (73 FR 77473) which finalized the IFR without change.

[6] DHS also conducted air exit pilot programs at various ports of departure, in 2004, including Baltimore-Washington International Airport (BWI), pursuant to the authority in 8 CFR 215.8.

DHS concluded that these collection mechanisms would be extremely resource intensive and very costly to implement long-term or at additional airports. Therefore, DHS did not expand or extend the pilots.

The Biometric Exit Mobile Air Test (''BE-Mobile Air Test'')

The BE-Mobile Air Test is designed to test both a new biometric exit concept of operations at selected airports with CBP officers using a wireless handheld device at the departure gate to collect biometric and biographic data and CBP's outbound enforcement policies and workforce distribution procedures. This test will significantly differ from the 2009 pilot conducted by CBP in that the BE-Mobile Air Test will use improved technology, will enable CBP officers to receive real time information, will test a different concept of operations since law enforcement officers can perform checks in real time, and will be less resource intensive because CBP will conduct the test on fewer flights per week than during the 2009 pilot. Through the test, CBP will be able to conduct a statistically valid survey of the air outbound environment that will assist DHS in determining how to effectively implement an air biometric exit system. The BE-Mobile Air Test is one of CBP's key steps in developing the capability to fulfill DHS' mandate to collect biometric information from certain arriving and departing aliens.

Identified Airports

CBP will conduct the BE-Mobile Air Test at up to ten of the following airports:

- Los Angeles International Airport, Los Angeles, California;
- San Francisco International Airport, San Francisco, California;
- Miami International Airport, Miami, Florida;
- Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia;
- Chicago O'Hare International Airport, Chicago, Illinois;
- Newark Liberty International Airport, Newark, New Jersey;
- John F. Kennedy International Airport, Jamaica, New York;
- Dallas Fort Worth International Airport, Dallas, Texas;
- George Bush Intercontinental Airport, Houston, Texas;
- Washington Dulles International Airport, Sterling, Virginia.

The airports selected for the BE-Mobile Air Test will be identified on the CBP Web site, *http://www.cbp.gov.*

Description, Purpose and Implementation

Currently, certain aliens seeking admission into the United States may be required to provide fingerprint and photographic biometric data at ports of entry, including at the ten identified airports. This data is used by CBP to verify the aliens' identities. (Certain aliens, including individuals traveling on A or G visas and others as specified in 8 CFR 235.1(f)(1)(iv), are exempt from this requirement).

The BE-Mobile Air Test will be conducted at the identified airports on pre-selected outbound international flights. Flights will be pre-selected on a random basis or chosen to correspond with existing outbound enforcement operations. For the selected flight, CBP officers will deploy to the departure gate and position themselves near the departing passenger loading bridge to collect certain data from certain departing travelers. Once travelers begin the departure process, CBP officers will review the traveler's travel document (passport, visa, lawful permanent resident card, or other qualifying travel document) to determine if the traveler is an alien who is required to submit biometric information at the time of departure as described in the next section, entitled ''Aliens Covered.'' If so, the CBP officers will obtain biographic data from these select aliens by swiping or inputting the information from the alien's travel document on a wireless handheld device.[7] The biographic data collected during this test will be used to create a biographic-based departure record in a CBP biographic database. It will be paired with the biometric data collected to create a complete, biometrically-based departure record for that alien. The CBP officer will also capture two of the alien's fingerprints and verify the fingerprints against the alien's biometric identity record. Based on the results of the verification or additional law enforcement information, the officer may then perform additional analysis or conduct a further interview to determine if additional action may be appropriate. When the departure inspection is complete, the results of the transaction will be recorded in a DHS biometric database and a CBP biographic database in real time.

The primary mission of any biometric exit program is to provide assurance of traveler identity on departure, giving CBP the opportunity to match the departure with a prior arrival record. This capability enhances the integrity of the immigration system and the ability to accurately detect travelers that have overstayed their lawful period of admission to the United States.

CBP will analyze and evaluate the test's performance based on a number of criteria, including the occurrence of watchlist matches based on biometric data, the occurrence of biometric-identified fraud, the occurrence of inaccurate APIS manifests, how overstay calculations are impacted, the transaction times for exit processing per traveler, the rate of successful transactions, the occurrence of law enforcement hits, including those requiring referral to secondary inspection, the observations from the CBP officers performing the test, and system performance. CBP will use the results of the BE-Mobile Air Test to determine strategic programmatic requirements for a comprehensive biometric exit solution.

Aliens Covered

For the duration of the test, aliens must provide the biometric information described above at the time of departure of the selected international flights at one of the selected airports, except for aliens exempt pursuant to 8 CFR 215.8(a)(2) provided that the alien is in exempted status on the date of departure.

Exempted aliens include:

(1) Canadian citizens who under section 101(a)(15)(B) of the Immigration and Nationality Act are not otherwise required to present a visa or have been issued Form I–94 (see § 1.4) or Form 1–95 upon arrival at the United States;

(2) Aliens admitted on A–1, A–2, C–3 (except for attendants, servants, or personal employees of accredited officials), G–1, G–2, G–3, G–4, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6 visas, and certain Taiwan officials who hold E–1 visas and members of their immediate families who hold E–1 visas who are maintaining such status at time of departure, unless the Secretary of State and the Secretary of Homeland Security jointly determine that a class of such aliens should be subject to this notice;

(3) Children under the age of 14;

(4) Persons over the age of 79;

(5) Classes of aliens the Secretary of Homeland Security and the Secretary of State jointly determine shall be exempt; or

(6) An individual alien whom the Secretary of Homeland Security, the Secretary of State, or the Director of Central Intelligence determines shall be exempt.

[7] Air carriers will continue to report traveler information through the Advance Passenger Information System (APIS).

Duration of the Test

CBP will collect biographic information and fingerprint data from select non-exempt aliens departing on selected international flights from the identified airports for a period of approximately one year from the start of the test. The information collected will constitute a departure record for that alien and will be maintained in the CBP and DHS databases for recording entries and departures.

Privacy

CBP will ensure that all Privacy Act requirements and applicable policies are adhered to during the implementation of this test. Additionally, CBP will be issuing a Privacy Impact Assessment (PIA), which will outline how CBP will ensure compliance with Privacy Act protections. The PIA will examine the privacy impact of the BE-Mobile Air Test as it relates to DHS's Fair Information Practice Principles (FIPPs). The FIPPs account for the nature and purpose of the information being collected in relation to DHS's mission to preserve, protect and secure the United States. The PIA will address issues such as the security, integrity, and sharing of data, use limitation and transparency. Once issued, the PIA will be made publicly available at: *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.* CBP has also issued an update to the DHS/CBP–007 Border Crossing Information (BCI) System of Records, which fully encompasses all the data that is being collected at the selected airports. The system of records notice (SORN) was published in the **Federal Register** on May 11, 2015 (80 FR 26937).

Paperwork Reduction Act

CBP requires aliens subject to this notice to provide biometric and biographic data at the airports selected for the test in the circumstances described above. This requirement is considered an information collection requirement under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). The Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act, has previously approved this information collection for use. The OMB control number for this collection is 1651–0138.

Date: July 22, 2015.

R. Gil Kerlikowske,

Commissioner.

[FR Doc. 2015–18418 Filed 7–27–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Renewal of the Generalized System of Preferences and Retroactive Application for Certain Liquidations and Reliquidations Under the GSP

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: The Generalized System of Preferences (GSP) is a renewable preferential trade program that allows the eligible products of designated beneficiary developing countries to directly enter the United States free of duty. The GSP program expired on July 31, 2013, but has been renewed through December 31, 2017, effective July 29, 2015, with retroactive effect between August 1, 2013 to July 28, 2015, by a provision in the Trade Preferences Extension Act of 2015. This document provides notice to importers that U.S. Customs and Border Protection (CBP) will again accept claims for GSP duty-free treatment for merchandise entered, or withdrawn from warehouse, for consumption and that CBP will process refunds on duties paid, without interest, on GSP-eligible merchandise that was entered during the period that the GSP program was lapsed. Formal and informal entries that were filed electronically via the Automated Broker Interface (ABI) using Special Program Indicator (SPI) Code ''A'' as a prefix to the tariff number will be automatically processed by CBP and no further action by the filer is required to initiate the refund process. Non-ABI filers, and ABI filers that did not include SPI Code ''A'' on the entry, must timely submit a duty refund request to CBP. CBP will continue conducting verifications to ensure that GSP benefits are available to eligible entries only.

DATES: Effective July 29, 2015, the filing of GSP-eligible entry summaries may be resumed without the payment of estimated duties, and CBP will initiate the automatic liquidation or reliquidation of formal and informal entries of GSP-eligible merchandise that was entered on or after August 1, 2013 through July 28, 2015 and filed via ABI with SPI Code ''A'' notated on the entry. Requests for refunds of GSP duties paid on eligible non-ABI entries, or eligible ABI entries filed without SPI Code ''A,'' must be filed with CBP no later than December 28, 2015.

ADDRESSES: Instructions for submitting a request to CBP to liquidate or reliquidate entries of GSP-eligible merchandise that was entered on or after August 1, 2013 through July 28, 2015 are located at *http://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences.*

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be directed to Maggie Gray, Office of International Trade, Trade Agreements Branch, 202–863–6621. For operational questions regarding: Formal/Informal Entries and Baggage Declarations: Celestine Harrell, 202–863–6937; Mail Entries: Katherine Changes, 202–344–1767 or Robert Woods, 202–344–1236; Non-ABI Informal Entries: contact the port of entry where goods were entered. Questions from filers regarding ABI transmissions should be directed to their assigned ABI client representative.

SUPPLEMENTARY INFORMATION:

Background

Section 501 of the Trade Act of 1974, as amended (19 U.S.C. 2461), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles imported directly from designated beneficiary countries for specific time periods. Pursuant to 19 U.S.C. 2465, as amended by section 1011(a) of Public Law 105–277, 112 Stat. 2681, duty-free treatment under the GSP program expired on July 31, 2013. On June 29, 2015, the President signed the Trade Preferences Extension Act of 2015 (Publ. L. 114–27). Section 201 of Public Law 114–27 pertains to the extension of duty-free treatment and the retroactive application for certain liquidations and reliquidations under the GSP. Section 201(b)(1) provides that GSP duty-free treatment will be applied to eligible articles from designated beneficiary countries that are entered, or withdrawn from warehouse, for consumption on or after July 29, 2015 through December 31, 2017. Section 201(b)(2) provides that for entries made on or after August 1, 2013 through July 28, 2015, to which duty-free treatment would have applied if GSP had been in effect during that time period (''covered entries''), any duty paid with respect to such entry will be refunded provided that a request for liquidation or reliquidation of that entry, containing sufficient information to enable U.S. Customs and Border Protection (CBP) to locate the entry or to reconstruct the entry if it cannot be located, is filed with CBP by December 28, 2015 (180 days after enactment of Pub. L. 114–27). Section 201(b)(2)(C) provides that any amounts owed by the

United States pursuant to section 2(b)(2)(A) will be paid *without* interest.

Field locations will not issue GSP refunds except as instructed to do so by CBP Headquarters. The processing of retroactive GSP duty refunds will be administered by CBP according to the terms set forth below.

Duty-Free Entry Summaries

Effective July 29, 2015, filers may resume filing GSP-eligible entry summaries without the payment of estimated duties.

GSP Duty Refunds

Formal/Informal Entries

CBP will automatically liquidate or reliquidate formal and informal entries of GSP-eligible merchandise that were entered on or after August 1, 2013 through July 28, 2015 and filed electronically via the Automated Broker Interface (ABI) using Special Program Indicator (SPI) Code ''A'' as a prefix to the listed tariff number. Such entry filings will be treated as a conforming request for a liquidation or reliquidation pursuant to section 201(b)(2)(B) of Public Law 114–27, and no further action by the filer will be required to initiate a retroactive GSP duty refund. CBP expects to begin processing automatic refunds for these entries shortly after July 29, 2015.

CBP will not automatically process GSP duty refunds for formal covered entries that were not filed electronically via ABI, nor for formal and informal covered entries that were filed electronically via ABI with payment of estimated duties, but without inclusion of the SPI Code ''A'' as a prefix to the listed tariff number. In both situations, requests for liquidation or reliquidation of covered entries must be made by December 28, 2015 pursuant to the procedures set forth in *http://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences.*

Mail Entries

For merchandise that was imported via the mail, addressees must request liquidation or reliquidation of covered entries by December 28, 2015 pursuant to the procedures set forth in *http://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences.*

Baggage Declarations and Non-ABI Informals

Travelers/importers must request liquidation or reliquidation of covered entries by December 28, 2015 pursuant to the procedures set forth in *http://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences.*

Countries Eligible for Retroactive Benefits

The Trade Preferences Extension Act of 2015 reauthorization of GSP provides retroactive benefits only to goods from a country that is a beneficiary of the GSP program as of July 29, 2015. As such, this excludes countries such as Bangladesh [1] and Russia [2] that lost eligibility between July 31, 2013 and July 29, 2015.

Dated: July 23, 2015.

Brenda Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2015–18459 Filed 7–27–15; 8:45 am]

BILLING CODE 9111–14–P

[1] *See* 78 FR 39949 (July 2, 2013).

[2] *See* 79 FR 60945 (October 8, 2014).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–37]

30-Day Notice of Proposed Information Collection: Service Coordinators in Multifamily Housing

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 27, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette Pollard@hud.* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 28, 2015 at 80 FR 23564.

A. Overview of Information Collection

Title of Information Collection: Service Coordinators in Multifamily Housing.

OMB Approval Number: 2502–0447.

Type of Request: Revision of currently approved collection.

Form Numbers: HUD–2530, HUD–92456, HUD–92456–G, HUD–50080–SCMF, HUD–91186, HUD–91186–A, SF–424, SF–424-Supp, HUD–2880, SF–LLL, SF–425.

Description of the need for the information and proposed use:

This request seeks approval for the following items:

1. Revision of form HUD–50080–SCMF;

2. Elimination of the standard form (SF) 425 ''Federal Financial Report'' and form HUD–96010 ''Logic Model'' for Service Coordinator in Multifamily Housing grant recipients, and

3. Grant application intake submission requirements for the Upcoming Notice of Funding availability (NOFA) for the Seniors and Services Demonstration program. The eligible applicant pool for this demonstration will be aligned with the Service Coordinators in Multifamily Housing program.

As a result, this request will reduce the number of respondents, responses per annum, frequency of Responses, and total Estimated Burden hours.

The collection of information is necessary to ensure efficient and proper use of funds for eligible activities. Without this information, HUD staff cannot assess the need for funds and effectively monitor grantees' program performance and administration. In addition, the information collection will assist applicants in better determining their need for funds. The information will also enable grantees to more effectively evaluate their program performance; account for funds, and maintain appropriate program records.

Grant funds are taken to pay costs previously incurred and are obtained through use of the electronic Line of Credit Control System (eLOCCS). Grantees are required to draw down from eLOCCS monthly or quarterly.

Grantees will submit the revised form HUD–50080–SCMF on a semi-annual basis. Grantees will complete one worksheet per draw down. Each worksheet will list every expense incurred during that month or quarter. Grantees will be required to maintain detailed expense documentation in their files. HUD may request copies of such documentation if additional program review is warranted.

The data reported will allow HUD staff to track expenses and drawdown of funds for eligible costs at intervals within the grant term. The modified form and submission schedule are designed to reduce burden and collect valid and relevant data.

HUD proposes to substitute the revised form HUD–50080–SCMF for the SF–425, ''Federal Financial Report''. The SF–425 does not provide HUD with any data that is not already available in LOCCS or that will be reported in the revised HUD–50080–SCMF. The revised HUD–50080–SCMF provides the most essential information HUD needs to determine whether federal funds have been used properly.

Respondents: Multifamily Housing assisted housing owners.

Estimated Number of Respondents: 7,770.

Estimated Number of Responses: 13,790.

Frequency of Response: Semi-annually to annually.

Average Hours per Response: 10.2.

Total Estimated Burden hours: 61,060.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: July 22, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–18507 Filed 7–27–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5800–FA–10]

Announcement of Funding Awards, Indian Community Development Block Grant Program, Fiscal Year 2014

AGENCY: Office of Native American Programs, Office of Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Fiscal Year 2014 (FY 2014) Notice of Funding Availability (NOFA) for the Indian Community Development Block Grant (ICDBG) Program. This announcement contains the consolidated names and addresses of this year's award recipients under the ICDBG.

FOR FURTHER INFORMATION CONTACT: For questions concerning the ICDBG Program awards, contact the Area Office of Native American Programs (ONAP) serving your area or Glenda Green, Director, Office of Native Programs, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–6329. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This program provides grants to Indian tribes and Alaska Native Villages to develop viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4.

The FY 2014 awards announced in this Notice were selected for funding in a competition posted on HUD's Web site on June 12, 2014. Applications were scored and selected for funding based on the selection criteria in those notices and Area ONAP geographic jurisdictional competitions.

The amount appropriated in FY 2014 to fund the ICDBG was $70,000,000. Of this amount $3,960,000 was retained to fund imminent threat grants. Of the amount appropriated for single purpose competitive grants, $10,000,000 was available for a national competition for grants for mold remediation and prevention in tribally owned or operated housing. The allocations for the Area ONAP geographic jurisdictions for the non-mold grants were as follows:

Eastern/Woodlands:	$4,441,622
Southern Plains:	13,343,479
Northern Plains:	8,580,551
Southwest:	19,867,953
Northwest:	3,029,710
Alaska:	6,955,906
Total	56,219,221

In accordance with Section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 97 awards made in Appendix A to this document. The awards made pursuant to the regional competitions are listed as are the nine grants awarded in the national competition for mold remediation and prevention.

Dated: July 22, 2015.

Lourdes Castro Ramirez,

Principal Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A

Name/address of applicant	Amount funded	Activity funded	Project description
Alabama-Quassarte Tribal Town, Tarpie Yargee, P.O. Box 187, Wetumka, OK 74883, 405–452–3987.	$609,738	PFC	Construction of a wellness center.

APPENDIX A—Continued

Name/address of applicant	Amount funded	Activity funded	Project description
All Mission Housing Authority (La Jolla), Dave Shaffer, 27740 Jefferson Avenue, Suite 260, Temecula, CA 92590, 951–760–7390.	605,000	HC	Construction of three new homes for families living in overcrowded situations.
All Mission Housing Authority (Viejas), Dave Shaffer, 27740 Jefferson Avenue, Suite 260, Temecula, CA 92590, 951–760–7390.	605,000	HC	Construction of three new homes with solar panels for the elderly.
Aroostook Band of Micmacs, Richard Getchell, #7 Northern Road, Presque Isle, ME 04769, 800–355–1435.	600,000	PFC	Construction of a tribal fitness center.
Aroostook Band of Micmacs, Richard Getchell, #7 Northern Road, Presque Isle, ME 04769, 800–355–1435.	400,000	HR	Remediation of mold in a 66 unit housing complex.
Bishop Paiute Tribe, Gerald Howard, 50 Tu Su Lane, Bishop, CA 93514, 760–873–3584.	605,000	PFC	Renovation and expansion of an Indian cultural and education center.
Blackfeet Housing Authority, Chancy Kittson, P.O. Box 449, Browning, MT 59417, 406–338–5031.	400,000	HR	Mold remediation on eight units.
Blackfeet Housing Authority, Chancy Kittson, P.O. Box 449, Browning, MT 59417, 406–338–5031.	1,100,000	HR	Rehabilitation of 24 low-rent housing units.
Bridgeport Paiute Indian Colony, John Glazier, P.O. Box 37, Bridgeport, CA 93514, 760–873–3584.	605,000	NC	Four new manufactured homes.
Buena Vista Rancheria, Rhonda Morningstar-Pope, 1418 20th Street, Suite 200, Sacramento, CA 95811, 916–491–0011.	605,000	PFC	New cultural center.
Cahuilla Band of Mission Indians, Luther Salgado, P.O. Box 391760, Anza, CA 925399, 951–763–5549.	605,000	HC	Four new manufactured homes.
Catawba Indian Nation/ISWA Development Corporation, William Harris, 996 Avenue of the Nations, Rock Hill, SC 29730, 803–366–4792.	600,000	PFC	Expansion of a day care and Head Start center.
Chickasaw Nation, Bill Anoatubby, P.O. Box 1528, Ada, OK 74821, 907–580–2603.	800,000	PFC	Construction of a building for the Chickasaw Youth Club.
Chippewa-Cree Housing Authority, Richard Morsette, RRI, Box 544, Box Elder, MT 59521, 406–395–4478.	400,000	HR	Remediation of mold in at least 15 homes.
Citizen Potawatomi Nation, John A. Barrett, 1601 South Gordon Copper Drive, Shawnee, OK 74801, 405–275–3121.	800,000	PFC	Expansion of a child care facility.
Comanche Nation Housing Authority, Mr. Lamoni Yazzie, P.O. Box 908, Lawton, OK 73502, 580–357–4956.	800,000	HR	Rehabilitation of 34 single family homes.
Comanche Nation Housing Authority, Reggie Wassana, P.O. Box 1671, Lawton, OK 73502, 580–357–4956.	400,000	HR	Remediation of mold in 16 homes.
Confederated Tribes of the Grand Ronde Community of Oregon, Reynold Leno, 9615 Grand Ronde Road, Grand Ronde, 97347, 503–879–5211.	500,000	PFC	Construction of a police station.
Cook Inlet Tribal Council, Gloria O'Neill, 3600 San Jeronimo Drive, Anchorage, AK 99508, 907–793–3600.	600,000	LH	Land for a 23-unit senior rental housing project.
Crow Tribe of Montana (Apsaalooke Nation), Darrin Old Coyote, P.O. Box 159/#1 Bacheeitche Ave, Crow Agency, MT 59022, 406–638–3715.	480,951	HR	Rehabilitation of 16 single family homes.
Delaware Tribe of Oklahoma, Paula Pechonick, 170 N.E. Barbara Avenue, Bartlesville, OK 74006, 918–337–6530.	800,000	PFC	Construction of a child development center.
Duckwater Shoshone Tribe, Virginia Sanchez, P.O. Box 140068, Duckwater, NV 89314, 775–863–0227.	605,000	PFC	Expansion of a health and medical facility.
Eastern Shawnee Tribe of Oklahoma, Glenna Wallace, P.O. Box 350, Seneca, MO 64865, 918–666–2435.	800,000	PFC	Construction of a child learning center.
Eklutna Native Village, Lee Stephen, 26339 Eklutna Village Road, Chugiak, AK 99567, 907–688–6020.	600,000	PFC	Construction of a health clinic.
Elko Band of Te-Moak Tribe of Western Shoshone, Gerald Temoke, 1745 Silver Eagle Drive, Elko, NV 89801, 775–738–8889.	605,000	NC	Seven new manufactured homes.
Enterprise Rancheria of Maidu Indians, Glenda Nelson, 2133 Monte Vista, Oroville, CA 95966, 530–532–9214.	605,000	HC	Construction of three new homes.
Ely Shoshone Tribe, Alvin Marques, 16 Shoshone Circle, Ely, NV 89301, 775–289–3013.	464,692	HR	Rehabilitation of 14 homeownership units.
Fallon Reservation of Paiute Shoshone Tribe, Len George, 565 Rio Vista Drive, Fallon, NV 89406–6415, 775–423–6075.	80,000	PFC	Renovation of a Head Start building.
Federated Indians of Graton Rancheria, Greg Sarris, 6400 Redwood Drive, Suite 300, Rohnert Park, CA 94928, 707–566–2288.	605,000	NC	Acquisition of two new homes.
Fort McDermitt Travel Plaza Enterprise, Wilson Crutcher, 401 South Reservation Road, McDermitt, NV 89421, 775–532–8259.	605,000	ED	Diesel truck fueling center.
Gulkana Village Council, Eileen Ewan, P.O. Box 254, Gakona, AK 99586, 907–822–3746.	600,000	PFI	Construction of three single family homes.
Hannahville Indian Community, Kenneth Meshigaud, N14911 Hannahville Bl Road, Wilson, MI 49896, 906–466–2342.	235,314	PFI	Extension of a natural gas line to provide fuel for 49 homes.
Havasupai Tribe, Eva Kissoon, P.O. Box 10, Supai, AZ 86435, 928–448–2159.	400,000	HR	Mold remediation of 10 homes.
Hopland Band of Pomo Indians, Joseph San Diego, Treasurer, 3000 Shanel Road, Hopeland, 95449–9809, 707–472–2100.	605,000	PFC	Construction of an education center for families.
Houlton Band of Maliseets, Brenda Commander, P.O. Box 88, Houlton, ME 04730, 207–532–2660.	473,985	PFI	Construction of a dental clinic.
Ho-Chunk Nation of Wisconsin, John Greendeer, W9814 Airport Road, Black River Falls, WI 54615, 715–284–9343.	249,433	HC	Construction of an assisted living facility.

APPENDIX A—Continued

Name/address of applicant	Amount funded	Activity funded	Project description
Hughes Village, Wilmer Beetus, P.O. Box 45029, Hughes, AK 99745, 907–889–2239.	345,919	HC	Construction of a housing unit.
Iipay Nation of Santa Ysabel, Virgil Perez, P.O. Box 130, Santa Ysabel, AZ 92070, 760–765–0845.	605,000	HC	Construction of four new homes.
Kaw Nation of Oklahoma, Elaine Huch, P.O. Box 50, Kaw City, OK 74641, 580–269–2552.	800,000	PFC	Construction of a health clinic.
Lac Courte Oreilles Indian Tribe, Michael Isham, 13394 W. Trepania Road, Hayward, WI 54843, 715–634–8934.	600,000	PFC	Expansion and renovation of Boys and Girls Club.
Little Traverse Bay Band of Odawa Indians, Fred Kiogima, 7500 Odawa Circle, Harbor Springs, MI 49740, 231–242–1402.	482,985	PFC	Construction of a tribal museum.
Los Coyotes Band of Cahuilla Indians, Shane Chapparosa, P.O. Box 189, Warner Springs, CA 92086–0189, 760–782–0711.	605,000	NC	Construction of five homes.
Lower Brule Sioux Tribe, Stuart Langdeau, 187 Oyate Circle, Lower Brule, SD 57548, 605–473–5522.	900,000	HR	Rehabilitation of 40 rental units.
Lummi Nation, Diane Phair, 2828 Kwina Road, Bellingham, WA 98226, 360–312–8407.	500,000	PFI	Infrastructure for construction of 18 single family homes.
Mescalero Apache Housing Authority, Alvin Benally, P.O. Box 248, Mescalero, NM 88340, 575–464–9235.	825,000	PFI	Homeownership assistance.
Metlakatla Housing Authority, Ron Ryan, P.O. Box 59, Metlakatla, AK 9996, 907–886–6500.	600,000	PFI	Site preparation and water and sewer infrastructure for 20 multi-family housing units.
Muscogee (Creek) Nation, George Tiger, P.O. Box 580, Okmulgee, OK 74447, 918–756–8700.	800,000	M	Development of a microenterprise program and accompanying services.
Native Village of Akutan, Zenia Borenin, P.O. Box 89, Akutan, AK 99553, 907–698–2300.	170,680	HR	Rehabilitation of a rental 4-plex.
Native Village of Atka, Mark Snigaroof, P.O. Box 47030, Atka, AK 99547, 907–839–2229.	600,000	NC	Construction of two homes.
Native Village of Gakona, Darin Gene, P.O. Box 102, Gakona, AK 99586, 907–822–5777.	75,000	HR	Rehabilitation of one single-family unit.
Native Village of Kongiganak, Jerry Ivon, P.O. Box 5069, Kongiganak, AK 99545, 907–557–5226.	600,000	PFC	Construction of a health clinic.
Native Village of Ruby, Kathryn Kangas, P.O. Box 10, Ruby, AK 99768, 907–468–4479.	600,000	PFC	Construction of a community center for health, cultural and social service programs.
Native Village of Tazlina, Dorothy Shinn, P.O. Box 87, Glennallen, AK 99588, 907–822–4375.	40,000	HR	Water treatment systems on three homes.
Nez Perce Housing Authority, Laurie Ann Cloud, P.O. Box 188, Lapwai, ID 83540, 208–843–2229.	500,000	HR	Home repairs on multiple units.
North Fork Rancheria Band of Mono Indians, Judy Fink, P.O. Box 929, North Fork, CA 93643–0929, 559–877–2461.	605,000	PFC	Construction of a housing services building.
Northway Village, Howard Sam, P.O. Box 516, Northway, AK 99764, 907–778–2311.	600,000	PFC	Construction of a multipurpose community center for education, nutritional, and cultural activities.
Northern Arapaho Housing Authority, Patrick Goggles, 501 Ethete Road, Ethete, WY 82520, 307–332–5318.	300,000	HR	Exterior rehabilitation of 13 substandard homes.
Northern Cheyenne Tribal Housing Authority, Lafe Haugen, P.O. Box 327, Lame Deer, MT 59043, 406–477–6419.	900,000	HR	Rehabilitation of 27 formerly conveyed housing units occupied by very low income families and elders.
Northern Ponca Housing Authority, Joel Nathan, 1501 West Michigan Avenue, Norfolk, NE 68701–5602, 402–379–8224.	1,100,000	HR	Rehabilitation of 82 substandard homes.
Northern Pueblos Housing Authority (Picuris), Scott Beckman, 5 West Gutierrez, Suite 10, Santa Fe, NM 87506, 888–347–6360.	562,585	PFC	Mold remediation in the tribal gym.
Northern Pueblos Housing Authority (Tesuque), Scott Beckman, 5 West Gutierrez, Suite 10, Santa Fe, NM 87506, 888–347–6360.	605,000	PFI	Installation of water, sewer, electrical lines and road improvements for 23 new single family homes.
Oglala Sioux (Lakota) Housing Authority, Tom Allen, P.O. Box 603, 4 SuAnne Center Drive, Pine Ridge, SD 57783, 605–722–7629.	400,000	HR	Remediation of mold in at least 75 low-rent units.
Ohkay Owingeh Housing Authority, Tomasita Duran, P.O. Box 1059, Ohkay Owingeh, NM 87566, 505–852–0189.	825,000	HR	Homeownership assistance for 15 low- and moderate-income families to remain on the reservation.
Organized Village of Kasaan, Ron Leighton, P.O. Box 26, Ketchikan, AK 99950, 907–542–2230.	599,904	PFC	Phase II of the Kasaan Community Use Facility.
Otoe-Missouria Tribe, John Shotton, 8151 Highway 177, Red Rock, OK 74651–0348, 580–723–4466.	800,000	PFC	Construction of a Head Start facility.
Paiute Indian Tribe of Utah, Gari Lafferty, 440 North Paiute Drive, Cedar City, UT 84721–6181, 435–586–1112.	900,000	PFC	Construction of an RV park and campground.
Pawnee Nation, Marshall Gover, P.O. Box 470, Pawnee, OK 74058, 918–762–3621.	800,000	PFC	Construction of a tribal community building.

APPENDIX A—Continued

Name/address of applicant	Amount funded	Activity funded	Project description
Ponca Tribe of Oklahoma, Earl Howe, 20 White Eagle Drive, Ponca City, OK 74601, 580–762–8104.	800,000	PFC	Construction of a dialysis center.
Pribilof Islands Aleut Community of Saint Paul Island, Amos Philemonoff, P.O. Box 86, St Paul Island, AK 99660, 907–546–3200.	600,000	HR	Rehabilitation of 12 single family housing units.
Pueblo of Jemez, Isaac Perez, P.O. Box 100, Jemez Pueblo, NM 87024, 505–771–9291.	400,000	HR	Mold remediation on 10 adobe homes.
Zuni Housing Authority, Michael Chavez, P.O. Box 710, Zuni, NM 87327, 505–782–4564.	826,926	HR	Rehabilitation of 18 housing units.
Quileute Housing Authority, Anna Parris, P.O. Box 159, La Plush, WA 98350, 360–374–9719.	457,310	HR	Rehabilitation of 37 roofs and chimneys.
Rampart Village, Floyd Green, P.O. Box 67029, Rampart, AK 99767, 907–358–3312.	339,213	PFC	Repurpose a school for a community facility to provide multiple services.
Resighini Rancheria, Rick Dowd, P.O. Box 529, Klamath, CA 95548–0529, 707–482–2431.	605,000	PFC	Construction of a community center.
Rosebud Sioux Tribe, Cyril Scott, P.O. Box 30, Rosebud, SD 57570, 605–747–2381.	400,000	HR	Remediation of mold in 12 old housing units.
Sac and Fox Nation of Missouri in Kansas and Nebraska, Rita Bahr, 305 North Main Street, Reserve, KS 66434, 785–742–0053.	178,750	HR	Rehabilitation of at least 16 HUD-assisted homes.
Salish and Kootenai Housing Authority, Jason Adams, P.O. Box 38, Pablo, 59855–0038, 406–675–4491.	750,000	HR	Rehabilitation and energy efficient repairs in several homes and homeownership assistance for 100 families.
San Carlos Apache Housing Authority, Ronald Boni, P.O. Box 740, Peridot, AZ 85542, 928–475–2346.	2,148,750	HR	Rehabilitation of 47 homes.
San Felipe Pueblo Housing Authority, Isaac Perez, P.O. Box 4222, San Felipe Pueblo, NM 87001–4222, 505–771–9291.	825,000	HR	Rehabilitation of 20 homes.
Seneca Nation Indian Tribe of New York, Barry Snyder, William Seneca Building, 12837 Route 438, Irving, NY 14081, 716–532–4900.	600,000	PFI	Replacement of an aged wastewater treatment plant.
Shawnee Tribe of Oklahoma, Ron Sparkman, 29 South Highway 69A, Miami, OK 74355, 918–542–2441.	800,000	PFC	Construction of a tribal heritage center.
Smith River Rancheria, Kara Brundin-Miller, 140 Rodwday Creek Road, Smith River, CA 95567, 707–487–9255.	605,000	PFI	Waste water and treatment plant.
Spirit Lake Housing Authority, Doug Yankton, P.O. Box 187, Fort Totten, 58335–0187, 701–766–4131.	900,000	HR	Rehabilitation of 29 substandard homes.
Squaxin Island Tribe, David Loperman, 10 SE Squaxin Lane, Shelton, 98584, 360–426–9781.	500,000	HR	Rehabilitation of 30 homes.
Stockbridge-Munsee Community Band of Mohican Indian Tribe, Wally Miller, N. 8476 Moh-He-Con-Nuck Road, P.O. Box 70, Bowler, WI 54416, 715–793–4387.	600,000	PFC	Construction of an elderly care center.
Susanville Indian Rancheria Housing Authority, Nicholas Boyles, P.O. Box 970, Susanville, CA 96130–3628, 530–257–5035.	605,000	HC	Construction of five homeownership units.
Thlopthlocco Tribal Town, George Scott, P.O. Box 188, Okemah, OK 74859, 918–560–6198.	800,000	PFC	Construction of a community center.
Tohono O'odham—KiKi Association, Pete Delgado, P.O. Box 790, Sells, AZ 85634–0790, 520–383–2202.	400,000	HR	Remediation of mold on five homes.
Tonkawa Tribe, Donald L. Patterson, 1 Rush Buffalo Road, Okemah, OK 74653, 580–628–2561.	800,000	ED	Expansion of a motel.
United Keetoowah Band of Cherokee Indians of Oklahoma, George Wickliffe, P.O. Box 746, Tahlequah, OK 74465–0746, 918–456–5126.	800,000	PFC	Expansion of elder community center.
Ute Mountain Ute Housing Authority, Joann Lemmon, P.O. Box 189, Towaoc, CO 81334, 970–565–4283.	900,000	PFI	Infrastructure in support of first 10 homes on a proposed 200 home development site.
Utu Utu Gwaiti Paiute Tribe, Billie Saulque, 25669 Hwy 6, PMB 1, Benton, CA 93512, 760–933–2321.	605,000	NC	Six modular homes.
Walker River Paiute Tribe, Carl Johnson, P.O. Box 220, Schurz, NV 89427–0220, 775–773–2306.	605,000	PFC	Construction of a public safety center.
Warm Springs Housing Authority, Scott Moses, P.O. Box 1167, Warm Springs, OR 97761, 541–553–3250.	500,000	HR	Rehabilitation of nine duplex low rent housing units.
Washoe Housing Authority, Raymond Gonzales, Jr., 1588 Watasheamu Drive, Gardnerville, NV 89460, 775–265–2410.	605,000	NC	Construction of two 4-plex rental units.
Wichita and Affiliated Tribes of Oklahoma, Terri Parton, P.O. Box 729, Anadarko, OK 73005, 405–247–2425.	800,000	PFC	Construction of a historical center for tribal artifacts and culture objects.
Wyandotte Nation, Billy Friend, 64700 E. Highway 60, Wyandotte, 74370, 918–678–2297.	612, 581	PFC	Expansion of an elderly and day care center.

