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Federal Register

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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.

SOCIAL SECURITY ADMINISTRATION

2 CFR Part 2300

20 CFR Parts 435 and 437

[Docket No. SSA–2015–0022]

RIN 0960–AH73

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

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: This final rule adopts the joint interim final rule that was published in the **Federal Register** on December 19, 2014. This final rule implements the final guidance Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) published by the Office of Management and Budget (OMB) on December 26, 2013. This rule brings into effect the Uniform Guidance as required by OMB. Implementation of this guidance by all Federal award-making agencies will reduce administrative burden and risk of waste, fraud, and abuse for the approximately $600 billion per year awarded in Federal financial assistance government wide. The result will be more Federal dollars reprogrammed to support the mission, an increase in the number of new entities able to compete and win awards, and ultimately a stronger framework to provide key services to American citizens and support the basic research that underpins the United States economy.

DATES: This final rule is effective November 10, 2015.

FOR FURTHER INFORMATION CONTACT: For general information, please contact Christopher Brennan, Division Director, at the Social Security Administration Office of Acquisition and Grants, 6401 Security Boulevard, Baltimore, MD 21235, or via telephone at (410) 966–0392.

SUPPLEMENTARY INFORMATION:

Background

This final rule adopts the joint interim final rule that was published in the **Federal Register** on December 19, 2014 (available at 79 FR 75871).[1] The joint interim final rule implemented for all Federal award-making agencies the final guidance *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* published by the Office of Management and Budget (OMB) on December 26, 2013 in 2 CFR part 200 (Uniform Guidance—available at 78 FR 78589). The Uniform Guidance followed on a Notice of Proposed Guidance issued February 1, 2013 (available at 78 FR 7282), and an Advanced Notice of Proposed Guidance issued February 28, 2012 (available at 77 FR 11778). The final guidance incorporated feedback received from the public in response to those earlier issuances. Additional supporting resources are available from the Council on Financial Assistance Reform at *www.cfo.gov/COFAR.*

The Uniform Guidance delivered on two presidential directives; Executive Order 13520 on Reducing Improper Payments (74 FR 62201; November 15, 20019), and February 28, 2011 Presidential Memorandum on Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments, (Daily Comp. Pres. Docs.; *http://www.gpo.gov/fdsys/pkg/DCPD-201100123/pdf/DCPD-201100123.pdf*). It reflected more than two years of work by the Council on Financial Assistance Reform to improve the efficiency and effectiveness of Federal financial assistance. For a detailed discussion of the reform and its impacts, please see the **Federal Register** notice for the issuance of the final guidance (78 FR 78589).

With this final rule, we are adopting OMB's uniform guidance to make technical corrections where needed into our chapter of title 2 of the CFR. With respect to the technical corrections that OMB is issuing, these corrections are included only where it has come to the attention of the COFAR that particular language in the final guidance did not match with the COFAR's intent and would result in an erroneous implementation of the guidance. These technical corrections were detailed in the interim final rule published in the **Federal Register** on December 19, 2014 (available at 79 FR 75871).

Regulatory Procedures

Executive Order 12866 as Supplemented by Executive Order 13563

Pursuant to Executive Order 12866 as supplements by Executive Order 13563, OMB's Office of Information and Regulatory Affairs (OIRA) has designated this joint interim final rule to be not significant.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency that is issuing a final rule to provide a final regulatory flexibility analysis or to certify that the rule will not have a significant economic impact on a substantial number of small entities. The common interim final rule implemented OMB final guidance issued on December 26, 2013, and will not have a significant economic impact beyond the impact of the December 2013 guidance.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 3506; 5 CFR 1320 Appendix A.1) (PRA), each agency reviewed its final rule and determined that there are no new collections of information contained therein. However, the OMB uniform guidance in 2 CFR 200 may have a negligible effect on burden estimates for existing information collections, including recordkeeping requirements for non-Federal entities that receive Federal awards.

Administrative Procedure Act (5 U.S.C. 553)

Waiver of Proposed Rulemaking in General

OMB offered the public two opportunities to comment on the Uniform Guidance, first through an advanced notice of proposed guidance and, second, through a notice of proposed guidance. OMB considered over 300 comments submitted in

[1] The Interim Final Rule is available at: *http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/pdf/2014-28697.pdf.*

response to each of these notices. OMB has directed agencies to adopt the uniform guidance in part 200 without change, except to the extent that an agency can demonstrate that any conflicting agency requirements are required by statute or regulations, or consistent with longstanding practice and approved by OMB. Finally, OMB made clear that the requirements in 2 CFR part 200, including the audit requirements in subpart F, will apply, starting on December 26, 2014, which gave recipients of all types of financial assistance advance notice of when the regulations would become effective. Therefore, under 5 U.S.C. 553(b)(B), there is good cause for waiving proposed rulemaking as unnecessary.

Waiver of Delayed Effective Date in General

Generally, those agencies that are subject to the Administrative Procedures Act (APA) are required to delay the effective date of their final regulations by 30 days after publication, as required under 5 U.S.C. 553(d), unless an exception under subsection (d) applies.

Under 5 U.S.C. 553(d), these agencies may waive the delayed effective date requirement if they find good cause and explain the basis for the waiver in the final rulemaking document or if the regulations grant or recognize an exemption or relieve a restriction. In the present case, there is good cause to waive the delayed effective date for two reasons.

First, OMB informed the public on December 26, 2013, that agencies would be required to adopt the Uniform Guidance and make it effective by December 26, 2014. The public has had significant time to prepare for the promulgation of these interim final regulations.

Second, while these interim final regulations are based on a new, more effective method for establishing government-wide requirements, the substance of the regulations are, in most cases, virtually identical to the requirements that exist in current agency regulations. In virtually all cases where the new regulations depart from prior OMB guidance to agencies, the new regulations reduce burdens on the public, for example, by increasing the threshold for single audits from $500,000 to $750,000.

Based on these considerations, since we are subject to the APA, we have determined that there is good cause to waive the delayed effective date for this final rule.

Unfunded Mandates Reform Act of 1995 Determination

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) (2 U.S.C. 1532) requires that covered agencies prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires covered agencies to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OMB has determined that the joint interim final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, we have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Executive Order 13132 Determination

OMB determined that the joint interim final rule did not have any Federalism implications, as required by Executive Order 13132.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income; 96.007, Social Security Research and Demonstration; 96.008, Social Security—Work Incentives Planning and Assistance Programs; 96.009, Social Security State Grants for Work Incentives Assistance to Disabled Beneficiaries.)

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set forth in the preamble, we are adopting the interim final rule, which was published on December 19, 2014 (available at 79 FR 75871) that amended 2 CFR chapter XXIII and, under the authority of 5 U.S.C. 301, removed and reserved parts 435 and 437 of title 20, chapter III of the Code of Federal Regulations as a final rule without any further changes.

[FR Doc. 2015–28432 Filed 11–9–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF ENERGY

10 CFR Part 851

RIN 1992–AA50

Worker Safety and Health Program; Technical Amendments

AGENCY: Office of Environment, Health, Safety and Security, U.S. Department of Energy.

ACTION: Final rule; technical amendment.

SUMMARY: The Department of Energy (DOE) is amending the worker safety and health program rule to clarify references in the regulation to the Occupational Safety and Health Administration's permissible exposure limit for beryllium and updating references to organizations and documents. The regulatory amendments do not alter substantive rights or obligations under current law.

DATES: This rule is effective on November 10, 2015.

FOR FURTHER INFORMATION CONTACT: Jacqueline D. Rogers, U.S. Department of Energy, Office of Environment, Health, Safety and Security, Mailstop AU–11, 1000 Independence Ave. SW., Washington, DC 20585, telephone: (202) 586–4714, or Email: *jackie.rogers@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

In 2006, when DOE promulgated 10 CFR part 851, ''Worker Safety and Health Program,'' it adopted the Occupational Safety and Health Administration's (OSHA) permissible exposure limit (PEL) for beryllium in 29 CFR 1910.1000, ''Air Contaminants.'' Section 851.23(a)(1) of part 851 also requires DOE contractors to comply with the requirements in 10 CFR part 850, ''Chronic Beryllium Disease Prevention Program.''

OSHA has published in the **Federal Register** a notice that proposes a new comprehensive health standard for beryllium in 29 CFR part 1910, ''Subpart Z Toxic and Hazardous Substances,'' which will include a new PEL and ancillary provisions. Currently, OSHA only regulates beryllium through a PEL. DOE's regulation ''Worker Safety and Health Program'' at 10 CFR 851.23(a)(3) requires DOE contractors among other things to comply with OSHA's PEL for beryllium. To date, OSHA has not established any ancillary requirements for the regulation of beryllium exposure. Consequently, there are currently no conflicts between the requirement in 10 CFR part 851 to comply with OSHA's

regulation, including OSHA's PEL, and the remaining requirements of 10 CFR parts 850 and 851. However, should OSHA adopt a comprehensive standard for beryllium, as OSHA recently proposed in the **Federal Register,** there may be confusion among DOE and DOE contractors regarding which standard would apply at DOE sites. The technical amendment clarifies that it is DOE's intent to only apply OSHA's PEL for beryllium, and that DOE and DOE contractors would not be subject to any other beryllium-specific OSHA requirements, including the ancillary provisions OSHA has recently proposed to add to its health standard (*e.g.,* exposure assessment, personal protective clothing and equipment, medical surveillance, medical removal, training, and regulated areas or access control). The Department expects its employees, including contractors to continue to implement the provisions of 10 CFR part 850 at DOE sites.

The Department is also making technical amendments to 10 CFR part 851, Appendix A, Section 7, ''Biological Safety,'' to avoid confusion within the DOE community regarding the correct terminology, the identity of the agency responsible for biohazards, and the correct forms to use for select agents.

This final rule has been approved by the Secretary of Energy.

II. Procedural Requirements

A. Review Under Executive Order 12866

This regulatory action has been determined not to be ''a significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies to ensure that the potential impacts of its draft rules on small entities are properly considered during the rulemaking process (68 FR 7990, February 19, 2003), and has made them available on the Office of General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

The regulatory amendments in this notice of final rulemaking reflect technical amendments, and clarify DOE's intent to continue to only apply OSHA's PEL for beryllium, and to not apply to DOE and DOE contractors any other beryllium-specific OSHA requirements that may be promulgated in the future. Rights and obligations under 10 CFR part 851 are unaltered and as such, are not subject to the requirement for a general notice of proposed rulemaking under the Administrative Procedure Act (5 U.S.C. 553(a)(2)) (APA). There is no requirement under the APA or any other law that this rule be proposed for public comment. Consequently, this rulemaking is exempt from the requirements of the Regulatory Flexibility Act.

C. Review Under the Paperwork Reduction Act

This final rule does not impose a collection of information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions that would not individually or cumulatively have a significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule amends existing regulations without changing the environmental effect of the regulations being amended, and, therefore, is covered under the Categorical Exclusion in paragraph A5 of Appendix A to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined this rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. Section 3(b)(2) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any, to be given to the regulation; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any, to be given to the regulation; (5) defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4)

requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and tribal governments, and the private sector. DOE has determined that this regulatory action does not impose a Federal mandate on State, local or tribal governments or on the private sector.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OIRA, which is part of OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Administrative Procedure Act

An agency may find good cause to exempt a rule from the requirement for a notice of proposed rulemaking and the opportunity for public comment under the APA if the requirement is determined to be unnecessary, impracticable, or contrary to the public interest under 5 U.S.C. 533(b)(3)(B). The rule clarifies references in 10 CFR part 851 concerning its adoption of provisions found in 29 CFR part 1910, and updates references to organizations and documents. The first change in this rule is to add ''Occupational Safety and Health Administration beryllium requirements except for any permissible exposure limit for beryllium in 29 CFR 1910.1000'' to the list of exclusions from 10 CFR part 851, found in 10 CFR 851.2. The second change in this rule is the addition of the words ''and 29 CFR 1910.1000, Beryllium'' at the end of 10 CFR 851.23(a)(3). Safety and Health requirements relating to DOE and DOE contractors' employees' exposure to beryllium are and will continue to be covered by 10 CFR part 850, ''Chronic Beryllium Disease Prevention Program.'' The updates of referenced organizations and documents in 10 CFR part 851, Appendix A, Section 7 are strictly technical amendments. Consequently, good cause exists for issuing this amendment as a final rule as notice and comment is unnecessary.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rulemaking. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

List of Subjects in 10 CFR Part 851

Civil penalty, Federal buildings and facilities, Occupational safety and health, Safety, Reporting and recordkeeping requirements.

Issued in Washington, DC, on October 15, 2015.

Matthew B. Moury,

Associate Under Secretary for Environment, Health, Safety and Security.

For the reasons set forth in the preamble, the Department of Energy amends part 851 of chapter III of title 10 of the Code of Federal Regulations as set forth below:

PART 851—WORKER SAFETY AND HEALTH PROGRAM

■ 1. The authority citation for part 851 continues to read as follows:

Authority: 42 U.S.C. 2201(i)(3), (p); 42 U.S.C. 2282c; 42 U.S.C. 5801 *et seq.;* 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 2. Section 851.2 is amended by adding paragraph (d) to read as follows:

§ 851.2 Exclusions.

* * * * *

(d) This part does not require compliance with any Occupational Safety and Health Administration beryllium requirement except for any permissible exposure limit for beryllium in 29 CFR 1910.1000.

§ 851.23 [Amended]

■ 3. Section 851.23 is amended in paragraph (a)(3) by adding at the end of the sentence '', and 29 CFR 1910.1000, *Beryllium*''.

■ 4. Appendix A, section 7, Biological Safety, is amended:

■ a. In paragraph (a)(1)(i) by adding '', United States Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS)'' in the first sentence, after ''(WHO)''; and

■ b. By revising paragraphs (a)(3) and (4) to read as follows:

Appendix A to Part 851—Worker Safety and Health Functional Areas

* * * * *

7. * * *

(a) * * *

(3) Provides for submission to the appropriate Head of DOE Field Element, for review and concurrence before transmittal to the Federal Select Agent Program, each Laboratory Registration/Select Agent Program registration application package (APHIS/CDC Form 1, Application for Registration for Possession, Use, and Transfer of Select Agents and Toxins) requesting registration of (or amendment to a previously approved registration) a laboratory facility for the purpose of possessing, using, or transferring biological select agents and/or toxins.

(4) Provides for submission to the appropriate Head of DOE Field Element, a copy of each APHIS/CDC Form 2, Request to Transfer Select Agents and Toxins, upon initial submission of APHIS/CDC Form 2 to a vendor or other supplier requesting or ordering a biological select agent or toxin for transfer, receipt, and handling in the registered facility; and submission to the appropriate Head of DOE Field Element the completed copy of the APHIS/CDC Form 2, documenting final disposition and/or destruction of the select agent or toxin,

within 10 days of completion of the APHIS/CDC Form 2.

* * * * *

[FR Doc. 2015–28575 Filed 11–9–15; 8:45 am]

BILLING CODE 6450–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1003

[Docket No. CFPB–2014–0019]

RIN 3170–AA10

Home Mortgage Disclosure (Regulation C)

Correction

In rule document 2015–26607 beginning on page 66128 in the issue of Wednesday, October 28, 2015, make the following corrections:

1. On page 66256, in the second column, in the nineteenth line, ''I. Effective Date'' should read ''VI. Effective Date.''

2. On page 66296, in the third column, in the fourteenth and fifteenth lines, ''III. Final Regulatory Flexibility Act Analysis'' should read ''VIII. Final Regulatory Flexibility Act Analysis''.

3. On page 66305, in the first column, in the 23rd line, ''IV. Paperwork Reduction Act'' should read ''IX. Paperwork Reduction Act''.

[FR Doc. C1–2015–26607 Filed 11–9–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–4086; Special Conditions No. 25–605–SC]

Special Conditions: Boeing Model 787–9 Airplane; Structure-Mounted Airbags

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 787–9 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is airbags mounted to structure to prevent serious injury. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Boeing on November 10, 2015. We must receive your comments by December 28, 2015 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2136; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

In addition, the substance of these special conditions has been subject to the public comment process in prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

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

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On July 5, 2009, The Boeing Company applied for a change to type certificate no. T00021SE for structure-mounted airbags in the Model 787–9 airplane. The Model 787–9 airplane, which is a derivative of the Model 787 series currently approved under type certificate no. T00021SE, has a maximum passenger capacity of 420 passengers and a maximum takeoff weight of 557,000 lbs.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, The Boeing Company must show that the 787–9, as changed, continues to meet the applicable provisions of the regulations reference listed in type certificate no. T00021SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

The certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 787–9 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate

for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 787–9 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Model 787–9 airplane will incorporate the following novel or unusual design feature: Airbags mounted to structure to prevent head injury.

Discussion

Boeing proposes to install structure-mounted airbags instead of inflatable lap belts as a means to protect each occupant from serious injury in the event of an emergency landing, as required by § 25.562(c)(5), on 787–9 airplanes equipped with B/E Aerospace Super-Diamond Model business-class passenger seats.

Such use of airbags to provide injury protection for the occupant is a novel or unusual feature for this airplane model, and the applicable airworthiness regulations do not contain adequate or appropriate airworthiness standards for these design features. Therefore, special conditions are needed to address requirements particular to installation of airbags in this manner.

Special conditions exist for airbags installed on seat belts, known as inflatable lap belts, which have been installed on Boeing passenger seats. Structure-mounted airbags, although a novel design, were first introduced on Jetstream Aircraft Limited Model 4100 series airplanes, which resulted in issuance of Special Conditions 25–ANM–127 on May 14, 1997. These special conditions supplemented 14 CFR part 25 and, more specifically, §§ 25.562 and 25.785.

The structure-mounted airbag, similar to the inflatable lap belt, is designed to limit occupant forward excursion in the event of an emergency landing. These airbags will reduce the potential for serious injury, including reducing the head injury criterion (HIC) measurement defined in part 25. However, structure-mounted airbags function similarly as automotive airbags, where the airbag deploys from the furniture that is in front of the passenger, relative to the airplane's direction of flight, forming a barrier between the structure and occupant. Also, unlike the inflatable lap belt, the structure-mounted airbag does not move with the occupant. To account for out-of-position and brace-position occupants, the airbag is designed to conform to the curvature of the exposed structure in the head-strike zone.

Because the airbag system is essentially a single-use device, it could deploy under crash conditions that are not sufficiently so severe as to require the injury protection the airbag system provides. Because an actual crash is frequently composed of a series of impacts before the airplane comes to rest, a larger impact following the initial impact could render the airbag system unavailable. This potential situation does not exist with standard upper-torso restraints, which tend to provide continuous protection regardless of impact severity, or number of impacts, in a crash event. Therefore, the airbag-system installation should be such that it provides protection, when it is required, by not expending its protection when it is not required. If the airbag deployment threshold is unnecessarily low, the airbag would need to continue to provide protection when an impact requiring protection occurs.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 787–9 airplane. Should The Boeing Company apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplane. It is not a rule of general applicability.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Boeing Model 787–9 airplane is imminent, the FAA finds that good cause exists to make these special conditions effective upon publication in the **Federal Register**.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

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

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 787–9 airplanes.

1. The applicant must demonstrate by test that the structure-mounted airbag will deploy and provide protection under crash conditions where it is necessary to prevent serious injury to a 50th percentile occupant, as specified in § 25.562. The means of protection must provide a consistent approach to energy absorption for a range of occupants, from a two-year-old child to a 95th percentile male.

2. The structure-mounted airbag must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly.

3. The structure-mounted airbag system must not be susceptible to inadvertent deployment as a result of wear and tear, or inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings) likely to be experienced in service.

4. Deployment of the structure-mounted airbag must not introduce hazards or injury mechanisms to the seated occupant, including occupants in the brace position. Deployment of the structure-mounted airbag must also not result in injuries that could impede rapid exit from the airplane.

5. The applicant must demonstrate that an inadvertent deployment that could cause injury to a standing or sitting person is improbable. Inadvertent deployment must not cause injury to anyone who may be positioned close to the structure-mounted airbag (*e.g.,* seated in an adjacent seat, or standing adjacent to the airbag installation or the subject seat). Cases where a structure-mounted airbag is inadvertently deployed near a seated occupant or an empty seat must be considered.

6. Effects of the deflection and deformation of the structure to which the airbag is attached must be taken into account when evaluating deployment and location of the inflated airbag. The effect of loads imposed by airbag

deployment, or stowed components where applicable, must also be taken into account.

7. Inadvertent deployment of the structure-mounted airbag during the most critical part of flight will either not cause a hazard to the airplane or is extremely improbable.

8. The applicant must demonstrate that the structure-mounted airbag, when deployed, does not impair access to the seatbelt- or harness-release means, and must not hinder evacuation. This will include consideration of adjacent seat places and the aisle.

9. The airbag, once deployed, must not adversely affect the emergency-lighting system, and must not block escape-path lighting to the extent that the light(s) no longer meet their intended function.

10. The structure-mounted airbag must not impede occupants' rapid exit from the airplane 10 seconds after its deployment.

11. Where structure-mounted airbag systems are installed in or close to passenger evacuation routes (other than for the passenger seat for which the airbag is installed), possibility of impact on emergency evacuation (*e.g.,* hanging in the aisle, potential trip hazard, etc.) must be evaluated.

12. The airbag electronic system must be designed to be protected from lightning per 14 CFR 25.1316(b), and high-intensity radiated fields (HIRF) per 14 CFR 25.1317(c).

13. The structure-mounted airbag system must not contain or release hazardous quantities of gas or particulate matter into the cabin.

14. The structure-mounted airbag installation must be protected from the effects of fire such that no hazard to occupants will result.

15. The inflatable bag material must meet the 2.5-inches-per-minute horizontal flammability test defined in 14 CFR part 25, appendix F, part I, paragraph (a)(1)(iv).

16. The design of the structure-mounted airbag system must protect the mechanisms and controls from external contamination associated with that which could occur on or around passenger seating.

17. The structure-mounted airbag system must have a means to verify the integrity of the structure-mounted airbag activation system.

18. The applicant must provide installation limitations to ensure installation compatibility between the seat design and opposing monument or structure.

Issued in Renton, Washington, on October 30, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–28568 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3620; Directorate Identifier 2015–CE–029–AD; Amendment 39–18319; AD 2015–23–03]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) AD 2014–20–13 for certain Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued 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 fatigue cracks on the fin forward pickup plates, which could cause it to fail. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective December 15, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of December 15, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3620; or in person at the 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 service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand, phone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *www.aerospace.co.nz.* 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. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2015–3620.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to add an AD that would apply to certain Pacific Aerospace Limited Model 750XL airplanes. That NPRM was published in the **Federal Register** on August 27, 2015 (80 FR 51966), and proposed to supersede AD 2014–20–13, Amendment 39–17986 (79 FR 60329, October 7, 2014).