[FR Doc. 2015–18510 Filed 7–27–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This notice publishes the Indian Gaming Compact between the State of New Mexico and the Pueblo of Isleta governing Class III gaming (Compact) taking effect.

DATES: *Effective:* July 28, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Secretary took no action on the Compact within 45 days of its submission. Therefore, the Compact is considered to have been approved, but only to the extent the Compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: July 21, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–18439 Filed 7–27–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR930000.L63500000.DP0000. LXSS081H0000.15XL1116AF; HAG 15–0188]

Draft Resource Management Plan Revisions and Draft Environmental Impact Statement for Western Oregon; Notice of Reopening of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension.

SUMMARY: The Bureau of Land Management (BLM) announces a reopening of the comment period for the Draft Resource Management Plan (RMP) Revisions and a Draft Environmental Impact Statement (EIS) for Western Oregon. The original notice published in the **Federal Register** on April 24, 2015 (80 FR 23046). The BLM is reopening the comment period until August 21, 2015.

DATES: The comment period for the notice published April 24, 2015 (80 FR 23046) is resopened until August 21, 2015.

ADDRESSES: Copies of the Draft RMP Revisions and Draft EIS have previously been sent to affected Federal, State, and local government agencies and to other stakeholders. Copies of the Draft RMP Revisions and Draft EIS for Western Oregon are available for public inspection at the Oregon State Office at the address below. Interested persons may also review the Draft RMP Revisions and Draft EIS on the internet at: *www.blm.gov/or/plans/rmpswesternoregon.*

You may submit comments related to the Draft RMP Revisions, Draft EIS for Western Oregon by any of the following methods:

- *Web site: www.blm.gov/or/plans/rmpswesternoregon.*
- *Email: BLM_OR_RMPWO_Comments@blm.gov.*
- *Fax:* 503–808–6021.
- *Mail:* BLM–EIS for Western Oregon, 1220 SW. 3rd Avenue, Portland, OR 97204; or P.O. Box 2965, Portland, OR 97208

FOR FURTHER INFORMATION CONTACT: Mr. Mark Brown, RMPs for Western Oregon Project Manager; telephone: 503–808–6233; address: 1220 SW. 3rd Avenue, Portland, OR 97204, or P.O. Box 2965, Portland, OR 97208; or email at *BLM_OR_RMPWO_Comments@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Draft RMP Revisions and Draft EIS for Western Oregon encompassing approximately 2,550,000 acres of BLM-administered lands and 69,000 acres of split-estate lands in western Oregon. The documents address a range of alternatives focused on providing a sustained yield of timber, contributing to the conservation and recovery of threatened and endangered species, providing for clean water, restoring fire-adapted ecosystems, coordinating management of lands surrounding the Coquille Forest with the Coquille Tribe, and providing for recreation opportunities. The Draft RMP Revisions and Draft EIS propose to revise the RMPs for the Coos Bay, Eugene, Medford, Roseburg, and Salem Districts and the Lakeview District's Klamath Falls Resource Area. These six RMPs, completed in 1995, incorporated the land use allocations and standards and guidelines from the Northwest Forest Plan.

In 2012, the BLM conducted an evaluation of the 1995 RMPs in accordance with its planning regulations and concluded that a plan revision was necessary to address the changed circumstances and new information that had led to a substantial, long-term departure from the timber management outcomes predicted under the 1995 RMPs.

The original Notice of Availability asking for comments on the Draft RMP Revisions and Draft EIS for Western Oregon was published in the **Federal Register** on April 24, 2015 (80 FR 23046). The BLM received requests for an extension of the comment period from individuals and groups. The BLM has decided to accede to these requests and reopen the comment period. Comments on the Draft RMP Revisions and Draft EIS for Western Oregon will now be accepted through August 21, 2015.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Jerome E. Perez,

State Director, Oregon/Washington.

[FR Doc. 2015–18605 Filed 7–24–15; 4:15 pm]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–L14400000.BJ0000; 15XL1109AF; MO#4500081366]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on August 27, 2015.

DATES: Protests of the survey must be filed before August 27, 2015 to be considered.

ADDRESSES: Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5003, *hmontoya@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management, Dillon Field Office, and were necessary to determine Federal interest lands.

The lands we surveyed are:

Principal Meridian, Montana

T. 4 S., R. 8 W.

The plat only, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, Township 4 South, Range 8 West, Principal Meridian, Montana, was accepted May 18, 2015 and

Principal Meridian, Montana

T. 2 S., R. 3 W.

The plat only, in one sheet, representing the remonumentation of Corner No. 4 of Mineral Survey No. 6594, Alice Lode, Township 2 South, Range 3 West, Principal Meridian, Montana, was accepted May 18, 2015.

We will place a copy of the plats only, in two sheets, we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against these surveys, as shown on these plats only, in two sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file these plats only, in two sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Authority: 43 U.S.C. Chap. 3.

Joshua F. Alexander,

Acting Chief, Branch of Cadastral Survey, Division of Energy, Minerals and Realty.

[FR Doc. 2015–18542 Filed 7–27–15; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–18268; PPPWLAKES1/PPMPSAS1Z.YP0000]

Record of Decision for Wilderness Management Plan, Lake Mead National Recreation Area, Nevada and Arizona

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service has prepared and approved a Record of Decision for the Final Environmental Impact Statement (EIS) for the Wilderness Management Plan for Lake Mead National Recreation Area. Approval of the Wilderness Management Plan concludes an extensive conservation planning and environmental impact analysis effort that began during 2006. The requisite no-action ''wait period'' was initiated on February 27, 2015, with the Environmental Protection Agency's **Federal Register** announcement of the filing of the Final EIS.

ADDRESSES: Those wishing to review the Record of Decision may obtain a copy by request to the Superintendent, Lake Mead National Recreation Area, 601 Nevada Way, Boulder City, Nevada 89005 or via telephone request at (702) 293–8978.

FOR FURTHER INFORMATION CONTACT: Jim Holland, Senior Outdoor Recreation Planner, (702) 293–8986.

SUPPLEMENTARY INFORMATION: The National Park Service (NPS), in collaboration with the Bureau of Land Management (BLM), prepared the Wilderness Management Plan (WMP), which will guide management actions in eight wilderness areas located in Nevada, as follows: The Black Canyon, Bridge Canyon, Jimbilnan, Nellis Wash, and Pinto Valley areas (managed by NPS), and the Eldorado, Ireteba Peaks, and Spirit Mountain areas (jointly managed by NPS and BLM). These areas were designated wilderness in 2002 through the Clark County Conservation of Public Land and Natural Resources Act (Pub. L. 107–282).

The EIS process was jointly conducted pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended) and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2). The BLM has prepared a separate Record of Decision for those portions of the three wilderness areas that it manages.

Three alternatives, all including mitigation measures, were evaluated during the EIS/WMP process. The ''agency preferred'' Alternative B has been selected for implementation. The approved WMP will preserve the wilderness character, natural resources, and cultural resources in the eight designated wilderness areas within Lake Mead National Recreation Area, while also providing for the use and enjoyment of the wilderness areas. The WMP provides guidelines to NPS wilderness managers for maintaining desirable conditions in the wilderness areas, and is intended to provide for consistency and continuity for the undertaking of future NPS and BLM wilderness management activities and programs. The WMP does not entail any changes to the NPS or BLM wilderness boundaries set forth in the Clark County wilderness legislation. All primary components of the selected alternative will be implemented as NPS staffing and funding allow.

Dated: May 27, 2015.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 2015–18436 Filed 7–27–15; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02013000, XXXR5537F3, RX.19872100.1000000]

Notice of Intent and Notice of Scoping Meetings for the Long-Term Recapture and Recirculation of San Joaquin River Restoration Program Flows Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation intends to prepare an Environmental Impact Statement (EIS) for the Long-term Recapture and Recirculation of San Joaquin River Restoration Program Flows. The San Joaquin River Restoration Program is being implemented pursuant to the Stipulation of Settlement in *NRDC, et al.* v. *Kirk Rodgers, et al.* (Settlement) and the San Joaquin River Restoration Settlement Act (SJRRS), Title X of Public Law 111–11 (SJRRS Act). In accordance with Paragraph 16(a) of the Settlement and Section 10004(a)(4) of the SJRRS Act, Reclamation intends to develop and implement a long-term plan for recirculation, recapture, reuse, exchange or transfer of restoration flows for the purpose of reducing or avoiding impacts to water deliveries to all of the

participating Friant Division long-term contractors.

DATES: Submit written comments on scope of the EIS by August 27, 2015.

Reclamation will hold four scoping meetings to solicit public input on alternatives, concerns, and issues to be addressed in the EIS:

1. Monday, August 10, 2015, 1 p.m. to 3:00 p.m., Sacramento, CA.
2. Tuesday, August 11, 2015, 6 p.m. to 8 p.m., Tulare, CA.
3. Wednesday, August 12, 2015, 6 p.m. to 8 p.m., Fresno, CA.
4. Thursday, August 13, 2015, 6 p.m. to 8 p.m., Los Banos, CA.

Oral and written comments will be accepted during the scoping meetings.

ADDRESSES: Send written comments to Ms. Kellye Kennedy, Project Manager, Bureau of Reclamation, SJRRP, 2800 Cottage Way, MP–170, Sacramento, CA 95825; or email at *recaptureandrecirculation@restoresjr.net*.

The four scoping meetings will be held at the following locations:

1. Sacramento—Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825.
2. Tulare—Tulare International Agriculture Center, 4500 S. Laspina Street, Tulare, CA 93274.
3. Fresno—Fresno Hotel and Conference Center, 2233 Ventura Street, Fresno, CA 93721.
4. Los Banos—College Greens Rental, 1815 Scripps Drive, Los Banos, CA 93635.

FOR FURTHER INFORMATION CONTACT: Ms. Kellye Kennedy at (916) 978–4640; TY 1–800–877–8339; or email at *kkennedy@usbr.gov*. Additional information is available online at *www.restoresjr.net*.

SUPPLEMENTARY INFORMATION:

I. Agencies Involved

Reclamation is the lead Federal agency in accordance with the National Environmental Policy Act (NEPA). We will invite the following agencies to participate as cooperating agencies for the preparation of the EIS in accordance with NEPA:

- National Marine Fisheries Service
- Environmental Protection Agency
- U.S. Fish and Wildlife Service
- California Department of Water Resources
- California Department of Fish and Wildlife
- Local agencies (*e.g.,* potentially affected cities and reclamation districts)
- Friant Water Authority
- Friant Division Long-Term Water Contractors
- San Luis and Delta-Mendota Water Authority
- San Joaquin River Exchange Contractors Water Authority

II. Why We Are Taking This Action

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division Long-Term Contractors (Friant Contractors). After more than 18 years of litigation, NRDC, et al., v. Kirk Rodgers, et al., a settlement was reached. On September 13, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (now represented by the Friant Water Authority [FWA]), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California (Court) on October 23, 2006. The Settlement establishes two primary goals:

1. Restoration Goal. To restore and maintain fish populations in ''good condition'' in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
2. Water Management Goal. To reduce or avoid adverse water supply impacts to all of the Friant Contractors that may result from the interim flows and restoration flows provided for in the Settlement. The Settlement and SJRRS Act identify the need for a plan for recirculation, recapture, reuse, exchange or transfer of restoration flows to reduce or avoid impacts to Friant Contractors. The SJRRP Program Environmental Impact Statement/Impact Report (PEIS/R) was finalized in July 2012 and the corresponding Record of Decision (ROD) was issued on September 28, 2012. The PEIS/R and ROD analyzed at a project-level the reoperation of Friant Dam to release restoration flows to the San Joaquin River, making water supplies available to Friant Contractors at a pre-established rate, and the recapture of interim and restoration flows at existing facilities within the restoration area (the San Joaquin River and bypass channels from Friant Dam to the Merced confluence) and the Delta. The PEIS/R and ROD also include program-level actions, which are identified as actions that may require the completion of additional analysis pursuant to NEPA and/or the California Environmental Quality Act, as appropriate. One of the program-level actions identified in the PEIS/R and ROD is the recirculation of recaptured restoration flows. This EIS will analyze and disclose any impacts to the human environment potentially occurring from the proposed alternatives beyond those already analyzed and disclosed in the PEIS/R.

III. Purpose and Need for Action

As described in the PEIS/R, changes to the operation of Friant Dam and release of SJRRP flows in support of the Restoration Goal have the potential to adversely affect water deliveries to Friant Contractors. As identified in the Settlement and SJRRS Act, the Water Management Goal includes a requirement for the development and implementation of a plan for recirculation, recapture, reuse, exchange or transfer of SJRRP flows for the purpose of reducing or avoiding impacts to water deliveries to all of the participating Friant Contractors.

IV. Project Area

The study area may include potentially affected recapture areas in the SJRRP Restoration Area, the lower San Joaquin River, and the Delta; the Friant Service Area, recirculation conveyance areas, and other State Water Project and Central Valley Project service areas potentially affected by transfers or exchanges evaluated in the EIS. The study area analyzed in the EIS will be refined as the alternative development process proceeds and comments received during the public scoping period will be considered.

V. Alternatives To Be Considered

Reclamation will develop a reasonable range of alternatives for analysis in the EIS based on previous studies, public scoping and stakeholder input. Both physical and operational modifications may be included in efforts to recapture and recirculate SJRRP flows. Recirculation of water could occur through the execution of direct deliveries, transfers or exchanges utilizing existing and expanded or new facilities for conveyance. As described in the PEIS/R, long-term recapture and recirculation actions may include modifications to existing facilities or the construction of new facilities. The water may be delivered directly back to the Friant Contractors, or may be made available to others through transfers, exchanges or sales. Action alternatives analyzed in the EIS could include expansion or construction of new facilities for the recapture of SJRRP water, the direct delivery of SJRRP water to Friant Contractors and, the

exchange and/or transfer of recaptured SJRRP flows among Friant Contractors or between Friant and non-Friant Contractors.

VI. Statutory Authority

Implementation of the Settlement, including this proposed action, is authorized by the San Joaquin River Restoration Settlement Act, Title X of Public Law 111–11, the Omnibus Public Land Management Act of 2009. In accordance with NEPA, Reclamation will analyze in the EIS the potential direct, indirect, and cumulative environmental effects that may result from implementation of the proposed action and alternatives, which may include, but are not limited to, the following areas of potential impact:

a. Water resources, including groundwater;
b. Flood control;
c. Hydrology/water quality;
d. Biological resources, including fish, wildlife, and plant species;
e. Land use, including agricultural resources;
f. Cultural resources;
g. Air quality;
h. Power/energy and natural resources;
i. Public services and utilities;
j. Hazards and hazardous materials;
k. Geology, soils, and mineral resources;
l. Visual, scenic, or aesthetic resources;
m. Socioeconomics;
n. Environmental justice;
o. Global climate change/greenhouse gas emissions;
p. Indian trust assets;
q. Noise;
r. Population and housing;
s. Transportation; and
t. Recreation.

VII. Request for Comments

The purposes of this notice are:

- To advise other agencies, potentially affected local governments, tribes, and the public of our intention to gather information to support the preparation of an EIS;
- To obtain suggestions and information from other agencies, interested parties, and the public on the scope of alternatives and issues to be addressed in the EIS; and,
- To identify important issues raised by the public related to the development and implementation of the proposed action.

We invite comments from interested parties to ensure that the full range of alternatives and issues related to the development of the proposed action are identified. Written comments may be submitted by mail, electronic mail, facsimile transmission or in person (see **ADDRESSES** section). Comments and participation in the scoping process are encouraged.

VIII. Public Disclosure

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.

IX. How To Request Reasonable Accommodation

If special assistance is required at one of the scoping meetings, please contact Reclamation's Public Affairs Office at (916) 978–5100 (TYY 1–800–877–8339) at least five working days before the meetings. Information regarding this proposed action is available in alternative formats upon request.

Dated: July 14, 2015.

Pablo R. Arroyave

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 2015–18536 Filed 7–27–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0079]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Transactions Among Licensees/Permittees and Transactions Among Licensees and Holders of User Permits

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in 80 FR 29748 on May 22, 2015, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until August 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Anita Scheddel at *eipb-informationcollection@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0079

(1) Type of Information Collection: Extension of an existing collection.

(2) Title of the Form/Collection: Transactions Among Licensees/Permittees and Transactions Among Licensees and Holders of User Permits.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection:

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Business or other for-profit.
Other: None.

Abstract: The Safe Explosives Act requires an explosives distributor must verify the identity of the purchaser; an explosives purchaser must provide a copy of the license/permit to distributor prior to the purchase of explosive materials; possessors of explosive materials must provide a list of explosives storage locations; purchasers of explosive materials must provide a list of representatives authorized to purchase on behalf of the distributee; and an explosive purchaser must provide a statement of intended use for the explosives.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 50,000 respondents will take 30 minutes to comply with the information.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 25,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18377 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0352]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection; National Standards To Prevent, Detect, and Respond to Prison Rape

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 28, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments on the estimated burden to facilities covered by the standards to comply with the regulation's reporting requirements, suggestions, or need additional information, please contact Emily Niedzwiecki, Policy Advisor, Bureau of Justice Assistance, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–305–9317).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Assistance, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether, and if so how, the quality, utility, and clarity of the information to be collected can be enhanced; and/or
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* National Standards to Prevent, Detect, and Respond to Prison Rape (28 CFR part 115).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number associated with this information collection. The applicable component within the Department of Justice is the Bureau of Justice Assistance, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* On June 20, 2012, the Department of Justice published a Final Rule to adopt national standards to prevent, detect, and respond to sexual abuse in confinement settings pursuant to the Prison Rape Elimination Act of 2003 (PREA) 42 U.S.C. 15601 *et seq.* These national standards, which went into effect on August 20, 2012, require covered facilities to retain certain specified information relating to sexual abuse prevention planning, responsive planning, education and training, investigations and to collect and retain certain specified information relating to allegations of sexual abuse within the facility. Covered facilities include: Federal, state, and local jails, prisons, lockups, community correction facilities, and juvenile facilities, whether administered by such government or by a private organization on behalf of such government. As the agency responsible for PREA implementation on behalf of the U.S. Department of Justice, the Bureau of Justice Assistance within the Office of Justice Programs is submitting this request to extend a currently approved collection.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The recordkeeping and reporting requirements established by the PREA standards are based on incidents of sexual abuse. An estimated 13,119 covered facilities nationwide are required to comply with the PREA standards. If all covered facilities were to fully comply with all of the PREA standards, the new burden hours associated with the staff time that would be required to collect and maintain the information and records required by the standards would be approximately 1.16 million in the first year of full compliance, or about 89 hours per facility.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden hours associated with this collection is 1.16 million in the first year of full compliance, or about 89 hours per facility.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18400 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification to Consent Decree Under the Clean Air Act

On July 22, 2015, the Department of Justice lodged a proposed modification to a Consent Decree with the United States District Court for the Eastern District of California in the lawsuit entitled *United States* v. *CalPortland Company,* Civil Action No. 1:11–cv–02064–AWI–JLT. The Consent Decree was entered in February 2012.

The original Consent Decree resolves alleged Clean Air Act New Source Review violations at a cement plant owned and operated by CalPortland Company (''CalPortland'') and located in Mojave, Kern County, California. The Consent Decree requires CalPortland to propose for EPA approval final emission limits for carbon monoxide, nitrogen oxides, and sulfur dioxide that are achievable based on the plant's operation with newly-installed control technology. Under the original Consent Decree, the final emission limit for SO_2 cannot exceed 1.7 pounds of SO_2 per ton of clinker on a 30-Day Rolling Average. The proposed modification would lengthen the averaging period for the maximum SO_2 emission rate from 30 days to 90 days. The need for a 90-day averaging period is related to variability in the sulfur content of the limestone in CalPortland's quarry and is based on data collected by CalPortland and reviewed by EPA to determine an achievable emission rate. The proposed modification also adjusts the calculation method for stipulated penalties related to emission violations in order to reflect the modified averaging period.

The publication of this notice opens a period for public comment on the proposed modifications to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *CalPortland Company,* D.J. Ref. No. 90–5–2–1–08306/2. 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 email	*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 Modification to 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 Modification to 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 $2.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–18369 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0061]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Certification of Compliance

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the 80 FR 29746 on May 22, 2015, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until August 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tracey Robertson at *Tracey.Robertson@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503, or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0061

(1) *Type of Information Collection:* Extension of an existing collection.

(2) *Title of the Form/Collection:* Certification of Compliance.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5330.20.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: The law at 18 U.S.C. 922(g)(5)(B) makes it unlawful for any nonimmigrant alien to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm, ammunition, which has been shipped or transported in interstate or foreign commerce. ATF F 5330.20 is used for nonimmigrant aliens to certify their compliance according to the law at 18 U.S.C. 922(g)(5)(B). The data provided on this form is used by ATF to certify the applicant's citizenship and legal eligibility for importation and or possession of firearms and ammunition.

(5) *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: An estimated 41,824 respondents will take 3 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 2,091 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18375 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0040]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Application for an Amended Federal Firearms License

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in 80 FR 29750 on May 22, 2015, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until August 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tracey Robertson at *Tracey.Robertson@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0040

(1) Type of Information Collection: Extension of an existing collection.

(2) Title of the Form/Collection: Application for an Amended Federal Firearms License.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection:

Form number: ATF Form 5300.38.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Business or other for-profit.

Other: None.

Abstract: ATF F 5300.38 is used by existing Federal Firearms Licensees (FFL) to change the business address of the license and certify compliance with the provisions of the law for the new address. Licensees are required to notify ATF of the intent to move any business premises no later than 30 days prior to the intended move. The form is also used for changes of trade or business name, changes of mailing address, changes of contact information, changes of hours of operation/availability, and allows for licensees to indicate any changes of business structure.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 18,000 respondents will take 30 minutes to complete the form.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 9,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18374 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0080]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Notification of Change of Mailing or Premise Address

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in 80 FR 29747 on May 22, 2015, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until August 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Christopher Reeves, Bureau of

Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0080

(1) *Type of Information Collection:* Extension of an existing collection.

(2) *Title of the Form/Collection:* Notification of Change of Mailing or Premise Address.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Not-for-profit institutions.

Other: Business or other for-profit.

Abstract: Licensees and permittees whose mailing address will change must notify the Chief, Federal Explosives Licensing Center, at least 10 days before the change. The information is used by ATF to identify correct locations of storage of explosives licensees/permittees and location of storage of explosive materials for purposes of inspection, as well as to notify permittees/licensees of any change in regulations or laws that may affect their business activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,000 respondents will take 10 minutes to complete the form.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 170 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18378 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0020]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Firearms Transaction Record, Part I, Over-the-Counter

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 28, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Carolyn King, Firearms Industry Programs Branch at *FederalRegisterNoticeATFF4473@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0020:

1. *Type of Information Collection:* Extension of an existing approved collection without change.

2. *The Title of the Form/Collection:* Firearms Transactions Record, Part I, Over-the-Counter.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 4473 (5300.9).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit.

Abstract: The form is used to determine the eligibility, under the Gun Control Act (GCA), of a person to receive a firearm from a Federal firearms licensee and to establish the identity of the buyer/transferee. It is also used in law enforcement investigations/inspections to trace firearms and confirm that licensees are complying with their recordkeeping obligations under the GCA.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 17,080,926

respondents will take 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 8,540,463 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18373 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0071]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Notification to Fire Safety Authority of Storage of Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in 80 FR 29747 on May 22, 2015, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until August 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Anita Scheddel at *eipb-informationcollection@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0071

(1) *Type of Information Collection:* Extension of an existing collection.

(2) *Title of the Form/Collection:* Notification to Fire Safety Authority of Storage of Explosive Materials.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Farms, State, local or Tribal Governments, and Individuals or households.

Abstract: The information is necessary for the safety of emergency response personnel responding to fires at sites where explosives are stored. The information is provided both orally and in writing to the authority having jurisdiction for fire safety in the locality in which explosives are stored.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,025 respondents will complete the notification within 30 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

The estimated annual public burden associated with this collection is 513 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: July 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18376 Filed 7–27–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Earnings Information Report

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Request for Earnings Information Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act (PRA) of 1995 (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 August 27, 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=201506-1240-013* (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 sending an email to *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–OWCP, 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: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *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 Request for Earnings Information Report information collection. The Request for Earnings Information Report, Form LS–426, gathers information regarding an employee's average weekly wage. The OWCP uses this information to determine compensation benefits in accordance with Longshore and Harbor Workers' Compensation Act section 10. Longshore and Harbor Workers' Compensation Act sections 8 and 10 authorize this information collection. *See* 33 U.S.C. 908, 910.

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 1240–0025. The current approval is scheduled to expire on August 31, 2015; however, 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 February 19, 2015 (80 FR 8908).

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 1240–0025. 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–OWCP.

Title of Collection: Request for Earnings Information Report.

OMB Control Number: 1240–0025.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 100.

Total Estimated Number of Responses: 100.

Total Estimated Annual Time Burden: 25 hours.

Total Estimated Annual Other Costs Burden: $45.

Dated: July 21, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–18355 Filed 7–27–15; 8:45 a.m.]

BILLING CODE 4510–CF–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–054]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before August 27, 2015 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on May 12, 2015 (80 FR 27189 and 27190). No comments were received. NARA has submitted the described information collections to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collections:

1. *Title:* Request to Microfilm Records.

OMB number: 3095–0017.

Agency form number: None.

Type of review: Regular.

Affected public: Companies and organizations that wish to microfilm archival holdings in the National Archives of the United States or a Presidential library for micropublication.

Estimated number of respondents: 2.

Estimated time per response: 10 hours.

Frequency of response: On occasion (when respondent wishes to request permission to microfilm records).

Estimated total annual burden hours: 20.

Abstract: The information collection is prescribed by 36 CFR 1254.92. The collection is prepared by companies and organizations that wish to microfilm archival holdings with privately-owned equipment. NARA uses the information to determine whether the request meets the criteria in 36 CFR 1254.94, to evaluate the records for filming, and to schedule use of the limited space available for filming.

2. *Title:* Request to film, photograph, or videotape at a NARA facility for news purposes.

OMB number: 3095–0040.

Agency form number: None.

Type of review: Regular.

Affected public: Business or other for-profit, not-for-profit institutions.

Estimated number of respondents: 350.

Estimated time per response: 15 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 87.5.

Abstract: The information collection is prescribed by 36 CFR 1280.48. The collection is prepared by organizations that wish to film, photograph, or videotape on NARA property for news purposes. NARA needs the information to determine if the request complies with NARA's regulations, to ensure protection of archival holdings, and to schedule the filming appointment.

3. *Title:* Request to use NARA facilities for events.

OMB number: 3095–0043.

Agency form number: None.

Type of review: Regular.

Affected public: Not-for-profit institutions, individuals or households, business or other for-profit, Federal Government.

Estimated number of respondents: 330.

Estimated time per response: 30 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 180.

Abstract: The information collection is prescribed by 36 CFR 1280.80 and 1280.82. The collection is prepared by organizations that wish to use NARA public areas for an event. NARA uses the information to determine whether or not we can accommodate the request and to ensure that the proposed event complies with NARA regulations.

Dated: July 16, 2015.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2015–18449 Filed 7–27–15; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–09067; NRC–2015–0126]

Uranerz Energy Corporation; Nichols Ranch ISR Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Indirect transfer of license; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued an Order approving the indirect transfer of license (change of control) for NRC Source and Byproduct Materials License SUA–1597 (SUA–1597), docket number 040–09067, for the Nichols Ranch *In Situ* Recovery (ISR) Project, from Uranerz Energy Corporation (Uranerz) to Energy Fuels, Inc. (Energy Fuels). The NRC's approval of this action is required by its regulations. This approval allows the companies to merge after an exchange of stock. The current licensee, Uranerz, remains the licensee after the transaction; however, the company is controlled by Energy Fuels.

DATES: The Order was issued on June 18, 2015, and is effective for one year.

ADDRESSES: Please refer to Docket ID NRC–2015–0126 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0126. 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, 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: Ron C. Linton, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–7777; email: *Ron.Linton@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NRC is providing notice of consent to the indirect transfer (change of control) of SUA–1597. This license authorizes Uranerz to possess uranium and 11.e(2) byproduct materials at its Nichols Ranch ISR Project, which consists of two separate properties known as the Nichols Ranch Unit and the Hank Unit, in Johnson and Campbell Counties, Wyoming. Uranerz is authorized for operations at the Nichols Ranch Unit to produce uranium-laden resins but is not authorized for further processing (elution, precipitation and drying of yellowcake) at the Nichols Ranch Unit or production at the Hank Unit.

By letter dated March 12, 2015, and supplemented on June 5, 2015, Uranerz submitted an application to the NRC requesting approval of the change of control of SUA–1597. The change of control involves a share purchase agreement whereby Energy Fuels will acquire all shares of Uranerz common stock resulting in Uranerz merging with EFR Nevada Corporation, an existing Nevada Corporation and a wholly owned subsidiary of Energy Fuels. The merged corporations will adopt the Uranerz name and Uranerz will remain the licensee for SUA–1597.

The NRC's receipt of the request to take this licensing action was previously noticed on the NRC's public Web site on April 9, 2015, and in the **Federal Register** on May 22, 2015 (80 FR 29753) with a notice of an opportunity to request a hearing by June 11, 2015. No requests for a hearing and no comments were received.

By Order dated June 18, 2015, the NRC approved the indirect transfer. The Order was accompanied by a Safety Evaluation Report (SER) documenting the basis for the NRC staff's approval. In the SER, the NRC staff has reached the following conclusions: after the transaction, Uranerz and its parent

company, Energy Fuels, will remain qualified by reason of training and experience to use source material as to protect health and minimize danger to life or property; equipment, facilities, and procedures will remain adequate to protect health and minimize danger to life or property; and this action is not inimical to the common defense and security or to the health and safety of the public.

These actions comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations.

II. Availability of Documents

The documents identified in the following table are available to interested persons through the ADAMS Public Documents collection.

Document	ADAMS Accession No.
Applicant's application, March 12, 2015.	ML15084A286
Supplementary information, June 5, 2015.	ML15160A025
NRC Letter approving change of control, June 18, 2015.	ML15161A464
NRC Order dated June 18, 2015.	ML15161A470
NRC Safety Evaluation Report dated June 18, 2015.	ML15161A486

Dated at Rockville, Maryland, this 16th day of July, 2015.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–18463 Filed 7–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304; NRC–2015–0168]

ZionSolutions, LLC, Zion Nuclear Power Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption from certain emergency planning requirements in response to a May 27, 2014, request from Zion*Solutions,* LLC. The exemptions remove requirements that are no longer applicable since all the fuel has been transferred from the spent fuel pool to an independent spent fuel storage installation (ISFSI).

ADDRESSES: Please refer to Docket ID NRC–2015–0168 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0168. 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: John B. Hickman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3017, email: *John.Hickman@nrc.gov.*

I. Background

In section 50.47 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Emergency plans,'' provides in part, ''. . . no initial operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.'' Appendix E to 10 CFR part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' provides in part, ''This appendix establishes minimum requirements for emergency plans for use in attaining an acceptable state of emergency preparedness.''

Zion Nuclear Power Station (ZNPS), Units 1 and 2 were permanently shut down in February 1998, for economic reasons. The licensee placed the plant in SAFSTOR, which means that the licensee deferred dismantling and decontamination of the facility while maintaining and monitoring the facility in a condition that allowed radioactivity to decay. The licensee isolated the spent fuel pool (SFP) within its Fuel Building and established a spent fuel pool nuclear island with SFP-dedicated support systems. In 1999, the NRC issued an exemption from certain requirements of 10 CFR part 50 for the ZNPS licensee to discontinue offsite emergency planning activities and to reduce the scope of onsite emergency planning. In September 2010, the licensed ownership, management authorities, and decommissioning trust fund of the permanently shutdown facility was transferred to ZionSolutions (ZS), a subsidiary of EnergySolutions, for the purpose of completing all decommissioning activities with the end goal of full site restoration. Active decommissioning is currently underway. As of January 12, 2015, all of the spent fuel at the ZNPS had been transferred to the ZNPS ISFSI.

II. Request/Action

By letter dated May 27, 2014, (ADAMS Accession No. ML14148A295), ZS submitted a ''License Amendment Request for Proposed Revision to Zion Nuclear Power Station Defueled Station Emergency Plan and Request for Exemption from Certain Requirements of 10 CFR 50.47, and 10 CFR part 50, appendix E.'' The amendment request was addressed separately by the NRC in a letter dated May 14, 2015 (ADAMS Accession No. ML15092A380).