Since we issued AD 2014–20–13, Amendment 39–17986 (79 FR 60329, October 7, 2014), Pacific Aerospace Limited has revised the related service information and developed a terminating action for the repetitive inspections.

The Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued AD DCA/750XL/18A, dated August 4, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> DCA/750XL/18A revised to add note 2 and introduce minor editorial changes. This AD supersedes DCA/750XL/18 and DCA/750XL/16A to introduce the requirements in Pacific Aerospace Limited Mandatory Service Bulletin (MSB) PACSB/XL/068 issue 5, dated 29 June 2015. The revised MSB introduces a life limit for fin forward pickup P/N 11–10281–1 and reduces the torque setting for the fin forward pickup bolt to alleviate some of the loads applied to the pickup. The MSB also introduces a replacement fin forward pickup P/N 11–03375–1 which is not life limited.

You may examine the MCAI on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-3620-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 51966, August 27, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the 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 (80 FR 51966, August 27, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 51966, August 27, 2015).

Related Service Information Under 1 CFR Part 51

We reviewed Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015. The service bulletin describes procedures for reducing the torque setting for the fin forward pickup bolt. The service bulletin also introduces a new, improved replacement fin forward pickup plate, part number (P/N) 11–0375–1, to replace P/N 11–10281–1. 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 will affect 18 products of U.S. registry. We also estimate that it will take about 22 work-hours per product to comply with all the requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $1,692 per product.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $64,116, or $3,562 per product.

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 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.

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–2015–3620; 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 the NPRM, 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.

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 Amendment 39–17986 (79 FR 60329, October 7, 2014) and adding the following new AD:

2015–23–03 Pacific Aerospace Limited: Amendment 39–18319; Docket No. FAA–2015–3620; Directorate Identifier 2015–CE–024–AD.

(a) Effective Date

This Airworthiness Directive (AD) becomes effective December 15, 2015.

(b) Affected ADs

This AD replaces AD 2014–20–13, Amendment 39–17986 (79 FR 60329, October 7, 2014).

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, all serial numbers through XL–193, XL–195, and XL–197, certificated in any category.

(d) Subject

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

(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 fatigue cracks on the fin forward pickup plates. We are issuing this AD to detect and correct cracked fin forward pickup plates to prevent failure of the fin forward pickup plates, which could result in reduced control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (f)(4) of this AD:

(1) Within the next 150 hours time-in-service (TIS) after December 15, 2015 (the effective date of this AD), reduce the fin forward pickup bolt torque following the procedures in section 1.D., paragraphs A. 1) and A. 2) of the PLANNING INFORMATION in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015.

(2) At or before reaching 2,000 hours total time-in-service (TTIS) or within the next 150 hours TIS after December 15, 2015 (the effective date of this AD), whichever occurs later, and repetitively thereafter at intervals not to exceed 600 hours TIS or 12 months, whichever occurs first, do a detailed visual inspection and liquid penetrant inspection of the fin forward pickup plates for any evidence of cracking. Do the inspections following the procedures in sections 2.A. and 2.B. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015.

(3) If cracks are found during any inspection required in paragraph (f)(2) of this AD, before further flight, replace the fin forward pickup plates with new fin forward pickup plates, part number (P/N) 11–03375–1. Do the replacement following the procedures in section 2.C. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June

29, 2015. This replacement terminates the repetitive inspections required in paragraph (f)(2) of this AD.

(4) If no cracks are found during any inspection required in paragraph (f)(2) of this AD, at or before reaching 6,000 hours TTIS or within the next 600 hours TIS after December 15, 2015 (the effective date of this AD), whichever occurs later, replace the fin forward pickup plates, P/N 11–10281–1, with P/N 11–03375–1. Do the replacement following the procedures in section 2.D. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015. This replacement terminates the repetitive inspections required in paragraph (f)(2) of 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: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090; email: *karl.schletzbaum@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.

(h) Related Information

Refer to MCAI Civil Aviation Authority (CAA) AD DCA/750XL/18A, dated August 4, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-3620-0002.*

(i) 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) Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015.

(ii) Reserved.

(3) For Pacific Aerospace Limited service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand, phone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *www.aerospace.co.nz.*

(4) You may view this service information at 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. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3620.

(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 Kansas City, Missouri, on November 2, 2015.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–28338 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1008; Directorate Identifier 2013–SW–064–AD; Amendment 39–18317; AD 2015–23–01]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Type Certificate Previously Held by Schweizer Aircraft Corporation)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model 269A, 269A–1, 269B, 269C, 269C–1, 269D, and TH–55A helicopters. This AD requires repetitively inspecting and lubricating the tail rotor (T/R) driveshaft splined fittings. This AD was prompted by a report that the T/R driveshaft can disconnect due to deterioration of the splined coupling. The actions are intended to detect and prevent excessive wear of the splined coupling, which could lead to failure of the T/R driveshaft and subsequent loss of control of the helicopter.

DATES: This AD is effective December 15, 2015.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of December 15, 2015.

ADDRESSES: For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *sikorskywcs@sikorsky.com.* You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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–2015–1008; 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, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Stephen Kowalski, Aviation Safety Engineer, New York Aircraft Certification Office, Engine & Propeller Directorate, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7327; email *stephen.kowalski@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On April 22, 2015, at 80 FR 22436, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Sikorsky Model 269A, 269A–1, 269B, 269C, 269C–1, 269D, and TH–55A helicopters. The NPRM proposed to require, within 100 hours time-in-service (TIS), a one-time inspection and lubrication of the T/R driveshaft splined fittings and replacing a splined fitting and the T/R driveshaft if the fitting has excessive wear. If the helicopter has a T/R driveshaft grease fitting installed, the NPRM also proposed to require inspecting each grease fitting for certain conditions and replacing the grease fitting if necessary. The NPRM also proposed to require, at intervals not exceeding 100 hours TIS, inspecting the T/R driveshaft for straightness, twists, and scratches; inspecting each forward and aft T/R driveshaft splines for wear; and correcting the torque of each main transmission aft pinion nut. The proposed requirements were prompted

by a report of excessive spline wear on the forward and aft T/R driveshaft spined fittings. The proposed requirements were intended to prevent failure of the T/R driveshaft and subsequent loss of control of the helicopter.

Since the NPRM was issued, the FAA Southwest Regional Office has relocated. We have revised the contact information throughout this Final Rule to reflect the new address.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (80 FR 22436, April 22, 2015).

FAA's Determination

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

We reviewed Sikorsky 269 Alert Service Bulletin (ASB) B–299.1 for Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters; 269C–1 ASB C1B–036.1 for Model 269C–1 helicopters; and 269D ASB DB–041.1 for Model 269D helicopters, each Revision 1 and dated February 24, 2012. Each ASB describes procedures for cleaning, inspecting, and lubricating the forward and aft T/R driveshaft splined fittings and returning to Sikorsky any parts that exceed wear limits. Each ASB also requires implementing a 100-hour TIS recurring inspection of the T/R driveshaft, coupling and internal stop, coupling drive splines, and the pinion nut by following the procedures in each model helicopter's Handbook of Maintenance Instructions. 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.

Differences Between This AD and the Service Information

The Sikorsky ASBs require returning any splined fittings that exceed wear limits to Sikorsky, while this AD requires replacing those fittings and the T/R driveshaft.

Costs of Compliance

We estimate that this AD will affect 1,085 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per work-hour, inspecting and lubricating the T/R driveshaft splined fittings requires 1.8 hours, for a cost per helicopter of $153 and a total cost of $166,005 for the fleet. Inspecting the grease fittings requires 0.25 hour, for a cost of $21 per helicopter and a total cost of $22,785 for the fleet. Inspecting the driveshaft, fittings, internal stops, and drive spines requires 1.8 hours, for a cost per helicopter of $153 and a total cost of $166,005 for the fleet, per inspection cycle.

If required, replacing the T/R driving spline and driveshaft requires 1.6 work-hours, and required parts will cost about $14,853, for a cost per helicopter of $14,989.

If required, replacing a T/R driven spline and driveshaft requires 1.5 work-hours, and required parts will cost about $14,836, for a cost per helicopter of $14,964.

If required, replacing a grease fitting requires about 0.25 work-hour, and required parts will cost about $5, for a cost per helicopter of $26.

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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

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):

2015–23–01 Sikorsky Aircraft Corporation (Type Certificate Previously Held by Schweizer Aircraft Corporation) Helicopters: Amendment 39–18317; Docket No. FAA–2015–1008; Directorate Identifier 2013–SW–064–AD.

(a) Applicability

This AD applies to Sikorsky Aircraft Corporation (Sikorsky) Model 269A, 269A–1, 269B, 269C, 269C–1, 269D, and TH–55A helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as insufficient lubrication of a tail rotor (T/R) driveshaft splined fitting. This condition could result in excessive wear of the T/R driveshaft splines, which could lead to failure of the T/R driveshaft and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective December 15, 2015.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1)Within 100 hours time-in-service (TIS):

(i) Inspect each T/R driveshaft splined fitting for a crack, a break, excessive wear,

galling, spalling, chipping, corrosion, heat discoloration, and distortion by following the Accomplishment Instructions, paragraphs 3.B.(1) through 3.B.(2), of Sikorsky 269 Alert Service Bulletin (ASB) B–299.1 for Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters; 269C–1 ASB C1B–036.1 for Model 269C–1 helicopters; or 269D ASB DB–041.1 for Model 269D helicopters, each Revision 1 and dated February 24, 2012. If there is a crack, a break, excessive wear, galling, spalling, chipping, corrosion, heat discoloration, or distortion on any T/R driveshaft splined fitting, before further flight, replace the affected splined fitting and the T/R driveshaft.

(ii) If installed, inspect each T/R driveshaft grease fitting for looseness, presence of a check ball inside each fitting, and for proper operation and seating of each check ball. If any grease fitting is loose, missing a check ball, fails to properly operate, or if a check ball fails to seat, before further flight, replace the grease fitting.

(iii) Lubricate each driveshaft fitting by following the Accomplishment Instructions, paragraph 3.B.(6), of Sikorsky 269 ASB B–299.1 for Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters; 269C–1 ASB C1B–036.1 for Model 269C–1 helicopters; or 269D ASB DB–041.1 for Model 269D helicopters, each Revision 1 and dated February 24, 2012.

(2) Within 100 hours TIS after the inspections required by paragraph (e)(1) of this AD, and thereafter at intervals not exceeding 100 hours TIS:

(i) Remove the driveshaft from the gearbox and clean any grease from each end fitting.

(ii) Inspect the driveshaft for straightness, a twist, and a scratch. If the driveshaft has any bends, twists, or scratches, before further flight, replace the driveshaft.

(iii) Inspect the internal splines of each forward and aft fitting and each internal stop for wear. If there is any wear, before further flight, replace the fitting.

(iv) Inspect the drive splines of each splined drive fitting for wear. If there is any wear, before further flight, replace the splined drive fitting.

(v) Loosen the aft frame clamp and apply a torque of 750 to 1,000 inch-pounds to each main transmission aft pinion nut.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, New York Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Stephen Kowalski, Aviation Safety Engineer, New York Aircraft Certification Office, Engine & Propeller Directorate, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7327; email *stephen.kowalski@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 6500, Tail Rotor Drive.

(h) 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) Sikorsky 269 Alert Service Bulletin (ASB) B–299.1, Revision 1, dated February 24, 2012.

(ii) Sikorsky 269C–1 ASB C1B–036.1, Revision 1, dated February 24, 2012.

(iii) Sikorsky 269D ASB DB–041.1, Revision 1, dated February 24, 2012.

(3) For Sikorsky service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *sikorskywcs@sikorsky.com.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 Fort Worth, Texas, on October 30, 2015.

James A. Grigg,

Acting Assistant Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–28313 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0574; Directorate Identifier 2013–NM–258–AD; Amendment 39–18315; AD 2015–22–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a report of skin disbonding on a composite side shell panel of a rudder. This AD requires an inspection to determine if any rudder composite side shell panel has been repaired, a thermography inspection of each rudder that has received this repair, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct skin disbonding on the rudder, which could affect the structural integrity of the rudder, possibly resulting in reduced control of the airplane.

DATES: This AD becomes effective December 15, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 15, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0574* or in person at the 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.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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–2014–0574.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

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 all Airbus Model A318 series airplanes, Model A319 series airplanes, Model A320–211, –212, –214, –231, –232, and –233 airplanes, and Model A321 series airplanes. The NPRM published in the **Federal Register** on August 22, 2014 (79 FR 49724). The NPRM was prompted by a report of skin disbonding on a composite side shell

panel of a rudder. The NPRM proposed to require an inspection to determine if any rudder composite side shell panel has been repaired, a thermography inspection of each rudder that has received this repair, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct skin disbonding on the rudder, which could affect the structural integrity of the rudder, possibly resulting in reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0302, dated December 19, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> A case of skin disbonding was reported on a composite side shell panel of a rudder installed on an A310 aeroplane. Investigation results revealed that this disbonding had started from a skin panel area, previously repaired in-service, in accordance with Structural Repair Manual (SRM) instructions. The initial damage was identified as a disbonding between the core and the skin of the repaired area. This damage was not visually detectable and likely propagated during normal operation due to the variation of pressure during ground-air-ground cycles.
>
> Composite rudder side shell panels are also installed on A320 family aeroplanes, which may have been repaired in-service using a similar method.
>
> This condition, if not detected and corrected, could affect the structural integrity of the rudder, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–55–1041 to provide instructions to inspect and correct any affected composite rudder side shell panels.
>
> For the reasons described above, this [EASA] AD requires [an inspection to determine if any rudder composite side shell panel has been repaired], a one-time [pulse] thermography inspection of each rudder that have received a composite rudder side shell panel repair, and, depending on the findings, accomplishment of applicable corrective and follow-up actions [related investigative actions and repetitive inspections].

The related investigative actions include elasticity laminate checker (ELCH) inspections, ultrasonic testing (UT) inspections, pulse thermography inspections, and tap test or woodpecker inspections. The repetitive inspections include ELCH inspections, UT inspections, pulse thermography inspections, and detailed inspections (certain repetitive inspections are required if hole restoration is done; certain other repetitive inspections are options for certain corrective actions). The corrective actions include core venting through the inner skin, replacements, restorations, and repairs.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0574-0007.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 49724, August 22, 2014) and the FAA's response to each comment.

Request To Extend Compliance Time for Rudder Inspections

Delta Air Lines Inc. (DAL) requested that we change the compliance time in the NPRM (79 FR 49724, August 22, 2014) from 24 months to at least 42 months. DAL stated that the 24-month compliance time for accomplishing rudder inspections will be overly burdensome to operators of large fleets. DAL explained that it has 128 affected units, and if two full-time technicians were assigned for the inspection and rework, it would take over 7 years to accomplish the inspections. DAL added that a 42-month compliance time would allow proper planning, inspection, and rework of affected rudders and suggested that intervisual inspections could be used to support this compliance time extension.

We disagree with the commenter's request. The compliance time is based on a risk assessment. Some safety issues are more time-sensitive than others. We have considered the compliance time established by the EASA (the State of Design authority), and the overall risk to the fleet, including the severity of the identified unsafe condition and the likelihood of the occurrence of the unsafe condition, to determine the compliance time. However, under the provisions of paragraph (p)(1) of this AD, operators may apply for an extension of the compliance time by providing rationale explaining why a compliance time extension provides an acceptable level of safety. We have not changed this AD in this regard.

Requests To Revise Service Information and Use Alternative Sanding Procedure

United Airlines (UAL) and Airbus requested that we revise the NPRM (79 FR 49724, August 22, 2014) to reference Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, as the appropriate source of service information for accomplishing the required actions. Airbus also requested we allow credit for work accomplished prior to the effective date of this AD using Airbus Service Bulletin A320–55–1041, dated November 26, 2012.

Airbus also requested we to revise paragraph (h) of the proposed AD (79 FR 49724, August 22, 2014) to allow local sanding as an alternative to pulse thermography inspections for determining type, location, and size of repair, as described in Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014. Airbus also requested we allow credit for work accomplished prior to the effective date of this AD using Airbus Service Bulletin A320–55–1041, dated November 26, 2012.

We partially agree with the commenters' requests. We agree to reference Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, as the appropriate source of service information for accomplishing the required actions. We have changed paragraphs (h), (i)(2), (j), (j)(1), (j)(2), (k), (l)(1), (l)(2), and (n) of this AD accordingly. We also agree to provide credit for work accomplished prior to the effective date of this AD using Airbus Service Bulletin A320–55–1041, dated November 26, 2012. We have added new paragraph (o) to this AD to provide this credit, and redesignated subsequent paragraphs accordingly.

However, we disagree with Airbus's request to revise paragraph (h) of this AD to allow local sanding as an alternative to pulse thermography inspections for determining type, location, and size of repair. Based on Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, local sanding is an alternative to pulse thermography inspections only in certain specific cases, and it is possible that pulse thermography inspections would be required after the local sanding. However, operators may apply for approval of an alternative method of compliance (AMOC) in accordance with the provisions specified in paragraph (p)(1) of this AD, and must identify clearly the conditions for using local sanding in lieu of pulse thermography inspections.

Request To Remove Structural Repair Manual (SRM) Repair Prohibition

UAL requested we remove paragraph (n) of the proposed AD (79 FR 49724, August 22, 2014), which prohibits repair in accordance with certain SRM procedures. UAL stated it is unnecessary to prohibit repair per these procedures since the procedures have been deactivated by Airbus.

We disagree with the commenter's request. Deactivation of SRM procedures by the manufacturer cannot ensure prevention of all operators from using the SRM procedures if they have not kept their manual current. We have not changed this AD in this regard.

Request To Revise Cost Estimate

UAL and DAL requested that we revise the estimated cost. The commenters stated that the NPRM (79 FR 49724, August 22, 2014) understates the required costs and does not provided on-condition cost estimates. UAL and DAL provided some examples of costs incurred for previous repairs.

We disagree with the commenters' request. We indicated in the NPRM (79 FR 49724, August 22, 2014) that we do not have information about the costs associated with the on-condition actions to mitigate the risk addressed in the NPRM. The on-condition costs can vary for each operator, depending upon inspection findings. Therefore, we have not provided on-condition cost estimates; instead, we provided our best estimate for the inspection costs based on the information received from the airframe manufacturer. We have not changed this AD in this regard.

Requests To Remove Requirement for Reporting Undocumented Rudders

UAL and DAL requested that we remove paragraph (i)(1) of the proposed AD (79 FR 49724, August 22, 2014), which proposed to require sending to Airbus the records for each rudder and serial number of each rudder for which maintenance records are incomplete or unavailable.

Mr. Amaar Chaudhary requested we revise paragraph (i)(1) of the proposed AD (79 FR 49724, August 22, 2014) to require sending only the rudder serial number to Airbus. However, UAL stated that providing such rudder records is not reasonable because the records are embedded within various paper forms in separate archived collections spanning the airplane life of up to 19 years, and are not in a recoverable electronic format. UAL and DAL also explained that it is possible operators have not retained records for permanent rudder repairs earlier than the previous airplane overhaul per section 121.380 of the Federal Aviation Regulations (14 CFR 121.380).

We agree with the commenters' statements that paragraph (i)(1) of this AD should not require sending rudder repair records to Airbus. However, we disagree with the requests to not require submission of serial numbers of rudders without maintenance records to Airbus. Operators must report the rudders without maintenance records by serial number to Airbus to obtain related rudder manufacturing rework data. We have revised paragraph (i)(1) of this AD to specify sending to Airbus the serial number of each rudder for which maintenance records are not available or are incomplete.

Request To Remove Requirement To Inspect for Repair Status

DAL requested that we revise paragraph (g) of the proposed AD (79 FR 49724, August 22, 2014) to remove the requirement to inspect repair records, but instead to require directly complying with the pulse thermography inspection proposed by paragraph (i) of the proposed AD.

We disagree with the commenter's request. Paragraph (g) of this AD establishes the requirements for paragraph (h) and (i) of this AD. An operator is required to inspect airplane maintenance records to determine if it needs to comply with paragraph (h) or (i) of this AD. In addition, the required reporting specified in paragraph (i)(1) of this AD will help determine the extent of the undocumented repairs in the affected fleet. Based on the results of these reports, we might determine that further corrective action is warranted. We have not changed this AD in this regard.

Request To Add Part Number Change, and Remove Part Installation Limitation

DAL requested that we require a part number change for post-inspection rudders to aid in configuration and AD compliance control, and remove the parts installation limitation in paragraph (m) of the proposed AD (79 FR 49724, August 22, 2014). DAL stated that, to prevent an unnecessary airplane out of service condition in the event a rudder change is required, allowing pre- and post-inspection rudders to be installed throughout the full compliance time would provide the same level of safety.

We disagree with the commenter's requests. Configuration control can be achieved by multiple methods and is unique to each operator's method of managing its fleet. Therefore, we have not been prescriptive regarding methods for configuration control. We also disagree to omit paragraph (m) of this AD (Parts Installation Limitation). The intent of the paragraph (m) of this AD is to ensure that, from the effective date of this AD, rudders with a known unsafe condition are not installed unless the corrective actions of paragraph (j) of this AD are completed. This clarification has been coordinated with the EASA. The compliance time is established based on overall risk to the fleet, including the severity of the failure and the likelihood of the failure's occurrence, fleet utilization, and availability of service information and parts. Therefore, the parts installation limitation should not be related to the compliance time associated with mitigating the unsafe condition. We have revised paragraph (m) of this AD to prevent, as of the effective date of this AD, installing a rudder with a known unsafe condition by specifying that the inspection requirements of paragraphs (h) and (i) of this AD must be done and the applicable corrective actions required by paragraph (j) of this AD must be done, except for rudders that meet the requirements of paragraph (k) of this AD.

Request To Use Alternative Testing Equipment

DAL, Thermal Wave Imaging, and Snell Group requested the use of alternate equipment for performing the pulse thermography inspection required in the NPRM (79 FR 49724, August 22, 2014). DAL stated that, at a recent Airlines for America non-destructive test (NDT) forum, evidence was presented supporting use of alternate equipment for performing pulse thermography inspections. DAL, Thermal Wave Imaging, and Snell Group explained that Airbus prohibits the use of alternate equipment other than what is recommended in the ''NTM task 55–40–50–290–801–A–01.''

Thermal Wave Imaging stated that since Airbus is both the manufacturer of the airplane and the vendor of the inspection equipment, it appears that the non-allowance of equivalent equipment is a business decision intended to increase its revenue and lock out other companies from not only this inspection, but future thermography inspections that may be developed. Thermal Wave Imaging and Snell Group provided a comparison of the Airbus recommended Gecko System equipment with VoyageIR Pro equipment for performing the pulse thermography inspection.

We disagree with the commenters' request. The commenters did not provide any substantiation to support the use of alternate inspection equipment other than the equipment recommended by Airbus. We were informed by Airbus that they have recommended the use of specific equipment after evaluating its performance, which will facilitate mitigating the risks associated with the identified unsafe condition. However, we will consider requests for approval

of an AMOC for the use of alternate inspection equipment in accordance with the provision in paragraph (p)(1) of this AD if sufficient data is submitted to substantiate that the results from the alternate inspection equipment are conclusive to facilitate mitigating the risks associated with the identified unsafe condition. We have not changed this AD in this regard.

Request To Approve Future Service Bulletin Revisions

DAL requested that future revisions of Airbus Service Bulletin A320–55–1041 be considered as approved under EASA Design Organization Approval (DOA) for accomplishing the required AD actions.

We disagree with the commenter's request. Approval authority under EASA DOA, as stated in paragraph (p)(2) of this AD, is only applicable to requirements in this AD to obtain corrective actions from the manufacturer and does not apply to approval of future service information. When referring to a specific service bulletin in an AD, using the phrase, ''or later approved revisions,'' violates Office of the Federal Register regulations for approving materials that are incorporated by reference. However, affected operators may request approval to use a later revision of the referenced service bulletin as an alternative method of compliance, under the provisions of paragraph (p)(1) of this AD. We have not changed this AD in this regard.

Explanation of ''RC'' Steps in Service Information

As stated previously, we have revised this final rule to reference Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, as the appropriate source of service information for accomplishing the required actions. This service bulletin revision contains certain actions that are specified as Required for Compliance (RC).

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The procedures and tests identified as RC in any service information have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified service information, procedures and tests that are identified as RC in any service information must be done to comply with the AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

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 49724, August 22, 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 49724, August 22, 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

Airbus has issued Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014. The service information describes procedures for inspection of the rudders for potential damage, and repair. 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 851 airplanes of U.S. registry.

We also estimate that it would take about 42 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $3,038,070, or $3,570 per product.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to 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 control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is 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.

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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0574;* 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 street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

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):

2015–22–10 Airbus: Amendment 39–18315. Docket No. FAA–2014–0574; Directorate Identifier 2013–NM–258–AD.

(a) Effective Date

This AD becomes effective December 15, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A318–111, –112, –121, and –122 airplanes.

(2) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Reason

This AD was prompted by a report of skin disbonding on a composite side shell panel of a rudder. We are issuing this AD to detect and correct skin disbonding on the rudder, which could affect the structural integrity of the rudder, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Inspection To Determine Repair Status

Within 24 months after the effective date of this AD: Inspect the airplane maintenance records to determine if the rudder composite side shell panel has been repaired since first installation of the rudder on an airplane.

(h) Inspection of Certain Repaired Rudders

If the finding of the inspection required by paragraph (g) of this AD reveals that a rudder repair has been done as described in Figure A–GBBAA (Sheet 01 and 02) or Figure A–GBCAA (Sheet 02) of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014: Within 24 months after the effective date of this AD, do a pulse thermography inspection on the rudder, limited to the repaired area(s), to determine type, location, and size of the repair, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(i) Inspection of Rudders With No Records or Incomplete Records

For each rudder for which maintenance records are not available or are incomplete: Do the actions required by paragraphs (i)(1) and (i)(2) of this AD.

(1) Not later than 3 months before accomplishment of the pulse thermography inspection required by paragraph (i)(2) of this AD, send the serial number of each rudder to Airbus.

(2) Within 24 months after the effective date of this AD, do a pulse thermography inspection on complete rudder side shells to identify and mark the repair location, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(j) Related Investigative Actions, Repetitive Inspections, and Corrective Actions

After accomplishing the inspections required by paragraphs (h) and (i) of this AD, as applicable: Depending on findings, do the applicable actions specified in paragraphs (j)(1) and (j)(2) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, except as required by paragraph (l)(2) of this AD. Findings are specified in Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(1) Do all applicable related investigative actions and corrective actions at the applicable times specified in tables 3, 4A, 4B, 4C, 4D, and 5 in paragraph 1.E.(2), ''Accomplishment Timescale,'' of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, except as required by paragraph (l)(1) of this AD.

(2) Do all applicable repetitive inspections of the restored and repaired areas at the applicable intervals specified in tables 3, 4A, 4B, 4C, 4D, and 5 in paragraph 1.E.(2), ''Accomplishment Timescale,'' of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(k) Airplanes Excluded From Certain Requirements

Airplanes fitted with a rudder having a serial number which is not in the range TS–1001 to TS–1639 inclusive, or TS–2001 to TS–5890 inclusive; or is not TS–5927; are not affected by the requirements of paragraphs (h), (i), and (j) of this AD, provided it is determined that no repairs have been done as described in the structural repair manual (SRM) procedures identified in Figure A–GBBAA (Sheet 01 and 02) or Figure A–GBCAA (Sheet 02) of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, on the composite side shell panel of that rudder since first installation on an airplane.

(l) Exceptions to Service Information

(1) Where Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, specifies a compliance time ''after the original Service Bulletin issue date,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) If any damage or fluid ingress is found during any inspection required by this AD and Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014, specifies to contact Airbus: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Parts Installation Limitation

As of the effective date of this AD: Except for rudders that meet the requirements of paragraph (k) of this AD, do not install a rudder unless the rudder is inspected prior to installation as specified in paragraphs (h) and (i) of this AD, and all applicable corrective actions required by paragraph (j) of this AD are done.

(n) Repair Prohibition

As of the effective date of this AD, do not accomplish a composite side shell panel repair on any rudder using an SRM

procedure identified in Figure A–GBBAA (Sheet 01 and 02) or Figure A–GBCAA (Sheet 02) of Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(o) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–55–1041, dated November 26, 2012, which is not incorporated by reference in this AD.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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.

(2) Contacting the Manufacturer: 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, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) ''RC'' Steps in Service Information: Except as required by paragraph (l)(2) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) Reporting Requirements: 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.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0302, dated December 19, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0574-0007.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(3) and (r)(4) of this AD.

(r) 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.

(i) Airbus Service Bulletin A320–55–1041, Revision 01, dated February 24, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) 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.

(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 October 28, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–28197 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No.: FAA–2015–0783; Amendment No. 97–1337]

RIN 2120–AA65

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

ACTION: Final rule.

SUMMARY: The FAA is issuing a final rule that removes certain redundant or underutilized ground-based nondirectional radio beacon (NDB) and VHF omnidirectional range (VOR) Standard Instrument Approach Procedures (SIAPs). On April 13, 2015, the FAA published a notice of proposed rulemaking to remove 736 procedures. After consideration of public comments and conducting an internal review, the FAA has decided to move forward with removing 334 procedures that did not receive public comment. The 198 procedures for which comments were received will be addressed in the future. The FAA also identified 191 procedures that were proposed for removal but that do not meet the criteria at this time. Those 191 procedures may be reevaluated at a later date; however, their removal is withdrawn from consideration in this rule. There are 13 procedures erroneously identified in the NPRM that were already in the process for removal and should not have been included in this proceeding. The FAA concluded that these procedures should continue in the separate proceeding and are not addressed in this final rule.

DATES: This rule is effective December 10, 2015. The removal date of each SIAP, associated Takeoff Minimums, and ODP is as specified in the amendatory provisions.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Mark D. Adams, Aeronautical Navigation Products, AJV–5, Aeronautical Information Services, Federal Aviation Administration, Air Traffic Organization, 6500 S. MacArthur

Blvd. (MMAC), Bldg. 5, Room 104, Oklahoma City, OK 73169; Telephone (405) 954–9946; Email *AMC-ATO-IFP-Cancellations@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart i, Section 40103, sovereignty and use of airspace, and Subpart iii, Section 44701, general requirements. Under these sections, the FAA is charged with prescribing regulations to regulate the safe and efficient use of the navigable airspace; to govern the flight, navigation, protection, and identification of aircraft for the protection of persons and property on the ground, and for the efficient use of the navigable airspace (49 U.S.C. 40103(b)), and to promote safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security (49 U.S.C. 44701(a)(5)). This action is within the scope of that authority.

SIAPs are promulgated by rulemaking procedures and are incorporated by reference pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 into Title 14 of the Code of Federal Regulations; Part 97 (14 CFR part 97), Subpart C—TERPS Procedures.

Background

On June 27, 2014, the FAA published criteria for determining whether to retain existing SIAPs (79 FR 36576). Removing identified ground-based NDB and VOR SIAPs is an integral part of right-sizing the quantity and type of procedures in the National Airspace System (NAS). As new technology facilitates the introduction of area navigation (RNAV) instrument approach procedures, the number of procedures available in the NAS has nearly doubled over the past decade. The complexity and cost of maintaining the existing ground based navigational infrastructure while expanding RNAV capability is not sustainable.

On April 13, 2015, the FAA published a notice of proposed rulemaking (NPRM) proposing to remove certain SIAPs (80 FR 19577). The NPRM included a list of 736 procedures that were identified for cancellation and the comment period closed on May 28, 2015.

The following 13 SIAPs were proposed for cancellation in the NPRM. In reviewing the procedures and comments, the FAA realized that these 13 procedures were already being processed for cancellation and were at various stages. Additionally, the navigation facilities supporting a number of these procedures were either decommissioned or at various stages of that process. The inclusion of these procedures in the NPRM was in error, in that these procedures were already subject to prior agency commitments. The FAA notes three of these procedures received comment (VOR RWY 18 at Pryor Field Regional, Alabama (DCU); NDB RWY 14 at Montgomery County Airpark, Maryland (GAI); and NDB RWY 27 at Athens/Ben Epps, Georgia (AHN)) concerning lack of backup instrument flight procedures in case of instrument landing system failure, impacts to instrument flight training, and reduced airport access. The FAA confirms that for each of the three above affected procedures, the airports continue to maintain at least one other ground based procedure. In addition, there remain procedures available within a 20 nm radius of these airports for instrument flight training. The procedures are listed below with the associated **Federal Register** citation announcing the cancellation.

State	Airport name	ID	Approach procedure cancellation information
AZ	Nogales Intl	OLS	NDB OR GPS–C (80 FR 50760; August 21, 2015).
AZ	Yuma MCAS/Yuma Intl	NYL	VOR/DME RNAV RWY 21R (Navy).
AL	Pryor Field Rgnl	DCU	VOR RWY 18 (Procedure to be canceled December 10, 2015).
CA	San Francisco Intl	SFO	VOR–B (80 FR 42023; July 16, 2015).
GA	Athens/Ben Epps	AHN	NDB RWY 27 (80 FR 61978; October 15, 2015).
KS	Great Bend Muni	GBD	NDB–A (80 FR 45604; July 31, 2015).
MD	Montgomery County Airpark	GAI	NDB RWY 14 (79 FR 40621; July 14, 2014).
MI	Ford	IMT	NDB RWY 1 (Procedure to be canceled December 10, 2015).
NJ	Teterboro	TEB	VOR/DME–A (80 FR 42023; July 16, 2015).
WI	Rice Lake Rgnl-Carl's Field	RPD	VOR RWY 01 (80 FR 45860; August 23, 2015).
WI	Central Wisconsin	CWA	VOR/DME RWY 35 (80 FR 61978; October 15, 2015).
WI	Alexander Field South Wood County	ISW	VOR/DME OR GPS–A (80 FR 61978 October 15, 2015).
WI	Stevens Point Muni	STE	VOR/DME RWY 21 (80 FR 61978; October 15, 2015).

The FAA proposed to cancel 191 procedures listed in the following table. However, after further consideration and a reevaluation of the policy criteria described in the June 27, 2014, statement of policy, the FAA has determined that these procedures do not meet the criteria at this time. Therefore these procedures will remain in effect and are not included in this final rule; however the FAA may reevaluate these procedures at a later date.

State	Airport name	ID	Approach procedure
AK	BETTLES	BTT	VOR/DME RWY 01.
AK	SITKA ROCKY GUTIERREZ	SIT	VOR/DME–A.
AK	UNALAKLEET	UNK	VOR/DME–D.
AL	ANNISTON RGNL	ANB	NDB RWY 5.
AL	BESSEMER	EKY	VOR RWY 05.
AL	WALKER COUNTY-BEVILL FIELD	JFX	VOR/DME–A.
AR	WALNUT RIDGE RGNL	ARG	VOR–A.
AR	HOT SPRINGS/MEMORIAL FIELD	HOT	VOR Z RWY 05.
AR	WEST MEMPHIS MUNI	AWM	VOR/DME–A.
AR	BAXTER COUNTY	BPK	VOR–A.

State	Airport name	ID	Approach procedure
AR	JONESBORO MUNI	JBR	VOR RWY 23.
AR	NORTH LITTLE ROCK MUNI	ORK	VOR RWY 35.
AZ	BISBEE DOUGLAS INTL	DUG	VOR RWY 17.
AZ	CASA GRANDE MUNI	CGZ	VOR RWY 05.
AZ	GRAND CANYON NATIONAL PARK	GCN	VOR RWY 03.
CA	JACK MC NAMARA FIELD	CEC	VOR RWY 12, formerly VOR RWY 11.
CA	MERCED RGNL/MACREADY FIELD	MCE	VOR RWY 30.
CA	REDDING MUNI	RDD	VOR RWY 34.
CA	SAN BERNARDINO INTL	SBD	NDB RWY 06.
CA	NAPA COUNTY	APC	VOR RWY 06.
CA	BUCHANAN FIELD	CCR	VOR RWY 19R.
CA	CHINO	CNO	VOR RWY 26R.
CA	MC CLELLAN-PALOMAR	CRQ	VOR–A.
CA	LONG BEACH/DAUGHERTY FIELD	LGB	VOR OR TACAN RWY 30.
CA	CASTLE	MER	VOR/DME RWY 31.
CA	MODESTO CITY-CO-HARRY SHAM FLD	MOD	VOR/DME RWY 28R.
CA	OXNARD	OXR	VOR RWY 25.
CA	SACRAMENTO EXECUTIVE	SAC	VOR RWY 02.
CA	WATSONVILLE MUNI	WVI	VOR/DME–A.
CO	DURANGO-LA PLATA COUNTY	DRO	VOR/DME RWY 03.
CO	MONTROSE RGNL	MTJ	VOR/DME RWY 13.
CO	TELLURIDE RGNL	TEX	VOR/DME–A.
CT	DANBURY MUNI	DXR	VOR OR GPS–A.
CT	HARTFORD-BRAINARD	HFD	VOR–A.
CT	TWEED-NEW HAVEN	HVN	VOR RWY 02.
FL	NORTH PALM BEACH COUNTY GENERAL AVIATION	F45	VOR RWY 08R.
GA	WAYCROSS-WARE COUNTY	AYS	VOR–A.
GA	BRUNSWICK GOLDEN ISLES	BQK	VOR/DME–B.
GA	ATLANTA RGNL FALCON FIELD	FFC	NDB RWY 31.
GA	LEE GILMER MEMORIAL	GVL	NDB RWY 05.
GA	PERRY-HOUSTON COUNTY	PXE	VOR–A.
GA	EAST GEORGIA RGNL	SBO	NDB RWY 14.
GA	HENRY TIFT MYERS	TMA	VOR RWY 28.
IA	AMES MUNI	AMW	VOR RWY 31.
IA	COUNCIL BLUFFS MUNI	CBF	VOR–A.
IA	KEOKUK MUNI	EOK	NDB RWY 14.
IA	KEOKUK MUNI	EOK	NDB RWY 26.
IA	SHENANDOAH MUNI	SDA	VOR/DME RWY 12.
ID	JOSLIN FIELD-MAGIC VALLEY RGNL	TWF	VOR RWY 26.
IL	AURORA MUNI	ARR	VOR RWY 36.
IL	ALBERTUS	FEP	VOR RWY 24.
IL	LANSING MUNI	IGQ	VOR–A.
IL	GREATER KANKAKEE	IKK	VOR RWY 22.
IL	CHICAGO EXECUTIVE	PWK	VOR RWY 16.
IN	ANDERSON MUNI-DARLINGTON FIELD	AID	VOR–A.
IN	PUTNAM COUNTY	4I7	VOR/DME–A.
IN	KENTLAND MUNI	50I	VOR/DME RNAV OR GPS RWY 27.
IN	ANDERSON MUNI-DARLINGTON FIELD	AID	NDB RWY 30.
IN	WARSAW MUNI	ASW	VOR RWY 9.
IN	METTEL FIELD	CEV	VOR–A.
IN	DE KALB COUNTY	GWB	VOR OR GPS–A.
IN	CLARK RGNL	JVY	NDB RWY 18.
IN	PURDUE UNIVERSITY	LAF	VOR–A.
IN	LA PORTE MUNI	PPO	VOR–A.
KS	COLONEL JAMES JABARA	AAO	VOR–A.
KS	GREAT BEND MUNI	GBD	NDB RWY 35.
KS	RENNER FLD/GOODLAND MUNI/	GLD	VOR RWY 30.
KS	INDEPENDENCE MUNI	IDP	VOR–A.
KS	LAWRENCE MUNI	LWC	VOR/DME–A.
KY	TAYLOR COUNTY	AAS	VOR/DME–A.
LA	GEORGE R CARR MEMORIAL AIR FLD	BXA	VOR/DME–A.
LA	FALSE RIVER RGNL	HZR	NDB RWY 36.
MA	BEVERLY MUNI	BVY	VOR RWY 16.
MD	HAGERSTOWN RGNL-RICHARD A. HENSEN FIELD	HGR	VOR RWY 09.
MD	OCEAN CITY MUNI	OXB	VOR–A.
MI	HOUGHTON COUNTY MEMORIAL	CMX	VOR RWY 25.
MI	COLEMAN A YOUNG MUNI	DET	NDB RWY 15.
MI	COLEMAN A YOUNG MUNI	DET	VOR RWY 33.
MI	DELTA COUNTY	ESC	VOR RWY 36.
MI	GERALD R FORD INTL	GRR	VOR RWY 17.
MI	FORD	IMT	VOR RWY 31.
MI	KALAMAZOO/BATTLE CREEK INTL	AZO	VOR RWY 35.
MI	WEST MICHIGAN RGNL, formerly TULIP CITY	BIV	VOR–A.
MI	W K KELLOGG	BTL	NDB RWY 23R.

State	Airport name	ID	Approach procedure
MI	SAGINAW COUNTY H.W. BROWNE	HYX	VOR/DME–A.
MI	MENOMINEE-MARINETTE TWIN COUNTY	MNM	VOR–A.
MI	ST CLAIR COUNTY INTL	PHN	NDB RWY 04.
MI	PELLSTON RGNL AIRPORT OF EMMET COUNTY	PLN	VOR RWY 23.
MN	FALLS INTL	INL	VOR RWY 13.
MN	THIEF RIVER FALLS RGNL	TVF	VOR RWY 13.
MN	THIEF RIVER FALLS RGNL	TVF	VOR RWY 31.
MN	CHANDLER FIELD	AXN	VOR RWY 22.
MN	GRAND RAPIDS/ITASCA CO-GORDON NEWSTROM FLD.	GPZ	VOR RWY 34.
MN	WARROAD INTL MEMORIAL	RRT	NDB RWY 31.
MN	SOUTH ST PAUL MUNI-RICHARD E. FLEMING FIELD	SGS	NDB–B.
MO	FARMINGTON RGNL	FAM	VOR/DME–A.
MO	KIRKSVILLE RGNL	IRK	VOR–A.
MO	MEXICO MEMORIAL	MYJ	VOR/DME RWY 24.
MS	GRENADA MUNI	GNF	NDB RWY 13.
MS	JOHN BELL WILLIAMS	JVW	NDB RWY 12.
NC	JOHNSTON COUNTY	JNX	NDB RWY 03.
NC	CLINTON-SAMPSON COUNTY	CTZ	VOR/DME–A.
NC	WAYNE EXECUTIVE JETPORT	GWW	VOR–A.
NC	HICKORY RGNL	HKY	VOR/DME RWY 24.
NC	HENDERSON-OXFORD	HNZ	NDB RWY 6.
NC	TRIANGLE NORTH EXECUTIVE	LHZ	VOR/DME–A.
NC	ALBERT J. ELLIS	OAJ	NDB RWY 5.
NC	WARREN FIELD	OCW	VOR/DME RWY 05.
ND	DEVILS LAKE RGNL	DVL	VOR RWY 31.
ND	HECTOR INTL	FAR	VOR OR TACAN RWY 36.
ND	GRAND FORKS INTL	GFK	VOR RWY 35L.
ND	JAMESTOWN RGNL	JMS	VOR RWY 31.
ND	MINOT INTL	MOT	VOR RWY 13.
ND	MINOT INTL	MOT	VOR RWY 31.
NE	BREWSTER FIELD	HDE	VOR/DME–A.
NH	SKYHAVEN	DAW	VOR/DME–A.
NH	DILLANT-HOPKINS	EEN	VOR RWY 02.
NH	LACONIA MUNI	LCI	NDB RWY 8.
NH	LEBANON MUNI	LEB	VOR RWY 25.
NJ	TETERBORO	TEB	VOR RWY 24.
NJ	CAPE MAY COUNTY	WWD	VOR–A.
NM	TUCUMCARI MUNI	TCC	VOR RWY 21.
NM	CAVERN CITY AIR TRML	CNM	VOR RWY 32L.
NM	GRANT COUNTY	SVC	VOR–A.
NV	RENO/TAHOE INTL	RNO	VOR–D.
NY	WATERTOWN INTL	ART	VOR RWY 07.
NY	REPUBLIC	FRG	NDB RWY 1.
NY	GENESEE COUNTY	GVQ	VOR/DME–A.
NY	BROOKHAVEN	HWV	VOR RWY 06.
NY	CHAUTAUQUA COUNTY/JAMESTOWN	JHW	VOR RWY 25.
OH	ASHLAND COUNTY	3G4	VOR–A.
OH	BELLEFONTAINE RGNL	EDJ	VOR/DME RWY 25.
OH	FAIRFIELD COUNTY	LHQ	VOR OR GPS–A.
OH	LORAIN COUNTY RGNL	LPR	VOR–A.
OH	MARION MUNI	MNN	VOR–A.
OH	OHIO STATE UNIVERSITY	OSU	NDB RWY 09R.
OH	BOLTON FIELD	TZR	NDB RWY 4.
OH	OHIO UNIVERSITY SNYDER FIELD	UNI	NDB RWY 25.
OH	NEWARK-HEATH	VTA	VOR–A.
OK	SUNDANCE AIRPARK	HSD	VOR RWY 17.
PA	SOMERSET COUNTY	2G9	NDB RWY 25.
PA	LANCASTER	LNS	VOR/DME RWY 08.
SC	GREENVILLE DOWNTOWN	GMU	NDB RWY 1.
SC	AIKEN MUNI	AIK	NDB RWY 25.
SC	ANDERSON RGNL	AND	VOR RWY 05.
SC	MARION COUNTY	MAO	VOR/DME–A.
SC	SUMTER MUNI	SMS	NDB RWY 23.
SD	ABERDEEN RGNL	ABR	VOR RWY 31.
SD	HURON RGNL	HON	VOR RWY 12.
TN	KNOXVILLE DOWNTOWN ISLAND	DKX	VOR/DME–B.
TN	MOORE-MURRELL	MOR	NDB RWY 5.
TN	UPPER CUMBERLAND RGNL	SRB	NDB RWY 04.
TN	TULLAHOMA RGNL/WM NORTHERN FIELD	THA	NDB RWY 18.
TX	DALHART MUNI	DHT	VOR RWY 17.
TX	BAY CITY MUNI	BYY	VOR/DME–A.
TX	C DAVID CAMPBELL FIELD-CORSICANA MUNI	CRS	VOR/DME–A.
TX	DEL RIO INTL	DRT	VOR–A.