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

The NRC staff reviewed the licensee's request and determined that exemptions should be granted, or continue to be granted, from the following requirements: The requirements of 10 CFR 50.47(b)(10); the requirement: ''By June 20, 2012, nuclear power reactor,'' and ''within 15 minutes,'' and to protect public health and safety provided that any delay in declaration does not deny the State and local authorities the opportunity to implement measures

necessary to protect the public health and safety,'' of 10 CFR part 50, appendix E, section IV.C.2; the requirement: ''and agreements reached with these officials and agencies for the prompt notification of the public and for public evacuation or other protective measures, should they become necessary,'' and ''of the appropriate officials, by title and agency,'' and ''within the EPZs,'' of 10 CFR part 50, appendix E, section IV.D.1; the requirement: ''onsite technical support center and an emergency operations,'' of 10 CFR part 50, appendix E, section IV.E 8.a.(i); the requirements of 10 CFR part 50, appendix E, section IV.E.9.c; the requirement: ''from the nuclear power reactor control room, the onsite technical support center, and the emergency operations facility,'' of 10 CFR part 50, appendix E, section IV.E.9.d; the requirement: ''including control room shift personnel,'' of 10 CFR part 50, appendix E, section IV.F.1.ii; the requirements of 10 CFR part 50, appendix E, section IV.F.1.viii; the requirement: ''/Civil Defense,'' and ''local news media persons,'' of 10 CFR part 50, appendix E, section IV.F.1; the requirements of 10 CFR part 50, appendix E, section IV.F.2.a; including subsections IV.F.2.a.(i), IV.F.2.a.(ii), and IV.F.2.a.(iii); the requirement: ''Nuclear power reactor licensees shall submit exercise scenarios under 10 CFR 50.4 at least 60 days before use in an exercise required by this paragraph 2.b. The exercise may be included in the full participation biennial exercise required by paragraph 2.c. of this section,'' and ''and offsite,'' and ''protective action recommendation development, protective action decision making, plant,'' and ''(Technical Support Center (TSC), Operations Support Center (OSC), and the Emergency Operations Facility (EOF)),'' of 10 CFR part 50, appendix E, section IV.F.2.b.

The exemption request was reviewed against the acceptance criteria included in 10 CFR 50.47, appendix E to 10 CFR part 50, 10 CFR 72.32 and Spent Fuel Project Office Interim Staff Guidance—16, ''Emergency Planning'' (ADAMS Accession No. ML003724570). The review considered the permanently shutdown and defueled status of the reactor with all fuel transferred to the ISFSI, and the low likelihood of any credible accident resulting in radiological releases requiring offsite protective measures. These evaluations are documented in the NRC staff Safety Evaluation Report (ADAMS Accession No. ML15140A563). The staff concludes that the Defueled Station Emergency Plan for ZNPS provides: (1) An adequate basis for an acceptable state of emergency preparedness, and (2) in conjunction with arrangements made with offsite response agencies, provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the ZNPS Site.

The Commission has concluded that the licensee's request for an exemption from certain requirements of 10 CFR 50.47(b) and 10 CFR part 50, appendix E, section IV as specified above are acceptable in view of the greatly reduced offsite radiological consequences associated with the current plant status as permanently shutdown with all spent fuel in the ISFSI.

The NRC has determined that other requirements from which ZS requested exemptions were not applicable to the ZNPS or are being met by the ZNPS Defueled Station Emergency Plan, or that an exemption was not appropriate. Therefore, an exemption was not necessary or was denied for those requirements.

A. Exemption Is Authorized by Law

The NRC has found that ZS meets the criteria for an exemption in 10 CFR 50.12. The NRC has determined that granting the exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety and Is Consistent With the Common Defense and Security

In the Safety Evaluation Report, the NRC staff explains that ZS's implementation of the ZNPS Defueled Station Emergency Plan, with the exemptions, will continue to provide this reasonable assurance of adequate protection. In addition, the requested exemptions only involve EP requirements under 10 CFR part 50. Physical security measures at ZNPS will not be affected by the requested EP exemptions, and granting the exemptions will not adversely affect ZS's ability to physically secure the site or protect special nuclear material. Thus, granting the exemptions will not present an undue risk to public health or safety and is not inconsistent with the common defense and security.

C. Special Circumstances Are Present

For the Commission to grant an exemption, special circumstances must exist. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when ''[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.'' These special circumstances exist here, given the current plant status as permanently shutdown with all spent fuel in the ISFSI. The NRC has determined that ZS's compliance with the regulations listed above is not necessary for the licensee to demonstrate that, under its emergency plan, there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. Consequently, special circumstances are present because requiring ZS to comply with the regulations listed above is not necessary to achieve the underlying purpose of the EP regulations.

D. Environmental Considerations

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to this exemption was published in the **Federal Register** on July 16, 2015 (80 FR 42129). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment.

IV. Conclusion

The NRC staff reviewed the licensee's submittals and concludes that the licensee's request for an exemption from certain requirements of 10 CFR 50.47(b) and appendix E to10 CFR part 50 as specified above are acceptable in view of the greatly reduced offsite radiological consequences associated with the current plant status as permanently shut down.

The Commission has determined that, pursuant to 10 CFR 50.12, the exemptions are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and special circumstances are present in that compliance with the specified regulations is not necessary for reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the ZNPS facility based on its permanently shut-down condition.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of July, 2015.

For the Nuclear Regulatory Commission.

Larry W. Camper,

Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–18474 Filed 7–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0043]

Information Collection: Request for Information Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights From the Fukushima Dai-ichi Event

AGENCY: 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, ''Request for Information Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Event.''

DATES: Submit comments by September 28, 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–2015–0043. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; 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–2015–0043 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–2015–0043. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0043 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. ML12053A340. The supporting statement and burden estimates are available in ADAMS under Accession Nos. ML15128A589 and ML15128A602.
- *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–2015–0043 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.

II. 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:* Request for Information Pursuant to 10 CFR 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Event.
2. *OMB approval number:* 3150–0211.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Once.
6. *Who will be required or asked to respond:* 99 power reactor licensees, 1 reactor in the process of resuming licensing, and 2 Combined License holders (2 units each).
7. *The estimated number of annual responses:* 124.
8. *The estimated number of annual respondents:* 104.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 205,902.
10. *Abstract:* Following events at the Fukushima Dai-Ichi nuclear power plant resulting from the March 11, 2011, earthquake and subsequent tsunami, and in response to requirements contained in section 402 of the Consolidated Appropriations Act (Pub. L. 112–074), the NRC requested information from power reactor

licensees pursuant to title 10 of the *Code of Federal Regulations* part 50.54(f). The information requested includes seismic and flooding hazard reevaluations to determine if further regulatory action is necessary, walkdowns to confirm compliance with the current licensing basis and provide input to the hazard reevaluations, and analysis of the Emergency Preparedness capability with respect to staffing and communication ability during a prolonged multiunit event. The NRC will use the information provided by licensees to determine if additional regulatory action is necessary.

III. 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 21st day of July 2015.

For the Nuclear Regulatory Commission.

Tremaine U. Donnell,

Senior Specialist, FOIA, Privacy, and Information Collection Branch, Customer Service Division, Office of Information Services.

[FR Doc. 2015–18408 Filed 7–27–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–106; Order No. 2603]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional Global Reseller Expedited Package Contracts 2 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 29, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On July 20, 2015, the Postal Service filed notice that it has entered into an additional Global Reseller Expedited Package Contracts 2 (GREP 2) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2015–106 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 29, 2015. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–106 for consideration of the matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
3. Comments are due no later than July 29, 2015.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18426 Filed 7–27–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement, July 20, 2015 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75513; File No. SR–C2–2015–018]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rules Related to Obvious Errors

July 23, 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 15, 2015, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 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 obvious errors. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

C2 Options Exchange, Incorporated Rules

* * * * *

Rule 6.15 Nullification and Adjustment of Options Transactions Including Obvious Errors

* * * * *

.06 Verifiable Disruptions or Malfunctions of Exchange Systems: Electronic transactions arising out of a ''verifiable disruption or malfunction'' in the use or operation of any Exchange automated quotation, dissemination, execution, or communication system will either be nullified or adjusted by an Official. Transactions that qualify for price adjustment will be adjusted to Theoretical Price, as defined in paragraph (b) above.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is seeking to amend its rules related to obvious errors. Specifically, the Exchange is seeking to add Interpretation and Policy .06 to provide the Exchange the ability to nullify or adjust transactions arising out of a verifiable disruption or malfunction of Exchange systems.

Similar to Chicago Board Options Exchange, Inc. (''CBOE'') Rule 6.25.05, the proposed rule would allow an Exchange Official to nullify or adjust a transaction that arises out of a verifiable disruption or malfunction in the use or operation of any Exchange automated quotation, dissemination, execution, or communication system.[3] For example, if a malfunctioning exchange system caused orders to be generated and executed without instructions from a Trading Permit Holder, the proposed rule would allow the Exchange to nullify the transactions. Transactions that qualify for price adjustment will be adjusted to Theoretical Price, as defined in paragraph (b) of Rule 6.15.

The Exchange believes that it is appropriate to provide the flexibility and authority provided for in the proposed rule so as not to limit the Exchange's ability to plan for and respond to unforeseen systems problems or malfunctions. The proposed rule change would provide the Exchange with the same authority that other Exchanges have to nullify or adjust trades in the event of a ''verifiable disruption or malfunction'' in the use or operation of its systems.[4] For this reason, the Exchange believes that, in the interest of maintaining a fair and orderly market and for the protection of investors, authority to nullify or adjust trades in these circumstances, consistent with the authority on other exchanges, is warranted.

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.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and national market system and promote a fair and orderly market because it would provide authority for the Exchange to nullify or adjust trades that may have resulted from a verifiable systems disruption or malfunction. The Exchange believes that it is appropriate to provide the flexibility and authority provided for in the proposed rule so as not to limit the Exchange's ability to plan for and respond to unforeseen systems problems or malfunctions that may result in harm to the public. Allowing for the nullification or modification of transactions that result from verifiable disruptions and/or malfunctions of Exchanges systems will offer market participants on C2 a level of relief presently not available. The Exchange notes that the proposed rule change is based on CBOE rules and is substantially similar to rules of Phlx, and Arca.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 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. Rather, the Exchange believes that the proposed rule change is pro-competitive because it will align the Exchange's rules with the rules of other markets, including CBOE, Arca, and Phlx. By adopting the proposed rule, the Exchange will be in a position to treat transactions that are a result of a verifiable systems issue or malfunction in a manner similar to other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[3] The proposed rule removes reference to open outcry as C2 is an all-electronic exchange.

[4] *See* CBOE Rule 6.25.05, NASDAQ OMX PHLX, LLC (''Phlx'') Rule 1092(k) and NYSE Arca, Inc. (''Arca'') Rule 6.89.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and 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. The Exchange has satisfied this requirement.

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–C2–2015–018 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–C2–2015–018. 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–C2–2015–018, and should be submitted on or before August 18, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18538 Filed 7–27–15; 8:45 am]

BILLING CODE P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Friday, July 31, 2015, at 1 p.m., in the Auditorium (L–002) at the Commission's headquarters building, to hear oral argument in an appeal by the Respondents Raymond J. Lucia Companies, Inc. (''RJLC'') and Raymond J. Lucia, Sr. (''Lucia''), and a cross-appeal by the Division of Enforcement, from an initial decision of an administrative law judge.

On December 6, 2013, the law judge found that RJLC violated Sections 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940 by misleading prospective clients about its Buckets of Money retirement wealth management strategy, and that Lucia aided and abetted and caused RJLC's violations. For these violations, the law judge barred Lucia from associating with an investment adviser, broker, or dealer; revoked RJLC's and Lucia's investment adviser registrations; ordered RJLC and Lucia to cease and desist from further violations of the Advisers Act; and imposed civil penalties of $250,000 on RJLC and $50,000 on Lucia. The law judge also found that RJLC did not violate, and Lucia did not aid and abet and cause a violation of, Advisers Act Rule 206(4)–1(a)(5) concerning fraudulent advertisements by investment advisers.

The Respondents appealed the law judge's findings of violation and the sanctions imposed, and the Division cross-appealed the law judge's Rule 206(4)–1(a)(5) findings. The issues likely to be considered at oral argument include, among other things, whether Respondents violated the antifraud provisions as alleged and, if so, the extent to which they should be sanctioned for those violations.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 24, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–18599 Filed 7–24–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, July 30, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (9)(ii) and (a)(10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: July 23, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–18571 Filed 7–24–15; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14330 and #14331]

Oklahoma Disaster Number OK–00092

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 8.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of OKLAHOMA (FEMA–4222–DR), dated 05/26/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 through 06/22/2015.

DATES: *Effective Date:* 07/21/2015.

Physical Loan Application Deadline Date: 08/26/2015.

Eidl Loan Application Deadline Date: 02/26/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of OKLAHOMA, dated 05/26/2015 is hereby amended to re-establish the incident period for this disaster as beginning 05/05/2015 and continuing through 06/22/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18460 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14334 and #14335]

Texas Disaster Number TX–00447

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 10.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe storms, tornadoes, straight-line winds and flooding.

Incident Period: 05/04/2015 through 06/22/2015.

Effective Date: 07/21/2015.

Physical Loan Application Deadline Date: 08/27/2015.

EIDL Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Texas, dated 05/29/2015 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Red River.

Contiguous Counties: (Economic Injury Loans Only):

Texas: Franklin, Titus

Oklahoma: Choctaw.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18464 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14336 and #14337]

Texas Disaster Number TX–00448

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds and Flooding.

Incident Period: 05/04/2015 through 06/22/2015.

EFFECTIVE DATE: 07/21/2015.

Physical Loan Application Deadline Date: 07/28/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Texas, dated 05/29/2015, is hereby amended to re-establish the incident period for this disaster as beginning 05/04/2015 and continuing through 06/22/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18466 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14299 and #14300]

Kentucky Disaster Number KY–00052

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA–4217–DR), dated 05/01/2015.

Incident: Severe Storms, Tornadoes, Flooding, Landslides, and Mudslides.

Incident Period: 04/02/2015 through 04/17/2015.

Effective Date: 07/21/2015.

Physical Loan Application Deadline Date: 06/30/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/01/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155,

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Kentucky, dated 05/01/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Rowan.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cynthia G. Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18555 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14344 and #14345]

Oklahoma Disaster Number OK–00081

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4222–DR), dated 06/04/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 through 06/22/2015.

EFFECTIVE DATE: 07/21/2015.

Physical Loan Application Deadline Date: 08/03/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 03/04/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oklahoma, dated 06/04/2015, is hereby amended to re-establish the incident period for this disaster as beginning 05/05/2015 and continuing through 06/22/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18465 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14334 and #14335]

Texas Disaster Number TX–00447

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 9.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe Storms, Tornadoes, Straight-Line Winds and Flooding.

Incident Period: 05/04/2015 through 06/22/2015.

DATES: *Effective Date:* 07/21/2015.

Physical Loan Application Deadline Date: 08/27/2015.

EIDL Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 05/29/2015 is hereby amended to re-establish the incident period for this disaster as beginning 05/04/2015 and continuing through 06/22/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18462 Filed 7–27–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9201]

60-Day Notice of Proposed Information Collection: Contact Information and Work History for Nonimmigrant Visa Applicant

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to September 28, 2015.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering Docket Number: DOS–2015–0032 in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to George Weber, who may be reached on 202–485–7637 or at *PRA5BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Contact Information and Work History for Nonimmigrant Visa Applicant.
- *OMB Control Number:* 1405–0144.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–158.
- *Respondents:* Nonimmigrant Visa Applicants.
- *Estimated Number of Respondents:* 10,000.
- *Estimated Number of Responses:* 10,000.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 10,000.
- *Frequency:* One time per visa application.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted,

including your personal information, will be available for public review.

Abstract of Proposed Collection

This form collects contact information, current employment information, and previous work experience information from aliens applying for nonimmigrant visas to enter the United States. The information collected is necessary to determine eligibility for certain visa classifications.

Methodology

Applicants may fill out the DS–158 online or print the page and fill it out by hand and submit it in person at the time of interview.

Dated: July 9, 2015.

Ed Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–18471 Filed 7–27–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9202]

60-Day Notice of Proposed Information Collection: Petition To Classify Special Immigrant Under INA 203(b)(4) as Employee or Former Employee of the U.S. Government Abroad

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to September 28, 2015.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering Docket Number: DOS–2015–0033 in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Taylor Mauck, who may be reached on 202–485–7635 or at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Petition to Classify Special Immigrant as an Employee or Former Employee of the U.S. Government Abroad.
- *OMB Control Number:* 1405–0082.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–1884.
- *Respondents:* Aliens petitioning for immigrant visas under INA 203(b)(4) as a special immigrant described in INA section 101(a)(27)(D).
- *Estimated Number of Respondents:* 300.
- *Estimated Number of Responses:* 300.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 50 hours.
- *Frequency:* Once per petition.
- *Obligation to Respond:* Required to obtain benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

DS–1884 solicits information from petitioners claiming employment-based immigrant visa preference under section 203(b)(4) of the Immigration and Nationality Act on the basis of qualification as a special immigrant described in INA section 101(a)(27)(D). A petitioner may file the DS–1884 petition within one year of notification by the Department of State that the Secretary has approved a recommendation that such special immigrant status be accorded to the alien. DS–1884 solicits information that will assist the consular officer in ensuring that the petitioner is statutorily qualified to receive such status, including meeting the years of service and exceptional service requirements.

Methodology

The form can be obtained from posts abroad or through the Department's eForms intranet site. The application available through eForms allows the applicant to complete the application online and then print the application. Most applicants are current federal government employees abroad and have access to the internet system. Once the form is printed, it is submitted to post.

Dated: July 17, 2015.

Ed Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–18472 Filed 7–27–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Route 624 Bridge Replacement Project in Virginia

Correction

In notice document 2015–17569, appearing on pages 42602 through 42603 in the issue of Friday, July 17, 2015, make the following correction:

On page 42602, in the **DATES** section, on the seventh line of that paragraph, ''August 3, 2015'' should read ''December 14, 2015''.

[FR Doc. C1–2015–17569 Filed 7–27–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0088]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TAURI; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed in the **SUPPLEMENTARY INFORMATION** section.

DATES: Submit comments on or before August 27, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0088. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TAURI is:

Intended Commercial Use of Vessel: ''Private Vessel Charters, Passengers Only''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2015–0088 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

By Order of the Maritime Administrator.

Dated: July 21, 2015.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2015–18501 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0090]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PARAISO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 27, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0090. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PARAISO is:

Intended Commercial Use of Vessel: ''Limited Charter of passengers for luxury day, overnight, and extended fishing trips''

Geographic Region: ''Washington State, Oregon, California, and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2015–0090 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 21, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–18505 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0089]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BAYADERE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed in the **SUPPLEMENTARY INFORMATION** section.

DATES: Submit comments on or before August 27, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0089. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BAYADERE is:

Intended Commercial Use of Vessel: ''Sunset charters. Up to six people maximum''.

Geographic Region: ''Virginia, Maryland, Florida.''

The complete application is given in DOT docket MARAD–2015–0089 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

By Order of the Maritime Administrator

Dated: July 21, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–18499 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2015 0093]

Agency Requests for Comments of a Previously Approved Information Collection: Maritime Administration Service Obligation Compliance Annual Report

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1955 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information was published on April 7, 2015 (**Federal Register** 18706, Vol. 80, No. 66).

DATES: Comments must be submitted on or before August 27, 2015.

FOR FURTHER INFORMATION CONTACT: Danielle Bennett, 202–366–5296, Office of Maritime Labor and Training, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Maritime Administration Service Obligation Compliance Annual Report

OMB Control Number: 2133–0509.

Form Numbers: MA–930.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: 46 U.S.C. 51306 and 46 U.S.C. 51509 imposes a service obligation on every graduate of the U.S. Merchant Marine Academy and every State Maritime Academy Student Incentive Payment program graduate. This mandatory service obligation is for the Federal financial assistance the graduate received as a student. The obligation consists of (1) maintaining a U.S. Coast Guard merchant mariner credential with an officer endorsement; (2) serving as a commissioned officer in the U.S. Naval Reserve, the U.S. Coast Guard Reserve or any other reserve unit of an armed force of the United States following graduation from an academy (3) serving as a merchant marine officer on U.S.-flag vessels or as a commissioned officer on active duty in an armed or uniformed force of the United States, National Oceanic and Atmospheric Administration (NOAA) Corps, Public Health Service (PHS) Corps, or other MARAD approved service; and (4) reporting annually on their compliance with their service obligation after graduation for a minimum of seven (7) years after graduation.

Affected Public: Graduates of the U.S. Merchant Marine Academy and every State Maritime Academy Student Incentive Payment program graduate.

Form(s): MA–930.

Estimated Number of Respondents: 2100.

Estimated Number of Responses: 2100.

Annual Estimated Total Annual Burden: 700.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments are invited on: 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; (b) the accuracy of the Department's estimated burden of the proposed information collection; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1:93.

By Order of the Maritime Administrator.

Dated: July 21, 2015.

T. Mitch Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–18506 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2015 0094]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen-Owned Documented

AGENCY: Maritime Administration.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will enable MARAD to determine whether the vessel proposed for transfer will initially require retention under the U.S.-flag statutory regulations. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by September 28, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–200X–XXXX] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deveeda Midgett, (202) 366–2354, Office of Sealift Support, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0006.

Title: Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen-Owned Documented.

Form Numbers: MA–29, MA29A, MA–29B.

Type of Review: Renewal of an information collection.

Background: This collection provides information necessary for MARAD to approve the sale, transfer, charter, lease, or mortgage of U.S. documented vessels to non-citizens; or the transfer of such vessels to foreign registry and flag; or the transfer of foreign flag vessels by their owners as required by various contractual requirements.

Respondents: Respondents are vessel owners who have applied for foreign transfer of U.S.-flag vessels.

Number of Respondents: 85.

Frequency: Annually.

Number of Responses: 85.

Total Annual Burden: 170 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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

By order of the Maritime Administrator.

Dated: July 23, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–18503 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0092]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SORTILEGE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 27, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0092. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SORTILEGE is:

Intended Commercial Use of Vessel: ''Captained Charters''

Geographic Region: ''Florida''

The complete application is given in DOT docket MARAD–2015–0092 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: July 21, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–18500 Filed 7–27–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 6 (Sub-No. 489X)]

BNSF Railway Company—Abandonment Exemption—in Kane County, Ill.

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 0.43 miles of rail line between milepost 4.0 and milepost 3.57 in North Aurora, Kane County, Ill. (the Line).[1] The Line traverses United States Postal Service Zip Code 60542.

BNSF has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 27, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 7, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 17, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morell, Karl Morell & Associates, Suite 225, 655 Fifteenth St. NW., Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 31, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by filing of a notice of consummation by July 28, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: July 23, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clarence Clerk.

[FR Doc. 2015–18446 Filed 7–27–15; 8:45 am]

BILLING CODE 4915–01–P

[1] BNSF states that the rail line between milepost 3.57 and milepost 3.53 was abandoned in 2007 to accommodate a highway expansion project, leaving the Line as ''an island,'' *i.e.,* severing it from the national rail system. In addition, BNSF says that the Line was inadvertently salvaged as part of the expansion project. It should not have required the passage of 8 years and the occasion of the Line's sale to the Village of North Aurora to bring those actions to the Board's attention.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

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

Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning qualified transportation fringe benefits.

DATES: Written comments should be received on or before September 28, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Transportation Fringe Benefits.

OMB Number: 1545–1676.

Regulation Project Number: REG–113572–99.

Abstract: These regulations provide guidance to employers that provide qualified transportation fringe benefits under section 132(f), including guidance to employers that provide cash reimbursement for qualified transportation fringes and employers that offer qualified transportation fringes in lieu of compensation. Employers that provide cash reimbursement are required to keep records of documentation received from employees who receive reimbursement. Employers that offer qualified transportation fringes in lieu of compensation are required to keep records of employee compensation reduction elections.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individual or households, and not-for-profit institutions.

The burden is reflected in the burden for Form W–2.

Estimated Total Annual Recordkeeping Burden: 7,020,000.

Estimated Average Annual Recordkeeping Burden per Recordkeeper: The average annual recordkeeping burden will vary depending on the size of the employer.

Estimated Average Annual Recordkeeping Burden per Recordkeeper: 26.5 hours.

Estimated Number of Recordkeepers: 265,343.

Estimated Total Annual Reporting Burden: 5,948,728 hours.

Estimated Average Annual Reporting Burden per Respondent: 8 hours.

Estimated Number of Respondents: 7,264,970.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 10, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18522 Filed 7–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 97–22

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 97–22, Examination of returns and claims for refund, credits or abatement; determination of correct tax liability.

DATES: Written comments should be received on or before September 28, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie A. Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Examination of returns and claims for refund, credits or abatement; determination of correct tax liability.

OMB Number: 1545–1533.

Revenue Procedure Number: Revenue Procedure 97–22.

Abstract: This revenue procedure provides guidance to taxpayers who maintain books and records by using an electronic storage system that either images their paper books and records or transfers their computerized books and records to an electronic storage media, such as an optical disk. The information requested in the revenue procedure is required to ensure that records maintained in an electronic storage system will constitute records within the meaning of Internal Revenue Code section 6001.

Current Actions: There are no changes being made to this revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, Federal Government, and state, local or tribal governments.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 20 hours, 1 minute.

Estimated Total Annual Burden Hours: 1,000,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information

displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 9, 2015.

Christie A. Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18512 Filed 7–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments regarding excise tax relating to structured settlement factoring transactions.

DATES: Written comments should be received on or before September 28, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Excise Tax Relating to Structured Settlement Factoring Transactions.

OMB Number: 1545–1824.

Regulation Project Number: REG–139768–02.

Abstract: The regulations provide rules relating to the manner and method of reporting and paying the 40 percent excise tax imposed by section 5891 of the Internal Revenue Code with respect to acquiring of structured payment rights.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 4.

Estimated Time per Respondent: 30 min.

Estimated Total Annual Burden Hours: 2.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 14, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18514 Filed 7–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8832

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8832, Entity Classification Election.

DATES: Written comments should be received on or before September 28, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Entity Classification Election.

OMB Number: 1545–1516.

Form Number: Form 8832.

Abstract: An eligible entity that chooses not to be classified under the default rules or that wishes to change its current classification must file Form 8832 to elect a classification.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 7 hours 10 minutes.

Estimated Total Annual Burden Hours: 35,900.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 10, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18491 Filed 7–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8811

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8811, Information Return for Real Estate Mortgage Investment Conduits (REMICs) and Issuers of Collateralized Debt Obligations.

DATES: Written comments should be received on or before September 28, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie A. Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return for Real Estate Mortgage Investment Conduits (REMICs) and Issuers of Collateralized Debt Obligations.

OMB Number: 1545–1099.

Form Number: 8811.

Abstract: Current regulations require real estate mortgage investment conduits (REMICs) to provide Forms 1099 to true holders of interests in these investment vehicles. Because of the complex computations required at each level and the potential number of nominees, the ultimate investor may not receive a Form 1099 and other information necessary to prepare their tax return in a timely fashion. Form 8811 collects information for publishing by the IRS so that brokers can contact REMICs to request the financial information and timely issue Forms 1099 to holders.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 1,000.

Estimated Time per Response: 4 hr., 23 min.

Estimated Total Annual Burden Hours: 4,380.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 9, 2015.

Christie A. Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18508 Filed 7–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Change in the Calculation of Interest Rate Paid on Cash Deposited To Secure U.S. Immigration and Customs Enforcement Immigration Bonds

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: The Department of Homeland Security, U.S. Immigration and Customs Enforcement, amended its regulations at 8 CFR part 293 on the payment of interest on cash bond deposits to state that ''Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero.'' For the purposes of this provision, Treasury is providing notice that interest on the bonds will accrue during each calendar quarter at a rate equal to the lesser of the average of the bond equivalent rates on 91-day Treasury bills auctioned during the preceding calendar quarter, or 3 per centum per annum, but in no case less

than zero. The rate will be a variable rate re-calculated quarterly. Treasury will post this rate in Table 2b—Interest Rates for Specific Legislation on the TreasuryDirect Web site beginning on October 1, 2015 and subsequently in the **Federal Register**.

DATES: This notice is effective October 1, 2015.

ADDRESSES: You can download this notice at the following Internet addresses: *http://www.treasury.gov* or *http://www.federalregister.gov.*

FOR FURTHER INFORMATION CONTACT: Colleen McLoughlin, Office of Federal Program Finance, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 622–5447.

SUPPLEMENTARY INFORMATION: Federal law requires that interest payments on cash deposited to secure immigration bonds shall be ''at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum.'' 8 U.S.C. 1363(a). Since 1971, this rate has been set at a fixed 3 per centum per annum. Beginning October 1, 2015, cash bond deposits will pay a variable rate of interest that changes quarterly based on 91-day Treasury bills. This change will better reflect market conditions and the true time value of the cash placed on deposit.

Dated: July 20, 2015.

Gary Grippo,

Deputy Assistant Secretary for Public Finance.

[FR Doc. 2015–18545 Filed 7–27–15; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that the Special Medical Advisory Group (SMAG) will meet via teleconference on August 25, 2015, from 9 a.m. to 11 a.m. Eastern Time. The meeting is open to the public. Call-in access is 1–800–767–1750; access code 07245. Members of the public may join the virtual conference call to listen to the discussion; there will be no participation in the discussion by members of the public. Participants will be asked to identify themselves to gain access to the meeting.

The purpose of the SMAG is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of disabled Veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the August 25, 2015, meeting will include the review of the minutes and key points from the May 13, 2015, SMAG meeting and further discussion of the key elements of the VHA Blueprint for Excellence.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Barbara Hyduke, Department of Veterans Affairs, Office of Patient Care Services (10P4), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *barbara.hyduke@va.gov*.

If you plan to listen to the meeting, please call in at least 15 minutes the start of the meeting; callers will not be given access after 9:00 a.m. Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Hyduke at (202) 461–7800 or by the email address noted above.

Dated: July 23, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–18447 Filed 7–27–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Securities and Exchange Commission

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Adopting New Equity Trading Rules Relating to Orders and Modifiers and the Retail Liquidity Program To Reflect the Implementation of Pillar, the Exchange's New Trading Technology Platform; Notice

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75497; File No. SR–NYSEARCA–2015–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Adopting New Equity Trading Rules Relating to Orders and Modifiers and the Retail Liquidity Program To Reflect the Implementation of Pillar, the Exchange's New Trading Technology Platform

July 21, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 7, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new equity trading rules relating to Orders and Modifiers and the Retail Liquidity Program to reflect the implementation of Pillar, the Exchange's new trading technology platform. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On April 30, 2015, the Exchange filed its first rule filing relating to the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by NYSE Arca and its affiliates, New York Stock Exchange LLC (''NYSE'') and NYSE MKT LLC (''NYSE MKT'').[4] The Pillar I Filing proposed to adopt new rules relating to Trading Sessions, Order Ranking and Display, and Order Execution.

This is the second filing to support Pillar implementation and is intended to be read together with the Pillar I Filing. Specifically, as described in the Pillar I Filing, new rules to govern trading on Pillar would have the same numbering as current rules, but with the modifier ''P'' appended to the rule number. For example, Rule 7.31, governing Orders and Modifiers, would remain unchanged and continue to apply to any trading in symbols on the current trading platform. Proposed Rule 7.31P would govern Orders and Modifiers for trading in symbols migrated to the Pillar platform. In addition, the proposed new rules to support Pillar in this filing would use the terms that were proposed in the Pillar I Filing, *e.g.,* working price, display price, and priority categories.[5]

In this filing, the Exchange proposes to adopt new Pillar rules relating to:

- Orders and Modifiers (NYSE Arca Equities Rule 7.31P (''Rule 7.31P'')); and
- Retail Liquidity Program (NYSE Arca Equities Rule 7.44P (''Rule 7.44P''))

Proposed New Rule 7.31P—Orders and Modifiers

Rule 7.31 governs orders and modifiers.[6] As set forth in Rule 7.31, which was recently amended by the 2015 Order Type Filing, the Exchange's offering of order types and modifiers are grouped in the following categories:

- Primary Order Types (Rule 7.31(a));
- Time in Force Modifiers (Rule 7.31(b));
- Auction-Only Orders (Rule 7.31(c));
- Working Orders (7.31(d));
- Orders with Instructions not to Route (7.31(e));
- Orders with Specific Routing Instructions (7.31(f));
- Additional Order Instructions and Modifiers (7.31(g)); and
- Q Orders (7.31(h)).

Overview of New Rule 7.31P

The Exchange proposes new Rule 7.31P to reflect orders and modifiers in Pillar and would structure new Rule 7.31P in a manner similar to Rule 7.31. Because Pillar would be a new trading platform, the Exchange proposes a new rule set to describe how orders and modifiers in Pillar would be priced, ranked, traded, and/or routed, using the terminology that was proposed in the Pillar I Filing, such as the terms ''Away Market,'' ''working price,'' ''display price,'' ''limit price,'' and the priority categories, as defined in proposed Rule 7.36P in the Pillar I Filing. Accordingly, all orders and modifiers will have new rule text in Rule 7.31P as compared to Rule 7.31. Proposed Rule 7.31P would have the following general non-substantive differences from current Rule 7.31:

- Renaming the category of orders currently described as ''Working Orders'' as ''Orders with a Conditional or Non-Displayed Price and/or Size,'' which would reflect the proposed new terms set forth in the Pillar I Filing;
- Moving Tracking Orders from the category ''Orders with Instructions not to Route'' to the category ''Orders with

[4] *See* Securities Exchange Act Release No. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (SR–NYSEArca–2015–38) (Notice) (''Pillar I Filing''). In the Pillar I Filing, the Exchange described its proposed implementation of Pillar, including that it would be submitting more than one rule filing to support the anticipated phased migration to Pillar.

[5] Capitalized terms not proposed to be defined in this filing are the defined terms set forth in the Pillar I Filing or in Exchange rules.