State	Airport name	ID	Approach procedure
TX	DENTON MUNI	DTO	NDB RWY 18.
TX	ARLINGTON MUNI	GKY	VOR/DME RWY 34.
TX	SCHOLES INTL AT GALVESTON	GLS	VOR RWY 14.
TX	SAN MARCOS MUNI	HYI	NDB RWY 13.
TX	SKYLARK FIELD	ILE	VOR–A.
TX	PALESTINE MUNI	PSN	VOR/DME RWY 18.
TX	RUSK COUNTY	RFI	VOR/DME–A.
TX	SUGAR LAND RGNL	SGR	VOR/DME–A.
TX	SHEPPARD AFB/WICHITA FALLS MUNI	SPS	NDB RWY 33L.
TX	SHEPPARD AFB/WICHITA FALLS MUNI	SPS	VOR–D.
TX	COLLIN COUNTY RGNL AT MC KINNEY	TKI	VOR/DME–A.
TX	HUNTSVILLE MUNI	UTS	VOR/DME–A.
UT	DELTA MUNI	DTA	VOR RWY 35.
UT	CARBON COUNTY RGNL/BUCK DAVIS FIELD	PUC	VOR/DME RWY 01.
VA	VIRGINIA TECH/MONTGOMERY EXECUTIVE	BCB	NDB–A.
VA	ACCOMACK COUNTY	MFV	VOR/DME RWY 03.
VA	HANOVER COUNTY MUNI	OFP	VOR RWY 16.
VA	STAFFORD RGNL	RMN	VOR RWY 33.
VA	SHENANDOAH VALLEY RGNL	SHD	NDB RWY 05.
VI	CYRIL E KING	STT	VOR–A.
VT	EDWARD F KNAPP STATE	MPV	VOR RWY 35.
WA	SPOKANE INTL	GEG	VOR RWY 03.
WA	ARLINGTON MUNI	AWO	NDB RWY 34.
WA	RICHLAND	RLD	VOR/DME–A.
WA	FELTS FIELD	SFF	VOR RWY 04L.
WI	LAKELAND/NOBLE F. LEE MEM. FIELD	ARV	NDB RWY 28.
WI	BARABOO WISCONSIN DELLS	DLL	VOR–A.
WI	EAGLE RIVER UNION	EGV	VOR/DME RWY 04.
WI	TRI-COUNTY RGNL	LNR	VOR–A.
WI	JOHN H BATTEN	RAC	VOR RWY 04.
WI	SHEBOYGAN COUNTY MEMORIAL	SBM	VOR RWY 22.
WI	WAUKESHA COUNTY	UES	VOR–A.
WV	ONA AIRPARK	12V	VOR–A.
WV	FAIRMONT MUNI-FRANKMAN FIELD	4G7	VOR/DME–A.

Lastly, the FAA received comments on 198 SIAPs that are still under review. Once the agency has made a determination on those procedures, and if warranted, the FAA will issue a final rule cancelling any subject procedures. For the remaining 335 SIAPs proposed in the NPRM upon which no comments were received, the FAA has decided to proceed with cancellation of those procedures.

The Amendment

SIAPs and associated supporting data adopted or removed by the FAA are documented on FAA Forms 8260–3, 8260–4, and 8260–5, which are incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97. The following procedures did not receive any comments and the FAA has determined that they should be removed consistent with FAA policy on maintaining instrument approach procedures in the NAS. Additionally, the list can be viewed on the Aeronautical Information Services IFP Announcements and Reports Web page at the following link, *https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/reports/.*

Conclusion

The FAA has determined that this final rule 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Additional Information

A. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Publishing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677. Persons requesting additional information must identify the docket or amendment number of this rulemaking.

All documents the FAA considered in developing this rule, including technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's 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.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued under authority provided by 49 U.S.C. 106(f), 40103(b), and 44701(a)(5), in Washington, DC, on October 30, 2015.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended by removing the specified procedures as follows:

The following procedures will be removed effective December 10, 2015.

State	Airport name	ID	Approach procedure
AK	ATQASUK EDWARD BURNELL SR MEMORIAL	ATK	NDB RWY 24.
AK	COLD BAY	CDB	VOR/DME OR TACAN–A.
AK	KOYUK ALFRED ADAMS	KKA	NDB/DME RWY 01.
AK	MC GRATH	MCG	VOR/DME OR TACAN RWY 16.
AZ	NOGALES INTL	OLS	VOR OR GPS–A.
CA	CHICO MUNI	CIC	VOR/DME RWY 13L.
CA	ONTARIO INTL	ONT	VOR/DME RWY 08R.
CA	LAKE TAHOE	TVL	VOR/DME OR GPS–A.
CT	IGOR I SIKORSKY MEMORIAL	BDR	VOR RWY 06.
CT	IGOR I SIKORSKY MEMORIAL	BDR	VOR RWY 29.
FL	ST PETERSBURG–CLEARWATER INTL	PIE	VOR/DME RWY 18L.
FL	SARASOTA/BRADENTON INTL	SRQ	VOR RWY 32.
IA	NORTHEAST IOWA RGNL	CCY	NDB RWY 12.
IL	DUPAGE	DPA	VOR RWY 10.
IN	ELKHART MUNI	EKM	VOR RWY 27.
IN	ELKHART MUNI	EKM	VOR/DME RWY 36.
KS	INDEPENDENCE MUNI	IDP	NDB RWY 35.
MA	NANTUCKET MEMORIAL	ACK	NDB RWY 24.
MA	GENERAL EDWARD LAWRENCE LOGAN INTL	BOS	VOR/DME RWY 15R.
MA	GENERAL EDWARD LAWRENCE LOGAN INTL	BOS	VOR/DME RWY 27.
MA	GENERAL EDWARD LAWRENCE LOGAN INTL	BOS	VOR/DME RWY 33L.
MD	BALTIMORE/WASHINGTON INTL THURGOOD MARSHALL.	BWI	VOR/DME RWY 15L.
ME	DEWITT FLD, OLD TOWN MUNI	OLD	NDB RWY 22.
MI	GAYLORD RGNL	GLR	NDB RWY 9.
MI	JACKSON COUNTY–REYNOLDS FIELD	JXN	NDB RWY 24.
MI	CHERRY CAPITAL	TVC	NDB RWY 28.
MN	BAUDETTE INTL	BDE	VOR RWY 30.
MN	BRAINERD LAKES RGNL	BRD	NDB RWY 23.
MN	THIEF RIVER FALLS RGNL	TVF	NDB RWY 31.
MO	CHARLES B. WHEELER DOWNTOWN	MKC	NDB RWY 19.
MO	CHARLES B. WHEELER DOWNTOWN	MKC	VOR RWY 03.
MO	CHARLES B. WHEELER DOWNTOWN	MKC	VOR RWY 19.
MO	CHARLES B. WHEELER DOWNTOWN	MKC	VOR RWY 21.
MT	FRANK WILEY FIELD	MLS	VOR/DME RWY 04.
ND	SLOULIN FLD INTL	ISN	VOR/DME RWY 29.
ND	JAMESTOWN RGNL	JMS	NDB RWY 31.
NE	KEARNEY RGNL	EAR	NDB RWY 36.
NE	COLUMBUS MUNI	OLU	VOR/DME RWY 32.
NM	LEA COUNTY RGNL	HOB	VOR OR TACAN RWY 03.
NY	SULLIVAN COUNTY INTL	MSV	NDB RWY 15.
NY	GRIFFISS INTL	RME	VOR/DME RWY 33.
OH	CINCINNATI MUNI AIRPORT–LUNKEN FIELD	LUK	NDB RWY 21L.
OK	BARTLESVILLE MUNI	BVO	VOR RWY 17.
OR	CORVALLIS MUNI	CVO	NDB RWY 17.
SC	GREENWOOD COUNTY	GRD	VOR RWY 27.
SD	ABERDEEN RGNL	ABR	NDB RWY 31.
SD	WATERTOWN RGNL	ATY	NDB RWY 35.
SD	CHAN GURNEY MUNI	YKN	NDB RWY 31.
TN	DYERSBURG RGNL	DYR	VOR/DME RWY 04.
TX	ABILENE RGNL	ABI	NDB RWY 35R.
TX	DALLAS/FORT WORTH INTL	DFW	VOR RWY 13R.
TX	ODESSA–SCHLEMEYER FIELD	ODO	NDB RWY 20.
VA	NEWPORT NEWS/WILLIAMSBURG INTL	PHF	NDB RWY 02.

State	Airport name	ID	Approach procedure
WI	APPLETON INTL, formerly OUTAGAMIE COUNTY RGNL.	ATW	VOR/DME RWY 03.
WI	APPLETON INTL, formerly OUTAGAMIE COUNTY RGNL.	ATW	VOR/DME RWY 21.
WI	MIDDLETON MUNI–MOREY FIELD	C29	VOR RWY 10.
WI	CHIPPEWA VALLEY RGNL	EAU	NDB RWY 22.

The following procedures will be removed effective February 04, 2016.

State	Airport name	ID	Approach procedure
AK	DILLINGHAM	DLG	VOR/DME RWY 19.
AK	FORT YUKON	FYU	VOR/DME OR TACAN–A.
AK	GULKANA	GKN	VOR/DME RWY 33.
AK	MIDDLETON ISLAND	MDO	VOR/DME RWY 20.
AK	RALPH WIEN MEMORIAL	OTZ	VOR/DME Y RWY 27.
AK	YAKUTAT	YAK	VOR/DME RWY 11.
AL	TALLADEGA MUNI	ASN	VOR/DME RWY 04.
AL	CRAIG FIELD	SEM	NDB RWY 33.
AR	BOONE COUNTY	HRO	VOR–A.
AR	LAKE VILLAGE MUNI	M32	VOR/DME–B.
AR	ROGERS MUNI–CARTER FIELD	ROG	NDB RWY 20.
AR	ROGERS MUNI–CARTER FIELD	ROG	VOR/DME RWY 20.
AR	BENTONVILLEMUNI/LOUISEMTHADENFIELD	VBT	VOR/DME–B.
CA	MC CLELLAN AIRFIELD	MCC	VOR/DME RWY 16.
CA	NORMAN Y. MINETA SAN JOSE INTL	SJC	VOR RWY 12R.
CA	NORMAN Y. MINETA SAN JOSE INTL	SJC	VOR/DME RWY 30L.
CA	NORMAN Y. MINETA SAN JOSE INTL	SJC	VOR/DME RWY 30R.
CT	TWEED–NEW HAVEN	HVN	VOR–A.
FL	APALACHICOLA RGNL–CLEVE RANDOLPH FIELD	AAF	NDB RWY 32.
FL	JACKSONVILLE EXECUTIVE AT CRAIG	CRG	VOR/DME RWY 32.
FL	SAINT LUCIE COUNTY INTL	FPR	NDB–A.
FL	NORTHEAST FLORIDA RGNL	SGJ	VOR RWY 31.
GA	AUGUSTA RGNL AT BUSH FIELD	AGS	VOR/DME RWY 17.
GA	CRISP COUNTY–CORDELE	CKF	NDB RWY 10.
GA	DANIEL FIELD	DNL	NDB/DME–C.
GA	THOMSON–MCDUFFIE COUNTY	HQU	NDB RWY 10.
GA	MACON DOWNTOWN	MAC	VOR/DME–B.
GA	HARRIS COUNTY	PIM	NDB RWY 09.
GA	HENRY TIFT MYERS	TMA	VOR RWY 33.
IA	WATERLOO RGNL	ALO	VOR/DME RWY 30.
IA	SIBLEY MUNI	ISB	NDB OR GPS RWY 17.
IA	SIOUX GATEWAY/COL. BUD DAY FIELD	SUX	NDB RWY 13.
IA	SIOUX GATEWAY/COL. BUD DAY FIELD	SUX	NDB RWY 31.
ID	JOSLIN FIELD–MAGIC VALLEY RGNL	TWF	NDB RWY 26.
IL	FRASCA FIELD	C16	VOR/DME OR GPS–B.
IL	OLNEY–NOBLE	OLY	VOR/DME–A.
IL	QUINCY RGNL–BALDWIN FIELD	UIN	VOR/DME RWY 22.
IN	SKY KING	3I3	VOR–B.
IN	MONROE COUNTY	BMG	VOR/DME RWY 24.
IN	MONROE COUNTY	BMG	VOR/DME RWY 35.
IN	NAPPANEE MUNI	C03	VOR/DME OR GPS–A.
IN	EAGLE CREEK AIRPARK	EYE	NDB RWY 21.
IN	GREENWOOD MUNI	HFY	NDB RWY 1.
IN	NEW CASTLE–HENRY COUNTY MUNI	UWL	NDB RWY 27.
KS	RENNER FLD/GOODLAND MUNI/	GLD	VOR/DME RWY 30.
LA	SHREVEPORT DOWNTOWN	DTN	VOR RWY 14.
LA	HOUMA–TERREBONNE	HUM	VOR RWY 12.
LA	FALSE RIVER RGNL	HZR	VOR/DME–A.
LA	ABBEVILLE CHRIS CRUSTA MEMORIAL	IYA	VOR/DME–A.
LA	HARRY P WILLIAMS MEMORIAL	PTN	VOR/DME–A.
MA	MINUTE MAN AIR FIELD	6B6	NDB–A.
MA	NORTHAMPTON	7B2	VOR–A.
MA	FITCHBURG MUNI	FIT	NDB RWY 20.
MA	MARSHFIELD MUNI–GEORGE HARLOW FIELD	GHG	NDB RWY 6.
MA	LAWRENCE MUNI	LWM	NDB RWY 5.
MD	BALTIMORE/WASHINGTON INTL THURGOOD MARSHALL.	BWI	VOR RWY 28.
ME	BANGOR INTL	BGR	VOR/DME RWY 15.
ME	BANGOR INTL	BGR	VOR/DME RWY 33.
ME	NORTHERN MAINE RGNL ARPT AT PRESQUE ISLE	PQI	VOR/DME RWY 01.

State	Airport name	ID	Approach procedure
MI	ALPENA COUNTY RGNL	APN	NDB RWY 1.
MI	KALAMAZOO/BATTLE CREEK INTL	AZO	NDB RWY 35.
MI	KALAMAZOO/BATTLE CREEK INTL	AZO	VOR RWY 05.
MI	KALAMAZOO/BATTLE CREEK INTL	AZO	VOR RWY 17.
MI	KALAMAZOO/BATTLE CREEK INTL	AZO	VOR RWY 23.
MI	W K KELLOGG	BTL	VOR RWY 23R.
MI	CHIPPEWA COUNTY INTL	CIU	VOR–A.
MI	HOUGHTON COUNTY MEMORIAL	CMX	VOR RWY 31.
MI	GAYLORD RGNL	GLR	VOR RWY 09.
MI	GERALD R. FORD INTL	GRR	VOR RWY 35.
MI	GOGEBIC–IRON COUNTY	IWD	VOR/DME RWY 27.
MI	MUSKEGON COUNTY	MKG	VOR–A.
MI	MENOMINEE–MARINETTE TWIN COUNTY	MNM	NDB RWY 3.
MI	LIVINGSTON COUNTY SPENCER J. HARDY	OZW	NDB RWY 13.
MI	PELLSTON RGNL AIRPORT OF EMMET COUNTY	PLN	VOR/DME RWY 05.
MI	SAWYER INTL	SAW	NDB RWY 01.
MI	SAWYER INTL	SAW	VOR RWY 01.
MN	ANOKA COUNTY–BLAINE ARPT(JANES FIELD)	ANE	VOR/DME RWY 27.
MN	AUSTIN MUNI	AUM	VOR RWY 35.
MN	AUSTIN MUNI	AUM	VOR/DME–A.
MN	BEMIDJI RGNL	BJI	VOR/DME RWY 31.
MN	FERGUS FALLS MUNI–EINAR MICKELSON FLD	FFM	NDB RWY 31.
MN	FERGUS FALLS MUNI–EINAR MICKELSON FLD	FFM	VOR RWY 35.
MN	FAIRMONT MUNI	FRM	VOR/DME RWY 31.
MN	FALLS INTL	INL	NDB RWY 31.
MN	FALLS INTL	INL	VOR/DME RWY 31.
MN	SOUTHWEST MINNESOTA RGNL MARSHALL/RYAN FLD.	MML	VOR/DME RWY 30.
MN	WINONA MUNI–MAX CONRAD FLD	ONA	NDB RWY 30.
MN	WINONA MUNI–MAX CONRAD FLD	ONA	VOR–A.
MN	WORTHINGTON MUNI	OTG	NDB RWY 29.
MN	OWATONNA DEGNER RGNL	OWA	VOR/DME RWY 30.
MN	PARK RAPIDS MUNI–KONSHOK FIELD	PKD	NDB RWY 31.
MN	ST CLOUD RGNL	STC	VOR/DME RWY 13.
MN	THIEF RIVER FALLS RGNL	TVF	VOR/DME RWY 31.
MO	KIRKSVILLE RGNL	IRK	VOR/DME–B.
MO	SIKESTON MEMORIAL MUNI	SIK	VOR/DME RWY 02.
MS	GREENVILLE MID–DELTA	GLH	VOR/DME RWY 18L.
MS	HARDY–ANDERS FIELD NATCHEZ–ADAMS COUNTY	HEZ	VOR/DME RWY 13.
MS	MCCHAREN FIELD	M83	VOR–A.
NC	PIEDMONT TRIAD INTL	GSO	VOR RWY 05R.
NC	HARNETT RGNL JETPORT	HRJ	VOR/DME RWY 05.
ND	HECTOR INTL	FAR	VOR/DME OR TACAN RWY 18.
ND	SLOULIN FLD INTL	ISN	NDB RWY 29.
NE	BEATRICE MUNI	BIE	VOR RWY 14.
NE	CAMBRIDGE MUNI	CSB	NDB RWY 32.
NE	EPPLEY AIRFIELD	OMA	VOR/DME RWY 32L.
NH	MANCHESTER	MHT	VOR/DME RWY 17.
NJ	MILLVILLE MUNI	MIV	NDB RWY 14.
NJ	HAMMONTON MUNI	N81	VOR–A.
NM	ALAMOGORDO–WHITE SANDS RGNL	ALM	VOR/DME RWY 03.
NM	GRANT COUNTY	SVC	VOR/DME–B.
NV	BATTLE MOUNTAIN	BAM	VOR–A.
NV	ELY ARPT/YELLAND FLD/	ELY	VOR–A.
NY	GREATER BINGHAMTON/EDWIN A LINK FIELD	BGM	VOR/DME RWY 28.
NY	DUTCHESS COUNTY	POU	VOR/DME RWY 06.
NY	GREATER ROCHESTER INTL	ROC	VOR/DME RWY 04.
OH	JAMES M. COX DAYTON INTL	DAY	NDB RWY 6R.
OH	CLERMONT COUNTY	I69	NDB RWY 22.
OH	SPRINGFIELD–BECKLEY MUNI	SGH	VOR RWY 24.
OK	DURANT RGNL–EAKER FIELD	DUA	VOR/DME RWY 17.
OK	CLAREMORE RGNL	GCM	VOR/DME–A.
SC	AIKEN MUNI	AIK	VOR/DME–A.
SD	WATERTOWN RGNL	ATY	VOR/DME OR TACAN RWY 35.
TX	C DAVID CAMPBELL FIELD–CORSICANA MUNI	CRS	VOR/DME–B.
TX	DALLAS/FORT WORTH INTL	DFW	VOR RWY 31L.
TX	DEL RIO INTL	DRT	NDB RWY 13.
TX	WICHITA VALLEY	F14	VOR/DME–C.
TX	GRANBURY RGNL	GDJ	VOR/DME–A.
TX	EAST TEXAS RGNL	GGG	NDB RWY 13.
TX	WILLIAM P HOBBY	HOU	VOR/DME RWY 04.
TX	WILLIAM P HOBBY	HOU	VOR/DME RWY 30L.
TX	WILLIAM P HOBBY	HOU	VOR/DME–E.
TX	SULPHUR SPRINGS MUNI	SLR	VOR–A.

State	Airport name	ID	Approach procedure
UT	SALT LAKE CITY INTL	SLC	VOR/DME OR TACAN RWY 16L.
UT	SALT LAKE CITY INTL	SLC	VOR/DME OR TACAN RWY 17.
UT	SALT LAKE CITY INTL	SLC	VOR/DME RWY 34R.
VA	NORFOLK INTL	ORF	VOR RWY 23.
VA	NORFOLK INTL	ORF	VOR/DME RWY 05.
VA	NEWPORT NEWS/WILLIAMSBURG INTL	PHF	NDB RWY 20.
VT	RUTLAND–SOUTHERN VERMONT RGNL	RUT	VOR/DME RWY 19.
WA	WALLA WALLA RGNL	ALW	NDB RWY 20.
WA	BOWERMAN	HQM	VOR/DME RWY 24.
WI	CENTRAL WISCONSIN	CWA	VOR OR GPS–A.
WI	AUSTIN STRAUBEL INTL	GRB	VOR/DME OR TACAN RWY 36.
WI	LA CROSSE MUNI	LSE	NDB RWY 18.

The following procedures will be removed effective March 31, 2016.

State	Airport name	ID	Approach procedure
AK	EMMONAK	ENM	VOR RWY 34.
AK	MC GRATH	MCG	VOR–A.
AK	RALPH WIEN MEMORIAL	OTZ	VOR RWY 09.
AK	RALPH WIEN MEMORIAL	OTZ	VOR RWY 27.
AK	SAND POINT	SDP	NDB/DME RWY 13.
AK	SHISHMAREF	SHH	NDB RWY 23.
AL	AUBURN UNIVERSITY RGNL	AUO	VOR RWY 29.
AL	NORTHWEST ALABAMA RGNL	MSL	VOR RWY 29.
AR	SOUTH ARKANSAS RGNL AT GOODWIN FIELD	ELD	VOR RWY 22.
AR	DRAKE FIELD	FYV	VOR–A.
AR	THOMPSON–ROBBINS	HEE	VOR RWY 17.
AR	GRIDERFIELD	PBF	VOR RWY 18.
AR	STUTTGART MUNI	SGT	VOR/DME–A.
CA	MEADOWS FIELD	BFL	VOR/DME RWY 30R.
CA	SACRAMENTO MATHER	MHR	VOR/DME RWY 22L.
CA	SAN FRANCISCO INTL	SFO	VOR RWY 19L.
CA	CHARLES M. SCHULZ–SONOMA COUNTY	STS	VOR/DME RWY 32.
DC	RONALD REAGAN WASHINGTON NATIONAL	DCA	VOR RWY 15, formerly VOR/DME OR GPS RWY 15.
DC	RONALD REAGAN WASHINGTON NATIONAL	DCA	VOR RWY 19, formerly VOR/DME OR GPS RWY 19.
DC	RONALD REAGAN WASHINGTON NATIONAL	DCA	VOR/DME RWY 01.
FL	FORT LAUDERDALE/HOLLYWOOD INTL	FLL	VOR RWY 28R.
FL	ORLANDO INTL	MCO	VOR/DME RWY 36L.
FL	ORLANDO INTL	MCO	VOR/DME RWY 36R.
GA	SOUTHWEST GA. RGNL	ABY	NDB RWY 4.
IA	WATERLOO RGNL	ALO	VOR RWY 36.
IA	CLINTON MUNI	CWI	VOR RWY 03.
IA	OTTUMWA RGNL	OTM	VOR RWY 31.
IA	SIOUX GATEWAY/COL. BUD DAY FIELD	SUX	VOR OR TACAN RWY 31.
IA	NEWTON MUNI	TNU	VOR RWY 32.
ID	COEUR D'ALENE–PAPPY BOYINGTON FIELD	COE	VOR RWY 06.
ID	IDAHO FALLS RGNL	IDA	NDB RWY 20.
ID	LEWISTON–NEZ PERCE COUNTY	LWS	VOR RWY 26.
IL	VERMILION REGIONAL	DNV	VOR RWY 21.
IL	DUPAGE	DPA	VOR RWY 2L.
IL	GALESBURG MUNI	GBG	VOR RWY 03.
IL	LEWIS UNIVERSITY	LOT	VOR RWY 09.
IL	LAWRENCEVILLE–VINCENNES INTL	LWV	VOR RWY 18.
IL	QUINCY RGNL–BALDWIN FIELD	UIN	VOR RWY 04.
IN	WARSAW MUNI	ASW	VOR RWY 27.
IN	GOSHEN MUNI	GSH	VOR RWY 27.
IN	DE KALB COUNTY	GWB	VOR RWY 09.
IN	DELAWARE COUNTY RGNL	MIE	VOR RWY 32.
IN	RICHMOND MUNI	RID	VOR RWY 24.
IN	RICHMOND MUNI	RID	VOR RWY 33.
KS	LIBERAL MID–AMERICA RGNL	LBL	VOR RWY 35.
MA	LAURENCE G. HANSCOM FIELD	BED	NDB RWY 29.
MA	MARTHAS VINEYARD	MVY	VOR RWY 24.
MA	ORANGE MUNI	ORE	NDB RWY 01.
MA	ORANGE MUNI	ORE	NDB RWY 32.
MD	BALTIMORE/WASHINGTON INTL THURGOOD MARSHALL.	BWI	VOR RWY 10.
MD	BALTIMORE/WASHINGTON INTL THURGOOD MARSHALL.	BWI	VOR/DME RWY 33L.
MD	SALISBURY–OCEAN CITY WICOMICO RGNL	SBY	VOR RWY 23.

State	Airport name	ID	Approach procedure
MD	SALISBURY–OCEAN CITY WICOMICO RGNL	SBY	VOR RWY 32.
ME	LITTLEBROOK AIR PARK	3B4	NDB–B.
ME	SANFORD SEACOAST RGNL	SFM	VOR RWY 07.
MI	ALPENA COUNTY RGNL	APN	VOR RWY 01.
MI	SOUTHWEST MICHIGAN RGNL	BEH	NDB RWY 28.
MI	HOUGHTON COUNTY MEMORIAL	CMX	VOR RWY 13.
MI	DELTA COUNTY	ESC	VOR RWY 09.
MI	DELTA COUNTY	ESC	VOR RWY 27.
MI	MANISTEE CO.-BLACKER	MBL	VOR RWY 28.
MI	CUSTER	TTF	VOR RWY 03.
MN	WILLMAR MUNI–JOHN L RICE FIELD	BDH	VOR RWY 13.
MN	FAIRMONT MUNI	FRM	VOR RWY 13.
MN	FAIRMONT MUNI	FRM	VOR RWY 31.
MN	RANGE RGNL	HIB	VOR RWY 13.
MN	RANGE RGNL	HIB	VOR RWY 31.
MN	LITCHFIELD MUNI	LJF	VOR/DME RWY 13.
MN	MANKATO RGNL	MKT	VOR RWY 33.
MN	WORTHINGTON MUNI	OTG	VOR RWY 36.
MN	PARK RAPIDS MUNI–KONSHOK FIELD	PKD	VOR RWY 31.
MT	WOKAL FIELD/GLASGOW INTL	GGW	NDB RWY 30.
NC	TARBORO–EDGECOMBE	ETC	NDB RWY 27.
NC	COASTAL CAROLINA REGIONAL	EWN	VOR RWY 04.
NC	MICHAEL J. SMITH FIELD	MRH	NDB RWY 21.
ND	DEVILS LAKE RGNL	DVL	VOR RWY 21.
NE	MC COOK BEN NELSON RGNL	MCK	VOR RWY 12.
NE	MC COOK BEN NELSON RGNL	MCK	VOR RWY 22.
NE	SEARLE FIELD	OGA	VOR RWY 08.
NE	SEARLE FIELD	OGA	VOR RWY 26.
NE	SEARLE FIELD	OGA	VOR/DME RWY 08.
NE	SIDNEY MUNI/LLOYD W. CARR FIELD	SNY	VOR RWY 13.
NE	SIDNEY MUNI/LLOYD W. CARR FIELD	SNY	VOR RWY 31.
NH	BERLIN RGNL	BML	VOR–B.
NH	MANCHESTER	MHT	VOR RWY 35.
NH	PORTSMOUTH INTL AT PEASE	PSM	VOR RWY 16.
NH	PORTSMOUTH INTL AT PEASE	PSM	VOR RWY 34.
NJ	NEWARK LIBERTY INTL	EWR	VOR/DME RWY 22L.
NJ	NEWARK LIBERTY INTL	EWR	VOR/DME RWY 22R.
NJ	SOLBERG–HUNTERDON	N51	VOR–A.
NM	FOUR CORNERS RGNL	FMN	VOR RWY 23.
NM	FOUR CORNERS RGNL	FMN	VOR RWY 25.
NM	LAS VEGAS MUNI	LVS	VOR RWY 02.
NV	DERBY FIELD	LOL	VOR OR GPS–C.
NY	GREATER BINGHAMTON/EDWIN A LINK FIELD	BGM	VOR RWY 10.
NY	WESTCHESTER COUNTY	HPN	VOR/DME–A.
NY	ITHACA TOMPKINS RGNL	ITH	VOR RWY 32.
NY	LA GUARDIA	LGA	VOR/DME–G.
NY	LA GUARDIA	LGA	VOR–F.
OH	AIRBORNE AIRPARK	ILN	NDB RWY 22R.
OH	AIRBORNE AIRPARK	ILN	NDB RWY 4L.
OH	AIRBORNE AIRPARK	ILN	VOR RWY 04L.
OH	AIRBORNE AIRPARK	ILN	VOR RWY 22R.
OH	AIRBORNE AIRPARK	ILN	VOR/DME RWY 22R.
OH	NEWARK–HEATH	VTA	NDB OR GPS RWY 9.
OK	ADA MUNI	ADH	VOR/DME–A.
OK	UNIVERSITY OF OKLAHOMA WESTHEIMER	OUN	NDB RWY 03.
OK	UNIVERSITY OF OKLAHOMA WESTHEIMER	OUN	NDB RWY 35.
OK	STILLWATER RGNL	SWO	NDB RWY 17.
OR	SOUTHWEST OREGON RGNL	OTH	NDB RWY 04.
SC	DILLON COUNTY	DLC	NDB RWY 07.
SC	HARTSVILLE RGNL	HVS	NDB RWY 3.
SD	MITCHELL MUNI	MHE	VOR RWY 30.
SD	CHAN GURNEY MUNI	YKN	VOR RWY 31.
TN	FAYETTEVILLE MUNI	FYM	NDB RWY 20.
TN	MCMINN COUNTY	MMI	NDB RWY 20.
TX	BOWIE MUNI	0F2	NDB RWY 35.
TX	BROWNWOOD RGNL	BWD	VOR RWY 17.
TX	DEL RIO INTL	DRT	VOR/DME–B.
TX	KERRVILLE MUNI/LOUIS SCHREINER FIELD	ERV	NDB RWY 30.
TX	WILLIAM P HOBBY	HOU	VOR/DME RWY 35.
TX	DALLAS EXECUTIVE	RBD	VOR RWY 31.
TX	LA PORTE MUNI	T41	NDB RWY 30.
TX	TYLER POUNDS RGNL	TYR	VOR/DME RWY 22.
VA	LYNCHBURG RGNL/PRESTON GLENN FLD	LYH	VOR RWY 04.
WI	KENOSHA RGNL	ENW	VOR RWY 15.

State	Airport name	ID	Approach procedure
WI	ALEXANDER FIELD SOUTH WOOD COUNTY	ISW	NDB RWY 30.
WI	MARSHFIELD MUNI	MFI	NDB RWY 5.
WI	MANITOWOC COUNTY	MTW	VOR RWY 17.
WI	LAWRENCE J TIMMERMAN	MWC	VOR RWY 15L.
WI	RHINELANDER–ONEIDA COUNTY	RHI	VOR RWY 09.
WV	RALEIGH COUNTY MEMORIAL	BKW	VOR RWY 19.
WV	MERCER COUNTY	BLF	VOR RWY 23.

[FR Doc. 2015–28478 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 730

General Information

CFR Correction

In Title 15 of the Code of Federal Regulations, Parts 300 to 799, revised as of January 1, 2015, on page 208, in § 730.8, in paragraph (c), remove the first instance of the phrase: ''General information including assistance in understanding the EAR, information on how to obtain forms, electronic services, publications, and information on training programs offered by BIS, is available from the Office of Export Services at the following locations:''

[FR Doc. 2015–28285 Filed 11–9–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 734

Scope of the Export Administration Regulations

CFR Correction

In Title 15 of the Code of Federal Regulations, Parts 300 to 799, revised as of January 1, 2015, on page 233, in § 734.4, in paragraph (a)(4), add the term ''ECCN'' before ''9E003.a.1''.

[FR Doc. 2015–28286 Filed 11–9–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice: 9343]

RIN 1400–AD80

Visas: Interview Waiver Authority

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This rule is promulgated to clarify the circumstances in which a consular officer and the Deputy Assistant Secretary for Visa Services may waive the requirement for a nonimmigrant visa interview.

DATES: This rule is effective November 10, 2015.

FOR FURTHER INFORMATION CONTACT: Lauren A. Boquin, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, Department of State, 600 19th St. NW., Washington, DC 20006, (202) 485–7638.

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

The Immigration and Nationality Act (INA), at section 222(h), sets out detailed requirements for in-person interviews of applicants for nonimmigrant visas. This rule amends 22 CFR 41.102 to be consistent with INA 222(h). It is also amended to reflect delegation of the Secretary of State's authority under INA section 222(h)(1)(C)(ii) to waive visa interviews upon a determination that a waiver is necessary as a result of unusual or emergent circumstances. In a delegation of authority dated August 20, 2012 (77 FR 52379), the Secretary authorized the Assistant Secretary for Consular Affairs to waive in-person visa interviews under such circumstances, which would include humanitarian crises or medical emergencies. The delegation also included authority to re-delegate, and the authority was re-delegated to the Deputy Assistant Secretary for Visa Services.

Paragraph (b) of section 41.102 is amended to add Taipei Economic and Cultural Representative Office (TECRO) nonimmigrants classifiable as E–1 visa holders, since such nonimmigrants are equivalent to diplomatic or official visa holders. Paragraph (c) was inserted to reflect the Secretary's undelegated authority to waive the personal appearance requirement in the national interest. The amended paragraph (d) of this regulation reflects the full scope of the Deputy Assistant Secretary for Visa Services' waiver authority, consistent with the above-referenced delegations. Paragraph (e) revised the prior paragraph (d) to reflect the revised structure of the regulation and to be consistent with the authority in INA 222(h) on overcoming prior refusals.

Regulatory Findings

Administrative Procedure Act

This regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is exempt from the requirements of 5 U.S.C. 553. In addition, since this rulemaking relates to rules of Department organization, procedure, or practice, it is exempt from notice-and-comment rulemaking in accordance with 5 U.S.C. 553(b). Finally, since this rulemaking is exempt from section 553, the provisions of 5 U.S.C. 553(d) do not apply, and this rulemaking is effective immediately.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice-and-comment rulemaking under 5 U.S.C. 553, it is exempt from the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (codified at 2 U.S.C. 1532) generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804. The Department is aware of no monetary effect on the economy that will result from this rulemaking.

Executive Orders 12866 and 13563

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866, and has determined that the benefits of this regulation outweigh any cost. The Department has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein. The Department does not consider this rule to be a significant rulemaking action.

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 the distribution of power and responsibilities among the various levels of government. The rule will not have federalism implications warranting the application of Executive Orders 12372 and 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulation in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Paperwork Reduction Act

This rule does not impose any new information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Immigration, Documentation of nonimmigrants, Passports and visas.

For the reasons stated in the preamble, the Department of State amends 22 CFR part 41 to read as follows:

PART 41—[AMENDED]

■ 1. The authority citation for Part 41 is revised to read as follows:

Authority: 22 U.S.C. 2651a; 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681–795 through 2681–801; 8 U.S.C. 1185 note (sec. 7209 of Pub. L. 108–458, as amended by sec. 546 of Pub. L. 109–295).

■ 2. Section 41.102 is revised to read as follows:

§ 41.102 Personal appearance of applicant.

(a) Except when the requirement of personal appearance has been waived pursuant to paragraph (b), (c), or (d) of this section, each applicant for a nonimmigrant visa who is at least 14 years of age and not more than 79 years of age must personally appear before and be interviewed by a consular officer, who shall determine on the basis of the applicant's representations, the visa application and other relevant documentation:

(1) The proper nonimmigrant classification, if any, of the alien; and

(2) The alien's eligibility to receive a visa.

(b) Waivers of personal appearance by consular officers. Except as provided in paragraph (e) of this section or as otherwise instructed by the Deputy Assistant Secretary of State for Visa Services, a consular officer may waive the requirement of personal appearance if the consular officer concludes the alien presents no national security concerns requiring an interview and:

(1) Is within a class of nonimmigrants classifiable under the visa symbols A–1, A–2, C–2, C–3 (except 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, NATO–6, or is a Taipei Economic and Cultural Representative Office (TECRO) nonimmigrant classifiable under visa symbol E–1, and is seeking a visa in such classification; or

(2) Is an applicant for a diplomatic or official visa as described in § 41.26 or § 41.27 of this chapter; or

(3) Is an applicant who is within 12 months of the expiration of the applicant's previously issued visa and:

(i) Is seeking re-issuance of a nonimmigrant visa in the same classification;

(ii) Is applying at the consular post of the applicant's usual residence; and

(iii) Is an applicant for whom the consular officer has no indication of visa ineligibility or of noncompliance with U.S. immigration laws and regulations.

(c) Waivers of personal appearance in the national interest. Except as provided in paragraph (e) of this section, the Secretary may waive the requirement of personal appearance of an individual applicant or a class of applicants if the Secretary determines that such waiver is in the national interest of the United States.

(d) Waivers of personal appearance in unusual or emergent circumstances. Except as provided in paragraph (e) of this section, the Deputy Assistant Secretary for Visa Services may waive the requirement of personal appearance of an individual applicant or a class of applicants if the Deputy Assistant Secretary determines that such waiver is necessary as a result of unusual or emergent circumstances.

(e) Cases in which personal appearance may not be waived. Except for a nonimmigrant applicant whose personal appearance is waived under paragraphs (b)(1), (b)(2), or (c) of this section, the personal appearance requirement may not be waived for:

(1) Any nonimmigrant applicant who is not a national or resident of the country in which he or she is applying.

(2) Any nonimmigrant applicant who was previously refused a visa, is listed in CLASS, or otherwise requires a Security Advisory Opinion, unless:

(i) The visa was refused and the refusal was subsequently overcome; or

(ii) The alien was found inadmissible, but the inadmissibility was waived.

(3) Any nonimmigrant applicant who is from a country designated by the Secretary of State as a state sponsor of terrorism, regardless of age, or who is a member of a group or sector designated by the Secretary of State under section 222(h)(2)(F) of the Immigration and Nationality Act.

Dated: August 17, 2015.

Michele Thoren Bond,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2015–28578 Filed 11–9–15; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

[156A2100DD/AAKC001030/A0A501010.999900 253G]

RIN 1076–AF22

Housing Improvement Program

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is updating its regulations governing its Housing Improvement Program, which is a safety-net program that provides grants for repairing, renovating, or replacing existing housing and for providing new housing. This final rule is an important part of the *Tiwahe* initiative, which is designed to promote the stability and security of Indian families. This final rule aligns the program with other Federal requirements, allows leveraging of housing funds to increase the number of families served and projects funded, and promotes tribal sovereignty and self-determination by providing tribes with more flexibility in determining how to

address waiting lists of tribal members awaiting housing assistance.

DATES: This rule is effective December 10, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Les Jensen, Division of Housing Assistance, Bureau of Indian Affairs at (907) 586–7397. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1 (800) 877–8339 between 8 a.m. and 4 p.m. Monday through Friday, excluding Federal holidays.

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I. Background

The Housing Improvement Program (HIP) is a safety-net program that provides grants for the cost of services to repair, renovate, or replace existing housing and provide new housing for eligible members of federally recognized Indian tribes. The BIA administers the HIP under the regulations at 25 CFR part 256. The BIA distributes HIP funding based on a priority ranking derived from a point system to identify those individuals and families most in need of housing assistance. Funding is restricted to individuals and families that reside in the tribe's service area. In Fiscal Year (FY) 2015, the HIP will serve approximately 140 recipients. These recipients are individuals and families with extremely low incomes.

II. The Rule's Changes to the Current HIP

This final rule updates various provisions to align the HIP with other Federal program requirements, allow leveraging of housing funds to increase the number of families served and projects funded, and provide tribes with flexibility to better address lengthy waiting lists of tribal members awaiting housing assistance.

Categories of Assistance and Funding Limits

Currently, the HIP provides funding for four categories of housing needs:

- Category A—for repair of existing homes;
- Category B—for renovation of existing homes to standard housing condition;
- Category C–1—for construction of replacement homes; and
- Category C–2—for new housing.

For each category, there is a limit on the amount of funding a recipient may receive. The final rule increases the limit for Category A funding from $2,500 to $7,500 and increases the limit for Category B funding from $35,000 to $60,000. The original limits are inadequate, given the average costs of repair and renovation to standard housing condition. These limit increases better reflect the actual costs of repair and renovation. Further, these limit increases will allow more households to repair and renovate existing homes, rather than spending more on each individual household to build a new home. This approach will improve housing conditions for more households.

The final rule adds a new Category D, to allow assistance toward the purchase of a modest house (*e.g.*, financial assistance for a down payment) for families that can obtain a mortgage loan from other Federal programs. These rule changes allow for HIP assistance to families with very low income (rather than just families with extremely low income) and allow families to leverage the funding they receive, making each Federal dollar stretch farther.

Ranking Factors

Priority ranking for HIP assistance is based on total numeric value (points) received under the ranking factors. The current ranking factors are based on the applicant's annual household income, whether there is an aged person living in the house, whether there is a disabled person living in the house, and family size. There are a certain number of points available for each of the ranking factors. Each applicant receives a certain number of points under each of the ranking factors. The final rule updates the current ranking factors, as shown in the table below.

Ranking factor	Final rule change from current rule	Reason for change
Annual household income	Increase the income guidelines from 125 percent to 150 percent of the Federal Poverty Income Guidelines.	Those within 150 percent of the poverty level would be eligible, allowing the HIP to assist the very needy, in addition to the extremely needy.
Age	Award one point for every year above 54 years of age, up to 15 points. Currently there is no maximum number of points available.	Awarding a maximum of 15 points for this ranking factor ensures that it is appropriately weighted against other factors so that tribes have more flexibility to address their lengthy waiting lists in a manner they determine best serves tribal members awaiting housing assistance.
Disability	Award 10 points if one or more members of the applicant household is disabled and decrease the number of points available for this category to 10 points (currently 20 points is available).	Awarding 10 points if one or more members of the applicant househhold is disabled ensures that this ranking factor is appropriately weighted against other factors so that tribes have more flexibility to address their lengthy waiting lists in a manner they determine best serves tribal members awaiting housing assistance.
Dependent Children	Award 3 points for one dependent and 3 points for each additional dependent, up to a maximum of 15 points for 5 or more dependents (currently, the maximum for 6 or more dependents is 5 points).	These adjustments ensure that this ranking factor is appropriately weighted against other factors so that tribes have more flexibility to address their lengthy waiting lists in a manner they determine best serves tribal members awaiting housing assistance.

Ranking factor	Final rule change from current rule	Reason for change
Other conditions	New category including ranking factors for veterans (5 points), homelessness or overcrowding (5 points), and dilapidated housing (5 points), with a maximum of 15 points.	These new ranking factors prioritize applicants who are veterans, homeless or in overcrowded or dilapidated housing conditions, by awarding points for these factors
Approved Financing Package.	New category for applicants with an approved financing package for housing who still need HIP assistance.	This new ranking factor allows applicants to leverage funding to improve housing conditions.

Overall, the adjustments to the points are intended to create a level playing field among applicants and provide tribes with more flexibility to determine how best to serve applicants on their long waiting lists.

Payback Agreements

Under the HIP, the recipient may be required to enter into a ''payback agreement'' which provides that the recipient will have to pay back the entire amount of funding received or a portion thereof if the recipient sells the home within a certain period of time. If the payback period expires, no payback is required and the money is considered a grant. Currently, for Category B, the payback period is 5 years. So, for example, a family that receives HIP funding for a home must repay the funding if the family sells the home within 5 years of receiving the funding. The final rule does not establish a uniform payback period, but provides that the payback agreement will establish the payback period. The final rule does not affect the payback period for Category C.

Four-Year Application Period

The final rule also increases the time for consideration of an application to 4 years. Currently an application expires after one year, requiring an applicant who does not receive assistance under the HIP to reapply annually until assistance is received. The final rule places each application in the application pool for four years, so an applicant need only apply once every 4 years until assistance is received.

Land Ownership Requirements

HIP funding applicants must provide proof of land ownership before the grant award. The final rule allows the applicant to provide proof of a homesite lease or proof that the applicant can obtain the land, even by lease, rather than requiring ownership. A certificate of title is required if and when the applicant becomes the owner of the home.