[6] The Exchange has recently amended its rules related to order functionality on the current trading platform. *See* Securities Exchange Act Release Nos. 71331 (Jan. 16, 2014), 79 FR 3907 (Jan. 23, 2014) (SR–NYSEArca-2013–92) (Approval order for filing that updated rules relating to order types and modifiers) (''2013 Review Filing''); 72942 (Aug. 28, 2014), 79 FR 52784 (Sept. 4, 2014) (SR–NYSEArca-2014–75) (Approval order for filing that eliminated specified order types, modifiers, and related references) (''2014 Deletion Filing''); and 74796 (April 23, 2015), 80 FR 12537 (March 9, 2015) (SR–NYSEArca-2015–08) (Approval order for filing to clarify Exchange rules governing order types) (''2015 Order Type Filing''). The Exchange filed the 2015 Order Type Filing to respond to a request by the SEC's Division of Trading and Markets that equity exchanges conduct a comprehensive review of their order types and how they operate in practice, and as part of that review, consider appropriate rule changes to help clarify the nature of order types and to eliminate specified order types. *See* Letter from James Burns, Deputy Director, Division of Trading and Markets, Securities and Exchange Commission, to Jeffrey C. Sprecher, Chief Executive Officer, Intercontinental Exchange, Inc., dated June 20, 2014. *See also* Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler, O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at *www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwJiw).*

a Conditional or Non-Displayed Price and/or Size'';

• Creating new, stand-alone categories for Cross Orders and Pegged Orders;

• Using the terms ''quantity'' instead of ''portion,'' ''will'' instead of ''shall,'' and ''trade'' instead of ''execute''; and

• Stylistic differences to eliminate use of terms such ''contra-side'' or ''better than'' with respect to NBBO or PBBO and instead referring to an order to buy (sell) and then, as appropriate for defining how an order type operates, referring to the contra-side order with which it is trading or being priced off of with more specificity, *e.g.,* PBO (PBB) or PBB (PBO).[7]

The Exchange proposes a number of substantive differences to the orders and modifiers that would be available in Pillar as compared to what is available on the current trading platform. The following provides a high-level summary of proposed substantive differences to orders and modifiers in Pillar, which are discussed in greater detail below:

• *Market Orders:* To reduce the potential for clearly erroneous executions,[8] Market Order Trading Collars would prevent Market Orders from executing at the Trading Collar, which are based on the clearly erroneous execution numerical guidelines, and not just through the Trading Collar as under the current trading rules;

• *Limit Orders:* Resting Limit Orders that would lock or cross a protected quotation if they become the BBO[9] would be re-priced;

• *Limit Order designated IOC:* A Limit Order designated with an immediate-or-cancel (''IOC'') modifier that is not eligible to route may be designated with an optional minimum trade size (''MTS'');

• *Auction-Only Orders:* MOO and LOO Orders would be eligible to participate in trading halt auctions and the Exchange would accept Auction-Only Orders in non-auction eligible symbols;

• *Reserve Orders:* The displayed portion of Reserve Orders would be replenished following any execution that reduces the display quantity below the size designated to be displayed, at which point the replenished quantity would receive a new working time;

• *Passive Liquidity Orders:* Passive Liquidity Orders would be renamed ''Limit Non-Displayed Orders,'' would no longer be ranked behind other non-displayed orders, and an optional Non-Display Remove Modifier would be available for this order type;

• *MPL Orders:* Mid-point Passive Liquidity Orders would be renamed ''Mid-point Liquidity Orders'' (''MPL Order''). On arrival, MPL Orders (and MPL–ALO Orders) would be eligible to trade with resting non-displayed interest that provides price improvement over the midpoint of the PBBO. As under current rules, an MPL Order may be designated with an MTS, but in Pillar, the MTS would have to be a minimum of a round lot instead of one share. In addition, an MPL with an MTS would be rejected if, on arrival, the MTS is larger than the size of the order and would be cancelled at any point the MTS is larger than the residual size of the order;

• *Tracking Orders:* Tracking Orders would peg to the PBBO instead of the NBBO and Self-Trade Prevention (''STP'') Modifiers for Tracking Orders would no longer be ignored;

• *PNP Orders:* PNP Orders would no longer be offered;

• *PNP Blind Orders:* PNP Blind Orders would be renamed ''Arca Only Orders'' and an optional Non-Display Remove Modifier would be available for this order type;

• *ALO Orders:* The current form of Adding Liquidity Only (''ALO'') Orders, which are based on PNP Orders and are rejected on arrival if marketable, would no longer be offered. ALO Orders in Pillar would no longer be rejected on arrival if marketable and instead would be re-priced both on arrival and after updates to the PBBO. In addition, an ALO Order would trade with resting contra-side non-displayed orders that would provide price improvement;

• *Intermarket Sweep Order:* Intermarket Sweep Orders (''ISO'') designated Day and IOC would be renamed ''Day ISO'' and ''IOC ISO,'' respectively, and ALO modifier functionality available for Day ISOs would be based on the proposed ALO Order in Pillar;

• *Primary Only Orders:* Primary Only Orders designated for the Core Trading Session would be accepted and routed directly to the primary listing market on arrival and the Exchange would not validate whether the primary listing market would be accepting such orders. Primary Only Orders that are designated Day may be designated as a Reserve Order;

• *Cross Orders:* The Exchange would offer a new Limit IOC Routable Cross Order, which would be eligible to trade with displayed interest on the NYSE Arca Book and Away Markets before trading at its cross price;

• *Pegged Orders:* Pegged Orders would peg to the PBBO instead of the NBBO, would require a limit price, and would be accepted during a Short Sale Period, as defined in Rule 7.16(f). Market Pegged Orders would no longer be displayed and an offset value would no longer be required, and Primary Pegged Orders could not include an offset value. In addition, in Pillar, Pegged Orders would not be assigned a working price if the PBBO is locked or crossed: and

• *Q Orders:* Auto Q Orders would be eliminated.

The Exchange is not proposing at this time to offer the following orders and modifiers in Pillar, and therefore they would not be included in proposed Rule 7.31P: Open Modifiers (Rule 7.31(b)(2)(A) (Good Til Cancelled (''GTC'') Modifier) and (B) (Good Till Date (''GTD'') Modifier); Fill-or-Kill (''FOK'') Modifier (Rule 7.31(b)(4)); Discretionary Orders (Rule 7.31(d)(1)); PNP Order (Rule 7.31(e)(f)); and the Auto Q Order (Rule 7.31(h)(2)). Because the Exchange is not proposing to offer Open Modifiers in Pillar, the Exchange is also not proposing to include the Do Not Reduce Modifier (Rule 7.31(g)(3)) and Do Not Increase Modifier (Rule 7.31(g)(4)) in proposed Rule 7.31P.

Primary Order Types (Proposed Rule 7.31P(a))

Proposed Rule 7.31P(a) would set forth the Exchange's primary order types in Pillar. As with Rule 7.31(a), proposed Rule 7.31P(a)(1) would provide for Market Orders, proposed Rule 7.31P(a)(2) would provide for Limit Orders, and proposed Rule 7.31P(a)(3) would provide for Inside Limit Orders.

Market Orders: Current Rule 7.31(a)(1) defines a Market Order as an order to buy or sell a stated amount of a security that is to be executed at the NBBO when the order reaches the Corporation. The rule further provides that Market Orders shall not trade through the NBBO or Protected Quotations and shall be rejected if there is no contra-side bid or offer.

Current Rule 7.31(a)(1)(A)–(C) sets forth Trading Collars for Market Orders. Rule 7.31(a)(1)(A) provides that during Core Trading Hours, including the Market Order Auction, a Market Order

[7] Rule 1.1(dd) defines the terms NBBO and PBBO. *See also* Securities Exchange Act Release No. 75289 (June 24, 2015) (SR–NYSEArca–2015–54) (''2015 Definition Filing'') (Notice of Filing to amend Rule 1.1 governing definitions, including adding definitions for NBB, NBO, PBB, and PBO).

[8] *See* Rule 7.10(c)(1) (specifying numerical guidelines for determining when an execution is clearly erroneous).

[9] The term ''BBO'' is defined in Rule 1.1(h) to mean the best bid or offer on the NYSE Arca Marketplace. *See also* 2015 Definition Filing, *supra* note 7 (defining the terms ''BB'' to mean Exchange best bid and ''BO'' to mean Exchange best offer).

to buy (sell) will not execute or route to another market center at a price above (below) the Trading Collar and that Trading Collars do not apply to Limit Orders. Rule 7.31(a)(1)(B) sets forth how Trading Collars are calculated, which are based on a specified percentage away from the last consolidated sale price and the specified percentage is equal to the corresponding ''numerical guideline'' percentage in Rule 7.10(c)(1) (Clearly Erroneous Executions) for the Core Trading Session. Rule 7.31(a)(1)(C) sets forth how Market Orders are handled if a Trading Collar is triggered. Specifically, the Exchange holds a Market Order that would execute outside of the Trading Collar until additional opportunities consistent with the Trading Collar become available or a new Trading Collar is calculated. The rule further provides that multiple Market Orders that become restricted by the Trading Collar are ranked in time priority and they are not displayed.

Proposed Rule 7.31P would define Market Orders in Pillar with one substantive difference relating to how Trading Collars function, described in greater detail below. The Exchange is not proposing any other substantive differences with respect to how Market Orders operate in Pillar. However, because of the additional terminology available in Pillar and because ranking and execution requirements in Pillar would be set forth in proposed Rules 7.36P and 7.37P, the Exchange proposes new rule text to describe Market Orders.

As proposed, Rule 7.31P(a)(1) would provide that a Market Order is an unpriced order to buy or sell a stated amount of a security that is to be traded at the best price obtainable without trading through the NBBO. As further proposed, a Market Order would be required to be designated Day and would be rejected on arrival, or cancelled if resting, if there is no contra-side NBBO. This proposed rule text describes the same functionality as is described in current Rule 7.31(a)(1).[10]

The Exchange is not proposing to include in Rule 7.31P(a)(1) the rule text in Rule 7.31(a)(1) that a Market Order would not trade through the NBBO or Protected Quotations because this general order execution requirement is proposed to be set forth in Rule 7.37P(a)(2) and (a)(4).[11] The Exchange believes that consolidating these general requirements in a single rule would promote transparency and make the Exchange's rules easier to navigate.

The Exchange proposes to further provide in new Rule 7.31P(a)(1) that unexecuted Market Orders would be ranked Priority 1—Market Orders. This text reflects current functionality because, if an unexecuted Market Order is held at a Trading Collar or the NBBO, it is available to trade against incoming contra-side orders. In such case, resting Market Orders have priority over other orders at that price. Because the Exchange proposes this priority category in the Pillar I Filing in new Rule 7.36P,[12] the Exchange proposes to include this terminology in new Rule 7.31P.

The Exchange proposes to add text in Rule 7.31P(a)(1)(A) to use Pillar terminology to describe how a Market Order would be priced, traded, or routed consistent with the requirement not to trade through the NBBO. As proposed, on arrival, a Market Order to buy (sell) would be assigned a working price of the NBO (NBB) and would trade with all sell (buy) orders on the NYSE Arca Book [13] priced at or below (above) the NBO (NBB) before routing to the NBO (NBB) on an Away Market. [14] As further proposed, the quantity of a Market Order to buy (sell) not traded or routed would remain undisplayed on the NYSE Arca Book at a working price of the NBO (NBB) and would be eligible to trade with incoming sell (buy) orders at that price. When the updated NBO (NBB) is displayed, the Market Order to buy (sell) would be assigned a new working price of the updated NBO (NBB) and would trade with all sell (buy) orders on the NYSE Arca Book priced at or below (above) the updated NBO (NBB) before routing to the updated NBO (NBB) on an Away Market. Such assessment would continue at each new contra-side NBBO until the order is filled or a Trading Collar is reached. The rule would further provide that if the NBBO becomes locked or crossed while the order is held undisplayed, the Market Order to buy (sell) would be assigned a working price of the NBB (NBO).

Proposed new Rule 7.31P(a)(1)(B)(i)–(ii) would set forth Trading Collars in Pillar. The proposed rule text includes both non-substantive and substantive differences from Rule 7.31(a)(1). The proposed substantive difference relates the price at which a Market Order would not trade or route. Currently, a Market Order to buy (sell) will not trade or route at a price above (below) the Trading Collar. As proposed in new Rule 7.31P(a)(1)(B), a Market Order to buy (sell) would not trade or route to an Away Market at a price *at or* above (below) the Trading Collar. The Exchange believes that preventing orders from executing at the Trading Collar would promote a fair and orderly market by further reducing the potential for executions that could be clearly erroneous.[15] Specifically, because an execution that occurs at the numerical guideline percentage away from the reference price is considered a clearly erroneous execution pursuant to Rule 7.10, the proposed difference to the Trading Collar functionality would prevent a Market Order from executing at the Trading Collar, which is based on the same numerical guideline.

The Exchange proposes non-substantive differences for Rule 7.31P(a)(1)(B)(i)–(ii) to streamline the rule text that is currently set forth in Rule 7.31(a)(1)(B) and (C). The proposed rule would not include text in Rule 7.31(a)(1)(A) that specifies that Trading Collars are available during the Market Order Auction. The current rule text is necessary because the Market Order Auction does not occur during the Core Trading Session. However, as proposed in the Pillar I Filing, the Core Open Auction would occur on the Pillar trading platform during the Core Trading Session.[16] Accordingly, it is unnecessary in rules applicable to trading on Pillar that Trading Collars would be applicable during an auction that occurs during the Core Trading Session.

Proposed Rule 7.31P(a)(1)(B)(i) would set forth the ''Calculation of a Trading Collar'' functionality that is currently in Rule 7.31(a)(1)(B), with non-substantive differences to update the cross reference to proposed Rule 7.31P and to add that when the consolidated last sale price is either increased or decreased by the specified percentage, it would be

[10] Rule 7.31(b)(3) defines the IOC Modifier as being available only for Limit Orders, and therefore currently, Market Orders cannot be designated with an IOC Modifier and therefore must be designated Day.

[11] *See* Pillar I Filing, *supra* note 4.

[12] *See id. See also* Rule 7.16(f)(viii) (providing that Market Orders have priority over all other order types).

[13] As defined in proposed Rule 1.1(aP), in Pillar, the term ''NYSE Arca Book'' would mean the NYSE Arca Marketplace's electronic file of orders, which contains all orders entered on the NYSE Arca Marketplace. *See* Pillar I Filing, *supra* note 4. Rule 1.1(e) defines the term ''NYSE Arca Marketplace'' to mean the electronic securities communications and trading facility designated by the Board of Directors through which orders of Users are consolidated for execution and/or display.

[14] As defined in proposed Rule 1.1(ffP), in Pillar, the term ''Away Market'' would mean any exchange, alternative trading system (''ATS'') or other broker-dealer (1) with which the NYSE Arca Marketplace maintains an electronic linkage and (2) which provides instantaneous responses to orders routed from the NYSE Arca Marketplace. *See* Pillar I Filing, *supra* note 4.

[15] *See* Rule 7.10(c)(1).

[16] *See* proposed Rule 7.34P(a)(2) (Core Open Auction occurs during Core Trading Session), in Pillar I Filing, *supra* note 4.

truncated to the MPV in the security.[17] Accordingly, the proposed rule would provide that the Trading Collar would be based on a price that is a specified percentage away from the consolidated last sale price and it would be continuously updated based on market activity. The specified percentage would be equal to the corresponding ''numerical guideline'' percentage set forth in Rule 7.10P(c)(1) (Clearly Erroneous Executions) for the Core Trading Session. The upper boundary of the Trading Collar would be the consolidated last sale price increased by the specified percentage truncated to the MPV for the security, and the lower boundary would be the consolidated last sale price decreased by the specified percentage truncated to the MPV for the security. A halt, suspension, or pause in trading would zero out the Trading Collar values, and the Trading Collar would be recalculated with the first consolidated last sale after trading resumes. If there is no consolidated last sale price on the same trading day, the Exchange would use the last Official Closing Price for the security.[18]

Proposed Rule 7.31P(a)(1)(B)(ii) would provide for the same functionality as in current Rule 7.31P(a)(1)(C)(i) with a substantive difference to reflect the proposal that Market Orders would not trade or route at the Trading Collar price, and non-substantive differences to use new Pillar terminology. As proposed, the rule would provide that if a Trading Collar is triggered, the unexecuted quantity of a Market Order to buy (sell) would be held undisplayed and assigned a working price one MPV below (above) the Trading Collar. Currently, Market Orders are held undisplayed at the Trading Collar. To reflect the proposed new functionality, Market Orders would be assigned a working price one MPV inside the Trading Collar. Proposed Rule 7.31P(a)(1)(B)(ii) would further provide that the Market Order to buy (sell) would be available to trade with incoming orders to sell (buy) at that working price but would not trade with interest on the NYSE Arca Book or route until (i) additional opportunities to trade consistent with the Trading Collar restriction become available, either on the Corporation [19] or an Away Market, or (ii) a new Trading Collar is calculated and the remaining quantity of the order(s) is then able to trade or route at prices consistent with the new Trading Collar and NBBO.

The Exchange does not propose to include the following rule text from current Rule 7.31(a)(1)(C)(ii) in new Rule 7.31P:

- The statement that multiple Market Orders that become restricted by the Trading Collar will be ranked in time priority because such priority is now set forth in proposed new Rule 7.36P(e)(1) and (f), which define the Priority 1—Market Orders category and that within each priority category, orders would be ranked based on time priority.[20]
- The text that provides that a Market Order that becomes restricted by the Trading Collar will not be displayed because this functionality would now be set forth in the first sentence of proposed Rule 7.31P(a)(1)(B)(ii), described above.

Limit Orders: Current Rule 7.31(a)(2) defines a Limit Order as an order to buy or sell a stated amount of a security at a specified price or better and a ''marketable'' Limit Order is a Limit Order to buy (sell) at or above (below) the contra-side PBBO for the security. Rule 7.31(a)(2)(A) further provides that a Limit Order will not trade-through, lock or cross a Protected Quotation, except as provided in Rule 7.37(g)(1). Rule 7.31(a)(2)(B) sets forth Limit Order Price Protection, which provides that a Limit Order will be rejected if it is priced a specified percentage away from the contra-side NBB or NBO. The specified percentage is equal to the corresponding ''numerical guideline'' percentage set forth in paragraph (c)(1) of Rule 7.10 for the Core Trading Session and Limit Order Price Protection is not applied to Limit Orders entered before the Core Trading Hours that are designated for the Core Trading Session or the Market Order Auction.

Proposed Rule 7.31P(a)(2) would define Limit Orders in Pillar and would have one substantive difference from Rule 7.31(a)(2) relating to the price at which resting Limit Orders would be displayed if they were to become a BBO that would lock or cross the PBBO. Because of the additional terminology proposed to be available in the rules applicable to the Pillar trading platform, including new definitions and ranking and execution requirements set forth in proposed Rules 7.36P and 7.37P, the Exchange proposes new rule text to describe Limit Orders.

The Exchange proposes to define Limit Orders in proposed Rule 7.31P(a)(2) as an order to buy or sell a stated amount of a security at a specified price or better, which is the same as the first sentence of current Rule 7.31(a)(2). The Exchange does not propose to include the second sentence of current Rule 7.31(a)(2) in proposed Rule 7.31P(a)(2) because defining how a Limit Order is marketable is duplicative of the definition of ''Marketable'' in Rule 1.1.[21]

To reflect Pillar terminology, proposed Rule 7.31P(a)(2) would provide that unless otherwise specified, the working price and the display price of a Limit Order would equal the limit price of the order, it would be eligible to be routed, and it would be ranked Priority 2—Display Orders. Additional order types in Pillar would be based on a Limit Order, in that they are orders with a specified price, but as described in greater detail below, these additional order types may not be displayed, may have a display price that differs from its working price, or may not route.

The Exchange is not proposing to include in new Rule 7.31P(a)(2) the text in current Rule 7.31(a)(2)(A) because the requirement that a Limit Order not trade through, lock or cross a protected quotation would be set forth in proposed Rules 7.37P(a)(2), (a)(3), and (e)(2).[22] Instead, the Exchange proposes to add new Rule 7.31P(a)(2)(A) to use Pillar terminology to describe how a Limit Order would be priced, traded, or routed consistent with the requirement not to trade through the PBBO. As proposed, a marketable Limit Order to buy (sell) would trade with all sell (buy) orders on the NYSE Arca Book priced at or below (above) the PBO (PBO) before routing to the PBO (PBB) and may route to prices higher (lower) than the PBO (PBB) only after trading with sell (buy) orders on the NYSE Arca Book at each price point. Once no longer marketable, the Limit Order would be ranked and displayed on the NYSE Arca Book. The Exchange believes that proposed Rule 7.31P(a)(2)(A) would promote transparency regarding how Limit Orders would be priced, traded or routed on the Pillar trading platform.

Proposed Rule 7.31P(a)(2)(B) would set forth Limit Order Price Protection, and is based on Rule 7.31(a)(2)(B). As proposed, a Limit Order to buy (sell) would be rejected if it is priced at or above (below) the specified percentage away from the NBO (NBB). Proposed Rule 7.31P(a)(2)(B) would further

[17] The term ''MPV'' is defined in Rule 7.6 as the minimum price variation for quoting and entry of orders in securities traded on the NYSE Arca Marketplace.

[18] The Exchange will be proposing to define the term ''Official Closing Price'' for use in Pillar in a separate rule filing.

[19] The term ''Corporation'' is defined in Rule 1.1(k) to mean NYSE Arca Equities, Inc., as described in the NYSE Arca Equities, Inc.'s Certificate of Incorporation and Bylaws.

[20] *See* Pillar I Filing, *supra* note 4.

[21] The Exchange recently amended Rule 1.1(g) to define the term ''Marketable'' to mean, for a Limit Order, and order that can be immediately executed or routed. *See* 2015 Definition Filing, *supra* note 7.

[22] *See* Pillar I Filing, *supra* note 4.

provide that the specified percentage is equal to the corresponding ''numerical guideline'' percentage set forth in Rule 7.10P(c)(1) (Clearly Erroneous Executions) for the Core Trading Session. This language is based on current rule text with non-substantive differences regarding the cross-reference to Rule 7.10P. Proposed Rule 7.31P(a)(2)(B) would next provide that Limit Order Price Protection would not be applied to an incoming Limit Order to buy (sell) if there is no NBO (NBB), which is the same as current rule text, with a non-substantive difference not to use the term ''contra-side NBBO.''

The last two sentences of proposed Rule 7.31P(a)(2)(B) would provide that Limit Order Price Protection would be applied when an order is eligible to trade and that a Limit Order entered before the Core Trading Session that is designated for the Core Trading Session only would become subject to the Limit Order Price Protection after the Core Open Auction. This proposed rule text is based on the last sentence of Rule 7.31(a)(2)(B), but with differences to incorporate the proposed changes to Rule 7.34P in the Pillar I Filing that the Core Open Auction would occur during the Core Trading Session. The Exchange believes that the proposed rule text would promote transparency of when the Limit Order Price Protection would be applicable to an incoming Limit Order on the Pillar trading platform. For example, a Limit Order designated for the Late Trading Session only that is entered during the Core Trading Session would not be subject to Limit Order Price Protection on arrival, but would be subject to the price test once the order becomes eligible to trade.

The Exchange proposes to add new Rule 7.31P(a)(2)(C) to provide for new functionality in Pillar that would re-price resting Limit Orders in order to prevent those orders from becoming a BBO that would lock or cross the PBBO. As proposed, if the current BB (BO) is locked or crossed by an Away Market PBO (PBB), then the current BB (BO) is cancelled, executed, or routed and the next best-priced resting Limit Order(s) to buy (sell) on the NYSE Arca Book that would become the new BB (BO) would have a display price that would lock or cross the PBO (PBB), such Limit Order(s) to buy (sell) would be assigned a display price one MPV below (above) the PBO (PBB) and a working price equal to the PBO (PBB). For example, assume the Exchange BB is 10.00 and there is a resting, displayed Limit Order to buy at 9.99. Next, an Away Market displays a PBO priced at 9.99, which crosses the Exchange's 10.00 BB, and the Exchange bid of 10.00 is cancelled. In this scenario, under proposed Pillar rules, the Limit Order to buy priced at 9.99 would be displayed at 9.98, but would have a working price and be eligible to trade at 9.99.[23] By displaying such Limit Order(s) to buy (sell) one MPV below (above) the PBO (PBB), such orders would not be displayed at a price that would lock or cross the PBBO. In addition, by assigning a working price equal to the PBO (PBB), such orders would remain available for an execution on the Exchange closer to their limit price, and priced so that they would not cause a trade-through of the PBBO.

If a resting Limit Order is re-priced as described above, it would be re-priced again in one of two circumstances. First, if a Day ISO to buy (sell) arrives before the PBO (PBB) is updated, such re-priced resting Limit Order(s) to buy (sell) would be re-priced again to the lower (higher) of the display price of the Day ISO or the original price of the Limit Order(s). As discussed in greater detail below, a Day ISO represents current functionality, set forth in Rule 7.31(e)(3), of a PNP Order designated ISO, which may lock or cross a Manual or Protected Quotation. In the example above, if while the PBO is at 9.99, the Exchange receives a Day ISO to buy priced at 9.99, the Exchange would display that Day ISO and assign a new display price of 9.99 to the Limit Order that was previously displayed at 9.98.

The second circumstance when a resting Limit Order that was re-priced would be re-priced again would be when the PBBO moves such that the original limit price of the order would no longer lock or cross the PBBO. Accordingly, the proposed rule would provide that when the PBO (PBB) is updated, the Limit Order(s) to buy (sell) would be re-priced consistent with the original terms of the order. In the example above, once the PBO changes to 10.00 or higher, the Limit Order to buy priced at 9.99 would be displayed at 9.99, which is its limit price.

Inside Limit Orders: Current Rule 7.31(a)(3) defines an Inside Limit Order as a Limit Order, which, if routed away pursuant to Rule 7.37(d), will be routed to the contra-side NBBO. Any unfilled portion of the order will not be routed to the next best price level until all quotes at the current contra-side NBBO are exhausted. Once each contra-side NBBO is exhausted, Exchange systems will display the order at the contra-side NBBO price and wait until the updated NBBO is displayed. If the contra-side NBBO is within the limit price of the Inside Limit Order, the Exchange will route to that single price point and continue such assessment at each new contra-side NBBO until the order is filled or no longer marketable. If the order is no longer marketable it will be ranked in the NYSE Arca Book pursuant to Rule 7.36.

Current Rule 7.31(a)(3)(A) provides that an Inside Limit Order is ''marketable'' when it is priced to buy (sell) at or above (below) the NBBO for the security.

Current Rule 7.31(a)(3)(B) provides that an Inside Limit Order designated as a Primary Until 9:45 Order or a Primary After 3:55 Order will follow the order processing of an Inside Limit Order only when the order is on the NYSE Arca Book. Current Rule 7.31(a)(3)(C) provides that an Inside Limit Order will not trade through the NBBO or Protected Quotations. Finally, current Rule 7.31(a)(3)(D) provides that an Inside Limit Order may not be designated as a Discretionary Order or as IOC, but may be designated as NOW.[24]

The Exchange is not proposing any functional differences to Inside Limit Orders in Pillar. However, the Exchange is proposing non-substantive differences for the rule text defining Inside Limit Orders in order to use Pillar terminology to describe how Inside Limit Orders would be priced, traded, and routed on the Pillar trading platform.

Proposed Rule 7.31P(a)(3) would define an Inside Limit Order as a Limit Order that is to be traded at the best price obtainable without trading through the NBBO. Because an Inside Limit Order functions similarly to a Market Order in that it is priced based on the NBBO and not the PBBO, the Exchange proposes to use terminology similar to the proposed rule text for Market Orders to describe how Inside Limit Orders would be priced, traded or routed on the Pillar trading platform consistent with the requirement not to trade through the NBBO.

Proposed Rule 7.31P(a)(3)(A) would provide that on arrival, a marketable Inside Limit Order to buy (sell) would be assigned a working price of the NBO (NBB) and would trade with all sell (buy) orders on the NYSE Arca Book priced at or below (above) the NBO (NBB) before routing to the NBO (NBB)

[23] This functionality represents a change from current rules. Currently, in this example, because the Away Market crossed the Exchange's BB, the Exchange would then display the 9.99 Limit Order to buy as its new BB. Although in this scenario, the Away Market was the initiator of a quote that crossed the Exchange's BB, when the 9.99 bid becomes the Exchange BB, it would lock the PBO.

[24] Pursuant to current Rule 7.31(b)(5), a NOW Modifier refers to a Limit Order that is to be executed in whole or in part on the Corporation, and the portion not so executed shall be routed pursuant to Rule 7.37(d).

on an Away Market. Once the NBO (NBB) is exhausted, the Inside Limit Order to buy (sell) would be displayed at its working price and be eligible to trade with incoming sell (buy) orders at that price. When the updated NBO (NBB) is displayed, the Inside Limit Order to buy (sell) would be assigned a new working price of the updated NBO (NBB) and would trade with all sell (buy) orders on the NYSE Arca Book priced at or below the updated NBO (NBB) before routing to the updated NBO (NBB) on an Away Market. Such assessment would continue at each new NBO (NBB) until the order is filled, no longer marketable, or the limit price is reached. Once the order is no longer marketable, it would be ranked and displayed on the NYSE Arca Book.

The Exchange is not proposing to keep the text from Rule 7.31(a)(3)(A) in proposed new Rule 7.31P(a)(3). As discussed above, the Exchange proposes to define the term marketable just once in the Pillar rules, in Rule 1.1, as amended. Similarly, the Exchange is not proposing to keep the text from Rule 7.31(a)(3)(C) in proposed new Rule 7.31P(a)(3) because the requirement that an Inside Limit Order not trade through the NBBO or protected quotations is set forth in proposed Rules 7.37P(a)(2) and (4) [25] and proposed Rule 7.31P(a)(3)(A) would provide the specificity of how an Inside Limit Order would not trade through the NBBO.

Proposed Rule 7.31P(a)(3)(B) would provide that an Inside Limit Order designated as a Primary Until 9:45 Order or a Primary Until 3:55 Order would follow the order processing of an Inside Limit Order only when the order is on the NYSE Arca Book. This rule text is based on Rule 7.31(a)(3)(B) without any differences.

Proposed Rule 7.31P(a)(3)(C) would provide that an Inside Limit Order may not be designated as a Limit IOC Order but may be designated as a Limit Routable IOC Order. This rule text is based on current Rule 7.31(a)(3)(D), but with non-substantive differences to use the proposed Pillar definitions, described in more detail below, to replace the term IOC with ''Limit IOC Order,'' and ''NOW Modifier'' with ''Limit Routable IOC Order.'' Finally, as noted above, because the Exchange is not proposing to offer Discretionary Order functionality in Pillar, the Exchange is not proposing to include references to Discretionary Orders in proposed Rule 7.31P(a)(3)(C).

In order to use Pillar terminology to describe how orders are priced, traded, or routed on the Pillar trading platform, proposed Rule 7.31P(a)(3)(C) would provide that an Inside Limit Order to buy (sell) designated as a Limit Routable IOC Order would trade with sell (buy) orders on the NYSE Arca Book priced at or below (above) the NBO (NBB) and the quantity not traded would be routed to the NBO (NBB). To reflect that the remaining quantity of the order would be cancelled after that first route, the proposed rule would further provide that any unfilled quantity not traded on the NYSE Arca Marketplace or an Away Market would be cancelled. The Exchange believes that the proposed rule text would promote transparency in Exchange rules regarding how Inside Limit Orders designated as a Limit Routable IOC Order would function on the Pillar trading platform.

Time in Force Modifiers (Proposed Rule 7.31P(b))

Proposed Rule 7.31P(b) would set forth the Exchange's Time in Force Modifiers available in Pillar. As with Rule 7.31(b), the time-in-force modifiers would include the Day and IOC Modifiers. As noted above, at this time, the Exchange is not proposing to offer Open Modifiers (GTD or GTD) or the FOK Modifier in Pillar, and therefore these modifiers are included in proposed Rule 7.31P(b).

Day Modifier: Current Rule 7.31(b)(1) provides that any order to buy or sell designated with a Day Modifier, if not executed, will expire at the end of the day on which it was entered and a Day Modifier cannot be combined with any other Time in Force Modifier.

Proposed Rule 7.31P(b)(1) would provide that any order to buy or sell designated Day, if not traded, would expire at the end of the designated session on the day on which it was entered. This proposed text is based on current Rule 7.31(b)(1) but uses Pillar terminology and stylistic terms to reflect when the order would expire.[26] The proposed rule would further provide that a Day Order cannot be combined with any other Time in Force Modifier, which is based on the second sentence of current Rule 7.31(b)(1) without any differences.

IOC Modifier: Current Rule 7.31(b)(3) provides that a Limit Order designated with an IOC Modifier is to be executed in whole or in part as soon as such order is received, and the portion not so executed is to be treated as cancelled. The rule further provides that an order designated with an IOC Modifier does not route and the IOC Modifier will override any posting or routing instructions of orders that include the IOC Modifier. Current Rule 7.31(b)(5) provides that a Limit Order designated with a NOW Modifier is to be executed in whole or in part on the Corporation, and the portion not so executed shall be routed pursuant to Rule 7.37(d) and that any portion not immediately executed by the NOW Recipient shall be cancelled. If an order designated NOW is not marketable when it is submitted to the Corporation, it shall be cancelled. An order designated NOW, if routed away pursuant to Rule 7.37(d), will be routed to all available quotations in the routing determination, including Protected Quotations, and the NOW Modifier will override any posting or routing instructions of orders that include the NOW Modifier.

The Exchange proposes to describe its IOC modifiers in proposed Rule 7.31P(b)(2). As proposed, the Exchange would offer two forms of IOC modifiers on the Pillar trading platform, a Limit IOC Order, which is based on the current IOC modifier functionality and would not route, and a Limit Routable IOC Order, which is based on the current NOW Modifier and would be eligible to route.[27] In Pillar, the Exchange proposes one substantive difference to provide for an MTS for a Limit IOC Order.

As proposed, new Rule 7.31P(b)(2) would describe the general requirements of an IOC Modifier on the Pillar trading platform and would provide that a Limit Order designated IOC is to be traded in whole or in part as soon as such order is received, and the quantity not so traded is cancelled. Proposed Rule 7.31P(b)(2) would further provide that the IOC Modifier would override any posting or routing instructions of orders that include the IOC Modifier. This text is based on current Rule 7.31(b)(3) with non-substantive differences to use to term ''traded'' instead of ''executed,'' ''quantity'' instead of ''portion,'' and not use the term ''Modifier'' in the first sentence of the rule text. Proposed Rule 7.31(b)(2) would further provide that a Limit Order designated IOC would not be eligible to participate in any auctions

[25] *See* Pillar I Filing, *supra* note 4.

[26] *See also* Pillar I Filing, *supra* note 4 at proposed Rule 7.34P(b)(2) and (3) regarding for which trading sessions a Day modifier would be deemed designated.

[27] On the Pillar trading platform, the Exchange would use the term ''Away Market'' instead of the term ''NOW Recipient.'' *See* Pillar I Filing, *supra* note 4 at proposed Rule 1.1(ffP). Because the current NOW modifier functions as an Limit Order with an IOC modifier that is eligible to route, on Pillar, the Exchange proposes to rename this as a Limit IOC Routable Order.

and, if it arrives during auction processing, it would be cancelled.[28]

Proposed Rule 7.31(b)(2)(A) would set forth the definition for a Limit IOC Order, which would be a Limit Order to be traded in whole or in part as soon as such order is received without routing, and the quantity not so traded would be cancelled. This proposed rule is based on Rule 7.31(b)(3).

The Exchange proposes to add new functionality in Pillar so that a Limit IOC Order to buy (sell) may be designated with an MTS. A Limit IOC Order to buy (sell) designated with an MTS would trade against sell (buy) orders in the NYSE Arca Book that in the aggregate, meet its MTS. A Limit IOC Order with an MTS that cannot be immediately traded at its minimum size would be cancelled in its entirety. This proposed functionality is based on existing NYSE Rule 13 governing Immediate or Cancel (''IOC'') Orders, which describe an IOC–MTS Order.[29] The proposed MTS functionality on the Exchange would operate similarly to the IOC–MTS Order on the NYSE because it would require the minimum size to be met on arrival or be cancelled. It would differ from the NYSE IOC–MTS Order because on the Exchange, the MTS instruction would not be available for a Limit Routable IOC Order or an IOC ISO, which is described in more detail below.

Proposed Rule 7.31P(b)(2)(B) would describe the Limit Routable IOC Order, which as noted above, is intended to replace the rule text describing the NOW Modifier, with non-substantive differences. As proposed, a Limit Routable IOC Order would be a Limit Order to be traded in whole or in part as soon as the order is received, and the quantity not so traded would be routed to Away Market(s). Any quantity not immediately traded either on the NYSE Arca Marketplace or an Away Market would be cancelled. The rule would further provide that a Limit Routable IOC Order may not be designated with an MTS, which is current functionality for the NOW Modifier.