Square-Footage Limits

The final rule also increases square-footage limits to allow Americans with Disabilities Act (ADA) requirements to be met, when applicable, and clarify when ADA requirements apply. The following table shows the increases in square footage the final rule makes.

Number of bedrooms in house	Current and new square footages (sf)	Total increase (sf)
2 bedrooms	900 sf to 1,000 sf	100
3 bedrooms	1,050 sf to 1,200 sf	50
4 bedrooms	1,305 sf to 1,400 sf	95

Standard Housing Definition

The definition of ''standard housing'' reduces the number of persons appropriate for a three-bedroom dwelling from ''up to seven persons'' to ''up to six persons'' to reflect that, depending on the make-up of the family, three persons per bedroom may be considered crowded. Additionally, the final rule changes the bedroom sizes to require ''up to 120 feet'' of floor space for the first bedroom and ''up to 100 feet'' of floor space for each additional bedroom, to allow tribes the flexibility to provide for smaller square footage where appropriate. The current rule requires ''at least 120 feet'' and ''at least 100 feet,'' respectively.

III. Comments Received on the Proposed Rule and Responses to Comments

We received 20 written comment submissions on this rule and several oral comments at tribal consultations. The following summarizes the substantive comments received and our responses.

A. General

Every tribe that submitted comments on the rule supported the proposed rule changes in general, noting the importance of the HIP as a program, and further stating that the changes provide flexibility for tribes to better address long waiting lists in their service areas, foster relationships with other agencies to leverage Federal housing funds, and increase the number of families served and projects funded. Only one commenter opposed the rule for reasons summarized below (*e.g.*, opposition to the funding limits for Categories A and B, adding a new category for down payment assistance, the increased application period).

One tribe asked how the changes to factors will provide tribes with flexibility to better address lengthy waiting lists. Expanding the criteria and adjusting the points allows younger families more of a chance at assistance by awarding a similar number of points for different factors. This may result in more ties in points among applicants, which will allow the tribe flexibility to identify the priority among applicants with a similar number of points. By increasing the funding limits in Categories A and B, more households will be able to repair and renovate existing homes, reducing the need to build new homes. These changes, along with the new category for down-payment assistance to purchase a new home, allow Federal dollars to stretch farther and serve more households.

A commenter stated that the tribe supports allowing applicants to provide proof of a lease rather than homeownership because some families cannot afford to purchase a home but still need to participate in the HIP to bring living conditions to an acceptable level. The final rule allows proof of a lease rather than homeownership.

B. Definitions (256.2)

One commenter suggested multiple changes to the definitions, as listed here.

• The definition of ''agency'' should include a unit of BIA that enters into cooperative agreements and/or self-determination contracts with tribes. The final rule does not incorporate this

suggestion because the context in which ''agency'' is used in the rule does not require specifying that tribal organizations can enter into agreements to administer the HIP.

• The citation in the definition of ''overcrowding'' is incorrect. The final rule includes the correct citation, to 256.10 instead of 256.11.

• The definition of ''permanent members of household'' should be reworded to be ''adults and any children living in the household who intend to live there continuously.'' The final rule does not make this change because the suggested wording could be interpreted to increase eligibility requirements by requiring proof of the children's intention to live in the household continuously.

• The definition of ''standard housing condition'' should include a four bedroom house as adequate for all but the largest families. The final rule inserts this provision and clarifies the number of occupants that each size house may not exceed.

• The definition of ''standard housing condition'' should state that, in regions of severe climate, the size of the house may be changed to comply with the requirement that the heating system has the capacity to maintain a minimum temperature of 70 degrees in the house. The final rule does not incorporate this change because the size requirements and heating system requirements are compatible and both can be met even in areas of severe climate.

Another commenter asked whether all agencies of the Federal government are using the same definition of homelessness. The definition of ''homelessness'' for the purposes of HIP is different from that of other Federal agencies, to ensure that our definition encompasses persons who may be without a home but staying with extended family or friends, while other agencies' definitions may focus more on chronic homelessness.

A commenter asked for more information on what it means that the rule changes will ''align'' HIP requirements with other programs. The rule changes will allow eligible applicants for the HIP to participate in both the HIP and other government housing programs to leverage available funding and make down payments or receive repairs or renovations they may not otherwise have been able to afford.

A few commenters recommended specifying in the definition of ''standard housing condition'' that, if no housing codes with building standards exist, construction must meet appropriate building standards for the region. The final rule does not incorporate this change because every housing office should have a standard housing code, which would apply.

C. Policy (256.3)

One commenter suggested adding to the policy statement that every American Indian and Alaska Native should have the opportunity for a ''safe'' home and suitable living ''conditions'' (rather than ''environment''). The final rule incorporates these edits because the opportunity for ''safe'' homes, in addition to decent homes, is consistent with national housing policy.

One commenter supported the provision at 256.3 requiring BIA to provide a certificate of title for the dwelling once the program participant owns the home. Another commenter suggested adding to the end of 256.25 that a certificate of title or ownership will be issued upon completion of the work. The tribe or lender may issue a certificate of title.

D. Eligibility (256.6)

1. Income Limits

Several commenters stated their support of the proposal to increase the income guidelines for eligibility from 125 percent to 150 percent of the Federal Poverty Income Guidelines because it will extend the reach of the program to more applicants who are in need of housing but not eligible for other housing assistance programs. The final rule includes this increase.

One commenter requested more information about the Federal Poverty Income Guidelines. The Department of Health and Human Services publishes the guidelines on an annual basis. They are available at: *http://aspe.hhs.gov/poverty/index.cfm*.

2. Previous HIP Assistance

Some commenters stated that, while they recognize the need to serve clients who have not previously received assistance through the HIP, they recommend that this restriction on eligibility not apply to recipients of Category B rehabilitation funds if the funds were received prior to a certain time, such as more than 25 years ago. The final rule retains the restriction on eligibility in the interest of fairness, to ensure that those who have not yet received HIP assistance are given priority.

3. Participation in Government Program

A few commenters stated that the eligibility restriction against having acquired present housing through participation in a Federal government-sponsored housing program should be deleted. The commenters stated that the restriction could unnecessarily limit participation in the HIP and that participation in other programs, such as a Mutual Help, HUD Section 184, or Section 502 program should not prevent someone from participating in the HIP. The final rule clarifies that only past participation, over the previous 20-year period, in another Federal government-sponsored program to obtain your current home restricts your eligibility for the HIP. The final rule encourages contemporaneous participation in another Federal government-sponsored housing program to leverage available funding.

E. Category A—Repair of Existing Homes (256.7, 256.8)

Several commenters stated their support of the proposal to increase the limit for Category A (Repair) funding from $2,500 to $7,500 because it better reflects average costs of housing repairs and would allow tribes to address more housing conditions that threaten the health and safety of tribal members. A commenter stated that current funding limits allow only minimal repairs that do not make any lasting improvements, while the proposed limits would improve the health of impoverished families by better addressing basic housing needs. The final rule includes the proposed increase in Category A funding.

One commenter stated that there should be higher limits on repair costs and lower limits on renovation costs because renovations may be strictly cosmetic. The final rule does not change the limits because renovations funded by the HIP are those necessary to bring the house to standard housing condition. *See* 256.7.

One commenter stated that BIA should revisit the limits in two or three years, rather than the 13 years it took to update the current limits with this rule, to ensure that the amount continues to be sufficient. While revisiting the limits in two to three years may be unrealistic, BIA will endeavor to revisit the limits more frequently to account for inflation and other factors that may affect the effectiveness of the limits.

One commenter stated that higher limits are necessary to address emergency repairs such as roofing, windows, doors, insulation, and old wiring and heating, and stated that such repairs may cost $15,000 and up. While Category A funding may be used to address safety concerns, the HIP generally is not intended for emergency repairs.

F. Category B—Renovation (256.7, 256.9)

Several commenters expressed their support for increasing the limit for Category B funding from $35,000 to $60,000 because the current renovation limits fail to provide adequate funding to improve housing conditions to a level that meets applicable building code standards. The final rule includes the increase in Category B funding.

The proposed rule would have lengthened the Category B payback period to 10 years. So, for example, a family that receives HIP funding for a home would have had to repay the funding if the family sold the home within 10 years. Several commenters also expressed their support of increasing the payback agreement period from 5 years to 10 years for Category B, to better allow the tribe to recoup the costs before the recipient sells the home and allow those recouped costs to be used to address the housing needs of other program recipients on the waiting list. One commenter expressed opposition to increasing the payback period, stating that the increase would detrimentally affect grant recipients by requiring them to stay in their home for at least 10 years. Another commenter suggested a pro-rata formula for payback beyond 5 years, because wear and tear on a home over 5 years can be significant. The final rule provides that the payback agreement will establish the payback period in order to allow flexibility in determining the appropriate payback period under each set of circumstances.

G. Category C—Replacement of New Housing, Square Footage (256.7, 256.10)

One commenter stated support for the inclusion of freight costs in Category C funding for homes in Alaska. The final rule includes freight costs for Category C funding.

One commenter stated that the table at 256.10(a)(1) should also require that the land has adequate ingress and egress rights and reasonable access to utilities. The final rule does not include this additional requirement because the cited provision addresses homes already owned, so it is presumed that there is already adequate ingress and egress and reasonable access to utilities.

Several commenters supported the proposed increase in square footage limits. Some stated that that it will allow tribes to better serve families with disabilities and meet Americans with Disabilities Act requirements. One commenter, while conceptually in favor of the square footage limits, stated concern that, without additional appropriations, the increases may prevent the HIP from reaching a greater number of people in need or reduce the number served. Another commenter stated that the proposed increases to bedroom sizes do not go far enough. The final rule incorporates the proposed increases in square footage limits to better serve families with disabilities.

H. Both Categories B and C

A few commenters recommended clarifying that recipients of Category B and Category C who sell the house must repay the tribe directly operating the HIP (or BIA), to ensure that funding stays in the community where it was originally invested, consistent with the Indian Self-Determination and Education Assistance Act (ISDEAA) and self-governance. The final rule incorporates this change; however, any funding returned to the tribe or tribal organization may be used only for the HIP.

One commenter suggested providing a $60,000 funding limit for Alaska and a lower funding limit for the lower 48 States because renovations are generally more costly in Alaska. The final rule imposes a funding limit of $60,000 on renovations, regardless of what State the home is located in; however, it allows for additional funding for homes in Alaska to cover freight costs.

I. Category D—Assistance (256.7, 256.11)

Several commenters stated their support of the proposed new Category D, allowing for down payment assistance. The commenters pointed out that assistance with down payments will help tribes promote homeownership to families of all ages and will allow tribes to serve working class families that would not otherwise qualify for housing because they do not have the financial resources to come up with a down payment. One noted that the down payment assistance dollars could be used to buy down the interest rate and principal loan so that monthly mortgage payments are more affordable for working families.

One commenter stated a concern that Category D does not include spending caps or payback agreements that the current HIP program categories possess and that, without a cap, the limited HIP funds may serve fewer recipients. BIA agrees that a cap may be appropriate at some point but requires several years to collect data on what an appropriate cap would be. For this reason, BIA will revisit this comment at some point in the next decade or two.

A few commenters specifically supported the proposed language at 256.11(b) saying that Category D funds may be used for down payment assistance, closing costs, and pre-homeownership counseling.

A few commenters suggested defining the income eligibility for Category D using the definition provided in the Native American Housing Assistance and Self-Determination Act (NAHASDA) regulations at 12 CFR 1000.10, which would allow those with an annual income that is 80 percent of the area median income or United States median income, whichever is higher, to be eligible. The final rule does not incorporate this suggestion because defining income eligibility for one category in a manner different from the other categories would be administratively burdensome.

A few commenters suggested that, to promote use of Category D, BIA set aside 10 percent of each region's HIP allocation for Category D. They also suggested that BIA document the need for Category D funding so future appropriation requests can be increased to meet down payment assistance needs. There is no change to the final rule to address this comment because BIA addresses allocations in its annual funding letter to tribes. BIA believes it will take several funding cycles to fully implement the Category D program and identify the appropriate level of funding based on participation.

One commenter stated that down payment assistance should be offered as part of Category C-2, because creating a new Category D will demand more time, resources, and procedures. BIA has determined that the more cost effective solution is to create a new Category D for down payment assistance because it can be separately tracked and administered.

A commenter stated that the 30-point ranking value for factor 6, applicants with an approved financing package, may lead to an approval bias toward Category D applications, while needs related to the other three categories go unmet. The final rule lowers the point value from 30 to 25 in response to these comments. BIA believes the 25-point value will allow tribes the flexibility to put an applicant for Category D assistance on an equal footing with applicants for other categories. HIP funds will still be made available for the other categories.

One commenter stated that, with the addition of Category D, the intent of the program is changed from a safety-net program because the program would no longer be providing assistance to the neediest of the needy with no other resources, since Category D applicants do have other resources for assistance.

The final rule does not make any changes in response to the comment because Category D applicants still must meet the extremely low and very low income and other eligibility requirements for HIP participation. While Category D helps those who need HIP assistance in order to avail themselves of otherwise unavailable resources. This commenter also suggested changing the down payment assistance program to one in which a participant could provide in-kind services for down payment (*e.g.*, labor equity toward construction of the house). The final rule does not allow for in-kind services or labor equity because doing so would pose safety and liability issues that BIA is not prepared to undertake at this point.

One commenter asked whether a person approved for participation in the HIP can get a loan ''on top of'' the HIP assistance. The final rule does not allow loans in addition to HIP assistance, but does encourage coordination of HIP assistance with other Federal resources to leverage those resources.

J. New Ranking Factors (256.14)

Several commenters stated their support of the new ranking factors for homelessness, overcrowding, and dilapidated housing, as helping to identify and prioritize tribal communities' housing needs.

A few commenters suggested adding a new factor for veterans; one suggested the new factor for veterans should be for 20 points. The final rule adds veteran as an ''other condition'' in recognition of both the important contribution to society that veterans have made and the disadvantage many veterans are under economically. The final rule provides the veteran ranking factor with a point value of 5 to balance this factor with other factors.

K. Ranking Factor—Dependent Children

A few commenters stated their support for increasing the maximum number of points for dependent children. One noted that single-parent families are growing and in need of housing but have difficulty in gaining approval under the HIP, and that elders often live with these families and, as such, the proposed increase in points serves two constituencies. One commenter stated that there should be a ranking factor or priority points for families with young children, and that these families should be prioritized above all because it is our duty as society to allocate sufficient resources for habitable homes to these children. The proposed and final rule increase the maximum number of points awarded for dependent children from 5 to 15 points.

L. Ranking Factor—Age

The final rule retains the threshold for being considered ''aged''at 55 years old. The proposed rule proposed to increase the threshold from 55 years old to 62 years old to align the age with the Social Security age for retirement. Several commenters opposed increasing the threshold for being considered ''aged'' from 55 years of age to 62 years of age. These commenters recommended that the threshold stay at 55 with a maximum of 20, rather than 15 points, allowing anyone over 75 to obtain 20 points. One commenter noted that the basis for the proposed increase to 62, aligning the HIP age requirement with the Social Security age of retirement, does not reflect the realities Indian Country faces, in which the average American Indian or Alaska Native has a shorter lifespan and more medical issues. Another commenter stated that the program should target the elderly and disabled by giving them higher priority. The final rule retains the current threshold for ''aged'' at 55 in response to these comments. The final rule retains the proposed maximum of 15 points for this factor to ensure that it is appropriately weighted against other factors so that tribes have more flexibility to address their lengthy waiting lists in a manner they determine best serves tribal members awaiting housing assistance.

M. Ranking Factor—Disability

One commenter supported the proposal to provide a set number of points if at least one disabled person is in the household, regardless of how many disabled persons are in the household. Another commenter opposed the proposal to provide a set number of points, stating that it does not account for the fact that households with two disabled members often experience high mortality rates and may put at a disadvantage those households where one disabled member dies before the household is served. The final rule provides for 10 points for any household in which there is at least one disabled member.

A few commenters stated that the proposed 10 points is not enough to account for disabled persons; one suggested 20 points should be provided for a disabled person. BIA ran several scenarios using different point values and determined that 10 points is appropriate to put this factor on equal footing with the other factors. As a whole, the rule attempts to balance the number of points available in each category to allow for households with different needs to remain competitive with each other in scoring, thereby allowing the tribe to prioritize among households with tied or close scores.

One commenter asked whether someone with fetal alcohol effects would be considered disabled under the rule. The rule defines ''disabled'' broadly to encompass a physical or intellectual impairment that substantially limits one or more major life activities.

N. Active Period for Applications

Several commenters supported the proposal of allowing applications to remain active for four years, rather than the current one year, because this change removes unnecessary regulatory and administrative burdens, removes a deterrent to reapplying, benefits applicants, and provides greater flexibility to tribes in providing housing services. One commenter stated that the change is not advantageous to the applicant or the HIP because the applicant's circumstances may change over the course of four years. The final rule incorporates the four-year period because applicants may annually update their applications to address any updated circumstances.

O. NEPA

A few commenters noted the typographical error in the title of the ''National Environmental Policy Act.'' The proposed rule identified the Act as the ''National Environmental Protection Act.'' The final rule corrects this error.

A few commenters also noted their view that all of the specific actions authorized by the HIP would be covered by a NEPA categorical exclusion and suggested adding language to 256.19 to clarify this. The final rule incorporates this change.

P. Funding

Nearly every commenter stated support of continued funding for the HIP and asserted that more funding is needed for the HIP. One commenter stated that the HIP targets a population in dire need of support and has had a significant impact on the lives of Indian people, but over the years, the funding in real dollars has dropped substantially. Another commenter stated that the households the tribe is serving through the HIP truly have no other options to improve living conditions. These commenters stated that there is a need for Congress and the Administration to work together to fund the HIP at a meaningful level; otherwise, the increases in funding limits, while

appropriate and needed, may result in fewer families being served.

One commenter stated that funding for Category C, in particular, is needed. BIA recommends that tribes ask their regional HIP officers if additional funding for Category C is needed.

Another commenter stated that the HIP's funding formula methodology does not currently function well for tribes in its area because the income limits are too low. The final rule increases the current income limits but BIA has determined that increasing the limits further may duplicate other programs, rather than meeting the HIP's goal to meet the housing needs of the neediest.

A commenter stated that HIP funds should be leveraged with the U.S. Department of Energy (DOE) funding for energy efficiency. BIA encourages tribes to work with BIA, DOE, and other agencies to leverage funding.

A commenter expressed concern that the higher funding limits will mean fewer applications will be accepted and fewer households will receive benefits. BIA does not expect the rule's changes to the HIP to decrease the number of participants because the rule changes allow for better leveraging of federal funding, allowing each dollar to go farther.

Q. Other Comments

A few commenters addressed issues with the Federal Emergency Management Agency (FEMA) mapping. BIA suggests that tribes may want to consider contacting FEMA regarding mapping.

One commenter stated that households should be eligible for HIP assistance, even if prior assistance was received, if the useful life expectancy of the house has been exceeded and it otherwise qualifies as dilapidated. The final rule retains the restriction on previous assistance to be eligible for the HIP in order to prioritize getting HIP assistance to those who have not received assistance before, in the interest of fairness.

A commenter suggested adding more items to the list of other income for which applicants must provide proof in applying for the HIP. The final rule does not incorporate this change because the income items listed are examples and are not an exhaustive list.

A commenter suggested that ''your position on the priority list'' should be the first item listed in 256.17, listing factors that affect the length of time it takes to do work on your house. The final rule accepts this edit because the position on the priority list is an important factor that participants often overlook. This commenter also suggested that ''infrastructure availability'' should be added to the list. The final rule adds this to the list as an example of ''other unforeseen factors.''

Commenters provided suggestions for additional non-substantive edits that the final rule does not incorporate. A few commenters suggested the Bureau create an advisory committee for updates to the HIP handbook. BIA plans to update the handbook and suggests that tribes and other interested parties work through their housing officers to provide comments.

IV. Procedural Matters

A. Regulatory Planning and Review (E.O. 12866)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

The Department certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It does not have any effect on small entities because only individuals and families are recipients of funding under the program governed by this rule. The Department provides funding through tribes to eligible individuals within service areas based on a priority ranking derived from a point system to identify those individuals and families most in need of housing assistance. While it is possible that small entities may be among the service providers performing renovations, repairs, and construction funded under this program, this rule will not foreseeably affect the demand for such services. Renovations, repairs, and construction performed using funding provided in this program must comply with applicable ordinances, including any permitting requirements.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Funding for the HIP comes from the Federal Government budget.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

Under the criteria in Executive Order 12630, this rule does not affect individual property rights protected by the Fifth Amendment nor does it involves a compensable ''taking.'' A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, this rule has no 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. This rule updates the implementation requirements for the HIP, which is a Federal program.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation; and is written in clear language and contains clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments,'' Executive Order 13175 (59 FR 22951, November 6, 2000), 512 DM 4 and 5, and the BIA Government-to-Government Consultation Policy, we have held several listening sessions and consultation sessions with representatives of federally recognized tribes throughout the development of this rule. In 2010, BIA staff implementing the HIP opened a dialogue with Indian tribes because tribes indicated that the program as structured was not allowing them to make progress on their waiting lists of members with housing needs. BIA then held several listening sessions and incorporated comments received during those listening sessions into the rule. Following publication of the proposed rule, BIA hosted consultation sessions with Indian tribes throughout February 2015, including two sessions in Washington, DC to accommodate those attending the National American Indian Housing Council legislative conference and the National Congress of American Indian Executive Council Winter Session, one in Anchorage, Alaska, and one by teleconference. BIA has addressed the input received during those sessions in this final rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, prohibits a Federal agency from conducting or sponsoring a collection of information that requires OMB approval, unless such approval has been obtained and the collection request displays a currently valid OMB control number. Nor is any person required to respond to an information collection request that has not complied with the PRA. In accordance with 44 U.S.C. 3507(d), BIA submitted the information collection and recordkeeping requirements of this rule to OMB for review and approval. BIA received no comments addressing the information collection requirements and made no revisions to its request. OMB has reviewed the request and approved the information collection.

The following describes the information collection requirements in the rule. The information collection requirements differ from those in the current rule in that applicants need only submit a full application form every four years, but applicants must provide an update (in any format) annually if any information on the application changes. The application form associated with this information collection is also being updated. The revisions result in a net decrease of 4,000 hours because a full application is now required only once every four years, and applicants must only provide annual updates.

Title: Housing Improvement Program, 25 CFR part 256.

OMB Control Number: 1076–0184.

Expiration Date: 10/31/2018.

Summary: This information collection requires individuals and families that are seeking funding assistance for repair, renovation, or replacement of existing homes or new housing, to provide certain information to establish their eligibility for the HIP administered by BIA. This new information collection approval will replace existing OMB Control Number 1076–0084 to accommodate revisions to the application form.

Frequency of Collection: On occasion.

Description of Respondents: Indian tribal members.

Total Annual Responses: 10,000.