The Exchange believes proposed Rule 7.31(b)(2) would promote transparency regarding how the IOC Modifiers would function on the Pillar trading platform by defining the two available IOC modifiers—one that routes and one that does not—using Pillar terminology.

Auction-Only Orders (Proposed Rule 7.31P(c))

Proposed Rule 7.31P(c) would set forth the Exchange's Auction-Only Orders available in Pillar. Current Rule 7.31(c) defines an Auction-Only Order as a Limit or Market Order that is to be executed within an Auction, and if not executed in the auction in which it participates, the balance of the order is cancelled.

Current Rule 7.31(c)(1) defines a Limit-on-Open Order (''LOO Order'') as a Limit Order that is to be executed only during the Market Order Auction. Current Rule 7.31(c)(2) defines a Market-on-Open (''MOO Order'') as a Market Order that is to be executed only during the Market Order Auction. Current Rule 7.31(c)(3) defines a Limit-on-Close Order (''LOC Order'') as a Limit Order that is to be executed only during the Closing Auction. Current Rule 7.31(c)(4) defines a Market-on-Close (''MOC Order'') as a Market Order that is to be executed only during the Closing Auction.

Proposed Rule 7.31P(c) would define Auction-Only Orders in Pillar, with the following substantive differences from Rule 7.31(c):

- The Exchange would accept Auction-Only Orders in securities that are not eligible for an auction on the Exchange. Currently, the Exchange accepts Auction-Only Orders in securities that are not eligible for an auction on the Exchange only if such orders include a Primary Only Order instruction. As proposed, the Exchange would accept such orders and route them to the primary listing market without the Primary Only Order instruction.
- MOO and LOO Orders would be eligible to participate in a Trading Halt Auction.[30]

To reflect that the Exchange would accept Auction-Only Orders in securities not eligible for an auction on the Exchange, proposed Rule 7.31P(c) would provide that an Auction-Only Order is a Limit or Market Order that is to be traded only within an auction pursuant to Rule 7.35P or routed pursuant to Rule 7.34P.[31] Because Auction-Only Orders in securities that are not eligible for an auction would be routed, the Exchange would not include in proposed Rule 7.31P(c) the current rule text that states that Auction-Only Orders are not routed to other exchanges.

Proposed Rule 7.31P(c) would further provide that any quantity of an Auction-Only Order that is not traded in the designated auction would be cancelled. This rule text is based on current rule text, with non-substantive differences to use the terms ''quantity'' and ''traded'' instead of ''balance of order'' and ''executed. The Exchange would not include in proposed Rule 7.31P(c) the current rule text that it would reject Auction-Only Orders if a security is suspended pursuant to Rule 7.35(g). The Exchange will be submitting a separate rule filing to adopt proposed Rule 7.35P to govern auctions in Pillar, and will address in that rule how the Exchange would handle orders if an auction were suspended.

Proposed Rule 7.31P(c)(1)–(4) would set forth LOO, MOO, LOC and MOC Orders in Pillar and are based on current Rule 7.31(c)(1)–(4) with non-substantive differences to use the terms ''traded'' instead of ''executed'' and ''Core Open Auction'' instead of ''Market Order Auction.'' The Exchange is not proposing any substantive differences for the operation of LOO, MOO, LOC or MOC Orders with respect to the Core Open Auction or Closing Auction.

The Exchange proposes substantive differences for how LOO and MOO Orders would function in Pillar. Currently, the Exchange does not accept LOO or MOO Orders for Trading Halt Auctions. In Pillar, the Exchange would accept LOO and MOO Orders for Trading Halt Auctions. Accordingly, proposed Rules 7.31P(c)(1) and (c)(2) would provide that LOO and MOO Orders are orders that are to be traded only during the Core Open Auction or a Trading Halt Auction. As further proposed, LOO and MOO Orders intended for a Trading Halt Auction would be accepted only during a trading halt.[32] Because Limit Orders are eligible to trade in all trading sessions, proposed Rule 7.31P(c)(1) would provide that, LOO Orders intended for a Trading Halt Auction would be accepted only during trading halts, which may occur in any trading session. Because Market Orders

[28] *See also* proposed Rule 7.34P(c)(1)(B) and (C), in Pillar I Filing, *supra* note 4.

[29] *See* NYSE Rule 13.

[30] A Trading Halt Auction is currently defined in Rule 7.35 as an auction following a halt in a security. *See* Rule 7.35(f).

[31] As set forth in the Pillar I Filing, the Exchange proposes that if it receives an Auction-Only Order in a security that is not eligible for an auction, it would route that order directly to the primary listing market. If the primary listing market does not accept such order, the Exchange would cancel the order. *See* Pillar I Filing, *supra* note 4 at proposed Rules 7.34P(c)(1)(D), (2)(B), and (3)(B).

[32] As proposed in Rule 7.34P(c)(2)(B), for MOO and LOO Orders in securities that are not eligible for an auction, the Exchange would not validate whether the primary listing market is accepting such orders and would route them on arrival. If the primary listing market does not accept such orders, *e.g.,* if they are not in a trading halt, the Exchange would cancel such orders. *See* Pillar I Filing, *supra* note 4.

are only eligible to trade in the Core Trading Session, proposed Rule 7.31P(c)(2) would provide that, MOO Orders intended for a Trading Halt Auction would be accepted only during trading halts that occur during the Core Trading Session.

Orders With a Conditional or Undisplayed Price and/or Size

Proposed Rule 7.31P(d) would set forth the Exchange's orders that would include a conditional instruction or an undisplayed size and/or price. Proposed Rule 7.31P(d) is similar to current Rule 7.31(d) with both non-substantive and substantive differences. As noted above, because the Exchange will not be using the term ''Working Order'' in Pillar, the Exchange proposes to describe this category as orders with a conditional or undisplayed price and/or size, which is descriptive of the type of orders that would be included in this category.

Current Rule 7.31(d) provides for five types of Working Orders:

- Discretionary Order (Rule 7.31(d)(1));
- Reserve Order (Rule 7.31(d)(2));
- Passive Liquidity Order (Rule 7.31(d)(3));
- Mid-Point Passive Liquidity Order (Rule 7.31(d)(4)); and
- MPL Order immediate-or-cancel (Rule 7.31(d)(5)).

As discussed above, the Exchange is not proposing to offer Discretionary Orders in Pillar and therefore proposed Rule 7.31P(d) would not include Discretionary Orders. In addition, the Exchange proposes to include Tracking Orders in proposed Rule 7.31P(d) because a Tracking Order is a conditional order with an undisplayed price and size.

Reserve Orders: The functionality of Reserve Orders is under the following current rules:

- Current Rule 7.31(d)(2) defines a Reserve Order as a Limit Order with a portion of the size displayed and with a reserve portion of the size (''reserve size'') that is not displayed on the Corporation. The rule further provides that the display quantity of a Reserve Order must be in round lots, a Reserve Order cannot be combined with an order type that could never be displayed on the Corporation, may not be designated IOC, and a Reserve Order shall not lock, cross, or trade-through a Protected Quotation.
- Rule 7.36(a)(1)(B) further provides that if the displayed portion of a Reserve Order is decremented such that 99 shares or fewer are displayed, the displayed portion of the Reserve Order shall be refreshed for (i) the displayed amount; or (ii) the entire reserve amount, if the remaining reserve amount is smaller than the displayed amount. Rule 7.36(a)(2)(A) provides that the reserve portion of Reserve Orders are ranked on the specified limit price and the time of original order entry and after the displayed portion of a Reserve Order is refreshed from the reserve portion, the reserve portion remains ranked based on the original time of order entry, while the displayed portion is sent to the Display Order process with a new time-stamp.
- Finally, current Rule 7.37(a)(1) provides that the size of an incoming Reserve Order includes the displayed and reserve size and the size of the portion of the Reserve Order resident in the Display Order Process is equal to its displayed size.

For Pillar, the Exchange proposes to consolidate the description of Reserve Orders into proposed Rule 7.31P(d)(1), with both substantive and non-substantive differences from current rules. The proposed substantive difference in Pillar would be that the non-display quantity of a Reserve Order would replenish the display quantity any time an execution of the displayed interest reduces the display. This proposed change is not novel and is based on how Minimum Display Reserve Orders function on NYSE.[33]

As proposed, Rule 7.31P(d)(1) would provide that a Reserve Order is a Limit or Inside Limit Order with a quantity of the size displayed and with a reserve quantity of the size (''reserve interest'') that would not be displayed, which is based on the first sentence of current Rule 7.31(d)(2). A Reserve Order in Rule 7.31(d)(1) is defined only as a Limit Order. However, because an Inside Limit Order is a Limit Order, and a Reserve Order can currently be combined with an Inside Limit Order, the definition of a Reserve Order in proposed Rule 7.31P(d)(1), includes Inside Limit Orders, is not substantively different from current Exchange rules. In addition, to reflect proposed Pillar terminology set forth in proposed Rule 7.36P and to replace text currently set forth in Rules 7.36 and 7.37, the Exchange proposes to provide that the displayed quantity of a Reserve Order would be ranked Priority 2—Display Orders and the reserve interest would be ranked Priority 3—Non-Display Orders. These proposed ranking priorities are the same as under current Exchange rules. Proposed Rule 7.31P(d)(1) would further provide that both the display quantity and the reserve interest of an arriving marketable Reserve Order would be eligible to trade with resting interest in the NYSE Arca Book or route to Away Markets, which is current functionality set forth in Rule 7.37(a)(1), which provides that the size of an incoming Reserve Order includes the displayed and reserve size.

Consistent with Rule 7.31(d)(2), proposed Rule 7.31P(d)(1)(A) would provide that on entry, the display quantity of a Reserve order must be entered in round lots. In addition, this paragraph would also set forth the new functionality in Pillar that the displayed portion of a Reserve Order would be replenished following any execution. Further, the Exchange proposes to include in proposed Rule 7.31P(d)(1)(A) that the Exchange would display the full size of the Reserve Order when the unfilled quantity is less than the minimum display size for the order. This functionality does not represent a change from current rules, which is reflected in current Rule 7.36(a)(1)(B)(ii), but with non-substantive differences to reflect proposed Pillar terminology.

Proposed Rule 7.31P(d)(1)(B) would provide that each time a Reserve Order is replenished from reserve interest, a new working time would be assigned to the replenished quantity of the Reserve Order, while the reserve interest would retain the working time of original order entry. This proposed rule text reflects that same functionality set forth in current Rule 7.36(a)(1)(B) and (a)(2)(A), that each time reserve interest replenishes a Reserve Order, it receives a new time, while the reserve portion remains ranked based on the original order entry time. The proposed new rule text would use the new Pillar ''working time'' terminology proposed Rule 7.36P.

Proposed Rule 7.31P(d)(1)(C) would provide that a Reserve Order must be designated Day and may be combined with the following orders only: Arca Only Order, Primary Pegged Order, or Q Order. Because Limit Orders, Inside Limit Orders, Arca Only Orders, Primary Pegged Orders, and Q Orders are all orders that are displayed, this proposed rule text is based on current rule text in Rule 7.31(d)(1)(2) that provides that a Reserve Order cannot be combined with an order type that could never be displayed on the Corporation.[34] The Exchange proposes

[33] *See* paragraph (c) of NYSE Rule 13 governing Reserve Order Types.

[34] *See also* current Rules 7.31(e)(3) (only a PNP Blind Order combined with ALO may not be designated as a Reserve Order); (g)(1) (Pegged Orders may be designated as a Reserve Order); and (h)(3) (specifying a Reserve Q Order). As discussed below, in Pillar, the Exchange proposes a substantive difference that Market Pegged Orders would not be displayed. Because such orders would

Continued

to identify the specific order types that may be combined with a Reserve Order in proposed Rule 7.31P(d)(1) to consolidate in a single location all orders that are eligible to be designated as a Reserve Order. In addition, the Exchange proposes to state that a Reserve Order must be designated Day, rather than stating, as in Rule 7.31(d)(2), that a Reserve Order may not be designated IOC.

Finally, unlike Rule 7.31(d)(2), the Exchange does not propose to include text in new Rule 7.31P(d) that a Reserve Order would not lock, cross, or trade-through a Protected Quotation. As noted above, for trading on the Pillar platform, proposed Rule 7.37P(a) would set forth the general requirements that orders not lock, cross, or trade-through Protected Quotations. Further, Reserve Orders would be Limit Orders or Inside Limit Orders and proposed Rules 7.31P(a)(2) and (a)(3) would set forth how Limit Orders and Inside Limit Orders, respectively, would be priced or routed to avoid locking, crossing or trading through the PBBO.

Limit Non-Displayed Order: Current Rule 7.31(d)(3) defines a Passive Liquidity Order as an Inside Limit Order to buy or sell a stated amount of a security at a specified, undisplayed price. Passive Liquidity Orders will not route and will be executed in the Working Order Process after all other Working Orders except undisplayed discretionary order interest. The rule further provides that Passive Liquidity Orders with a price superior to that of displayed orders will have price priority and will execute ahead of inferior priced displayed orders in the Display Order Process and a Passive Liquidity Order designated IOC shall be rejected. Rule 7.37(a)(1) further provides that Passive Liquidity Orders with a price superior to that of displayed orders will have price priority and will execute ahead of inferior priced displayed orders in the Display Order Process.

As noted above, the Exchange proposes that for trading on Pillar, the Passive Liquidity Order would be renamed a Limit Non-Displayed Order. Proposed Rule 7.31P(d)(2) would define a Limit Non-Displayed Order as a Limit Order that would not be displayed and would not route, which is current functionality set forth in current Rule 7.31(d)(3). As described in the 2015 Order Type Filing, the reference to Inside Limit Order in Rule 7.31(d)(3) refers to the identifier associated with entering Passive Liquidity Orders. The description of how Passive Liquidity Orders operate is in Rule 7.31(d)(3).[35] In Pillar, the Exchange would require for Limit Non-Displayed Orders the identifier associated with a Limit Order. However, as with the Passive Liquidity Order, proposed Rule 7.31P(d)(2) would describe how Limit Non-Displayed Orders would operate in Pillar. Accordingly, the Exchange proposes to define a Limit Non-Displayed Order in proposed Rule 7.31P(d)(2) as a Limit Order rather than defining it as an Inside Limit Order, as in current Rule 7.31(d)(3), which would not result in any differences in how this order type would function in Pillar.

Proposed Rule 7.31P(d)(2) would further provide that a Limit Non-Displayed Order must be designated Day, would be valid for any trading session, and would not participate in any auctions. This proposed rule text is based on rule text in current Rule 7.31(d)(3) that provides that a Passive Liquidity Order designated IOC shall be rejected, rule text in current Rule 7.34(d)(1)(F) that provides that Limited Priced Orders are eligible for execution in the Opening Session, and rule text in current Rule 7.34(d)(3)(A) that orders eligible for the Working Order Process are eligible for execution in the Late Trading Session.

The Exchange proposes two substantive differences for how Limit Non-Displayed Orders would function in Pillar.

- First, Limit Non-Displayed Orders would be ranked together with all other orders in the same priority category, and would not be ranked behind other non-displayed interest. To reflect this proposed substantive difference, proposed Rule 7.31P(d)(2) would provide that a Limit Non-Displayed Order would be ranked Priority 3—Non-Display Orders, which would mean that such orders would be ranked together with all other interest in that priority category.[36]
- Second, the Exchange would make available optional functionality for a Limit Non-Displayed Order to be designated with a Non-Display Remove Modifier, which would provide that an order so designated would trade with an incoming ALO Order. To reflect this proposed substantive difference, proposed Rule 7.31P(d)(2)(B) would provide that a Limit Non-Displayed Order may be designated with an optional Non-Display Remove Modifier and, if so designated, a Limit Non-Displayed Order to buy (sell) would trade as the liquidity-taking order with an incoming ALO Order to sell (buy) that has a working price equal to the working price of the Limit Non-Displayed Order. The Exchange proposes to add this functionality in Pillar to allow an ETP Holder that enters a Limit Non-Displayed Order the option to trade with an incoming ALO Order and to correlate to the proposed new functionality for ALO Orders, discussed in more detail below, which would provide that ALO Orders would not be rejected on arrival if marketable.[37]

Finally, the Exchange proposes to use Pillar terminology in proposed Rule 7.31P(d)(2)(A) to describe how Limit Non-Displayed Orders would be priced so that they would not trade at prices that would trade through the PBBO, as provided for in proposed Rule 7.37P(c)(2).[38] Similar to the proposed Pillar rule text for Market Orders, Limit Orders, and Inside Limit Orders, described above, proposed Rule 7.31P(d)(2)(A) would use Pillar terminology and would provide that the working price of a Limit-Non-Displayed Order would be adjusted both on arrival and when resting on the NYSE Arca Book based on the limit price of the order. As proposed, if the limit price of a Limit Non-Display Order to buy (sell) is at or below (above) the PBO (PBB), it would have a working price equal to the limit price. If the limit price of a Limit Non-Displayed Order to buy (sell) is above (below) the PBO (PBB), it will have a working price equal to the PBO (PBB).

Mid-Point Liquidity Order: Current Rule 7.31(d)(4) defines a Mid-Point Passive Liquidity Order (''MPL Order'') as a Limit Order priced at the midpoint

not be displayed in Pillar, they would not be eligible to be designated as a Reserve Order.

[35] *See* 2015 Order Type Filing, *supra* note 6; *see also* Securities Exchange Act Release No. 74415 (March 3, 2015), 80 FR 12537, 12539 (March 9, 2015) (SR–NYSEArca–2015–08) (Notice of Filing of 2015 Order Type Filing).

[36] The Exchange does not propose to include in proposed Rule 7.31P(d)(2) the text in current Rule 7.31(d)(3) that a superior-priced Passive Liquidity Order would trade ahead of an inferior-priced display order because this priority rule would be set forth in proposed Rule 7.36P. Specifically, as set forth in more detail in the Pillar I Filing, *supra* note 4, proposed Rule 7.36P(c) would provide that all non-marketable orders are ranked according to price-time priority, which means that an order with a superior price would always be ranked ahead of an order with an inferior price, regardless of the order's priority category.

[37] As discussed below in connection with the proposed ALO Order, if a Limit Non-Displayed Order is not designated with a Non-Display Remove Modifier, an ALO Order to buy (sell) may be assigned a working price that is the same as the working price of a Limit Non-Displayed Order to sell (buy), and both orders would remain on the NYSE Arca Book at the same price, but not trade with each other.

[38] *See* Pillar I Filing, *supra* note 4. Current Rule 7.37(c) provides that the price of an order must be equal to or better than the PBBO for a Limit Order and if an order is not executable within that parameter, it may be routed away. Because Passive Liquidity Orders are not routable, they are priced so that they would not trade through the PBBO.

of the PBBO and not displayed and an order designated as an MPL Order will not route or trade-through a Protected Quotation. The rule further provides that an MPL Order shall have a minimum order entry size of one share and MPL Orders entered without a limit price or with an FOK modifier shall be rejected. Current Rule 7.31(d)(4)(A)—(E) set forth additional requirements for MPL Orders, including a minimum executable size for MPL Orders, eligibility of an MPL Order to trade in a locked or crossed market, ranking and session eligibility of MPL Orders, the ''No Midpoint Execution'' modifier for Limit Orders, and the MPL–ALO Order. Current Rule 7.31(d)(5) provides separately for an MPL–IOC Order.

Proposed Rule 7.31P(d)(3) would define Mid-Point Liquidity (''MPL'') Orders in Pillar. The Exchange proposes a number of non-substantive differences for MPL Orders, including renaming the order type as a ''Mid-Point Liquidity Order'' (but still using the short-hand of ''MPL Order''). This difference in names would reflect that the Exchange would not use the term ''Passive Liquidity Order'' in Pillar. The Exchange proposes additional non-substantive difference to set forth all functionality relating to MPL Orders, including MPL–IOC and MPL–ALO Orders, in proposed Rule 7.31P(d)(3), and to use proposed Pillar terminology.

The Exchange also proposes the following substantive differences for MPL Orders in Pillar:

- An arriving MPL Order could receive price improvement from resting orders in the NYSE Arca Book priced better than the midpoint of the PBBO;
- The optional MTS would be required to be of a minimum of one round lot and if an MPL Order with an optional MTS is traded in part or reduced in size and the remaining quantity of the order is less than the MTS, the order would cancel; and
- MPL–ALO Orders on arrival will trade with interest priced better than the midpoint of the PBBO.

Proposed Rule 7.31P(d)(3) would provide that an MPL Order is a Limit Order that is not displayed and does not route, with a working price at the midpoint of the PBBO. This proposed rule text is consistent with current Rules 7.31(d)(4), but uses Pillar terminology to describe at what price an MPL Order would be eligible to trade. Specifically, current Rule 7.31(d)(4) defines an MPL Order as a Limit Order priced at the midpoint of the PBBO and not displayed, and an order designated as an MPL Order does not route.

Proposed Rule 7.31P(d)(3) would further provide that an MPL Order would be ranked Priority 3—Non-Display Orders. This priority is the same as under current Rule 7.36, which ranks Working Orders behind orders in the Display Order Process, but uses proposed Pillar terminology to specify how an MPL Order would be ranked. In addition, proposed Rule 7.31P(d)(3) would provide that MPL Orders would be valid for any session and would not participate in any auctions, which is the same as in current Rule 7.31(d)(4)(C).

Proposed Rule 7.31P(d)(3)(A) would provide that an MPL Order to buy (sell) must be designated with a limit price in the MPV for the security and would be eligible to trade only if the midpoint of PBBO is at or below (above) the limit price of the order. This does not represent a change from the way MPL Orders currently operate and is consistent with the rule text in the first sentence of current Rule 7.31(d)(4)(C) that provides that an MPL Order is ranked for execution so long as the midpoint is within the limit range of the order, and rule text in current Rule 7.31(d)(3) that requires that an MPL Order be entered with a limit price.[39]

Proposed Rule 7.31P(d)(3)(B) would provide that if there is no PBB, PBO, or the PBBO is locked or crossed, both an arriving and resting MPL Order would wait for a PBBO that is not locked or crossed before being eligible to trade. This represents current functionality and is based on rule text in current Rule 7.31(d)(4)(B) that provides that if the market is locked or crossed, the MPL Order will wait for the market to unlock or uncross before becoming eligible to trade again, and rule text in current Rule 7.31(d)(3) that provides that an MPL Order is priced at the midpoint of the PBBO. Proposed Rule 7.31P(d)(3)(B) would include that an MPL Order would not be eligible to trade when there is no PBB or PBO because if there is only a one-sided PBBO, there would be no midpoint and it would not be possible to trade an MPL Order at a midpoint price.

In addition, proposed Rule 7.31P(d)(3)(B) would provide that if a resting MPL Order(s) to buy (sell) trades with an MPL Order(s) to sell (buy) after there is an unlocked or uncrossed PBBO, the MPL Order with the later working time would be the liquidity-removing order. Because the Exchange's fees vary based on whether an order is liquidity providing or liquidity removing, the Exchange believes it is important to specify which MPL Order following the unlocking or uncrossing of the PBBO would be the liquidity-taking order.

Proposed Rule 7.31P(d)(3)(C) would describe how MPL Orders would trade both on arrival and when resting. Unlike current Rule 7.31(d)(4)(C), which provides that MPL Orders always execute at the midpoint and do not receive price improvement, the Exchange proposes a substantive difference in Pillar to provide price improvement for arriving MPL Orders. As proposed, Rule 7.31P(d)(3)(C) would provide that on arrival, an MPL Order to buy (sell) that is eligible to trade (*i.e.,* the midpoint of the PBBO is within the limit price of the order, see proposed Rule 7.31P(d)(3)(A)) would trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO. This functionality would be new in Pillar and differs from current Rule 7.31(d)(4)(C) requirement that MPL Orders do not receive price improvement, but is similar to order functionality available on another exchange.[40] As under current Rule 7.31(d)(4)(C), pursuant to proposed Rule 7.31P(d)(3)(C), resting MPL Orders to buy (sell) would trade at the midpoint of the PBBO against all incoming orders to sell (buy) priced at or below (above) the midpoint of the PBBO.

The last sentence of proposed Rule 7.31P(d)(3)(C) would provide that an incoming Limit Order may be designated with a ''No Midpoint Execution'' modifier, in which case the incoming Limit Order would not trade with resting MPL Orders and may trade through such MPL Orders. This proposed rule reflects the same functionality as in current Rule 7.31(d)(4)(D),[41] with non-substantive differences to describe that such Limit Orders could trade through resting MPL Orders.

Proposed Rule 7.31P(d)(3)(D) would set forth how MPL Orders with an optional MTS would function in Pillar. The new proposed rule would provide that an MPL Order may be designated with an MTS of a minimum of one round lot and would be rejected on arrival if the MTS is larger than the size of the MPL Order. The proposed

[39] The requirement for a limit price is also set forth in the proposed Rule 7.31P(d)(3) requirement that an MPL Order be a Limit Order, which includes the requirement for a limit price.

[40] *See, e.g.,* EDGA Exchange, Inc. (''EDGA'') Rule 11.8(d) (defining a MidPoint Peg Order, which can trade at prices other than the midpoint of the NBBO); NASDAQ Stock Market LLC (''Nasdaq'') Rule 4702(b)(5)(A) (defining a Midpoint Peg Post-Only Order, which can trade at prices other than the midpoint of the NBBO).

[41] Current Rule 7.31(d)(4)(D) provides that Users may mark incoming Limit Orders with a ''No Midpoint Execution'' modifier and so marked, those Limit Orders will ignore MPL Orders and trade against the rest of the book in the ordinary course.

minimum of one round lot is a substantive difference from current Rule 7.31(d)(4)(A), which provides that an MPL Order may have an MTS of only one share.

In addition, the last sentence of proposed Rule 7.31P(d)(3)(D) to provide that if an MPL Order with an MTS is traded in part or reduced in size and the remaining quantity of the order is less than the MTS, the MPL Order would be cancelled. This would be a substantive difference from current Rule 7.31(d)(4)(A), which provides that should the leaves quantity become less than the minimum size, the minimum size restriction will no longer be enforced on executions. The Exchange is proposing that the Pillar rule be different in this regard because it would more closely align the function of an MPL Order with an MTS with the User's instruction that the trades be executed only in a minimum trade size.

The remaining text in proposed Rule 7.31P(d)(3)(D) is not substantively different from Rule 7.31(d)(4)(A). Proposed Rue 7.31P(d)(3)(D) would provide that on arrival, an MPL Order to buy (sell) with an MTS would trade with sell (buy) orders in the NYSE Arca Book that in the aggregate, meets its MTS. If the sell (buy) orders do not meet the MTS, the MPL Order to buy (sell) would not trade on arrival and would be ranked in the NYSE Arca Book. The proposed rule would further provide that once resting, an MPL Order to buy (sell) with an MTS would trade with an order to sell (buy) that meets the MTS and is priced at or below (above) the midpoint of the PBBO. If an order does not meet an MPL Order's MTS, the order would not trade with and may trade through such MPL Order. This proposed Pillar rule text is based on current Rule 7.31(d)(4)(A), but with non-substantive differences to use MTS terminology rather than ''minimum executable size'' and to describe how orders with an MTS interact with contra-side orders with more specificity.

Proposed Rule 7.31P(d)(3)(E) would provide that an MPL Order could be designated IOC (''MPL–IOC Order''), which is based on current rule 7.31(d)(5). As proposed, subject to IOC instructions, an MPL–IOC Order would follow the same trading and priority rules as an MPL Order, except that an MPL–IOC Order would be rejected if (i) the order entry size is less than one round lot, or (ii) there is no PBBO or the PBBO is locked or crossed. The proposed rule is the same as current Rule 7.31(d)(5) with the following non-substantive differences: To streamline the rule text; replace the term ''execution'' with ''trading''; and add that an MPL–IOC Order would be rejected both if the PBBO is locked or crossed and if there is no PBBO, which represents current functionality set forth in current Rule 7.31(d)(5) that an MPL–IOC order is priced at the midpoint of the PBBO. The Exchange proposes to further add that an MPL–IOC Order cannot be designated ALO or with a Non-Display Remove Modifier, which is based on current functionality set forth in Rule 7.31(d)(5) that an MPL–IOC Order cancels if it does not trade on arrival, and therefore the ALO or Non-Display Remove Modifier would be inconsistent with the IOC instruction.

Proposed Rule 7.31P(d)(3)(F) would provide that an MPL Order may be designated with an ALO Modifier (''MPL–ALO Order'') and is based on current Rule 7.31(c)(4)(E), which provides for MPL–ALO Orders on the current trading platform. As discussed in greater detail below, in Pillar, the Exchange is proposing substantive differences for how Limit Orders designated ALO would operate, including that if marketable on arrival against resting contra-side non-displayed orders, they would trade with such orders if the resting order would provide price improvement over the limit price of the ALO Order. The Exchange proposes that MPL–ALO Orders in Pillar would similarly, on arrival, trade with resting orders that provide price improvement over the midpoint of the PBBO. Thus, as proposed, an MPL–ALO Order to buy (sell) would trade with resting orders to sell (buy) with a working price below (above) the midpoint of the PBBO, but would not trade with resting orders to sell (buy) priced at the midpoint of the PBBO. The Exchange believes that providing a trading opportunity on arrival for an MPL–ALO Order that provides price improvement over the midpoint of the PBBO would be consistent with the terms of the order because the trade(s) would be at prices better than the midpoint of the PBBO and the order would not take liquidity priced at the midpoint of the PBBO. Proposed Rule 7.31P(d)(3)(F) would further provide that a resting MPL–ALO Order to buy (sell) would trade with an arriving order to sell (buy) that is eligible to trade at the midpoint of the PBBO.

Proposed Rule 7.31P(d)(3)(G) would provide that MPL Orders designated Day and MPL–ALO Orders may be designated with a Non-Display Remove Modifier, which is based on current functionality set forth in current Rule 7.31(e)(1)(C), but naming this functionality in Pillar as a ''Non-Display Remove Modifier.'' As proposed, on arrival, an MPL Order or MPL–ALO Order to buy (sell) with a Non-Display Remove Modifier would trade with resting non-displayed MPL Orders to sell (buy) priced at the midpoint of the PBBO and be the liquidity taker, regardless of whether the resting order to sell (buy) also has a Non-Display Remove Modifier. As further proposed, a resting MPL Order or MPL–ALO Order with a Non-Display Remove Modifier would be the liquidity taker when trading with arriving MPL Orders, including MPL–ALO Orders, that do not include a Non-Display Remove Modifier. This proposed functionality is based on rule text in current Rule 7.31(e)(1)(C), which provides that a User can specify that an MPL Order or MPL–ALO Order may execute against an arriving marketable MPL–ALO Order, and as further described in the rule filing to adopt the current rule text.[42]

Tracking Order: Current Rule 7.31(e)(6) defines a Tracking Order and sets forth how it is executed. Additional functionality relating to the Tracking Order Process is in current Rule 7.37(c).

In Pillar, the Exchange proposes to consolidate all functionality associated with Tracking Orders in proposed Rule 7.31P(d)(4). The Exchange proposes two substantive differences to functionality of Tracking Orders:

- Tracking Orders would be priced based on the PBBO instead of the NBBO; and
- STP Modifiers would be available for Tracking Orders.

To reflect the consolidation of two different rules, together with use of new Pillar terminology, the Exchange proposes all new rule text to describe Tracking Orders. Except for the two substantive differences, the proposed rule describes the same functionality as in current Rule 7.31(e)(6) and 7.37(c).

Proposed Rule 7.31P(d)(4) would define a Tracking Order as an order to buy (sell) with a limit price that is not displayed, does not route, must be entered in round lots and designated Day, and would trade only with an order to sell (buy) that is eligible to route. This proposed rule text describes the same functionality as the first sentence of current Rule 7.31(e)(6), using Pillar terminology and specifying that Tracking Orders do not route, which is consistent with how they trade

[42] *See* Securities Exchange Act Release No. 67652 (Aug. 14, 2012), 77 FR 50189 (Aug. 20, 2012) (SR–NYSEArca–2012–83) (Notice of filing of proposed rule change to provide that an arriving marketable MPL–ALO Order may be designated to interact with a resting MPL or MPL–ALO Order. An arriving MPL–ALO Order is the liquidity-providing order unless it has been designated to interact with resting MPL Orders, in which case the arriving MPL–ALO Order is the liquidity-taking order).

in the Tracking Order Process pursuant to current Rule 7.37(c). The proposed definition would not use the term ''Limit Order,'' and the requirement for a Tracking Order to include a limit price would not mean that it would operate the same as a Limit Order, but rather, would function as provided for in proposed Rule 7.31P(d)(4).

Proposed Rule 7.1P(d)(4) would further provide that the working price of a Tracking Order to buy (sell) would be the PBB (PBO), provided that such price is at or below (above) the limit price of the Tracking Order. The proposed rule describes the same functionality as the rule text in current Rule 7.31(e)(6) that ''[a] Tracking Order will execute at the same price as the same-side NBBO provided that such price shall not trade-through a Protected Quotation or the price of the Tracking Order,'' except that the Exchange is proposing a substantive difference that Tracking Orders would trade at prices based on the PBBO. Because Tracking Orders would trade based on the PBBO, proposed Rule 7.31P(d)(4) would provide that a Tracking Order would not be eligible to trade if the PBBO is locked or crossed. The Exchange proposes not to include in proposed Rule 7.31P(d)(4) the text in current Rule 7.31(e)(6) that a Tracking Order would not trade-through a Protected Quotation, because this requirement would be set forth in proposed Rule 7.37P(a)(3).[43] Finally, proposed Rule 7.31P(d)(4) would provide that a Tracking Order may trade in odd lot or mixed lot quantities, which is consistent with Rule 7.38, which provides that Tracking Orders may not be entered in odd lots, but does not prohibit a Tracking Order from trading in odd lot or mixed lot quantities.

As discussed in the Pillar I Filing, the Exchange proposes to eliminate the term ''Tracking Order Process'' in Pillar, and proposed new Rule 7.36P would describe the priority categories for orders on the Exchange.[44] As proposed in Rule 7.31P(d)(4), Tracking Orders would be subject to Priority 4—Tracking Orders and would have priority only after other priority categories are exhausted at each price level.

Proposed Rule 7.31P(d)(4)(A) would further provide that a Tracking Order to buy (sell) would not trade on arrival and would be triggered to trade by an order to sell (buy) that (i) has exhausted all other interest eligible to trade at the Exchange, (ii) has a remaining quantity equal to or less than the size of a resting Tracking Order, and (iii) would otherwise route to an Away Market. The rule would further provide that a Tracking Order would trade with the entire unexecuted quantity of the contra-side order, not just the quantity being routed. The proposed rule text describes the same functionality as in current Rule 7.31(e)(6), which provides that a Tracking Order is eligible for execution in the Tracking Order Process against a contra-side order that is eligible to route pursuant to Rule 7.37(d) and is equal to or less than the size of a resting Tracking Order, and as in current Rule 7.37(c), which provides that if an order that is eligible to route to an away market has not been executed in its entirety pursuant to paragraphs (a) and (b) of Rule 7.37, the NYSE Arca Market Place shall match and execute any remaining part of such order in the Tracking Order Process in price/time priority.