Total Annual Burden Hours: 4,000.

Total Annual Non-Hour Cost Burden: $ 20,000.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

K. Effects on the Energy Supply (E.O. 13211)

This final rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Drafting Information

The primary authors of this document are Les Jensen, Office of Indian Services, Bureau of Indian Affairs, Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, Department of the Interior, and Sabrina McCarthy, Office of the Solicitor—Division of Indian Affairs.

List of Subjects in 25 CFR Part 256

Grant programs—housing and community development, Grant programs—Indians, Housing, Indians, Reporting and recordkeeping requirements.

For the reasons given in the preamble, the Department proposes to amend 25 CFR chapter I, subchapter K, by revising part 256 to read as follows:

PART 256—HOUSING IMPROVEMENT PROGRAM (HIP)

Subpart A—General Provisions

Sec.

256.1 Purpose.
256.2 Definitions.
256.3 Policy.
256.4 Information collection.
256.5 What is the Housing Improvement Program?

Subpart B—Determining Eligibility

256.6 Am I eligible for the Housing Improvement Program?
256.7 What housing services are available?
256.8 When do I qualify for Category A assistance?
256.9 When do I qualify for Category B assistance?
256.10 When do I qualify for Category C assistance?
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Subpart C—Applying for Assistance

256.13 How do I apply for the Housing Improvement Program?
256.14 How is my application processed?

Subpart D—Receiving Assistance

256.15 When will I hear if I have received funding?
256.16 What if I don't receive funding?
256.17 How long will I have to wait for work on my house?
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256.20 How will I find out what work is to be done?
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256.22 How are construction contractors or companies selected and paid?
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256.26 Will I need flood insurance?
256.27 Is my Federal government-assisted house eligible for services?
256.28 I have a mobile home; am I eligible for help?
256.29 Can HIP resources be combined with other available resources?
256.30 Can I appeal actions taken under this part?

Authority: 25 U.S.C. 13, 5 U.S.C. 301, 25 U.S.C. 2 and 9, and 43 U.S.C. 1457.

Subpart A—General Provisions

§ 256.1 Purpose.

The purpose of the part is to define the terms and conditions under which assistance is given to Indians under the Housing Improvement Program (HIP).

§ 256.2 Definitions.

As used in this part:

Agency means the organizational unit of BIA that provides services to or with the governing body or bodies and members of one or more specified Indian tribes.

Appeal means a written request for review of an action or inaction of an

official of BIA that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

Applicant means an individual(s) filing an application for services under the HIP.

BIA means the Bureau of Indian Affairs in the Department of the Interior.

Category A means the HIP funding category for minor repair not to exceed limits in § 256.7 of this part.

Category B means the HIP funding category for renovation not to exceed limits in § 256.7 of this part.

Category C–1 means the HIP funding category to replace a house that cannot be brought up to standard housing condition for $60,000 or less.

Category C–2 means the HIP funding category for building new housing as defined in § 256.13(g)(1)–(5).

Category D means the HIP funding category for assistance as defined in § 256.11(a)–(c).

Certificate of Title or Ownership means a document giving legal right to a house constructed with HIP funds.

Child means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage can be deemed a child.

Cost effective means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the house to satisfy the recipient's housing needs.

Dilapidated housing means a house which in its present condition endangers the life, health, or safety of the residents.

Disabled means having a physical or intellectual impairment that substantially limits one or more major life activities.

Family means one or more persons living within a household.

Homeless means being without a home.

House means a building for human habitation that serves as living quarters for one or more families.

Household means persons living with the head of household who may be related or unrelated to the head of household and who function as members of a family.

Independent trades person means any person licensed to perform work in a particular vocation pertaining to building construction.

Indian means any person who is a member of any federally recognized Indian tribe.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103–454, 108 Stat. 4791.

Overcrowding means a number of occupants per house that exceeds limits identified in § 256.10(d).

Permanent members of household means adults living in the household who intend to live there continuously and any children who meet the definition of *child* in this part.

Regional Director means the officer in charge of a BIA regional office or his/her authorized delegate.

Secretary means the Secretary of the Interior.

Service area means any of the following within a geographical area designated by the tribe and approved by the Regional Director to which services can be delivered:

(1) Reservations (former reservations in Oklahoma);

(2) Allotments;

(3) Restricted lands; and

(4) Indian-owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act).

Servicing housing office means the tribal housing office or bureau housing office administering the HIP.

Standard housing means a house that meets the definition of *standard housing condition* in this part.

Standard housing condition means meets applicable building codes within that region and meets each of the following conditions:

(1) General construction conforms to applicable tribal, county, State, or national codes and to appropriate building standards for the region.

(2) The heating system has the capacity to maintain a minimum temperature of 70 degrees in the house during the coldest weather in the area and be safe to operate and maintain and deliver a uniform heat distribution.

(3) The plumbing system includes a properly installed system of piping and fixtures certified by a licensed plumbing contractor.

(4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and appliance operation certified by a licensed electrician according to the applicable electrical code.

(5) The number of occupants per house does not exceed these limits:

(i) Two-bedroom house: Up to four persons;

(ii) Three-bedroom house: Up to six persons;

(iii) Four-bedroom house: Adequate for all but the largest families.

(6) The first bedroom has up to 120 sq. ft. of floor space and additional bedrooms have up to100 sq. ft. of floor space each.

(7) The house site provides economical access to utilities and is easy to enter and leave.

(8) The house has access to school bus routes, if the household includes children who rely on school buses.

Substandard housing means any house that does not meet the definition of *standard housing condition* in this part.

Superintendent means the BIA official in charge of an agency office.

§ 256.3 Policy.

(a) The BIA housing policy is that every American Indian and Alaska Native should have the opportunity for a safe and decent home and suitable living conditions, which is consistent with the national housing policy. The HIP will serve the neediest of the needy Indian families who have no other resource for standard housing.

(b) Every American Indian or Alaska Native who meets the basic eligibility criteria defined in § 256.6 may participate in the HIP.

(c) The BIA encourages tribal participation in administering the HIP. Tribal involvement is necessary to ensure that the services provided under the program respond to the needs of tribes and program participants.

(d) The BIA encourages partnerships and leveraging with other complementary programs to increase basic benefits derived from the HIP, such as an agreement with:

(1) The Indian Health Service to provide water and sanitation facilities;

(2) The United States Department of Agriculture, Rural Development to leverage down payment assistance for a new unit; or

(3) Any other program and resource.

(e) The servicing housing office will issue a Certificate of Title or Ownership.

§ 256.4 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.* and assigned control number 1076-0184. The information is collected to determine applicant eligibility for services and eligibility to participate in the program. Response is required to obtain a benefit. You may comment to the Bureau at any time with regard to this information collection.

§ 256.5 What is the Housing Improvement Program?

The HIP is a safety-net program that provides grants for the cost of services

to repair, renovate, or replace existing housing and/or provide housing. The program provides grants to the neediest of the needy Indian families who:

(a) Live in substandard housing or are homeless; and

(b) Have no other resource for assistance.

Subpart B—Determining Eligibility

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the HIP if you meet all of the following criteria:

(a) You are a member of a federally recognized Indian tribe;

(b) You live in an approved tribal service area;

(c) Your annual income is 150 percent or less of the Department of Health and Human Services poverty income guidelines, which are available from your servicing housing office or the Department of the Interior Web site at *www.bia.gov*;

(d) Your present housing is substandard as defined in § 256.2;

(e) You meet the ownership requirements for the assistance needed, as defined in § 256.8, § 256.9, or § 256.10;

(f) You have no other resource for housing assistance;

(g) You have not previously received assistance relating to categories as defined in §§ 256.9, 256.10, and 256.11; and

(h) You did not acquire your present housing through past participation in a Federal government-sponsored housing program over the previous 20 year period.

§ 256.7 What housing services are available?

Four categories of assistance are available under the HIP, as outlined in the following table.

Type of assistance	What it provides	Where to find information
Category A	Up to $7,500 in safety or sanitation repairs to the house in which you live, which will remain substandard. Can be provided more than once, but not for more than one house and the total assistance cannot exceed $7,500. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.8.
Category B	Up to $60,000 in renovation, which will bring your house to standard housing condition, as defined in § 256.2 of this part. Can only be provided once. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.9.
Category C	A modest house that meets the criteria in § 256.10 of this part and the definition of standard housing in § 256.2 of this part and whose costs are determined by and limited to the criteria in § 256.19(b) and (c) of this part. Can only be provided once. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.10.
Category D	Assistance towards the purchase of a modest house that meets the definition of standard housing in § 256.2.	§ 256.11.

§ 256.8 When do I qualify for Category A assistance?

You qualify for interim improvement assistance under Category A if it is not cost effective to repair the house in which you live and if either of the following is true:

(a) Other resources to meet your housing needs exist but are not immediately available; or

(b) You qualify for replacement housing under Category C, but there are no HIP funds available to replace your house.

§ 256.9 When do I qualify for Category B assistance?

You qualify for renovation assistance under Category B if you meet all of the following criteria:

(a) Your servicing housing office determines that it is cost effective to renovate the house.

(b) You occupy and own the house.

(c) Your servicing housing office determines that the renovation will bring the house to standard housing condition according to all applicable building codes.

(d) You sign a written agreement stating that, if you sell the house before satisfaction of the Payback Agreement you will be required to repay the tribe, tribal organization that administers the HIP, or BIA the remaining balance according to the terms of the Payback Agreement:

(1) The grant under this part will be voided; and

(2) At the time of settlement of the sale of the house, you will repay the tribe or tribal organization that operates the HIP or BIA the full cost of all renovations made under this part.

§ 256.10 When do I qualify for Category C assistance?

(a) You qualify for replacement housing assistance under Category C if you meet one of the three sets of requirements in the following table.

You qualify for Category C assistance if . . .	And . . .	And . . .
(1) You own the house in which you are living as defined in § 256.13(g)(1)–(5).	The house cannot be brought up to applicable building code standards and to standard housing condition for $60,000 or less. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project).	[No additional requirement].
(2) You do not own a house.	You own land that is suitable for housing	The land has adequate ingress and egress rights and reasonable access to utilities.
(3) You do not own a house.	You have a leasehold or the ability to acquire a leasehold on land that is suitable for housing and the leasehold is undivided and for not less than 25 years at the time you receive assistance.	The land has adequate ingress and egress rights and reasonable access to utilities.

(b) If you qualify for assistance under paragraph (a) of this section, you must sign a written grant agreement stating that, if you sell the house within 10 years of assuming ownership:

(1) The grant under this part will be voided; and

(2) At the time of settlement of the sale of the house, you will repay the tribe or tribal organization that operates the HIP or BIA the full cost of the house.

(c) If you sell the house more than 10 years after you assume ownership, the following conditions apply:

(1) You may retain 10 percent of the original cost of the house per year, beginning with the eleventh year.

(2) If you sell the house after 20 years, you will not have to repay the tribe, tribal organization, or BIA.

(d) A modest house provided with Category C assistance must meet the standards in the following table.

Number of occupants	Number of bedrooms [1]	Total square footage [1] (maximum)
Up to 4 persons	2	1000
Up to six persons	3	1200
7 or more persons	4	1400

[1] Determined by the servicing housing office, based on composition of family. Total living space must comply with applicable American Disabilities Act requirements.

§ 256.11 When do I qualify for Category D assistance?

(a) You qualify for grant assistance under Category D if you apply for financing from tribal, Federal, or other sources of credit and have inadequate income or limited financial resources to meet the lender requirements for home ownership.

(b) The grant must not exceed the amount necessary to secure the loan and may be used for down-payment assistance, closing costs, and pre-home ownership counseling. Participation with other complementary housing programs is encouraged.

(c) The method of awarding the grant must ensure that the funds are used for the purpose intended.

§ 256.12 Who administers the program?

The HIP is administered by a servicing housing office operated by either a tribe (under a Pub. L. 93-638 contract or a self-governance annual funding agreement) or BIA.

Subpart C—Applying for Assistance

§ 256.13 How do I apply for the Housing Improvement Program?

(a) First, obtain an application, BIA Form 6407, from your servicing housing office or the BIA Web site.

(b) Second, complete and sign BIA Form 6407.

(c) Third, submit your completed and signed application to your servicing housing office.

(d) Fourth, furnish to the servicing housing office documentation proving your tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, provide proof of income from all permanent members of your household.

(1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W-2s and all other attachments. Submit the Social Security number of the applicant only.

(2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as Social Security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.

(f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency. If you do not have an IIM account, furnish a statement from your home agency to that effect.

(g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:

(1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;

(2) For trust property, provide certification of ownership from your home agency;

(3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;

(4) For multi-owner property, provide a copy of a properly executed lease;

(5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or

(6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your intent to purchase, and the sale price of the house.

(h) Eighth, if you seek down payment assistance, provide a letter from the institution where you have applied for mortgage financing that specifies:

(1) The down payment amount; and

(2) The closing costs required for you to qualify for the loan.

§ 256.14 How is my application processed?

(a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the HIP.

(1) If you are found ineligible for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point value
1	Annual household income: Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income. A household with an income 151 percent of more of the Federal poverty guidelines is ineligible for the HIP.	Income as a percentage of the Federal poverty guidelines:	Points:

Factor	Ranking factor and definition	Ranking description	Point value
		0–25	25.
		26–50	20.
		51–75	15.
		76–100	10
		101–125	5.
		126–150	0.
2	Aged person: person age 55 or older and must be living in the house. *Maximum points awarded under this factor is 15, regardless of the number of years over age 55. Thus, 15 points will be added to the score for a resident who is 70 years old or older.*	Years of age:	Points:
		Less than 55	1 point per year over age 54, up to maximum of 15 points.
		55 and older	
3	Disabled individual: One or more disabled persons living in the house. Must fit under established definition of "disabled as in § 256.2." *Maximum points awarded under this factor is 10, regardless of the number of disabled residents.*	If a there is a disabled resident.	10.
4	Dependent Children: Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the house and not be married. *Maximum points awarded under this factor is 15.*	Number of dependent children:	Points:
		1	3.
		2	6.
		3	9.
		4	12.
		5 or more	15.
5	Other conditions: • Veteran. • Homeless or Dilapidated house. • Overcrowded conditions. *Maximum points awarded under this factor is 15*	If any of the conditions are present.	5 for each condition that applies.
6	Applicants with an approved financing package	If applicant has approved financing.	25.

(c) The servicing housing office will develop a list of the applications received and considered for the HIP for the current program year. The list will include, at a minimum, all of the following:

(1) The number of applications received and, of those, the number considered.

(2) The rank assigned to applicants in order of need, from highest to lowest, in accordance with tribal approval and knowledge of need, based on the total numeric value assigned using the factors in paragraph (b) of this section. (In case of a tie, the family with the lower income per household member will be listed first.)

(3) The estimated allowable costs of the improvements, renovations, and replacement projects for each applicant and for the entire priority list. This data must identify which applicants will be served based on the amount of available funding, starting with the neediest applicant and continuing until the available funding is depleted.

(4) A list of the applicants not ranked, with an explanation of why they weren't ranked (such as the reason for ineligibility or the reason for incomplete application).

(d) The servicing housing office submits to the regional office an annual fiscal year report that includes all of the following:

(1) Number of eligible applicants;

(2) Number of applicants who received service;

(3) Names of applicants who received service; and

(4) All of the following for each applicant that received service:

(i) Date of construction start;

(ii) Date of construction completion;

(iii) Cost; and

(iv) HIP category.

Subpart D—Receiving Assistance

§ 256.15 When will I hear if I have received funding?

Your servicing housing office will inform you whether you will receive funds in writing within 45 days after it completes the list required by § 256.14(c).

(a) If funding is available, the office will send you complete information on how to obtain HIP services.

(b) If funding is not available, the office will send you instructions on how to update your application for funding for the next available program year.

§ 256.16 What if I don't receive funding?

If you don't receive funding, your servicing housing office will retain and consider your application for 3 more years. During this 4-year period, you must ensure that the information on your application is still accurate and provide an annual written update if any information has changed.

§ 256.17 How long will I have to wait for work on my house?

How long it takes to do work on your house depends on:

(a) Your position on the priority list;

(b) Whether funds are available;

(c) The type of work to be done;

(d) The climate and seasonal conditions where your house is located;

(e) The availability of a contractor; and

(f) Other unforeseen factors, such as infrastructure availability.

§ 256.18 Who decides what work will be done?

The servicing housing office will determine what work is to be done on your house or whether your house will be replaced. The servicing housing office also provides the priority list annually to the Indian Health Service if the Indian Health Service is responsible for verifying availability or feasibility of water and wastewater facilities.

§ 256.19 How are work plans prepared?

(a) First, a trained and qualified representative of your servicing housing office will visit your house to identify what renovation and or replacement will be done under the HIP. The representative will ensure that flood, National Environmental Policy Act (NEPA) and earthquake requirements are met, including the determination that the renovation or replacement is appropriately treated as a categorical exclusion.

(b) Second, based on the list of renovations or replacement to be done, your servicing housing office will estimate the total cost of renovation to your house. Cost estimates will be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or Marshall Swift. If the house is located in Alaska, documented, reasonable, substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101–40), not to exceed 100 percent of the cost of materials, can be added to the cost of the project.

(c) Third, your servicing housing office will determine which HIP category the improvements to your house meet, based on the estimated cost of renovation or replacement. If the estimated cost to renovate your house is more than $60,000, your servicing housing office will recommend your house for replacement or refer you to another source for housing. The other source does not have to be for a replacement house; it may be for government-subsidized rental units or other sources for standard housing.

(d) Fourth, your servicing housing office will develop a detailed, written report, called a scope of work, that identifies what renovation or construction work on your house will be accomplished and how. The scope of work is used to inform potential bidders of what work is to be done. When the work includes new construction, the scope of work will be supplemented with a set of construction plans and specifications. The construction plans must:

(1) Meet the occupancy and square footage criteria in § 256.10 (d); and

(2) Provide complete and detailed instructions to the builder.

§ 256.20 How will I find out what work is to be done?

The servicing housing office will notify you in writing what work is being scheduled under the HIP. You will be requested to approve the scheduled work by signing a copy of the notice and returning it to the servicing housing office. Work will start after you return the signed copy to the servicing housing office.

§ 256.21 Who does the work?

Your house will be renovated or replaced by either:

(a) A licensed and bonded independent contractor or construction company; or

(b) A tribe that operates the HIP under an Indian Self-Determination and Education Assistance Act agreement.

§ 256.22 How are construction contractors or companies selected and paid?

The servicing housing office must follow Federal procurement or other Bureau-approved tribal procurement policy. Generally, your servicing housing office develops a ''bid specification'' or statement of work, which identifies the work to be performed. The appropriate contracting office uses the ''bid specification'' to provide information and invite bids on the project to interested parties. The contracting office selects the winning bidder after technical review of the bids by and written recommendation from the servicing housing office, and after determination that the bidder is qualified and capable of completing the project as advertised.

(a) Partial payments to independent contractors will not exceed 80 percent of the value of the completed and acceptable work.

(b) Recommendation for final payment will be made after final inspection and after all provisions of the contract have been met and all work has been completed.

§ 256.23 Do I have to move out while work is done?

(a) You will be notified by your servicing housing office that you must vacate your house only if:

(1) It is scheduled for major renovations requiring that all occupants vacate the house for safety reasons; or

(2) It is scheduled for replacement, which requires demolition of your current house.

(b) If you are required to vacate the premises during construction, you are responsible for:

(1) Locating other lodging;

(2) Paying all costs associated with vacating and living away from the house; and

(3) Removing all your belongings and furnishings before the scheduled beginning work date.

§ 256.24 How can I be sure that construction work meets minimum standards?

(a) At various stages of construction, a trained and qualified representative of your servicing housing office or a building inspector will review the work to ensure that it meets construction standards and building codes. Upon completion of each stage, further construction can begin only after the inspection occurs and approval is granted.

(b) Inspections of construction and renovation will occur, at a minimum, at the following stages:

(1) Upon completion of inspection footings and foundations;

(2) Upon completion of inspection rough-in, roughwiring, and plumbing; and

(3) At final completion.

§ 256.25 How will I find out that the work is done?

Your servicing housing office will advise you, in writing, that the work has been completed in compliance with the project contract. Also, you will have a final walk-through of the house with a representative of your servicing housing office. You will be requested to verify that you received the notice of completion of the work by signing a copy of the notice and returning it to your servicing housing office.

§ 256.26 Will I need flood insurance?

You will need flood insurance if your house is located in an area identified as having special flood hazards under the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 975). Your servicing housing office will advise you.

§ 256.27 Is my Federal government-assisted house eligible for services?

No. The intention of this program is to assist the neediest of the needy, who have never received services from any other Federal entity.

§ 256.28 I have a mobile home; am I eligible for help?

Yes. If you meet the eligibility criteria in § 256.6 and funding is available, you

can receive any of the HIP services identified in § 256.7. If you request Category B services and your mobile home has exterior walls less than three inches thick, you must be considered for Category C services.

§ 256.29 Can HIP resources be combined with other available resources?

Yes. HIP resources may be supplemented with other available resources (*e.g.*, in-kind assistance; tribal or housing authority; and any other leveraging mechanism identified in § 256.3(d)) to increase the number of HIP recipients.

§ 256.30 Can I appeal actions taken under this part?

You may appeal action or inaction by a BIA official, in accordance with 25 CFR part 2.

Dated: November 2, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–28547 Filed 11–9–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–1003]

Drawbridge Operation Regulation; Steamboat Slough (Snohomish River), Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railway Company (BNSF) Railroad Bridge (BNSF Steamboat Slough Bridge) across Steamboat Slough (Snohomish River), mile 1.0 near Marysville, WA. The deviation is necessary to accommodate scheduled bridge rail joint maintenance and replacement. The deviation allows the bridge to remain in the closed-to-navigation position during the maintenance to allow safe movement of work crews.

DATES: This deviation is effective from 6 a.m. on November 29, 2015 to 11:59 p.m. on December 20, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–1003] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282 email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: BNSF has requested a temporary deviation from the operating schedule for the BNSF Steamboat Slough Bridge, mile 1.0, crossing Steamboat Slough (Snohomish River), near Marysville, WA. BNSF requested the BNSF Steamboat Slough Bridge remain in the closed-to-navigation position for rail maintenance. This maintenance has been scheduled and is funded as part of the Cascade Corridor Improvement Project.

The normal operating schedule for this bridge operates in accordance with 33 CFR 117.1059, which states the draw shall open on signal if at least four hours notice is given. BNSF Steamboat Slough Bridge is a swing bridge and provides 8 feet of vertical clearance above mean high water elevation while in the closed-to-navigation position.