Proposed Rule 7.31P(d)(4)(B) would provide that each time a Tracking Order is traded in part, any remaining quantity of the Tracking Order would be assigned a new working time and that a Tracking Order with a later working time would trade ahead of a Tracking Order with an earlier working time that does not meet the size requirement of an incoming order. This describes the same functionality as in current Rule 7.31(e)(6), which provides that a Tracking Order is assigned a new time priority upon each reposting, but uses Pillar terminology, and in particular the term ''working time,'' to describe when a Tracking Order would have priority.

Proposed Rule 7.31P(d)(4)(C) would provide that a Tracking Order may be designated with an MTS of one round lot or more, which is consistent with the requirement in the first sentence of current Rule 7.31(e)(6) that Tracking Orders must be entered in round lots, *i.e.,* because the size of a Tracking Order cannot be less than a round lot, the MTS would need to be at least the size of the Tracking Order, which is in round lots. The proposed rule would further provide that if an incoming order cannot meet the MTS, a Tracking Order with a later working time could trade ahead of the Trading Order designated with the MTS with an earlier working time. The rule would further provide that if a Tracking Order with an MTS is traded in part or reduced in size and the remaining quantity is less than the MTS, the Tracking Order would be cancelled. This rule text describes the same functionality as set forth in the second and third sentences of current Rule 7.31(e)(6), which provide that an ETP Holder may specify a minimum executable size for a Tracking Order and if a Tracking Order with a minimum size requirement is executed but not exhausted and the remaining portion of the order is less than the minimum size requirement, the Tracking Order shall be cancelled, but with non-substantive differences to use Pillar terminology, including the term ''MTS'' instead of ''minimum executable size.''

Finally, in Pillar, the Exchange would no longer ignore STP Modifiers for Tracking Orders. Accordingly, the Exchange is not proposing to include in proposed Rule 7.31P(d)(4) the rule text in current Rule 7.31(e)(6) that STP Modifiers are ignored for Tracking Orders. Because Tracking Orders would not have different treatment that other orders with respect to STP Modifiers, the Exchange would not mention STP Modifiers in proposed Rule 7.31P(d)(4).

Orders With Instructions Not to Route (Proposed Rule 7.31P(e)

Proposed Rule 7.31P(e) would set forth orders with instructions not to route and is based in part on the orders specified in current Rule 7.31(e). Current Rule 7.31(e) includes the following orders:

- Adding Liquidity Only (''ALO'') Order (Rule 7.31(e)(1));
- ISO (Rule 7.31(e)(2));
- PNP Order (Post No Preference) (Rule 7.31(e)(3));
- PNP Blind (Rule 7.31(e)(4));
- Cross Order (Rule 7.31(e)(5)); and
- Tracking Order (Rule 7.31(e)(6)).

As discussed above, the Exchange proposes that Cross Orders and Tracking Orders would be set forth elsewhere in proposed Rule 7.31P.[45] In addition, the Exchange is not proposing to offer a PNP Order in Pillar. The Exchange proposes that Rule 7.31P(e) would include:

- Arca Only Order, which are what PNP Blind Orders would be renamed;
- ALO Orders; and
- ISO Orders.

In Pillar, the Exchange proposes a substantive difference that ALO Orders would not reject if marketable on arrival and instead would re-price and/or trade, depending on the contra-side interest.[46] The Exchange also proposes to provide for a Non-Display Remove Modifier for Arca Only Orders so that they may trade with an incoming ALO Order and to conform ALO functionality available for ISOs that are designated Day to operate consistent with the proposed ALO Order functionality in Pillar.

Arca Only Order: Current Rule 7.31(e)(4) defines a PNP Blind Order as

[43] *See* Pillar I Filing, *supra* note 4.

[44] *Id.*

[45] *See* proposed Rules 7.31P(d)(4) (Tracking Orders) and 7.31P(g) (Cross Orders).

[46] ALO Orders in Pillar would be based in part on current PNP Blind Orders designated ALO (''PNPB–ALO'') functionality set forth in current Rule 7.31(e)(4), which do not reject on arrival if they would trade through an Away Market PBBO.

a PNP Order that re-prices if it would create a violation of Rule 610(d) of Regulation NMS by locking or crossing the protected quotation of an external market or would cause a violation of Rule 611 of Regulation NMS.

Proposed Rule 7.31P(e)(1) would set forth Arca Only Orders in Pillar, which would function the same as PNP Blind Orders. Proposed Rule 7.31P(e)(1) would use Pillar terminology to describe how such orders would be priced and ranked. The Exchange also proposes a substantive difference for Arca Only Orders that would allow such orders to be designated with a Non-Display Remove Modifier.

Proposed Rule 7.31P(e)(1) would define an Arca Only Order as a Limit Order that does not route. Because the only primary order type for an Arca Only Order is a Limit Order, an Inside Limit Order cannot also be an Arca Only Order.[47]

Proposed Rule 7.31P(e)(1)(A) would provide that an Arca Only Order to buy (sell) that, at the time of entry and after trading with any sell (buy) orders in the NYSE Arca Book priced at or below (above) the PBO (PBB), would create a violation of Rule 610(d) of Regulation NMS[48] by locking or crossing the protected quotation of an Away Market or would cause a violation of Rule 611 of Regulation NMS,[49] would be re-priced. This rule text is based on current Rule 7.31(e)(4) with non-substantive differences to provide more specificity that an Arca Only Order would trade with contra-side orders on the NYSE Arca Book before being evaluated for re-pricing.

The Exchange also proposes to describe how an Arca Only Order would be re-priced by using Pillar terminology to specify the working price and display price of an Arca Only Order and refer to an Away Market PBO or PBB. The Exchange believes that the proposed non-substantive differences would make the rule easier to navigate of when the working price and/or display price of an Arca Only Order would change.

- Proposed Rule 7.31P(e)(1)(A)(i) would provide that on arrival and after trading with orders in the NYSE Arca Book priced below (above) the PBO (PBB), an Arca Only Order to buy (sell) would have a working price of the PBO (PBB) of an Away Market and a display price one MPV below (above) the PBO (PBB). The proposed assignment of a working price and display price in Pillar is how a PNP Blind Order is priced when it is first posted to the NYSE Arca Book, as described in current Rule 7.31(e)(4).
- Proposed Rule 7.31P(e)(1)(A)(ii) would provide that if the PBO (PBB) of an Away Market re-prices higher (lower), an Arca Only Order to buy (sell) would be assigned a new working price of the updated PBO (PBB) and a new display price of one MPV below (above) that updated PBO (PBB). This proposed re-pricing is how a PNP Blind order is re-priced if the PBO (PBB) moves higher (lower), as described in the first sentence of current Rule 7.31(e)(4)(A).
- Proposed Rule 7.31P(e)(1)(A)(iii) would provide that if the PBO (PBB) of an Away Market re-prices to be equal to or lower (higher) than the Arca Only Order's last display price, an Arca Only Order to buy (sell)'s display price would not change, but the working price would be adjusted to be equal to its display price. This re-pricing is currently how a PNP Blind order is re-priced if the PBO (PBB) moves to be equal to or lower (higher) than the last display price of a PNP Blind order to buy (sell), as set forth in the second sentence of current Rule 7.31(e)(4)(A), but using Pillar terminology to distinguish between the working and display price of the order.
- Proposed Rule 7.31P(e)(1)(A)(iv) would provide that if an Arca Only Order's limit price no longer locks or crosses the PBO (PBB) of an Away Market, an Arca Only Order to buy (sell) would be assigned a working price and display price equal to its limit price and would not be assigned a new working price or display price based on changes to the PBO (PBB). This proposed re-pricing is how a PNP Blind order is re-priced when it no longer locks or crosses the PBBO, as described in the third sentence of current Rule 7.31(e)(4)(A), but using Pillar terminology.

Rule 7.31(e)(4) provides that a PNP Blind order will retain its original limit price irrespective of the prices at which such order is priced and displayed. The Exchange does not propose to include this language in proposed Rule 7.31P(e)(1) because it is proposing to define the working price and display price as terms separate from the limit price,[50] and as proposed, only the working price and display price of an Arca Only Order would be adjusted. In addition, the last sentence of current Rule 7.31(e)(4) provides that a PNPB–ALO is not cancelled if it is marketable against the PBBO and may not be designated as a Reserve Order. This text would not be included in proposed Rule 7.31P(e)(1) because in Pillar, functionality relating to ALO Orders for Arca Only Orders will be set forth in proposed Rule 7.31P(e)(2) and which orders may be combined with a Reserve Order would be set forth in proposed Rule 7.31P(d)(1)(C).[51]

Proposed Rule 7.31P(e)(1)(B) would provide that an Arca Only Order with a working price different from the display price would be ranked Priority 3-Non-Display Orders and an Arca Only Order with a working price equal to the display price would be ranked Priority 2-Display Orders. This proposed rule text uses Pillar terminology to describe the priority ranking of Arca Only Orders and is the same priority described in current Rule 7.31(e)(4)(B). Rule 7.31(e)(4)(B) provides that PNP Blind orders are governed by the Exchange's Display Order Process set forth in Rule 7.36 and that marketable contra orders will execute first against PNP Blind orders, only at superior prices, then the rest of the book. In addition, all PNP Blind orders that are re-priced and re-displayed will retain their priority as compared to other PNP Blind orders based upon the time such orders were initially received by the Exchange, regardless of the price of the order. Under Pillar rules, because a Priority 3—Non-Display Order that is better priced than a Priority 2—Display Order would have priority pursuant to proposed Rule 7.36P(c)–(e), the Exchange would not repeat this priority requirement in proposed Rule 7.31P(e)(1)(B). Similarly, because Arca Only Orders would be subject to the Exchange's proposed general requirement set forth in proposed Rule 7.36P(f)(2) that an order is assigned a new working time any time the working price of an order changes, the Exchange would not repeat this requirement in proposed Rule 7.31P(e)(1)(B).

Proposed Rule 7.31P(e)(1)(C) would provide that an Arca Only Order may be designated with an optional Non-Display Remove Modifier. This proposal would be new functionality available in Pillar to provide that a resting Arca Only Order that has an undisplayed working price could trade with an incoming ALO Order, and in such case, the resting Arca Only Order would be considered the liquidity-taking order and the ALO Order would be able to

[47] As described in proposed Rule 7.31P(a)(2) and (a)(3), an Inside Limit Order differs from a Limit Order because it is priced based on the NBBO, and therefore routes differently than a Limit Order. Because an Arca Only Order would not route, the differing routing treatment applicable to Inside Limit Orders would not be operative for Arca Only Orders.

[48] 17 CFR 242.610(d).

[49] 17 CFR 242.611.

[50] *See* Pillar I Filing, *supra* note 4 at proposed Rule 7.36P(a).

[51] Consistent with current Rule 7.31(e)(4), an ALO Order in Pillar would not be allowed to be designated as a Reserve Order.

meet its terms to be the liquidity-providing order. Accordingly, as proposed, if designated with a Non-Display Remove Modifier, an Arca Only Order to buy (sell) with a working price, but not display price, equal to the working price of an ALO Order to sell (buy) would trade as the liquidity taker against such ALO Order.

ALO Order: Current Rule 7.31(e)(1) defines an ALO Order as a Limit Order that is accepted and placed on the NYSE Arca book only where the order adds liquidity to the NYSE Arca Book and an ALO Order will be rejected on arrival if it would lock or cross the market or is marketable, except as provided for in section (e)(1)(C) of the Rule, which states that an MPL–ALO Order may be designated to trade with another MPL–ALO Order.

Proposed Rule 7.31P(e)(2) would define ALO Orders in Pillar. The Exchange does not propose in Rule 7.31P(e)(2) that an ALO Order would be rejected on arrival if it is marketable or if it would lock or cross the market. Rather, the Exchange proposes a substantive difference in Pillar, such that an ALO Order would re-price rather than trade with displayed liquidity or route to a protected quotation. The Exchange proposes a further substantive difference in Pillar to provide that an ALO Order could either trade with non-displayed orders or be displayed at a price that would lock contra-side non-displayed orders on the NYSE Arca Book.

Proposed Rule 7.31P(e)(2) would define an ALO Order as an Arca Only Order that, except as specified in proposed Rule 7.31P(e)(2)(C), would not remove liquidity from the NYSE Arca Book.[52] By proposing to define an ALO Order as an Arca Only Order in Pillar, all of the requirements of an Arca Only Order would be applicable to an ALO Order, including that an ALO Order would not route, which is consistent with how ALO Orders currently function as set forth in the second and third sentences of current Rule 7.31(e)(1). The proposed requirement that an ALO Order be an Arca Only Order is also consistent with the current requirement in Rule 7.31(e)(1) that an ALO Order be either a PNP Order, PNP Blind order, or MPL Order. In Pillar, because the Exchange would not be offering PNP Orders and functionality relating to MPL Orders designated ALO would be set forth in proposed Rule 7.31P(d)(3), having ALO Orders based on Arca Only Orders is consistent with the current functionality that requires an ALO Order to be a PNP Blind order.

Proposed Rule 7.31P(e)(2) would further provide that upon entry, an ALO Order must have a minimum of one displayed round lot. This represents a new requirement for ALO Orders in Pillar and is based on how ALO Orders operate on the NYSE.[53] Because an ALO Order is an order that is intended to be displayed, the Exchange believes that the round lot minimum requirement would promote the display of an ALO Order.

Proposed Rule 7.31P(e)(2)(A) would specify that ALO Orders may participate in auctions, but the ALO designation would be ignored and that an ALO Order that has not traded in an auction would be assigned a working price and display price, described below. In the current trading platform, an ALO Order that has been accepted and placed on the NYSE Arca Book pursuant to Rule 7.31(e)(1) is eligible to participate in an auction. Because in Pillar, the Exchange proposes a substantive difference to re-price ALO Orders, the Exchange proposes to add rule text regarding how ALO Orders would be re-priced following an auction. The proposed rule text is based on how ALO Orders operate on the NYSE.[54]

Proposed Rule 7.31P(e)(2)(B)(i)–(iv) would specify how an ALO Order to buy (sell) would be re-priced if, at the time of entry, it would be marketable against the BO (BB) or would lock or cross a protected quotation in violation of Rule 610(d) of Regulation NMS.[55]

- Proposed Rule 7.31P(e)(2)(B)(i) would provide that if the BO (BB) is higher (lower) than the PBO (PBB), an ALO Order to buy (sell) would have a working price of the PBO (PBB) and a display price one MPV below (above) the PBO (PBB). As proposed, for an ALO Order to buy, if the BO is higher than the PBO, the order would be priced the same as a straight Arca Only Order, because such order would not be marketable against the BO or route to the PBO. The proposed re-pricing would assure that the ALO Order would not lock the PBO.
- Proposed Rule 7.31P(e)(2)(B)(ii) would provide that if the BO (BB) is equal to the PBO (PBB), an ALO Order to buy (sell) would have a working price and a display price one MPV below (above) the PBO (PBB). This proposed rule text reflects that an ALO Order could not trade at the contra-side BBO, nor would the Exchange assign a working price to an ALO Order that would lock the Exchange's BBO.
- Proposed Rule 7.31P(e)(2)(B)(iii) would provide that if the PBO (PBB) re-prices higher (lower), an ALO Order to buy (sell) would be assigned a new working price and display price consistent with proposed Rule 7.31P(e)(2)(B)(i) and (ii). Accordingly, as the PBO moves, the re-pricing of the ALO Order would function the same as it would on arrival. Accordingly, each time the PBBO moves, the Exchange would evaluate both the BBO and the PBBO to determine which working and display price should be assigned to the ALO Order.
- Proposed Rule 7.31P(e)(2)(B)(iv) would provide that if the PBO (PBB) re-prices lower (higher) to be equal to or lower (higher) than the ALO Order's last display price or if its limit price no longer locks or crosses the PBO (PBB), an ALO Order to buy (sell) would be priced pursuant to proposed Rule 7.31P(e)(1)(A)(iii) and (iv). Accordingly, as proposed, an ALO Order would follow the re-pricing instructions of a straight Arca Only Order if the PBBO moves into the price of the order or if it is displayed at its limit price. As such, the ALO Order would not re-price but would remain at its displayed price.

Proposed Rule 7.31P(e)(2)(C) would provide how an ALO Order to buy (sell) would either trade with or lock orders priced below (above) the BO (BB), which, for purposes of this section of the Rule would be referred to as ''non-displayed order(s).'' [56] This proposed functionality would be a substantive difference from how an ALO Order functions on the current trading platform, which, as provided for in Rule 7.31(e)(1)(C), will be rejected where, at the time of entry, it would interact with un-displayed orders on NYSE Arca.

- Proposed Rule 7.31P(e)(2)(C)(i) would provide that if the limit price of an ALO Order to buy (sell) is higher (lower) than the working price of resting

[52] The ALO Order in Pillar is based in part on the current PNPB–ALO order described in the last sentence of Rule 7.31(e)(4).

[53] *See* paragraph (a) governing ALO Orders in NYSE Rule 13 (''Upon entry, limit orders designated ALO must have a minimum of one displayable round lot.'')

[54] *See* paragraph (a) governing ALO Orders in NYSE Rule 13 (''Limit orders designated ALO may participate in the open or close, but the ALO designation shall be ignored'').

[55] 17 CFR 242.610(d). The proposed re-pricing functionality for an ALO Order in Pillar is similar to how orders operate on other exchanges. *See, e.g.,* paragraph (b) governing ALO Orders in NYSE Rule 13; Nasdaq Rule 4702(b)(4)(A) (defining a ''Post-Only Order'').

[56] By defining ''non-displayed order(s)'' as any interest priced inferior to the BBO, it would include Limit Non-Displayed Orders, Arca Only Orders with a non-displayed working price, ALO Orders with a non-displayed working price, and odd-lot orders. As proposed in Rule 7.31P(e)(2)(D), ALO Orders would not trigger an MPL Order to trade, and therefore MPL Orders would not be considered a ''non-displayed order'' for purposes of this definition.

non-displayed order(s) to sell (buy), it would trade as the liquidity taker with such order(s). This proposed functionality would provide price improvement to an incoming ALO Order and is consistent with how other markets currently function.[57]

• Proposed Rule 7.31P(e)(2)(C)(ii) would provide that if the limit price of an ALO Order to buy (sell) is equal to the working price of resting non-displayed order(s) to sell (buy), it would post to the NYSE Arca Book and would not trade with such order(s), unless such order(s) is a Limit Non-Displayed Order or Arca Only Order to sell (buy) that has been designated with a Non-Display Remove Modifier. As described above, the ALO Order would be considered the liquidity-providing order when trading with an order designated with a Non-Display Remove Modifier.[58] Accordingly, subject to this exception, if the non-displayed order(s) would not provide price improvement over the limit price of the ALO Order, *i.e.,* they are at the same price, the ALO Order would not trade with such interest and instead would be displayed at that price. This proposed functionality would be new for Pillar and is similar to how other markets operate.[59]

Proposed Rule 7.31P(e)(2)(D) would provide that an ALO Order would not trigger a contra-side MPL Order to trade. This functionality is the same as current Rule 7.31(e)(1)(C), which provides that an ALO Order will ignore MPL Orders.[60] The Exchange proposes to revise how to reflect this functionality in proposed Rule 7.31P(e)(2)(D) and the proposed language is based on paragraph (d) governing ALO Orders in NYSE Rule 13.

ISO: Rules 7.31(e)(2) and (e)(4), together with Rules 7.37(e)(3)(C) and (g)(1), set forth how ISOs function on the current trading platform.

Proposed Rule 7.31P(e)(3) would define ISOs in Pillar. The Exchange proposes non-substantive differences to the rule text to define separately an ''IOC ISO'' and a ''Day ISO,'' each of which are existing order types. The proposed structure of the rule is based on NYSE Rule 13 governing ISOs.

As proposed, Rule 7.31P(e)(3) would define an ISO as a Limit Order that does not route and meets the requirements of Rule 600(b)(3) of Regulation NMS.[61] This definition is the same as current Rule 7.31(e)(2). Proposed Rule 7.31P(e)(3)(A) would further provide that an ISO may trade through a protected bid or offer, and would not be rejected or cancelled if it would lock, cross, or be marketable against an Away Market provided that it meets the requirements specified in proposed Rule 7.31P(e)(3)(A)(i) and (ii). This rule text reflects the same functionality as in current Rules 7.31(e)(2) and 7.37(g)(1).

Proposed Rule 7.31P(e)(3)(A)(i)–(ii) would specify additional requirements related to ISOs that are based on the Regulation NMS definition of an ISO[62] and requirements specified in current Rules 7.37(e)(3)(C) and (g)(1). As proposed, an ISO would need to be identified as an ISO in the manner prescribed by the Exchange and, simultaneously with the routing of an ISO to the Exchange, the ETP Holder routes one or more additional Limit Orders, as necessary, to trade against the full displayed size of any protected bids (for sell orders) or protected offers (for buy orders) on Away Markets and these additional routed orders must be identified as ISO.[63]

Proposed Rule 7.31P(e)(3)(B) would set forth IOC ISOs in Pillar, which would not function any differently in Pillar than they do on the current trading platform.[64] As proposed, an IOC ISO would be traded with contra-side interest in the NYSE Arca Book up to its full size and limit price and the quantity not so traded would be immediately and automatically cancelled. The Exchange proposes in Pillar to separately provide for IOC ISOs in proposed Rule 7.31P(e)(3) to distinguish this functionality from a Day ISO. Because the Exchange proposes to add MTS functionality for Limit IOC Orders, the Exchange proposes to specify in proposed Rule 7.31P(e)(3)(C) that an IOC ISO may not be designated with an MTS.

Proposed Rule 7.31P(e)(3)(C) would set forth Day ISOs in Pillar. Current Rule 7.31(e)(3) provides for ISO functionality within the definition of a PNP Order. As set forth in the second sentence of this rule, a PNP Order marked as an ISO may lock and cross and trade-through Manual and Protected Quotations, but only if the User has complied with Rule 7.37(e)(3)(C).[65] Accordingly, a PNP ISO currently functions as an ISO with a Day modifier.[66] The Exchange proposes in Pillar to refer to such orders as Day ISOs and to set forth the functionality for Day ISOs together with other ISO functionality in proposed Rule 7.31P(e)(3). As proposed in Pillar, a Day ISO, if marketable on arrival, would be immediately traded with contra-side interest in the NYSE Arca Book up to its full size and limit price. Any untraded quantity of a Day ISO would be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO.[67] Consistent with current Rule 7.37(e)(3)(C), a Day ISO would be eligible to lock or cross a protected quotation only on arrival.

Proposed Rule 7.31P(e)(3)(D) would set forth the ALO modifier functionality for Day ISOs in Pillar, which would be defined as a ''Day ISO ALO.'' As provided for in Commentary .01 to Rule 7.31, a PNP ISO may be combined with an ALO Order, and if so designated, pursuant to Commentary .02 to Rule 7.31, such order would reject on arrival if marketable against orders on the

[57] *See, e.g.,* BATS Exchange, Inc. (''BATS'') Rule 11.9(c)(6) (BATS Post Only Order will remove contra-side liquidity from the BATS Book if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted the BATS book and subsequently provided liquidity, including the applicable fees charged or rebates provided); *see also* Nasdaq Rule 4702(b)(5)(A) (Post-Only Orders will trade on arrival if economically beneficial).

[58] ETP Holders that elect to use the optional Non-Display Remove Modifier would be the liquidity-taking order if trading with an ALO Order.

[59] *Id.*

[60] Current Rule 7.31(e)(1)(C) further specifies how MPL or MPL–ALO Orders may interact. As described above, the Exchange proposes to set forth in proposed Rule 7.31P(d)(3)(G) how MPL and MPL–ALO Orders would interact if designated with a Non-Display Remove Modifier, and does not propose to repeat this text in the definition of an ALO Order.

[61] 17 CFR 242.600(b)(3).

[62] *Id.*

[63] This proposed rule text is based on paragraphs (a)(i) and (ii) governing ISOs in NYSE Rule 13, which is also based on the Regulation NMS definition of an ISO. The Exchange proposes a non-substantive difference from the NYSE rule to specify in proposed Rule 7.31P(e)(3)(A)(ii) that an ETP Holder is responsible for routing the additional Limit Orders as ISO, as it is the responsibility of the entering firm and not the Exchange to route those additional ISOs. In addition, the Exchange will not include in proposed Rule 7.31P(e)(3) the current rule text from Rule 7.31(e)(2) that provides ''any inbound order received over NMS Linkage will constitute an ISO'' because ''NMS Linkage'' is an obsolete reference.

[64] As provided for in Commentary .01 to Rule 7.31, Users may combine order types and modifiers, and IOC ISO functionality is currently available by combining an ISO pursuant to Rule 7.31(e)(2) with the IOC modifier set forth in Rule 7.31(b)(3). *See also* Securities Exchange Act Release No. 54549 (Sept. 29, 2006), 71 FR 59179, 59181 (Oct. 6, 2006) (SR–NYSEArca–2006–59) (''2006 Arca Filing'') (Order approving adoption of ISOs, including an ISO that may be marked IOC).

[65] Rule 7.37(e)(3)(C) provides for an exception to locking or crossing a protected quotation when the ETP Holder simultaneously routes an ISO to execute against the full size of any locked or crossed Protected Quotation, and therefore is an exception that is available only on arrival, when the other ISOs are simultaneously routed to Protected Quotations.

[66] *See* 2006 Arca Filing, *supra* note 64 at 59180 (describing ISO PNP Orders, which post to the NYSE Arca book and may lock or cross protected quotations).

[67] The proposed rule text is based on paragraph (c) governing ISOs in NYSE Rule 13.

NYSE Arca Book. If not rejected, such order would function as a Day ISO.[68]

The Exchange proposes substantive differences for a Day ISO ALO in Pillar to provide that such order would not be rejected if marketable against orders on the NYSE Arca Book and would instead re-price, consistent with how the proposed ALO Order would function in Pillar. The Exchange proposes an additional substantive difference to require that a Day ISO ALO be entered with a minimum of one displayed round lot. This requirement is consistent with the Exchange's proposed functionality for ALO Orders generally, which, as proposed in Rule 7.31P(e)(2), must be entered with a minimum of one displayed round lot.

Proposed Rule 7.31P(e)(3)(D) would further provide how a Day ISO ALO would operate on arrival, which, consistent with an ALO Order in Pillar, would not trade with the contra-side BBO, but consistent with the Day ISO instruction, could trade through or lock or cross a protected quotation.[69] As proposed, a Day ISO ALO to buy (sell) that, at the time of entry, is marketable against the BO (BB) would not trade with orders on NYSE Arca Book priced at the BO (BB) or higher (lower), but may trade through or lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO ALO. The rule would further provide how a Day ISO ALO would be priced and traded, which would be new functionality in Pillar that would correlate to the proposed new functionality for ALO Orders.

- Proposed Rule 7.31P(e)(3)(D)(i) would provide that on arrival, a Day ISO ALO to buy (sell) would be assigned a working price and display price one MPV below (above) the BO (BB) and would trade with non-displayed order(s) pursuant to proposed Rule 7.31P(e)(2)(C). This pricing on arrival is consistent with how a non-ISO ALO Order in Pillar would be priced on arrival and how it would interact with non-displayed orders. Accordingly, a Day ISO ALO to buy would trade similarly to a non-ISO ALO order with respect to sell orders priced below the BO, including Arca Only Orders or Limit Non-Displayed Orders designated with a Non-Display Remove Modifier.
- Proposed Rule 7.31P(e)(3)(D)(ii) would provide that after being displayed, a Day ISO ALO to buy (sell) would be re-priced and re-displayed based on changes to the PBO (PBB) consistent with proposed Rules 7.31P(e)(2)(B)(iii)–(iv). This proposed rule text would therefore provide that after its initial posting on the NYSE Arca Book, which may trade through or lock or cross a protected quotation, any further re-pricing of the order would not trade-through or lock or cross protected quotations. Therefore, a Day ISO ALO would, if required to re-price, function as if it were a regular ALO Order.

Orders With Specified Routing Instructions (Proposed Rule 7.31P(f))

Proposed Rule 7.31P(f) would set forth the orders with specific routing instructions and includes the same orders that are set forth in current Rule 7.31(f), which include Primary Only (''PO'') Orders (Rule 7.31(f)(1)), Primary Until 9:45 Orders (Rule 7.31(f)(2)), and Primary After 3:55 Orders (Rule 7.31(f)(3)). The Exchange proposes substantive differences for when the Exchange would accept Primary Only Orders, which order instructions would be required to be included on a Primary Only Order, and to provide for Primary Only Orders that may be designated as a Reserve Order.

Primary Only Order: Current Rule 7.31(f)(1) provides that a Primary Only Order (''PO Order'') is a Market or Limit Order that is to be routed to the primary market.

Proposed Rule 7.31P(f)(1) would define Primary Only Orders in Pillar. As currently set forth in Rule 7.31(f)(1), a Primary Only Order in Pillar would be a Market or Limit Order that on arrival is routed directly to the primary listing market without being assigned a working time or interacting with interest on the NYSE Arca Book. The Exchange proposes non-substantive differences in proposed Rule 7.31P(f)(1) to use the term ''primary listing market'' instead of ''primary market'' and to provide greater specificity that a Primary Only Order would not be assigned a working time. The proposed rule would further provide that a Primary Only Order must be designated for the Core Trading Session, which is based on current Rule 7.31(f)(1), which provides that Primary Only Orders may be entered at any time or until a cut-off time as determined from time to time by the Corporation, which currently, is the end of the Core Trading Session.[70] Because the Exchange currently accepts Primary Only Orders designated for the Core Trading Session only, the Exchange proposes to include this requirement in proposed Rule 7.31P(f)(1).

The rule would further provide that the primary listing market would validate whether the order is eligible to be accepted by that market and if the primary listing market rejects the order, the order would be cancelled. This requirement would be a substantive difference from Rule 7.31(f)(1)(A), which requires a PO Order entered for participation in the primary market opening to be entered before 6:28 a.m. (Pacific Time). Instead, in Pillar, the Exchange would accept such an order and route it directly to the primary listing market without validating whether the primary listing market is accepting orders.[71] Proposed Rule 7.31P(f)(1) would also provide that a Primary Only Order instruction on a security listed on the Exchange would be ignored, which is how the Exchange currently processes Primary Only Orders submitted in Exchange-listed securities.

The Exchange proposes substantive differences to the operation of Primary Only Orders in Pillar to eliminate the requirement that PO Orders be entered at specific times or that PO Orders that are intended to remain on the primary listing market after an opening auction must include a PO+ modifier. Accordingly, rule text set forth in current Rules 7.31(f)(1)(A)–(C), which describes these requirements, would not be included in new Rule 7.31P(f)(1). The Exchange also proposes a substantive difference to provide that specified Primary Only Orders would be eligible to be designated as a Reserve Order.

The Exchange also proposes non-substantive differences to the rule text in order to streamline the rule by defining three forms of Primary Only Orders, which would be the order instructions that would be required to be included when entering a Primary Only Order in Pillar. Proposed Rule 7.31P(f)(1)(A)–(C) would set forth the different types of order instructions that would be available for Primary Only Orders, with non-substantive differences to rename the order types to

[68] Commentary .02 to Rule 7.31 provides that if two order types are combined that include instructions both for operation on arrival (*e.g.,* ALO Order) and for how the order operates while resting on the Exchange's book (*e.g.,* PNP ISO), the instructions governing functionality while incoming will be operative upon arrival and functionality governing how the order operates while resting on the Exchange's book will govern any remaining balance of the order that is not executed upon arrival.

[69] *See also* paragraph (c) governing ISOs in NYSE Rule 13.

[70] Pursuant to proposed Rule 7.34P(b)(1), during the Early Trading Session, the Exchange would accept orders, including Primary Only Orders, designated for the Core Trading Session. Pursuant to proposed Rules 7.34P(c)(1)(A) and (c)(3)(C), Primary Only Orders designated for the Early or Late Trading Sessions would be rejected. *See* Pillar I Filing, *supra* note 4.

[71] *See id.* at proposed Rules 7.34P(c)(1)(D) and (c)(2)(B).

correlate to the type of functionality associated with the respective Primary Only Order.

• Proposed Rule 7.31P(f)(1)(A) would provide for the Primary Only MOO/LOO Order, which would be a Primary Only Order designated for participation in the primary listing market's opening or re-opening process as a MOO or LOO Order. This represents functionality set forth in current Rule 7.31(f)(1)(A) and (B) that a PO Order may be entered for participation in the primary market opening or re-opening, with a non-substantive difference to rename this as a ''Primary Only MOO/LOO Order.'' As further proposed, once routed, the Primary Only MOO or LOO Order would follow the rules of the primary listing market regarding how such orders would participate in the respective auction.

• Proposed Rule 7.31P(f)(1)(B) would provide for a Primary Only Day/IOC Order, which would be a Primary Only Order designated Day or IOC. A Primary Only Order designated Day would be similar to the current PO+ modifier set forth in current Rule 7.31(f)(1)(C), which provides that a PO Order entered for participation in the primary market, other than for participation in the primary market opening or primary market re-opening, must be marked with the modifier PO+. As with current functionality, a Primary Only Day Order entered before 9:30 a.m. Eastern Time would be eligible to participate in an opening auction consistent with the rules of the respective primary listing market. A Primary Only Day Order entered after the primary listing market opens would be used for participation in continuous trading on the primary listing market, similar to a PO+ Order that would be entered after the primary listing market opens. Proposed Rule 7.31P(f)(1)(B) would further provide that a Primary Only Day Order may be designated as a Reserve Order. The proposal to allow Primary Only Day Orders to be designated as a Reserve Order is a substantive difference from current Rule 7.31(f)(1), which prohibits Primary Only Orders from being designated as Reserve Orders. If designated as a Reserve Order, the Primary Only Day Order would follow the Reserve Order functionality of the primary listing market to which it is routed.

As under the current rule for Primary Only Orders, the default in proposed Rule 7.31P(f)(1)(B) would be to route the order as a non-routable order type, and it would remain on the Away Market until executed or cancelled. The Exchange would continue to offer that for NYSE- and NYSE MKT-listed securities, a Primary Only Day/IOC Order could be sent as a routable order, in which case the order would remain at the NYSE or NYSE MKT until executed, routed away, or cancelled. This treatment of Primary Only Orders in NYSE- and NYSE MKT-listed securities is the same as set forth in the fourth through seventh sentences of current Rule 7.31(f)(1),[72] but with non-substantive differences to streamline the rule text. The Exchange also proposes non-substantive differences to the rule text to provide that a Primary Only Day/IOC Order in NYSE- or NYSE MKT-listed securities may include an instruction that the order is a routable order, rather than requiring the User to ''override the DNS designation,'' as under current Rule 7.31(f)(1).

Proposed Rule 7.31P(f)(1)(C) would provide for a Primary Only MOC/LOC Order, which would be a Primary Only Order designated for participation in the primary listing market's closing process as a MOC or LOC Order. This functionality is based on the second paragraph of current Rule 7.31(f)(1), which describes that PO Orders may be designated as MOC or LOC, and specifically provides for how PO Orders that are designated MOC or LOC in NYSE- and NYSE MKT-listed securities operate.[73] As further proposed, once routed, the Primary Only MOC or LOC Order would follow the rules of the primary listing market regarding how such orders would participate in the respective auction.

Primary Until 9:45 Order: Current Rule 7.31(f)(2) sets forth the Primary Until 9:45 Order, which is a Limit Order entered for participation on the primary market until 9:45 a.m. Eastern Time (6:45 a.m. Pacific Time) after which time the order is cancelled on the primary market and entered on the NYSE Arca Book. The Primary Until 9:45 Order may be Day only and may not be designated GTC or GTD. Orders that return to the NYSE Arca Book after routing to the primary market will retain their original order attributes.

Proposed Rule 7.31P(f)(2) would set forth the Primary Until 9:45 Order in Pillar. The Exchange does not propose any substantive differences to how this order would function in Pillar, but proposes non-substantive differences to use Pillar terminology. As proposed, a Primary Until 9:45 Order would be a Limit or Inside Limit Order that, on arrival and until 9:45 a.m. Eastern, routes to the primary listing market.[74] As further proposed, after 9:45 a.m. Eastern Time, the order would be cancelled on the primary listing market and entered on the NYSE Arca Book. A Primary Until 9:45 Order would be required to be designated Day and orders that return to the NYSE Arca Book after routing to the primary listing market would retain their original order attributes and be assigned a working time based on when the order is returned from the primary listing market and entered on the NYSE Arca Book. The Exchange proposes to further add that a Primary Until 9:45 Order may be combined with a Primary After 3:55 Order, which represents current functionality.

The Exchange proposes non-substantive differences to use the term ''primary listing market'' instead of ''primary market'' and eliminate references to Pacific Time. In addition, the Exchange is not proposing that GTC or GTD time in force modifiers would be offered in Pillar, therefore, the Exchange would not refer to those modifiers in the proposed Pillar rule.

Primary After 3:55 Order: Current Rule 7.31(f)(3) sets forth the Primary After 3:55 Order, which is a Limit Order entered for participation on the Exchange until 3:55 p.m. Eastern Time (12:55 p.m. Pacific Time) after which time the order is cancelled on the Exchange and an order is entered for participation on the primary market. The Primary After 3:55 Only Order may be Day only and may not be designated GTC or GTD. Orders that route to the primary market at 3:55 p.m. Eastern Time will retain their original order attributes.

Proposed Rule 7.31P(f)(3) would set forth the Primary After 3:55 Order in Pillar. The Exchange does not propose any substantive differences to how this order would function in Pillar, but proposes non-substantive differences to

[72] Current Rule 7.31(f)(1) states that the Exchange designates Primary Only Orders routed to the NYSE or NYSE MKT as Do No Ship (''DNS''), a designation specified to the NYSE and NYSE MKT that restricts the NYSE or NYSE MKT from routing the order to away market centers.

[73] Rule 7.31(f)(1) provides that PO Orders routed to the NYSE or NYSE MKT that are designated as MOC or LOC Orders may not be electronically cancelled or reduced in size after 3:45 p.m. ET, or in the case of an early scheduled close, 15 minutes before the close and electronic submissions after 3:45 p.m. ET (or in the case of an early scheduled close, 15 minutes before the close) to cancel or reduce in size a PO Order that has been routed to the NYSE or NYSE MKT and designated as MOC or LOC will be automatically rejected and must be entered manually. As set forth in the Pillar I Filing, the Exchange would move the functionality associated with this rule, with non-substantive differences, to proposed Rule 7.37P(b)(7)(C). *See supra* note 4.

[74] In Pillar, the Exchange proposes a non-substantive difference to define a Primary Until 9:45 Order to include an Inside Limit Order, which is consistent with current Rule 7.31(a)(3)(B), which describes how Inside Limit Orders that are designated as a Primary Until 9:45 Order operate.

provide more specificity in the rule text. As proposed, a Primary After 3:55 Order would be a Limit or Inside Limit Order entered on the Exchange until 3:55 p.m. Eastern Time after which time the order would be cancelled on the Exchange and routed to the primary listing market.[75] The Primary After 3:55 Order would be required to be designated Day and orders that route to the primary listing market at 3:55 p.m. Eastern Time would retain their original order attributes.

The Exchange proposes non-substantive differences to use the term ''primary listing market'' instead of ''primary market,'' eliminate references to Pacific Time, and refer to the order being ''routed to'' the primary listing market rather than being ''entered for participation on'' the primary market.

Cross Orders (Proposed Rule 7.31P(g))

Proposed Rule 7.31P(g) would set forth Cross Orders in Pillar. Current Rule 7.31(e)(5) provides for Cross Orders within the group of orders with instructions not to route. Because the Exchange is proposing a substantive difference in Pillar to provide for a Cross Order that would trade with displayed interest either on the NYSE Arca Book or Away Markets before trading at the cross price, the Exchange proposes to create a separate category in new Rule 7.31P for Cross Orders, which would define Cross Orders generally and then define separately the two forms of proposed Cross Orders.

Proposed Rule 7.31P(g) would define Cross Orders in Pillar as a two-sided order with instructions to match the identified buy-side with the identified sell-side at a specified price (the ''cross price''). This text is based on current Rule 7.31(e)(5) without any differences. The rule would further provide that a Cross Order would not be eligible to participate in any auctions, and if it arrives during auction processing, it would be cancelled. This represents current functionality, and is consistent with the terms of a Cross Order, which is a Limit Order designated IOC, because orders designated IOC do not participate in auctions at the Exchange.

Proposed Rule 7.31P(g)(1) would set forth the definition for a Limit IOC Cross Order, which is a Cross Order that must trade in full at its cross price, would not route and would cancel at the time of order entry if the cross price is not between the BBO or if it would trade through the PBBO. This proposed rule text is based on the same functionality that is currently described as the requirement that the cross price not be marketable against the BBO (current Rule 7.31(e)(5)(A)) and the requirement that the cross price would not trade through the PBBO (current Rule 7.31(e)(5)(B)).[76] The Exchange does not propose to include in proposed Rule 7.31P(g)(1) the rule text in current Rule 7.31(e)(5)(C), which provides that the cross price be between the BBO and improve the BBO by the minimum price increment above or below the BBO, because Rule 7.6 sets forth the quoting and entry of order MPVs for all securities, to which Cross Orders are subject.

Proposed Rule 7.31P(g)(2) would set forth the definition for a Limit IOC Routable Cross Order, which would be a new order type offered in Pillar. As proposed, a Limit IOC Routable Cross Order would be a Cross Order that trades at its cross price only after trading with or routing to displayed interest on the NYSE Arca Book or Away Markets.

Proposed Rule 7.31P(g)(2)(A) would further provide that on arrival, if the buy (sell) side of a Limit IOC Routable Cross Order is marketable against sell (buy) orders ranked Priority 1—Market Orders and/or Priority 2—Display Orders on the NYSE Arca Book or displayed sell (buy) interest on Away Markets, including the PBO (PBB), the buy (sell) side of the order would trade with or route to such interest and the remaining quantity would trade at the cross price. The rule would further provide that a Limit IOC Routable Cross Order would route to prices higher (lower) than the PBO (PBB) only after trading with contra-side interest on the NYSE Arca Book at each price point. This proposed text is consistent with proposed Rule 7.37P(b), which provides that an order that is eligible to route would not route until after being matched for execution with contra-side orders in the NYSE Arca Book.[77]

Proposed Rule 7.31P(g)(2)(B) would provide that the quantity of the Limit IOC Routable Cross Order that does not trade at the cross price or with contra-side interest on the NYSE Arca Book, or that is returned unfilled from an Away Market, would be cancelled. The Exchange believes that this proposed provision is consistent with the operation of an order designated IOC and would provide the entering ETP Holder with certainty regarding how much of the Limit IOC Routable Cross Order would be traded at the cross price.

Proposed Rule 7.31P(g)(2)(C) would provide that a Limit IOC Routable Cross Order would not trade with resting orders ranked Priority 3—Non-Display Orders or Priority 4—Tracking Orders. By not trading with such orders, a Limit IOC Routable Cross Order would skip orders in these priorities at each price point. This proposed rule text complements proposed Rule 7.31P(g)(2)(A), discussed above, that an incoming Limit IOC Routable Cross Order would only trade with resting orders ranked Priority 1 or 2 and provides clarity regarding which orders would not be eligible to trade with an incoming Limit IOC Routable Cross Order, and therefore could be traded through. The Exchange believes that an ETP Holder entering a Limit IOC Routable Cross Order would be seeking certainty regarding how much of the proposed Cross Order would trade at the cross price and would be able to view whether there is any displayed interest, including odd lot orders, on NYSE Arca Book via the Exchange's proprietary data feeds. By limiting the interaction of Limit IOC Routable Cross Orders with such displayed orders, the Exchange would be providing the entering firm with greater control and certainty of the prices at which the Limit IOC Routable Cross Order would trade. The Exchange also proposes that Limit IOC Routable Cross Orders would trade with resting Market Orders because such orders would be ranked higher than displayed orders, even though they would not be displayed.

Pegged Orders (Proposed Rule 7.31P(h))

Proposed Rule 7.31P(h) would set forth Pegged Orders. As noted above, Pegged Orders currently are included in the category ''Additional Order Instructions and Modifiers'' in current Rule 7.31(g)(1), which include Market Pegged Orders (Rule 7.31(g)(1)(A)) and Primary Pegged Orders (Rule 7.31(g)(1)(B)). The Exchange proposes to create a separate category in proposed Rule 7.31P(h) to set forth Pegged Orders.

Current Rule 7.31(g)(1) provides that a Pegged Order is a Limit Order to buy or sell a stated amount of a security at a display price set to track the current bid or ask of the NBBO in an amount specified by the User. Rule 7.31(g)(1)(A) provides that a Market Pegged Order is

[75] In Pillar, the Exchange proposes a non-substantive difference to define a Primary After 3:55 Order to include an Inside Limit Order, which is consistent with current Rule 7.31(a)(3)(B), which describes how Inside Limit Orders that are designated as a Primary After 3:55 Order operate.

[76] Current Rule 7.31(e)(5)(B) also provides that a the cross price may not cause an execution at a price that trades through the PBBO, except as provided for in Rule 7.37. The reference to Rule 7.37 is an obsolete reference that relates to when the Exchange offered a PNP Cross Order that was eligible to be designated as ISO and therefore trade through the PBBO provided that the ETP Holder met the requirements of Rule 7.37. *See* 2014 Deletion Filing, *supra* note 6.

[77] *See* Pillar I Filing, *supra* note 4.

a buy order that is pegged to the National Best Offer or a sell order that is pegged to the National Best Bid. To avoid locking the market, an offset value is required for a Market Pegged Order. Rule 7.31(g)(1)(B) provides that a Primary Pegged Order is a buy order that is pegged to the National Best Bid or a sell order that is pegged to the National Best Offer and an offset value is permitted on a Primary Pegged Order, but is not required.

Proposed Rule 7.31P(h) would define Pegged Orders in Pillar, with the following substantive differences:

- Both Primary and Market Pegged Orders would peg to the PBBO instead of the NBBO.
- Both Primary and Market Pegged Orders would be cancelled when resting if there is no side of the PBBO to which they are to peg.
- Pegged Orders would be required to include a limit price and if the limit price is outside of the PBBO, the Pegged Order would have a working price of the limit price instead of the PBBO.
- Market Pegged Orders would not be displayed. As a result, Market Pegged Orders would no longer require an offset value, but could include an offset value. In addition, because there would be no display quantity, Market Pegged Orders may not also be a Reserve Order. Finally, as an undisplayed order, Market Pegged Orders would function similarly to MPL Orders when the PBBO is locked or crossed and would not receive a new working price or be eligible to trade until there is a PBBO that is not locked or crossed.
- Primary Pegged Orders would be required to be entered with a minimum of one round lot displayed, would be eligible to participate in auctions at their limit price, and could not include an offset value. As a displayed order, when the PBBO is locked or crossed, a Primary Pegged Order would remain displayed at its prior displayed price and would not be assigned a working price based on the locked or crossed PBBO, and would remain eligible to trade at its prior displayed price.
- During a Sell Short Period, Pegged Orders would not be rejected or cancelled.

The Exchange also proposes non-substantive differences to how Pegged Orders would be set forth in proposed Rule 7.31P(h)(1)–(2) to use Pillar terms.

Proposed Rule 7.31P(h) would define a Pegged Order as a Limit Order that does not route with a working price that is pegged to a dynamic reference price. This proposed rule text is based on the first sentence of current Rule 7.31(g)(1) with the following substantive differences:

- The Exchange would not include in proposed Rule 7.31P(h) the following text from Rule 7.31(g)(1) defining a Pegged Order as ''[a] Limit Order to buy or sell a stated amount of a security at a display price set to track the current bid or ask of the NBBO in an amount specified by the User.'' This rule text, while referring to a Limit Order, specifies different behavior from a Limit Order because it requires a stated amount for the order, but with respect to price, only says that a Pegged Order has a display price that tracks the NBBO in an amount specified by the User. In Pillar, the Exchange would require a limit price to be included with a Pegged Order, and therefore, the Exchange proposes to not include this rule text, and instead would refer only to a Pegged Order as being a Limit Order. Because the definition of a Limit Order defines that the order specify a stated amount and price, referencing a Limit Order in the Pillar definition, without restating requirements relating to price or size of the order for Pegged Orders, would mean that all requirements of a Limit Order, including a limit price, would be applicable to Pegged Orders.
- The Exchange proposes to use the term ''dynamic reference price'' in proposed Rule 7.31P(h)(1) instead of NBBO, as used in Rule 7.31(g)(1), because the Exchange would specify the relevant reference price for each type of Pegged Order in the sub-paragraphs to the rule.

The second sentence of proposed Rule 7.31P(h) would provide that if the designated reference price is higher (lower) than the limit price of a Pegged Order to buy (sell), the working price would be the limit price of the order. The Exchange proposes to include this requirement in Pillar because Pegged Orders would be required to have a limit price, and thus would have a ceiling or floor past which such an order could not peg. For example, if a Pegged Order to buy has a limit price of $10.00, and the designated reference price is $10.01, the Pegged Order would be assigned a working price of $10.00, and therefore be eligible to trade, at its limit price, *i.e.,* $10.00, instead of the reference price of $10.01. This proposed text would use Pillar terminology, including ''designated reference price,'' ''limit price,'' and ''working price,'' to describe how a Pegged Order would not be assigned a working price outside of its specified limit price. The Exchange believes that including this detail in the proposed Pillar rule would provide clarity regarding at what price a Pegged Order to buy (sell) with a limit price that is lower (higher) than the reference price would be eligible to trade.

Proposed Rule 7.31P(h)(1) would define Market Pegged Orders in Pillar. As proposed, a Market Pegged Order would be a Pegged Order to buy (sell) with a working price that is pegged to the PBO (PBB). This rule text represents current functionality that a Market Pegged Order pegs to the contra-side reference price, but with the substantive difference from Rule 7.31(g)(1)(A) that the reference price would be the PBBO instead of the NBBO. The Exchange also proposes non-substantive differences to streamline the rule text and use Pillar terminology.

The second sentence of proposed Rule 7.31P(h)(1) would provide that a Market Pegged Order to buy (sell) would be rejected on arrival, or cancelled when resting, if there is no PBO (PBB) against which to peg. This proposed text is based on the third to last sentence of Rule 7.31(g)(1), which provides that if an NBBO does not exist at the time of entry, a Pegged Order shall be rejected, with a proposed substantive difference in Pillar to use the PBBO instead of the NBBO as the reference price. For example, a Market Pegged Order to buy (sell) would not be rejected if there is a PBO but no PBB. The Exchange is also proposing a substantive difference from current rules to provide that the Exchange would cancel resting Market Pegged Orders if the reference price against which it pegs no longer exists. The Exchange believes that if there is no reference price against which to peg, a Pegged Order is not operational, and thus the proposal to cancel such Market Pegged Order is appropriate and consistent with the current and proposed functionality to reject an incoming Pegged Order when there is no price against which to peg. Finally, the Exchange is proposing that Market Pegged Orders in Pillar would not participate in any auctions, which is current functionality for Pegged Orders.

- Proposed Rule 7.31P(h)(1)(A) would set forth the substantive difference in Pillar that Market Pegged Orders would not displayed, which is consistent with how Market Pegged Orders function on other exchanges.[78] The rule would further define the priority ranking of Market Pegged Orders in Pillar, which, as not displayed orders, would be ranked Priority 3—Non-Display Orders.[79] Because Market Pegged Orders

[78] *See* BATS Rule 11.9(c)(8)(B); BATS–Y Exchange, Inc. (''BATS–Y'') Rule 11.9(c)(8)(B).

[79] The Exchange would not include in proposed Rule 7.31P(h) the text from the third sentence of Rule 7.31(g)(1), which relates to when a Pegged Order would receive a new time entry, because proposed Rule 7.36P(f)(2) sets forth when working times are assigned to orders, including Pegged Orders. *See* Pillar I Filing, *supra* note 4.

would not be displayed in Pillar, they would not be eligible to be designated as a Reserve Order, which is a substantive difference of how Market Pegged Orders would operate in Pillar and differs from current Rule 7.31(g)(1), which provides that Pegged Orders may be a Reserve Order.[80]

• Proposed Rule 7.31P(h)(1)(B) would specify in Pillar how a Market Pegged Order would function when the PBBO is locked or crossed, which would be new functionality in Pillar. As proposed, if the PBBO is locked or crossed, both an arriving and resting Market Pegged Order would wait for a PBBO that is not locked or crossed before the working price would be adjusted and the order would become eligible to trade. This proposed functionality is based on how MPL Orders would operate in Pillar.[81] The Exchange proposes that Market Pegged Orders would operate similarly to MPL Orders when the PBBO is locked or crossed because both are undisplayed orders that are pegged to a reference price.

• Proposed Rule 7.31(h)(1)(C) would set forth the substantive difference in Pillar of that offset values could be used with Market Pegged Orders, but would not be required, and thus differs from current Rule 7.31(g)(1)(A). As proposed, a Market Pegged Order to buy (sell) may include an offset value that would set the working price below (above) the PBO (PBB) by the specified offset, which may be specified up to two decimals. The proposed offset value is based on current Rule 7.31(g)(1) without any differences.

Proposed Rule 7.31P(h)(2) would define Primary Pegged Orders in Pillar. As proposed, a Primary Pegged Order would be a Pegged Order to buy (sell) with a working price that is pegged to the PBB (PBO), with no offset allowed. This rule text represents current functionality that Primary Pegged Orders peg to the same-side reference price, but with substantive differences from Rule 7.31(g)(1)(B) that the reference price would be the PBBO instead of the NBBO and no offset values would be permitted for Primary Pegged Orders.

The second sentence of proposed Rule 7.31P(h)(2) would provide that a Primary Pegged Order to buy (sell) would be rejected on arrival, or cancelled when resting, if there is no PBB (PBO) against which to peg. This proposed text is based on the third to last sentence of Rule 7.31(g)(1), which provides that if an NBBO does not exist at the time of entry, a Pegged Order shall be rejected, with a proposed substantive difference in Pillar to use the PBBO instead of the NBBO as the reference price. The Exchange is also proposing a substantive difference from current rules to provide that the Exchange would cancel resting Primary Pegged Orders if the reference price against which it pegs no longer exists. The Exchange believes that if there is no reference price against which to peg, a Pegged Order is not operational, and thus the proposal to cancel such Primary Pegged Order is appropriate and consistent with the current and proposed functionality to reject an incoming Pegged Order when there is no price against which to peg. Finally, the rule would provide that a Primary Pegged Order would be eligible to participate in auctions at the limit price of the order, which would be new in Pillar.

• Proposed Rule 7.31P(h)(2)(A) would set forth the requirement that a Primary Pegged Order must include a minimum of one round lot displayed. This would be new functionality in Pillar and is consistent with the proposed substantive difference in Pillar that a Primary Pegged Order may be combined with a Reserve Order.[82] The rule would further provide that the working price of a Primary Pegged Order would equal the display price and the display quantity would be ranked Priority 2—Display Orders and the reserve interest would be ranked Priority 3—Non-Display Orders.[83] This rule text is based on the fourth sentence of Rule 7.31(g)(1), which provides that a Pegged Order may be designated as a Reserve Order, with non-substantive differences to use Pillar terminology to describe the pricing and priority ranking of a Primary Pegged Order.

• Proposed Rule 7.31P(h)(2)(B) would provide that a Primary Pegged Order would be rejected if the PBBO is locked or crossed, which would be new functionality in Pillar. The Exchange proposes that Primary Pegged Orders would operate differently from Market Pegged Orders in Pillar because Primary Pegged Orders would be required to have a display quantity, but would not route. Therefore, the Exchange proposes to reject a Primary Pegged Order rather than display it at a locking or crossing price. By contrast, because Market Pegged Orders would not be displayed, the Exchange would accept such order if the PBBO is locked or crossed, but it would not be priced or eligible to trade until there is a PBBO that is no longer locked or crossed.

The rule would further provide that if after arrival, the PBBO becomes locked or crossed, the Primary Pegged Order would wait for a PBBO that is not locked or crossed before the working price would be adjusted, but would remain eligible to trade at its current working price. This proposed rule text uses Pillar terminology to describe how a previously-displayed Limit Order may remain displayed if an Away Market locks or crosses the PBBO and would remain eligible to trade at its last display price. To avoid displaying a Primary Pegged Order at a price that would lock or cross the PBBO, the Exchange would wait for a PBBO that is not locked or crossed before assigning a new working price and display price to such order.

The proposed Pillar rule would not include rule text from Rule 7.31(g)(1) relating to Discretionary Orders because the Exchange will not be offering Discretionary Orders in Pillar. In addition, the Exchange proposes to address in proposed Rule 7.34P which sessions a Pegged Order would not be able to participate, and would not include in proposed Rule 7.31P(h) rule text from Rule 7.31(g)(1) that provides that Pegged Orders may only be entered during the Core Trading Session.[84] Finally, the Exchange proposes to address how Pegged Orders would operate during a Short Sale Period in proposed Rule 7.16P, and therefore would not include text from the eighth sentence of Rule 7.31(g)(1) in proposed Rule 7.31P(h).[85]

Additional Order Instructions and Modifiers (Proposed Rule 7.31P(i))

Proposed Rule 7.31P(i) would set forth the Exchange's Additional Order Instructions and Modifiers, and is similar to current Rule 7.31(g). Rule 7.31(g) currently provides for:

• Pegged Orders (Rule 7.31(g)(1));
• Proactive if Locked Modifier (Rule 7.31(g)(2));
• Do Not Reduce Modifier (Rule 7.31(g)(3));
• Do Not Increase Modifier (Rule 7.31(g)(4)); and

[80] As proposed in Rule 7.31P(d)(1), a Reserve Order must include a display quantity.

[81] *See* proposed Rule 7.31P(d)(3)(B).

[82] *See* proposed Rule 7.31P(d)(1)(A).

[83] *See* Pillar I Filing, *supra* note 4.

[84] *See* Pillar I Filing, *supra* note 4, at proposed Rules 7.34P(c)(1)(A) and (c)(3)(A).

[85] The Exchange would also not include in proposed Rule 7.31P(h) the second sentence of current Rule 7.31(g)(1), which relates to how the Exchange track the Consolidated Quote information. Rather, proposed Rule 7.37P(d) specifies which data feeds the Exchange uses for the handling and execution of orders. *See* Pillar I Filing, *supra* note 4; *see also* Securities Exchange Act Release No. 74409 (March 2, 2015), 80 FR 12221 (March 6, 2015) (SR–NYSEArca–2015–11) (Notice of Filing).

• Self-Trade Prevention (''STP'') Modifier (Rule 7.31(g)(5).

As discussed above, Pegged Orders would have a separate category in proposed Rule 7.31P, and therefore would not be included in proposed Rule 7.31P(i). In addition, because the Exchange is not proposing to offer Open Modifiers at this time in Pillar, the Do Not Reduce and Do Not Increase Modifiers would not be included in proposed Rule 7.31P(i). Accordingly, proposed Rule 7.31P(i) would include only the Proactive if Locked/Crossed Modifier and STP Modifiers.

Proactive if Locked/Crossed Modifier: Current Rule 7.31(g)(2) provides that a Limit Order designated with a Proactive if Locked Modifier will route to another market center pursuant to NYSE Arca Equities Rule 7.37(d) for the away market's displayed size.

Proposed Rule 7.31P(i)(1) would define the Proactive if Locked/Crossed Modifier in Pillar, with the following non-substantive differences from current Rule 7.31(g)(2):

• Because this modifier would result in a resting order routing when an Away Market either locks or crosses the display price, the Exchange proposes to rename this modifier as the ''Proactive if Locked/Crossed Modifier.'' The current rule specifies that this functionality is available for when another market has locked the price of the order. Because the purpose of this modifier is to prevent a resting displayed order from being locked by another market, and the same rationale supports preventing a resting displayed order from being crossed by another market, when designated with a Proactive if Locked Modifier, an order that has been crossed by another market also routes.

• The Exchange proposes to streamline the rule text relating to this modifier in order to use proposed Pillar terms, *e.g.,* ''Away Market'' instead of ''other market center'' and eliminate obsolete text.

• Because the Exchange would not be monitoring whether the locking market has resolved the locked market in a timely manner, and would instead route an order with this modifier immediately upon being locked or crossed, the Exchange would not include in proposed Rule 7.31P(i)(1) the text in Rule 7.31(g)(2) that the order would be routed only if another market center has locked the order and not resolved the lock in a timely manner based upon average response times.

• The Exchange proposes to specify that this modifier is available for any Limit Order or Inside Limit Order that is displayed and eligible to route. The Exchange proposes to add in proposed Rule 7.31P(i)(1) that this modifier is available for Inside Limit Orders because the functionality is currently available for all Limit Orders that are routable, which include Inside Limit Orders. The Exchange believes this proposed text would provide clarity that Inside Limit Orders may be designated with a Proactive if Locked/Crossed Modifier.

• The Exchange would not include text from current Rule 7.31(g)(1) that provides that the Proactive if Locked/Crossed Modifier will apply only to exchange-listed securities because the Exchange only trades securities listed on an exchange, and thus this is unnecessary rule text.

Accordingly, as proposed, Rule 7.31P(i)(1) would provide that a Limit Order or Inside Limit Order that is displayed and eligible to route and designated with a Proactive if Locked/Crossed Modifier would route to an Away Market if the Away Market locks or crosses the display price of the order. The rule would further provide that if any quantity of the routed order returns unexecuted, the order would be displayed in the NYSE Arca Book. The Exchange believes that the proposed rule text provides greater specificity regarding which orders may include a Proactive if Locked/Crossed Modifier and if so designated, how the modifier would function. Because this modifier would be available for all securities that trade on the Exchange, the Exchange would not include in proposed Rule 7.31P(i)(1) text from the last sentence of Rule 7.31(g)(2).

Self Trade Prevention Modifier (''STP''): Current Rule 7.31(g)(5) provides that any incoming order designated with an STP modifier will be prevented from executing against a resting opposite side order also designated with an STP modifier and from the same ETP ID. The STP modifier on the incoming order controls the interaction between two orders marked with STP modifiers. Orders marked with an STP modifier will not be prevented from interacting during any Auction as defined by Rule 7.35. Rule 7.31(g)(5)(A)—(D) defines the following STP modifiers:

• Current Rule 7.31(g)(5)(A) sets forth the STP Cancel Newest (''STPN'') modifier. Any order marked with the STPN modifier will not execute against opposite side resting interest marked with any of the STP modifiers from the same ETP ID. The incoming order marked with the STPN modifier will be cancelled back to the originating ETP Holder. The resting order marked with one of the STP modifiers will remain on the NYSE Arca Book.

• Current Rule 7.31(g)(5)(B) sets forth the STP Cancel Oldest (''STPO'') modifier. Any order marked with the STPO modifier will not execute against opposite resting interest marked with any of the STP modifiers from the same ETP ID. The resting order marked with the STP modifier will be cancelled back to the originating ETP Holder. The incoming order marked with the STPO modifier will remain on the NYSE Arca Book.

• Current Rule 7.31(g)(5)(C) sets forth the STP Decrement and Cancel (''STPD'') modifier. Any incoming order marked with the STPD modifier will not execute against opposite side resting interest marked with any of the STP modifiers from the same ETP ID. If both orders are equivalent in size, both orders will be cancelled back to the originating ETP Holders. If the orders are not equivalent in size, the equivalent size will be cancelled back to the originating ETP Holders and the larger order will be decremented by the size of the smaller order with the balance remaining on the NYSE Arca Book.

• Current Rule 7.31(g)(5)(D) sets forth the STP Cancel Both (''STPC'') modifier. Any incoming order marked with the STPD modifier will not execute against opposite side resting interest marked with any of the STP modifiers from the same ETP ID. The entire size of both orders will be cancelled back to the originating ETP Holder.

Proposed Rule 7.31P(i)(2)(A)–(D) would set forth STP modifiers for Pillar, including STPN, STPO, STPD, and STPC, which would function the same in Pillar as under current Rule 7.31(g)(5)(A)–(D). Accordingly, the Exchange is not proposing any substantive differences to proposed Rule 7.31P(i)(2) as compared to Rule 7.31(g)(5). The Exchange proposes the following non-substantive differences for Rule 7.31P(i)(2)(A)–(D):

• To replace the term ''execute against'' with the term ''trade with'';

• To replace references to ''opposite side resting interest'' and instead describe the STP modifiers by referring to an incoming order to buy (sell) that would not trade with resting interest to sell (buy) marked with an STP modifier from the same ETP ID;

• To change the term ''ETP Holders'' to ''ETP Holder'' in the singular in proposed Rule 7.31P(i)(2)(C), which is based on Rule 7.31(g)(5)(C),because matching STP modifiers would come from a single ETP Holder; and

• In the last sentence of new Rule 7.31P(i)(2), to end after the term ''auctions,'' which would begin with a

lower-case letter, and not include a cross reference to Rule 7.35 because the only rule that sets forth how auctions operate is current Rule 7.35, and for Pillar, would be proposed Rule 7.35P and thus, the cross reference is unnecessary.

Q Orders (Proposed Rule 7.31P(j))

Proposed Rule 7.31P(j) would set forth Q Orders in Pillar. Current Rule 7.31(h) defines a Q Order as a Limit Order submitted to the NYSE Arca Marketplace by a Market Maker, and designated by a Market Maker as a ''Q Order'' through such means as the Corporation shall specify. Current Rule 7.34(b) sets forth Market Makers obligations to enter Q Orders in securities in which they are registered in accordance with Rule 7.23, beginning at the start of the Core Trading Session or at such earlier time during the Opening Session as determined from time to time by the Corporation, and continuing until the end of the Core Trading Session.[86]

Proposed Rule 7.31P(j) would define Q Orders in Pillar and would be based on Rule 7.31(h) and Rule 7.34(b). Rule 7.31P(j) would provide that a Q Order is a Limit Order submitted to the NYSE Arca Marketplace by a Market Maker, and designated by a Market Maker as a ''Q Order'' through such means as the Corporation would specify. This rule text is based on current Rule 7.31(h), with non-substantive differences to use the term ''will'' instead of ''shall.'' Current Rule 7.31(h) provides that Market Makers may enter Q Orders. The Exchange is proposing to specify in proposed Rule 7.31P(j) that the Exchange would reject a Q Order entered by an ETP Holder that is not registered in the security as a Market Maker.

The Exchange is not proposing at this time to offer Auto Q Order functionality. Accordingly, the rule text regarding the function of an Auto Q Order, which is in current Rules 7.31(h)(1) and (h)(2) would not be included in proposed Rule 7.31P(j).[87]

Proposed Rule 7.31P(j)(1) would provide that a Q Order must have a minimum of one round lot displayed on entry, must be designated Day, and would not route. Current Rule 7.31(h)(3) and (4) similarly include requirements that Q Orders do not route and will be rejected if in odd-lot size. In Pillar, rather than state that the order would be rejected if odd-lot sized, the Exchange proposes to state instead that a Q Order must have a minimum of one round lot displayed. The Exchange is also proposing to add to the rule text in Pillar that Q Orders must be designated Day.

The proposed rule would further provide that a Q Order to buy (sell) would be rejected if it has a limit price at or above (below) the PBO (PBB). This proposed rule text is based on current Rule 7.31(h)(4), which provides that Q Orders that are marketable on arrival are rejected.[88] In Pillar, the Exchange would use Pillar terminology to describe that Q Orders that are marketable against the contra-side PBBO would be rejected, but Q Orders that have a limit price equal to non-displayed contra-side orders (*e.g.,* a Limit Non-Displayed Order) would be accepted and trade. Therefore, a Q Order would trade with such non-displayed contra-side orders rather than be displayed at a price that would lock such interest.

The proposed rule would also provide that a Q Order to buy (sell) would be rejected if it is designated as an Arca Only Order, ALO Order, or ISO. Current Rule 7.31(h)(4) similarly provides that Q Orders designated as ISO are rejected, and the Exchange proposes to add in Pillar that a Q Order would be rejected if combined with an Arca Only Order or an ALO Order.

The Exchange does not propose to include in new Rule 7.31P(j) rule text from current Rule 7.31(h)(3), which provides that Q Orders will not lock, cross, or trade-through protected quotations, because proposed Rule 7.37P(a) would set forth these requirements.[89] Similarly, the Exchange does not propose to include in new Rule 7.31P(j) rule text from current Rule 7.31(h)(3) describing a ''Reserve Q Order,'' because proposed Rule 7.31P(d)(1)(C) would specify that a Q Order may be combined with a Reserve Order.

Proposed Rule 7.31P(j)(2) would provide that Q Orders are only eligible to participate in the Core Trading Session. This is current functionality as described in the first sentence of current Rule 7.34(b)(1), which states that Q Orders may be entered beginning at the start of the Core Trading Session or at such earlier time during the Opening Session as determined from time to time by the Corporation, and continuing until the end of the Core Trading Session. The Pillar rule would use new, simplified rule text without any substantive differences. Proposed Rule 7.31P(j)(2) would further provide that Market Makers must enter Q Orders in securities in which they are registered in accordance with Rule 7.23, beginning at the start of the Core Trading Session and continuing until the end of the Core Trading Session, and Market Makers would not be obligated to enter Q Orders in securities in which they are registered during the Early or Late Trading Sessions. This proposed rule text is based on current Rule 7.34(b)(1) with non-substantive differences to specify which trading sessions a Market Maker would not be obligated to enter Q Orders rather than stating that the Corporation would determine the time for entry of Q Orders.

Finally, proposed Rule 7.31P(j)(2) would provide that nothing in Rule 7.31P would be construed to relieve a Market Maker of any of its obligations pursuant to Rule 7.23, which is the same requirement as under current Rule 7.31(h)(5).

Commentaries

Current Rule 7.31 includes Commentary .01 and .02. Commentary .01 to Rule 7.31 provides that Users may combine order types and modifiers, unless the terms of the proposed combination are inconsistent. Commentary .02 to Rule 7.31 provides that if two order types are combined that include instructions both for the operation on arrival and for how the order operates while resting on the Exchange's book, the instructions governing functionality while incoming will be operative upon arrival. The Commentary further provides that functionality governing how the order operates while resting on the Exchange's book will govern any remaining balance of the order that is not executed on arrival.

Proposed Rule 7.31P would similarly include Commentary .01 and .02 and the proposed text for these Commentaries would be based on current Rule 7.31 Commentaries without any substantive differences. The Exchange proposes a non-substantive difference for proposed Commentary .02 to use the term ''NYSE Arca Book'' instead of ''Exchange's book.'' The Exchange proposes to

[86] As discussed in the Pillar I Filing, the Exchange is not proposing to include in proposed Rule 7.34P the text from Rule 7.34(b). *See supra* note 4.

[87] Rule 7.31(h)(1) sets forth the instructions that may be included with an Auto Q Order that is entered before 6:28 a.m. Pacific Time. Rule 7.31(h)(2) sets forth how Auto Q Orders repost.

[88] When Rule 7.31(h)(4) was adopted, the term ''Marketable'' was defined in Rule 1.1(u) to mean, for a Limited Price Order, when the price matches or crosses the NBBO on the other side of the market. *See* 2015 Definition Filing, *supra* note 6. Therefore, under that definition of ''Marketable,'' an incoming buy (sell) order is not marketable if the contra-side order is a non-displayed sell (buy) orders priced below (above) the NBO (NBB). Consistent with this definition of marketable, under current functionality, Q Orders on arrival may trade with non-displayed orders priced better than the contra-side NBBO.

[89] *See* Pillar I Filing, *supra* note 4.

include these Commentaries in proposed Rule 7.31P because during the first phase of Pillar implementation, the Exchange's customer access gateways will not be changing, and therefore the Exchange would continue to accept order instructions from ETP Holders in the same manner as the current trading platform.

Proposed New Rule 7.44P—Retail Liquidity Program

Rule 7.44 sets forth the Exchange's Retail Liquidity Program (''RLP'' or ''Program''). The Exchange proposes to adopt new Rule 7.44P to provide for the Program in Pillar. The Exchange proposes a substantive difference for the Program to provide that a Retail Order may not be designated with a No Midpoint Execution modifier. The Exchange also proposes a substantive difference regarding the priority and allocation of orders in the Program to align it with the priority and allocation of orders outside of the Program, and therefore provide that odd-lot orders ranked Priority 2—Display Orders would have priority over orders ranked Priority 3—Non-Display Orders, and Limit Non-Displayed Orders would no longer be ranked behind other non-display orders.

Proposed Rules 7.44P(a)(1)–(3), 7.44P(b), 7.44P(c), 7.44P(d), 7.44P(e), 7.44P(f), 7.44P(g), 7.44(h), 7.44P(i), and 7.44P(j) would be based on current Rules 7.44(a)(1)–(3), 7.44(b), 7.44(c), 7.44(d), 7.44(e), 7.44(f), 7.44(g), 7.44(h), 7.44(i), and 7.44(j), respectively, with minor non-substantive differences to replace the term ''shall'' with ''will'' and update internal cross-references to the Pillar rule. The Exchange also proposes a non-substantive difference for proposed Rule 7.44P(i)(2), which is based on current Rule 7.44(i)(2), to reference the ''Exchange's Chief Regulatory Officer,'' rather than the ''NYSE's Chief Regulatory Officer,'' and to use the phrase ''two qualified Exchange employees,'' instead of ''officers of the Exchange designated by the Co-Head of U.S. Listings and Cash Execution.'' The Exchange proposes not to include specific titles, other than Chief Regulatory Officer, in Pillar rules because the Exchange has restructured and no longer has a position referred to as a Co-Head of U.S. Listings and Cash Execution. In addition, as a result of the restructuring, the title of ''officer'' is no longer used by employees who were previously designated for this role. The Exchange believes that the term ''qualified Exchange employees'' would provide the Exchange with discretion to delegate this responsibility to appropriate Exchange staff.

Rule 7.44(a)(4): Proposed Rule 7.44P(a)(4) would define the Retail Price Improvement Order. The rule text is based on current Rule 7.44(a)(4) and the Exchange is not proposing any substantive in how RPIs would operate in Pillar. However, the proposed rule would include non-substantive differences to use Pillar terminology to describe how RPIs are priced and ranked.

Proposed Rule 7.44P(a)(4) would provide for the same functionality as Rule 7.44(a)(4), with a non-substantive difference to use sub-paragraph numbering. As proposed, new Rule 7.44P(a)(4) would provide that an RPI would be non-displayed interest in NYSE Arca-listed securities and UTP Securities, excluding NYSE-listed (Tape A) securities, that would trade at prices better than the PBB or PBO by at least $0.001 and that is identified as such. This rule text is based on the first sentence of current Rule 7.44(a)(4), with non-substantive differences to use the terms PBB and PBO and delete the reference to Regulation NMS definition as redundant of the definition of PBB/PBO in Rule 1.1(dd). The Exchange also proposes to replace the term ''is priced better than'' the PBB or PBO to ''would trade at prices better than'' the PBB or PBO. Because RPI interest does not need to be priced better than the PBB or PBO on arrival, but could trade in sub-penny increments, the Exchange believes the proposed non-substantive difference describes how RPIs would operate in Pillar.

Proposed Rule 7.44P(4)(A) would provide that an RPI would remain non-displayed in its entirety and would be ranked Priority 3—Non-Display Orders. This proposed rule text is based on the fifth sentence of current Rule 7.44(a)(4), which provides that an RPI remains non-displayed in its entirety, but uses Pillar terminology to describe the priority category to which RPIs would belong.

Proposed Rule 7.44P(a)(4)(B) would provide that Exchange systems would monitor whether RPI buy or sell interest would be eligible to trade with incoming Retail Orders. As with current functionality, an RPI would only be eligible to trade if it is priced between the PBBO. If it is priced at or outside the PBBO, the RPI would not be eligible to trade with an incoming Retail Order. Accordingly, the proposed rule would provide that an RPI to buy (sell) with a limit price at or below (above) the PBB (PBO) or at or above (below) the PBO (PBB) would not be eligible to trade with incoming Retail Orders to sell (buy), and such an RPI would cancel if a Retail Order to sell (buy) trades with all displayed liquidity at the PBB (PBO) and then attempts to trade with the RPI. If not cancelled, an RPI to buy (sell) with a limit price that is no longer at or below (above) the PBB (PBO) or at or above (below) the PBO (PBB) would again be eligible to trade with incoming Retail Orders. This rule text is based on the second through fourth sentences of current Rule 7.44(a)(4) with non-substantive differences to use the term ''eligible to trade'' instead of ''eligible to interact,'' and replace references to ''priced inferior to'' the PBBO with references to buy (sell) orders and the PBO (PBB), as appropriate.

Proposed Rule 7.44P(a)(4)(C) would provide that, for securities to which it is assigned, an RLP may only enter an RPI in its RLP capacity, and that an RLP would be permitted, but not required, to submit RPIs for securities to which it is not assigned, and would be treated as a non-RLP ETP Holder for those particular securities. Additionally, the rule would provide that ETP Holders other than RLPs would be permitted, but not required, to submit RPIs. This proposed rule text is based on the sixth through eighth sentences of current Rule 7.44(a)(4) without any substantive differences.

Proposed Rule 7.44P(a)(4)(D) would provide that an RPI may be an odd lot, round lot, or mixed lot and must be designated as either a Limit Non-Displayed Order or MPL Order, and an order so designated would interact with incoming Retail Orders only and would not interact with either a Type 2—Retail Order Day or Type 2—Retail Order Market that is resting on the NYSE Arca Book. These requirements are the same as under the ninth and tenth sentences of current Rule 7.44(a)(4) with a non-substantive difference to reference a Limit Non-Displayed Order instead of a PL Order. The Exchange also proposes to provide greater specificity regarding the circumstances in which an RPI would not interact with a Retail Order. As with current functionality, specified Retail Orders, after trading on arrival with resting contra-side RPIs, convert to regular Market or Limit Orders. Once converted, such Market or Limit Orders would no longer be eligible to trade with RPIs. The Exchange proposes to include this detail in Rule 7.44P(a)(4)(D) to provide greater clarity regarding when an RPI would be eligible to trade.

Rule 7.44(k): Rule 7.44(k) provides for the different types of Retail Orders under the Program and how each type of Retail Order interacts with available contra-side interest. Current Rule 7.44(k)(1) sets forth the Type 1-designated Retail Order, which is a limit order that will interact only with

available contra-side Retail Price Improvement Orders and all other non-displayed liquidity and displayable odd lot interest priced better than the PBBO on the opposite side of the Retail Order, excluding contra-side Retail Orders, but will not interact with other available contra-side interest in Exchange systems or route to other markets. The portion of a Type 1-designated Retail Order that does not execute against contra-side Retail Price Improvement Orders or other price-improving liquidity will be immediately and automatically cancelled.

Current Rule 7.44(k)(2) sets forth three different ''Type 2'' designated Retail Orders, which may be marked as Immediate or Cancel, Day, or Market. Current Rule 7.44(k)(2)(A) provides that a Type 2-designated Retail Order marked as Immediate or Cancel is a limit order that will interact first with available contra-side Retail Price Improvement Orders and all other non-displayed liquidity and displayable odd lot interest priced better than the PBBO on the opposite side of the Retail Order, excluding contra-side Retail Orders. Any remaining portion of the Retail Order will interact with the NYSE Arca Book at prices equal to or better than the PBBO and will be executed as a limit order marked as IOC, pursuant to Rule 7.31(e)(2) and such a Retail Order will not trade through Protected Quotations and will not route.

Current Rule 7.44(k)(2)(B) provides that a Type 2-designated Retail Order marked as Day is a limit order that will interact first with available contra-side Retail Price Improvement Orders and all other non-displayed liquidity and displayable odd lot interest priced better than the PBBO on the opposite side of the Retail Order, excluding contra-side Retail Orders. Any remaining portion of the Retail Order will interact with the NYSE Arca Book and will route to Protected Quotations and any unfilled balance of such an order will post to the NYSE Arca Book.

Current Rule 7.44(k)(2)(C) provides that a Type 2-designated Retail Order marked as Market will interact first with available contra-side Retail Price Improvement Orders and all other nondisplayed liquidity and displayable odd lot interest priced better than the PBBO on the opposite side of the Retail Order, excluding contra-side Retail Orders and any remaining portion of the Retail Order will function as a Market Order.

Proposed Rule 7.44P(k), which is based on current Rule 7.44(k), would define the different types of Retail Orders under the Program in Pillar and how each Retail Order would trade with available contra-side interest. To reflect the proposed substantive difference in Pillar that Retail Orders may not be designated with a ''No Midpoint Execution'' Modifier, the Exchange is proposing to include in proposed Rule 7.44P(k) that a Retail Order may not be designated with a ''No Midpoint Execution Modifier.'' [90] The Exchange proposes this difference in Pillar in order to increase the orders with which an incoming Retail Order would be eligible to trade and eliminate opportunities for a Retail Order to skip resting contra-side MPL Orders.

Proposed Rule 7.44P(k)(1) would provide that a Type 1—Retail Order to buy (sell) would be a Limit IOC Order that would trade only with available Retail Price Improvement Orders to sell (buy) and all other orders to sell (buy) with a working price below (above) the PBO (PBB) on the NYSE Arca Book and would not route. The rule would further provide that the quantity of a Type 1—Retail Order to buy (sell) that does not trade with eligible orders to sell (buy) would be immediately and automatically cancelled and a Type 1-designated Retail Order would be rejected on arrival if the PBBO is locked or crossed.

The proposed rule text is based on current Rule 7.31(k)(1), but with the following non-substantive differences:

- To use the term ''trade'' instead of ''interact'';
- To refer to contra-side orders with a working price inside the PBBO, rather than specific order types (*i.e.,* non-displayed liquidity and displayable odd lot interest) because the proposed rule text would include all the order types currently specified in Rule 7.44(k)(1), streamlined by using Pillar terminology, thereby eliminating the need to enumerate the orders;
- To refer to a Retail Order to buy (sell) and how it relates to orders priced off of the PBO (PBB), rather than referring to ''inferior priced'' or ''contra-side'' PBBO;
- To not include current rule text that a Retail Order does not trade with contra-side Retail Orders priced better than the contra-side PBBO. As with current functionality, in Pillar, there would be no opportunity for two Retail Orders to trade because buy and sell Retail Orders that are marketable against one another and received at the same time would be processed one at a time and would not be matched for execution. Because this is standard order processing, *i.e.,* that each order is processed as it arrives and does not wait for the next incoming order before being processed, the Exchange does not believe it is necessary to restate this general principal in proposed Rule 7.44P(k); and
- To not include in proposed Rule 7.44P(k)(1) that a Retail Order does not trade through Protected Quotations because by definition this order would only trade with interest inside the PBBO.[91]

Proposed Rule 7.44P(k)(2) would specify the Exchange's Type 2—Retail Orders. The Exchange proposes a non-substantive difference to use Pillar terminology to provide that a Type 2—Retail Order may be a Limit Order designated IOC or Day or a Market Order, instead of the text in current Rule 7.44(k)(2), which provides that a Type 2—Retail Order may be marked as Immediate or Cancel, Day, or Market. This proposed difference is consistent with how orders would be defined in proposed Rule 7.31P(a).

The Type 2—Retail Orders in Pillar would be:

- Proposed Rule 7.44P(k)(2)(A) would describe the Type 2—Retail Order IOC and is the same order type as that described in current Rule 7.44(k)(2)(A). The Exchange proposes a non-substantive difference in Pillar to refer to this order as a Type 2—Retail Order IOC and define it as a Limit Order that would trade first with available Retail Price Improvement Orders to sell (buy) and all other orders to sell (buy) with a working price below (above) the PBO (PBB) on the NYSE Arca Book. Any remaining quantity of the Retail Order would trade with orders to sell (buy) on the NYSE Arca Book at prices equal to or above (below) the PBO (PBB) and would be traded as a Limit IOC Order and would not route. The first sentence of proposed Rule 7.44P(k)(2)(A) would be similar to the first sentence of proposed rule 7.44P(k)(1), discussed above, by describing the contra-side orders with which it could trade based on their working price. The second sentence of proposed Rule 7.44P(k)(2)(A) would specify, without any differences from current Rule 7.44(k)(2)(A), how the order would function after trading with non-displayed interest. The Exchange proposes non-substantive differences to

[90] For the same reason, the Exchange would not include in proposed Rule 7.44P(k) rule text in current Rule 7.44(k) that Retail Orders designated with a ''No Midpoint Execution'' Modifier, pursuant to Rule 7.31(h)(5), will not execute against resting MPL Orders but will execute against eligible Retail Price Improvement Orders that are also designated as MPL Orders.

[91] Trading in the Program would remain subject to proposed Rule 7.37P(a), which also provides that orders at the Exchange would not trade through the PBBO. *See* Pillar I Filing, *supra* note 4.

use the new Pillar term of ''Limit IOC Order,'' which is defined in proposed Rule 7.31P(b)(2)(A), to describe that a Type 2- Retail IOC Order would function as a Limit Order designated IOC order that would not route.

• Proposed Rule 7.44P(k)(2)(B) would describe the Type 2—Retail Order Day and is the same order type as that described in current Rule 7.44(k)(2)(B). The Exchange proposes a non-substantive difference in Pillar to refer to this order as a Type 2—Retail Order Day and define it as a Limit Order that would trade first with available Retail Price Improvement Orders to sell (buy) and all other orders to sell (buy) with a working price below (above) the PBO (PBB) on the NYSE Arca Book. This rule text is the same as the rule text proposed for Rules 7.44P(k)(1) and (k)(2)(A). The rule would further provide that any remaining quantity of the Retail Order, if marketable, would trade with orders to sell (buy) on the NYSE Arca Book or route, and if non-marketable, would be ranked in the NYSE Arca Book as a Limit Order. This text is based on current Rule 7.44(k)(2)(B), but with more specificity that this type of Retail Order, once no longer marketable, is ranked on the NYSE Arca Book as a Limit Order and is no longer eligible to operate as a Retail Order.

• Proposed Rule 7.44P(k)(2)(C) would describe the Type 2-Retail Order Market and is the same order type as that described in current Rule 7.44(k)(2)(C). The Exchange proposes a non-substantive difference to refer to this order as a Type 2—Retail Order Market and define it as a Market Order that would trade first with available Retail Price Improvement Orders to sell (buy) and all other orders to sell (buy) with a working price below (above) the NBO (NBB). The rule would further provide that any remaining quantity of the Retail Order would function as a Market Order.

The Exchange proposes a substantive difference to the rule text, but not functionality, of a Type 2—Retail Order Market to provide that on arrival, a Retail Order to buy (sell) would trade with available RPIs to sell (buy) priced below (above) the NBO (NBB) rather than the PBBO. This is consistent with how Market Orders function currently, and as proposed in Pillar.[92] Pursuant to proposed Rule 7.37P(a)(2), a Type 2—Retail Order Market would not trade at prices that trade through a protected quotation.[93]

Rule 7.44(l): Current Rule 7.44(l) provides for the priority and allocation of RPIs in the Program. The first paragraph specifies that RPIs in the same security shall be ranked and allocated together with all other non-displayed interest and displayable odd lot interest according to price then time of entry into Exchange systems, except PL Orders will be ranked behind all other equally priced interest. The rule further provides that any remaining unexecuted RPI interest will remain available to interact with other incoming Retail Orders and any remaining unexecuted portion of the Retail Order will cancel, execute, or post to the NYSE Arca Book in accordance with Rule 7.44(k).

As discussed above, the Exchange proposes substantive differences to the priority and allocation of RPIs in the Program. The proposed differences would align the priority and allocation in the Program with the priority and allocation of orders outside of the Program. Currently, in the Program, odd lot orders are ranked together with RPIs and PL Orders (now Limit Non-Displayed Orders), and PL Orders are be ranked behind all other non-displayed orders. In Pillar, the Exchange is proposing that all orders in the Program would be ranked based on their priority category, pursuant to proposed Rule 7.36P, and would not have different ranking in the Program. Accordingly, Rule 7.44P(l) would provide that Retail Price Improvement Orders in the same security would be ranked together with all other interest ranked as Priority 3—Non-Display Orders. To reflect that odd lot orders would no longer be treated differently in the Program, the rule would further provide that odd-lot orders ranked as Priority 2—Display Orders would have priority over orders ranked Priority 3—Non-Display Orders at each price. The Exchange believes that the proposed substantive difference to the priority and allocation of orders in the Program would reduce potential confusion because the Program would no longer have different priority and allocation rules than orders outside the Program.

The last two sentences of proposed Rule 7.44P(l) would provide that any remaining unexecuted RPI interest would remain available to trade with other incoming Retail Orders and any remaining unfilled quantity of the Retail Order would cancel, execute, or post to the NYSE Arca Book in accordance with Rule 7.44P(k). This proposed text is the same as current rule text in Rule 7.44(l).

The remaining paragraphs of section (l) of Rule 7.44 set forth examples of priority and allocation in the Program. The Exchange would include these examples in proposed Rule 7.44P(l) with both substantive and non-substantive differences. The substantive difference would be to revise the example that includes odd lot orders in order for the example to track the how priority and allocation in the Program would operate in Pillar.

As proposed, the fourth example in proposed Rule 7.44P(l) would reflect how odd-lot orders would be ranked in RLP allocations in Pillar. As proposed, the original assumption would be:

PBBO for security ABC is $10.00–$10.05
RLP 1 enters a Retail Price Improvement Order to buy ABC at $10.01 for 500
RLP 2 then enters a Retail Price Improvement Order to buy ABC at $10.02 for 500
500 RLP 3 then enters a Retail Price Improvement Order to buy ABC at $10.03 for 500

The fourth example in proposed Rule 7.44P(l) would assume these facts, except that LMT 1 would enter a displayed odd lot limit order to buy ABC at $10.02 for 60. The incoming Retail Order to sell for 1,000 would trade first with RLP 3's bid for 500 at $10.03, because it is the best-priced bid, then with LMT 1's bid for 60 at $10.02 because it is the next best-priced bid and is ranked Priority 2—Display Orders and would have priority over same-priced RPIs. The incoming Retail Order would then trade 440 shares with RLP 2's bid for 500 at $10.02 because it would be the next priority category at that price, at which point the entire size of the Retail Order to sell 1,000 would be depleted. The balance of RLP 2's bid would remain on the NYSE Arca Book and be eligible to trade with the next incoming Retail Order to sell.

The Exchange proposes non-substantive differences to the other examples in proposed Rule 7.44P(l) to use the term ''trade with'' instead of ''execute against,'' to use the proposed Pillar defined terms for different types of Retail Orders, and replace the phrase ''nondisplayed liquidity,'' with ''non-displayed orders and odd-lot orders.''

Rule 7.44(m): Current Rule 7.44(m) provides that Rule 7.44 shall operate for a pilot period set to expire on September 30, 2015. During the pilot period, the Program will be limited to trades occurring at prices equal to or greater than $1.00 per share, and Exchange systems will reject Retail Orders and RPIs priced below $1.00. However, Type 2—designated Market Retail Orders may interact at prices below $1.00 with liquidity outside the Program in the Exchange's regular order book. The current rule further provides

[92] *See* Proposed Rule 7.31P(a)(1).

[93] *See* Pillar I Filing, *supra* note 4.

that the RLP Program will operate only during the Core Trading Session and the Exchange will accept Retail Orders and Retail Price Improvement Orders only after the official opening price for the security has been disseminated.

Proposed Rule 7.44P(m) would set forth the pilot program for the RLP Program in Pillar, and is based on current Rule 7.44(m) with both substantive and non-substantive differences. The proposed substantive difference would be to accept RPIs before the start of Core Trading Hours. The Exchange proposes this difference for Pillar in order for ETP Holders to enter RPIs before the Core Trading Session, thereby building a book of RPIs that would be available to provide price improvement once the Exchange begins accepting Retail Orders.

For non-substantive differences, the Exchange proposes to use the term ''NYSE Arca Book,'' which is a defined term, instead of term ''the Exchange's regular order book.'' In addition, rather than specify that the Exchange would wait for an official opening price for a security to be disseminated before accepting Retail Orders and RPIs, the Exchange proposes to accept such orders during Core Trading Hours, which is defined as between 9:30 a.m. Eastern Time and 4:00 p.m. Eastern Time, and correlates to the Core Trading Session.[94] Accordingly, proposed Rule 7.44P(m) would provide that the Program would operate only during the Core Trading Session and Retail Orders would be accepted during Core Trading Hours only.

* * * * *

As discussed above and in the Pillar I Filing, because of the technology changes associated with the migration to the Pillar trading platform, the Exchange will announce by Trader Update when rules with a ''P'' modifier will become operative and for which symbols. The Exchange believes that keeping existing rules pending the full migration of Pillar will reduce confusion because it will ensure that the rules governing trading on the current trading platform will continue to be available pending the full migration.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[95] in general, and furthers the objectives of Section 6(b)(5),[96] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that proposed Rules 7.31P and 7.44P, together with the rules proposed in the Pillar I Filing, would remove impediments to and perfect the mechanism of a free and open market because they would promote transparency by using consistent terminology for rules governing equities trading, thereby ensuring that members, regulators, and the public can more easily navigate the Exchange's rulebook and better understand how equity trading would be conducted on the Pillar trading platform. Adding new rules with the modifier ''P'' to denote those rules that would be operative for the Pillar trading platform would remove impediments to and perfect the mechanism of a free and open market by providing transparency of which rules govern trading once a symbol has been migrated to the Pillar platform.

More specifically, the proposed use of new Pillar terminology would promote consistency in the Exchange's rulebook regarding how orders would be priced, ranked, traded, or routed in Pillar. In addition, the use of Pillar terminology, such as display price, limit price, working price, working time, and the priority categories proposed in Rule 7.36P, would promote transparency in Exchange rules regarding how orders and modifiers would function in Pillar. For example, the proposed use of Pillar terminology for Market Orders, Limit Orders, Inside Limit Orders, Limit Non-Displayed Limit Orders, Arca Only Orders, and ALO Orders, would promote consistency by using common terms to describe how such orders would be priced, ranked, traded, and or routed consistent with the general requirements set forth in proposed Rule 7.37P(a) that such orders not trade-through the PBBO or lock or cross protected quotations. Similarly, the proposed use of Pillar terminology would promote consistency by using common terms to describe how ISO Orders would be priced consistent with Regulation NMS. More generally, the use of Pillar terminology for all order types would promote consistency in terminology throughout Pillar rules.

With respect to proposed Rule 7.31P, the Exchange believes that the proposed substantive differences to functionality being proposed for Pillar would remove impediments to and perfect the mechanism of a fair and orderly market for the following reasons:

- *Market Orders:* The proposed substantive difference to prevent Market Orders from trading at the Trading Collar, and not just through the Trading Collar, would reduce the potential for Market Orders to trade at prices that would be considered clearly erroneous executions.
- *Limit Orders:* The proposed substantive difference to re-price resting Limit Orders would reduce the potential for the Exchange to publish a BBO that would lock or cross an Away Market PBBO that was locking or crossing a prior BBO of the Exchange.
- *Limit Order Designated IOC:* The proposed substantive difference to add optional MTS functionality for Limit IOC Orders would provide ETP Holders with greater certainty regarding the trade size of an IOC Order, and is based on existing order types available on another market.[97]
- *Auction-Only Orders:* The proposed substantive difference to accept Auction-Only Orders in non-auction-eligible symbols and route them to the primary listing market would promote liquidity on the primary listing markets for their respective auctions. The proposed change would also protect investors and the public interest by enabling such orders to reach a destination where it is more likely to obtain an execution opportunity or participate in an auction. In addition, the proposed substantive difference to accept Auction-Only Orders for Trading Halt Auctions on the Exchange would promote liquidity for Exchange Trading Halt Auctions by adding additional order types that an ETP Holder could use that would participate only in an auction.
- *Reserve Orders:* The proposed substantive difference to replenish the display quantity of a Reserve Order after any trade that depletes the display quantity would promote the display of liquidity on the Exchange, because the Exchange would not wait for the display quantity to be depleted before replenishing from reserve interest. In addition, this proposed functionality is similar to how Reserve Orders function on another market.[98]
- *Limit Non-Displayed Orders:* The proposed substantive difference to rank Limit Non-Displayed Orders with all other orders ranked Priority 2—Non-Display Orders would streamline the Exchange's priority and allocation methodology and eliminate a separate

[94] *See* Rule 1.1(j).

[95] 15 U.S.C. 78f(b).

[96] 15 U.S.C. 78f(b)(5).

[97] *See supra* note 29.

[98] *See supra* note 33.

allocation category for a single order type. In addition, the proposed substantive difference to add an optional Non-Display Remove Modifier would provide ETP Holders with a tool to enable a Limit Non-Displayed Order to trade with an incoming ALO Order rather than have its working price be locked by the display price of an ALO Order. The proposed Non-Display Remove Modifier would also provide price improvement to the contra-side ALO Order with which it would trade.

• *MPL Orders:* The proposed substantive difference to provide that arriving MPL and MPL–ALO Orders would trade with contra-side orders priced better than the midpoint of the PBBO would provide price improvement opportunities for MPL Orders and is consistent with how orders priced at the midpoint operate on other markets.[99] In addition, the proposed substantive differences to the optional MTS functionality to cancel or reject an MPL Order with an MTS smaller than the size of the order would eliminate the possibility for an MPL Order to trade in a size smaller than the MTS. Finally, the proposed substantive difference to require a minimum of a round lot for the MTS would align the MTS functionality with the proposed MTS functionality for Limit IOC Orders, thereby streamlining the Exchange's rules and making the available modifiers consistent across multiple order types.

• *Tracking Orders:* The proposed substantive difference to price Tracking Orders based on the PBBO instead of the NBBO would conform how Tracking Orders are priced to how other orders at the Exchange are priced in Pillar, *e.g.,* Limit Orders, MPL Orders, and Pegged Orders. In addition, this proposed change may increase the opportunity for Tracking Orders to trade because by being priced based on the same-side PBBO, a Tracking Order would not be restricted from trading because a price based on the NBBO would trade-through the PBBO. The proposed substantive difference to allow STP Modifiers for Tracking Orders would provide additional tools for ETP Holders to prevent wash sales between orders entered from the same ETP ID.

• *Arca Only Orders:* The proposed substantive difference to add an optional Non-Display Remove Modifier for Arca Only Orders would provide ETP Holders with a tool to enable an Arca Only Order to trade with an incoming ALO Order rather than have its working price be locked by the display price of an ALO Order. The proposed Non-Display Remove Modifier would also provide price improvement to the contra-side ALO Order with which it would trade. The proposed substantive difference to not offer PNP Orders in Pillar would streamline the order types available at the Exchange.

• *ALO Orders:* The proposed substantive difference to re-price ALO Orders that would trade with the BBO or lock or cross the PBBO, rather than reject such orders if marketable, would promote additional displayed liquidity on a publicly registered exchange, and therefore promote price discovery. The Exchange further believes that the proposed re-pricing and re-displaying of an ALO Order would remove impediments to and perfect the mechanism of a free and open market because it assures that such order would meet its intended goal to be available on the Exchange's NYSE Arca Book as displayed liquidity without locking or crossing a protected quotation in violation of Rule 610(d) of Regulation NMS.[100] The proposed re-pricing and re-displaying of ALO Orders is consistent with how other exchanges currently operate.[101] In addition, as set forth in the Pillar I Filing, any time the working price of an order changes, it receives a new working time.[102] The proposed re-pricing of ALO Orders would be subject to this general requirement, and therefore re-priced ALO Orders would not have time priority over orders in the same priority category that may have an earlier working time. The Exchange further believes that the proposed substantive differences for ALO Orders to trade on arrival with non-displayed orders that would provide price improvement over the limit price of the ALO Order, but not trade with non-displayed orders priced equal to the limit price of the ALO Order, is consistent with how other exchanges operate, and therefore offering this functionality in Pillar would promote competition.[103]

• *ISO:* The proposed substantive difference to use the ALO Order functionality proposed for Pillar for ISOs would similarly promote additional displayed liquidity on the Exchange by allowing Day ISO ALO Orders to be re-priced for display rather than rejected if they are marketable against the BBO on arrival and is consistent with functionality on another exchange.[104]

• *Primary Only Orders:* The proposed substantive difference to route all Primary Only Orders to the primary listing market would promote liquidity on the primary listing market and provide an opportunity for ETP Holders to participate in trading on the primary listing market. In addition, the proposed substantive difference to permit Primary Only Day Orders to be designated as a Reserve Order would provide ETP Holders with more options of order types that could be routed directly to the primary listing market, which would promote liquidity on the primary listing market.

• *Cross Orders:* The proposed substantive difference to offer the Limit IOC Routable Cross Order in Pillar would provide ETP Holders with more tools to effect a proposed Cross Order at the Exchange without trading through the PBBO. The current Cross Order offering of a Limit IOC Cross Order rejects in its entirety if the cross price is marketable against the BBO or would trade through the PBBO. By contrast, the proposed Limit IOC Routable Cross Order would trade with displayed orders on the Exchange or route to an Away Market, thus allowing the proposed Cross Order to trade the maximum volume possible at the proposed cross price without trading through either the Exchange's displayed orders or protected quotations. By trading only with orders ranked Priority 1 or Priority 2 pursuant to proposed Rule 7.36P, the Exchange believes the proposed Limit IOC Routable Cross Order would remove impediments to and perfect the mechanism of a free and open market by providing the entering ETP Holder with greater certainty of the volume that would trade at the cross price, while at the same time ensuring compliance with Regulation NMS.

• *Pegged Orders:* The proposed substantive difference to use the PBBO instead of the NBBO as the dynamic reference price for Pegged Orders would conform how Pegged Orders are priced consistent with how other orders are priced in Pillar, *e.g.,* Limit Orders, MPL Orders, and Tracking Orders. The proposed substantive differences for Market Pegged Orders in Pillar, to provide that they would be undisplayed and no longer require an offset, would be consistent with how other exchanges operate.[105] Finally, the proposed substantive difference for Market Pegged Orders not to assign a working price to such order or have it eligible to trade when the PBBO is locked or crossed would reduce the potential for a Market Pegged Order to trade when the market

[99] *See supra* note 40.

[100] 17 CFR 242.610(d).

[101] *See supra* note 55.

[102] *See* Pillar I Filing, *supra* note 4 at proposed Rule 7.36P(f)(2).

[103] *See supra* note 57.

[104] *See supra* note 69.

[105] *See supra* note 78.

is locked or crossed. The proposed substantive difference for Primary Pegged Orders to no longer permit an offset value would promote the additional display of liquidity at the PBBO, rather than at prices inferior to the PBBO. The additional proposed substantive difference for Primary Pegged Orders to reject an arrival when the PBBO is locked or crossed, or to not assign a new working price to a resting Primary Pegged Order if the market becomes locked or crossed, would reduce the potential for the Exchange to display an order that would lock or cross the PBBO. Because Primary Pegged Orders would be displayed orders, the Exchange further proposes that if the PBBO locks or crosses, a resting Primary Pegged Order could remain displayed at its prior working price, which is consistent with how displayed orders that are locked or crossed by another market function on the Exchange.

- *Q Orders:* The proposed substantive difference to eliminate Auto Q Orders would streamline the Exchange's rules and reduce complexity regarding how orders and modifiers function on the Exchange.

With respect to proposed Rule 7.44P, similar to proposed rule 7.31P, the proposed non-substantive differences to use Pillar terminology would remove impediments to and perfect the mechanism of a fair and order market because the proposed differences would promote transparency through the use of consistent terminology in Pillar rules. The proposed substantive difference to the priority and allocation of orders that trade against Retail Orders in proposed Rule 7.44P(l) would remove impediments to and perfect the mechanism of a fair and orderly market because it would align the priority and allocation of orders in the Program with the priority and allocation of orders outside of the Program. This proposed substantive difference would therefore promote transparency in Exchange rules and reduce potential confusion because the Program would no longer operate differently from the priority and allocation of orders outside the Program. The proposed substantive difference for proposed Rule 7.44P(m), to accept RPIs before the Core Trading Session begins, would remove impediments to and perfect the mechanism and a free and open market by allowing the entry of RPIs to build a book of liquidity that would be available to provide price improvement to incoming Retail Orders as soon as the Core Trading Session begins.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to adopt new rules to support the Exchange's new Pillar trading platform. As discussed in detail above, the Exchange proposes to adopt rules for Pillar relating to orders and modifiers and the Retail Liquidity Program, which would be based on current rules, with both substantive and non-substantive differences. The proposed substantive differences proposed for these rules as compared to the current rules would promote competition because the Exchange would be offering order type functionality that is already available on other markets.[106] The proposed non-substantive differences include using new Pillar terminology to describe the Exchange's orders and modifiers. The Exchange believes that the proposed rule change would promote consistent use of terminology to support the Pillar trading platform, making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or *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–NYSEARCA–2015–56 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–NYSEARCA–2015–56. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2015–56 and should be submitted on or before August 18, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[107]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18277 Filed 7–27–15; 8:45 am]

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[106] *See supra* notes 29, 33, 40, 53, 54, 55, 57, 69, and 78.

[107] 17 CFR 200.30–3(a)(12).

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