This deviation allows the BNSF Steamboat Slough Bridge at mile 1.0 crossing Steamboat Slough on the Snohomish River, to remain in the closed-to-navigation position, and need not open for maritime traffic from 6 a.m. on November 29, 2015 to 11:59 p.m. on December 20, 2015. The bridge shall operate in accordance to 33 CFR 117.1059 at all other times.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be required to open, if needed, for vessels engaged in emergency response operations during this closure period, but any time lost to emergency openings will necessitate a time extension added to the approved dates. Waterway usage on this part of the Snohomish River and Steamboat Slough includes tug and barge to small pleasure craft. The BNSF Steamboat Slough Bridge receives an average number of three opening request during the month of December. BNSF has coordinated with Steamboat Slough users that frequently request bridge openings during this time of year. No immediate alternate route for vessels to pass is available on this part of the river. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: November 3, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015–28538 Filed 11–9–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0268; FRL 9936–72–Region 7]

Approval and Promulgation of Implementation Plans; State of Missouri; Control of Petroleum Liquid Storage, Loading and Transfer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri. This revision includes regulatory amendments that remove the requirements of stage II vapor recovery control systems at gasoline dispensing facilities in the St. Louis area, revise certification and testing procedures for stage I vapor recovery systems, prohibit above ground storage tanks at gasoline dispensing facilities, and include general revisions to better clarify the rule. These revisions to Missouri's SIP do not have an adverse effect on air quality as demonstrated in Missouri's technical demonstration document and EPA's technical support demonstration which is a part of this docket.

DATES: This final rule is effective on December 10, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2015–0268. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through

www.regulations.gov or 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 Federal 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: Steven Brown, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7718, or by email at *brown.steven@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?
II. Have the requirements for approval of a SIP revision been met?
III. EPA's Response to Comments
IV. What action is EPA taking?

I. What is being addressed?

EPA is taking final action to approve a SIP revision submitted by the state of Missouri that removes the requirements of stage II vapor recovery control systems at gasoline dispensing facilities in the St. Louis area and includes minor revisions to the rule as described below. EPA proposed approval on July 22, 2015 and no comments were received.

On November 20, 2014, Missouri submitted a request to revise the SIP to include the following revision to Missouri Rule 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading and Transfer'' which: (1) Removes the requirements of stage II vapor recovery control systems at gasoline dispensing facilities in the St. Louis area, (2) revises certification and testing procedures for the remaining stage I systems consistent with California Air Resources Board (CARB) vapor recovery requirements instead of the Missouri Performance Evaluation and Test Procedures (MOPETP), (3) prohibits above ground storage tanks at gasoline dispensing facilities, and (4) includes general text revisions to better clarify the rule.

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. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110, section 193 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened July 22, 2015, the date of its publication in the **Federal Register** (80 FR 43371), and closed on August 21, 2015. During this period, EPA received no comments.

IV. What action is EPA taking?

EPA is taking final action to amend the Missouri SIP to remove the requirements of stage II vapor recovery control systems at gasoline dispensing facilities in the St. Louis area, revise certification and testing procedures for stage I vapor recovery systems, prohibit above ground storage tanks at gasoline dispensing facilities, and include general revisions to better clarify the rule.

Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the Missouri Regulation ''Control of Petroleum Liquid Storage, Loading and Transfer'' described in the 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 at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Statutory and Executive Order Reviews

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

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

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).

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: October 30, 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 AA—Missouri

■ 2. In § 52.1320(c) the table is amended by revising the entry for ''10–5.220''to read as follows:

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA Approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5-Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.220	Control of Petroleum Liquid Storage, Loading and Transfer.	11/30/14	11/10/15 and [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2015–28486 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0637; FRL–9933–71–Region 5]

Air Plan Approval; Ohio; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is revising the format for materials that are incorporated by reference (IBR) into the Ohio State Implementation Plan (SIP). The regulations and other materials affected by this format change have all been previously submitted by Ohio and approved by EPA.

DATES: This final rule is effective on November 10, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2015–0637. SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 and 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.*

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we'', ''us'', or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

Table of Contents

I. Background
A. Description of a SIP
B. How EPA Enforces SIPs
C. How the State and EPA Update the SIP
D. How EPA Compiles the SIP
E. How EPA Organizes the SIP Compilation
F. Where You Can Find a Copy of the SIP Compilation
G. The Format of the New Identification of Plan Section
H. When a SIP Revision Becomes Federally Enforceable
I. The Historical Record of SIP Revision Approvals
II. What is EPA doing in this action?
II. Statutory and Executive Order Reviews

I. Background

This format revision will primarily affect the ''Identification of plan'' section, as well as the format of the SIP materials that will be available for public inspection at NARA and the EPA Region 5 Office. EPA is also adding a table in the ''Identification of plan'' section which summarizes the approval actions that EPA has taken on the nonregulatory and quasi-regulatory portions of the Ohio SIP.

A. Description of a SIP

Each state has a SIP containing the control measures and strategies to attain and maintain the National Ambient Air Quality Standards (NAAQS) along with other Clean Air Act (CAA) requirements. The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

B. How EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them. The states then submit them to EPA as requested SIP revisions on which EPA must formally act.

EPA evaluates submitted SIPs to determine if they meet CAA requirements. If and when these control measures and strategies are approved by EPA, after notice and comment rulemaking, they are incorporated into the Federally approved SIP and identified in part 52 (Approval and Promulgation of Implementation Plans), title 40 of the Code of Federal Regulations (40 CFR part 52). The actual state regulations approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are ''incorporated by reference'', which means that EPA has approved a given state regulation with a specific effective date. This format allows the public to know which measures are contained in a given SIP and to help determine whether the state is enforcing the regulations. It also assists EPA and the public to take enforcement action should a state not enforce its SIP-approved regulations.

C. How the State and EPA Update the SIP

The SIP is a dynamic document that the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA must periodically take action on SIP revisions containing new and/or revised regulations in order to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally approved SIPs.

EPA has been developing the following: (1) A revised SIP document for each state that would be incorporated by reference under the provisions of title 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and (3) a revised format of the ''Identification of plan'' sections for each applicable subpart to reflect these revised IBR procedures

D. How EPA Compiles the SIP

The Federally approved regulations, source-specific permits, and nonregulatory provisions (entirely or portions of) submitted by each state agency and approved by EPA have been organized into a ''SIP compilation''. The SIP compilation contains the updated regulations, source-specific permits, and nonregulatory provisions approved by EPA through previous rulemaking actions in the **Federal Register**.

E. How EPA Organizes the SIP Compilation

Each SIP compilation contains three parts. Part one contains regulations, part two contains source-specific requirements, and part three contains nonregulatory provisions that have been EPA approved. Each part consists of a table of identifying information for each SIP-approved regulation, each SIP-approved permit, and each nonregulatory SIP provision. In this action, EPA is publishing the tables summarizing the applicable SIP requirements for Ohio. The state effective dates in the tables indicate the date of the most recent revision to a particular approved regulation. The EPA Regional Offices have the primary responsibility for updating the compilations and ensuring their accuracy.

F. Where You Can Find a Copy of the SIP Compilation

EPA's Region 5 Office developed and will maintain the compilation for Ohio. A copy of the full text of Ohio's regulatory and source-specific compilations will also be maintained at NARA.

G. The Format of the New Identification of Plan Section

In order to better serve the public, EPA revised the organization of the ''Identification of plan'' section and included additional information to clarify the enforceable elements of the SIP.

The revised Ohio Identification of plan section contains five subsections:

1. Purpose and scope
2. Incorporation by reference
3. EPA-approved regulations
4. EPA-approved source-specific requirements
5. EPA-approved nonregulatory and quasi-regulatory provisions

H. When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become Federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable Identification of plan section found in each subpart of 40 CFR part 52.

I. The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA retains the original Identification of plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two-year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures and will decide whether or not to retain the Identification of plan appendices for some further period.

Although EPA is retaining the original Identification of Plan section, other sections of part 52 are duplicative of the new Identification of Plan section. EPA is therefore removing §§ 52.1881(b) ''Regulations for the control of sulfur dioxide in the State of Ohio'', 52.1890 ''Removed control measures'', 52.1891 ''Section 110(a)(2) infrastructure requirements'', and 52.1919 ''Identification of plan-conditional approval'' as part of the general ''housekeeping'' discussed below.

II. What is EPA doing in this action?

This action constitutes a ''housekeeping'' exercise to ensure that all revisions to the state programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51.

EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs.

Under Section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest'' since the codification only reflects existing law. Likewise, there is no purpose served by delaying the effective date of this action. Immediate notice in the CFR benefits the public by removing outdated citations.

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 the Ohio Regulations described in the 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).

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules is discussed in previous actions taken on the State's rules.

B. Submission to Congress and the Comptroller General

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of November 10, 2015. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. The changes in format to the ''Identification of plan'' section for Ohio are not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Ohio SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for these ''Identification of plan'' reorganization actions for Ohio.

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: August 28, 2015.

Susan Hedman,

Regional Administrator, Region 5.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart KK—Ohio

§ 52.1870 [Redesignated as § 52.1894]

■ 2. Section 52.1870 is redesignated as § 52.1894 and a new § 52.1870 is added to read as follows:

§ 52.1870 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Ohio under Section 110 of the Clean Air Act, 42 U.S.C. 7401 *et seq.,* and 40 CFR part 51 to meet National Ambient Air Quality Standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to September 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register.** Entries in paragraphs (c) and (d) of this section with an EPA approval date after September 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 5 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially

promulgated state rules/regulations which have been approved as part of the SIP as of September 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, IL 60604 or 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.*

(c) *EPA approved regulations.*

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Chapter 3745–14 Nitrogen Oxides—Reasonably Available Control Technology				
3745–14–01	Definitions and General Provisions.	10/18/2010	11/14/2013, 78 FR 68367	
3745–14–02	The NO_X Authorized Account Representative.	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–03	The NO_X Budget Permit	5/25/2004	6/27/2005, 70 FR 36845	
3745–14–04	Compliance Certification	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–05	NO_X Allowance Allocations	7/17/2006	2/13/2008, 73 FR 8197	
3745–14–06	The NO_X Allowance Tracking System.	10/18/2010	11/14/2013, 78 FR 68367	
3745–14–07	NO_X Allowance Transfers	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–08	Monitoring and Reporting	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–09	NO_X Budget Opt-in Units	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–10	Alternative Compliance Plans	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–11	Portland Cement Kilns	7/18/2002	8/5/2003, 68 FR 46089	
3745–14–12	Stationary Internal Combustion Engines.	5/7/2005	2/4/2008, 73 FR 6427	
Chapter 3745–15 General Provisions on Air Pollution Control				
3745–15–01	Definitions	1/22/2009	5/10/2010, 75 FR 25770	
3745–15–02	Purpose	1/25/1980	10/1/1982, 47 FR 43375	
3745–15–03	Submission of Emission Information.	6/30/2008	2/20/2013, 78 FR 11748	Only (A).
3745–15–04	Measurement of Emissions of Air Contaminants.	1/25/1980	10/1/1982, 47 FR 43375	
3745–15–05	De Minimis Air Contaminant Source Exemption.	1/22/2009	5/10/2010, 75 FR 25770	
3745–15–06	Malfunction of Equipment; Scheduled Maintenance; Reporting.	1/25/1980	10/1/1982, 47 FR 43375	
3745–15–07	Air Pollution Nuisances Prohibited.	5/17/1982	8/13/1984, 49 FR 32182	
3745–15–08	Circumvention	1/25/1980	10/1/1982, 47 FR 43375	
3745–15–09	Severability	1/25/1980	10/1/1982, 47 FR 43375	
Chapter 3745–16 Stack Height Requirements				
3745–16–01	Definitions	3/5/1986	8/25/1988, 53 FR 32392	
3745–16–02	Good Engineering Practice Stack Height Requirements.	3/5/1986	8/25/1988, 53 FR 32392	
Chapter 3745–17 Particulate Matter Standards				
3745–17–01	Definitions	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–02	Ambient Air Quality Standards	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–03	Measurement Methods and Procedures.	4/18/2009	4/3/2013, 78 FR 19990	
3745–17–04	Compliance Time Schedules	2/1/2008	12/27/2008, 75 FR 65567	
3745–17–07	Control of Visible Particulate Emissions from Stationary Sources.	2/1/2008	10/26/2010, 75 FR 65567	Includes Ohio EPA Engineering Guide 13, revised 6/27/1980, and Engineering Guide 15, revised 7/15/1980.
3745–17–08	Restriction of Emission of Fugitive Dust.	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–09	Restrictions on Particulate Emissions and Odors from Incinerators.	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–10	Restrictions on Particulate Emissions from Fuel Burning Equipment.	2/1/2008	10/26/2010, 75 FR 65567	

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3745–17–11	Restrictions on Particulate Emissions from Industrial Processes.	12/13/2011	3/29/2013, 78 FR 19128	
3745–17–12	Additional Restrictions on Particulate Emissions from Specific Air Contaminant Sources in Cuyahoga County.	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–13	Additional Restrictions on Particulate Emissions from Specific Air Contaminant Sources in Jefferson County.	2/1/2008	10/26/2010, 75 FR 65567	
3745–17–14	Contingency Plan Requirements for Cuyahoga and Jefferson Counties.	4/18/2009	10/26/2010, 75 FR 65572	
	Chapter 3745–18 Sulfur Dioxide Regulations			
3745–18–01	Definitions and Incorporation by Reference.	4/3/2011	11/19/2013, 78 FR 69299	
3745–18–02	Ambient Air Quality Standards; Sulfur Dioxide.	1/23/2006	3/21/2008, 73 FR 15083	
3745–18–03	Attainment Dates and Compliance Time Schedules.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–04	Measurement Methods and Procedures.	2/17/2011	11/19/2013, 78 FR 69299	except (D)(2), (D)(3), (D)(5), (D)(6), (D)(9), (E)(2), (E)(3), and (E)(4).
3745–18–05	Ambient and Meteorological Monitoring Requirements.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–06	General Emission Limit Provisions.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–07	Adams County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–08	Allen County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–09	Ashland County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–10	Ashtabula County Emissions Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–11	Athens County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–12	Auglaize County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–13	Belmont County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–14	Brown County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–15	Butler County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–16	Carroll County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–17	Champaign County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–18	Clark County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–19	Clermont County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–20	Clinton County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–21	Columbiana County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–22	Coshocton County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–23	Crawford County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–24	Cuyahoga County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–25	Darke County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–26	Defiance County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–27	Delaware County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–28	Erie County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–29	Fairfield County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–30	Fayette County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–31	Franklin County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–32	Fulton County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	

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3745–18–33	Gallia County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–34	Geauga County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–35	Greene County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–36	Guernsey County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–37	Hamilton County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–38	Hancock County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–39	Hardin County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–40	Harrison County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–41	Henry County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–42	Highland County Emission Limit.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–43	Hocking County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–44	Holmes County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–45	Huron County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–46	Jackson County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–47	Jefferson County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–48	Knox County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–49	Lake County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–50	Lawrence County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–51	Licking County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–52	Logan County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–53	Lorain County Emission Limits	1/23/2006	11/19/2013, 78 FR 69299	
3745–18–54	Lucas County Emission Limits	4/3/2011	11/19/2013, 78 FR 69299	
3745–18–55	Madison County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–56	Mahoning County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–57	Marion County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–58	Medina County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–59	Meigs County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–60	Mercer County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–61	Miami County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–62	Monroe County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–63	Montgomery County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–64	Morgan County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–65	Morrow County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–66	Muskingum County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–67	Noble County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–68	Ottawa County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–69	Paulding County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–70	Perry County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–71	Pickaway County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–72	Pike County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–73	Portage County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–74	Preble County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–75	Putnam County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–76	Richland County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–77	Ross County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–78	Sandusky County Emission Limits.	1/23/2006	11/19/2013, 78 FR 69299	
3745–18–79	Scioto County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	

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3745–18–80	Seneca County Emission Limits.	1/23/2006	11/19/2013, 78 FR 69299	
3745–18–81	Shelby County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–82	Stark County Emission Limits	4/3/2011	11/19/2013, 78 FR 69299	
3745–18–83	Summit County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–84	Trumbull County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–85	Tuscarawas County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–86	Union County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–87	Van Wert County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–88	Vinton County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–89	Warren County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–90	Washington County Emission Limits.	1/23/2006	11/19/2013, 78 FR 69299	
3745–18–91	Wayne County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–92	Williams County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–93	Wood County Emission Limits	2/17/2011	11/19/2013, 78 FR 69299	
3745–18–94	Wyandot County Emission Limits.	2/17/2011	11/19/2013, 78 FR 69299	
Chapter 3745–19 Open Burning Standards				
3745–19–01	Definitions	7/7/2006	3/21/2008, 73 FR 15081	
3745–19–02	Relations to Other Prohibitions	7/7/2006	3/21/2008, 73 FR 15081	
3745–19–03	Open Burning in Restricted Areas.	7/7/2006	3/21/2008, 73 FR 15081	
3745–19–04	Open Burning in Unrestricted Areas.	7/7/2006	3/21/2008, 73 FR 15081	
3745–19–05	Permission to Individuals and Notification to the Ohio EPA.	7/7/2006	3/21/2008, 73 FR 15081	
Chapter 3745–21 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements				
3745–21–01	Definitions	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–02	Ambient Air Quality Standards and Guidelines.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–03	Methods of Ambient Air Quality Measurement.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–04	Compliance Time Schedules	4/2/2009	7/28/2009, 74 FR 37171	
3745–21–06	Classification of Regions	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–07	Control of Emissions of Organic Materials from Stationary Sources (i.e., Emissions That Are Not Regulated by Rule 3745–21–09, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18 of the Administrative Code).	2/18/2008	8/19/2011, 76 FR 51901	
3745–21–08	Control of Carbon Monoxide Emissions from Stationary Sources.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–09	Control of Emissions of Volatile Organic Compounds from Stationary Sources and Perchloroethylene from Dry Cleaning Facilities.	5/12/2011	4/29/2013, 78 FR 24990	except (U)(1)(h).
3745–21–10	Compliance Test Methods and Procedures.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–12	Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities.	8/25/2008	7/28/2009, 74 FR 37171	

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3745–21–13	Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCMI Chemical Production.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–14	Control of Volatile Organic Compound Emissions from Process Vents in Batch Operations.	4/2/2009	7/28/2009, 74 FR 37171	
3745–21–15	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–16	Control of Volatile Organic Compound Emissions from Industrial Wastewater.	4/2/2009	7/28/2009, 74 FR 37171	
3745–21–17	Portable Fuel Containers	6/21/2007	10/14/2009, 74 FR 52691	
3745–21–18	Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.	4/2/2009	7/28/2009, 74 FR 37171	
3745–21–19	Control of Volatile Organic Compound Emissions from Aerospace Manufacturing and Rework Facilities.	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–20	Control of Volatile Organic Emissions from Shipbuilding and Ship Repair Operations (Marine Coatings).	8/25/2008	7/28/2009, 74 FR 37171	
3745–21–21	Storage of Volatile Organic Liquids in Fixed Roof Tanks and External Floating Roof Tanks.	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–22	Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing Facilities.	2/10/2010	4/6/2011, 73 FR 18893	
3745–21–23	Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations.	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–24	Flat Wood Paneling Coatings	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–25	Control of VOC Emissions from Reinforced Plastic Composites Production Operations.	11/11/2010	7/13/2011, 76 FR 41086	
3745–21–27	Boat Manufacturing	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–28	Miscellaneous Industrial Adhesives and Sealants.	5/12/2011	4/29/2013, 78 FR 24990	
3745–21–29	Control of Volatile Organic Compound Emissions from Automobile and Light-duty Truck Assembly Coating Operations, Heavier Vehicle Assembly Coating Operations, and Cleaning Operations Associated with these Coating Operations.	5/12/2011	4/29/2013, 78 FR 24990	
Chapter 3745–23 Nitrogen Oxide Standards				
3745–23–01	Definitions	4/18/2009	10/26/2010, 75 FR 65572	
3745–23–02	Methods of Measurement	4/18/2009	10/26/2010, 75 FR 65572	
Chapter 3745–24 Nitrogen Oxide Emission Statements				
3745–24–01	Definitions	12/16/2005	9/27/2007, 72 FR 54844	
3745–24–02	Applicability	12/16/2005	9/27/2007, 72 FR 54844	
3745–24–03	Deadlines for the Submission of the Emission Statements.	12/16/2005	9/27/2007, 72 FR 54844	

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3745–24–04	Emission Statement Requirements.	4/1/1994	10/13/1994, 59 FR 51863	
Chapter 3745–25 Emergency Episode Standards				
3745–25–01	Definitions	4/18/2009	10/26/2010, 75 FR 65572	
3745–25–02	Ambient Air Quality Standards	4/18/2009	10/26/2010, 75 FR 65572	
3745–25–03	Air Pollution Emergencies and Episode Criteria.	8/21/2009	10/26/2010, 75 FR 65572	
3745–25–04	Air Pollution Emergency Emission Control Action Programs.	4/18/2009	10/26/2010, 75 FR 65572	
3745–25–05	Air Pollution Emergency Orders	4/18/2009	10/26/2010, 75 FR 65572	
Chapter 3745–26 I/M Program Rules and Regulations				
3745–26–01	Definitions	8/15/1996	1/6/1997, 62 FR 646	
3745–26–02	Obligations of the Motor Vehicle Owner in the Anti-tampering and Basic Automobile Inspection and Maintenance Programs.	6/13/1994	4/4/1995, 60 FR 16989	
3745–26–03	Inspection Station Licensing Procedure.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–04	Licensed Inspection Station Requirements and Obligations.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–05	Provisions for Qualification as a Class B Inspection Station.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–06	Requirements for Certified Inspectors.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–07	Suspension or Revocation of Inspection Station License or Inspector Certification.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–08	Procedure for Station Change of Ownership, Name, or Location, or Cessation of Inspection Operation.	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–09	Fee System	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–10	Requirements for Contractors in the Basic Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.	6/13/1994	4/4/1995, 60 FR 16989	
3745–26–11	Inspection Requirements	5/15/1990	12/17/1993, 58 FR 65933	
3745–26–12	Requirements for Motor Vehicle Owners in the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.	8/15/1996	1/6/1997, 62 FR 646	
3745–26–13	Requirements for Certified Inspectors in the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.	6/13/1994	4/4/1995, 60 FR 16989	
3745–26–14	Enforcement of Program Rules and Regulations for the Enhanced or Opt-in Enhanced Automobile Inspection and Maintenance Program.	6/13/1994	4/4/1995, 60 FR 16989	
Chapter 3745–31 Permit-to Install New Sources and Permit-to-Install and Operate Program				
3745–31–01	Definitions	5/29/2014	6/25/2015, 80 FR 36477	Except for (I), (SSS)(1)(b), (QQQQ), (JJJJJ), (BBBBBB).
3745–31–02	Applicability, Requirements, and Obligations.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–03	Exemptions	6/30/2008	2/20/2013, 78 FR 11748	
3745–31–04	Applications	5/29/2014	6/25/2015, 80 FR 36477	

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3745–31–05	Criteria for Decision by the Director.	11/30/2001	1/22/2003, 68 FR 2909	
3745–31–06	Completeness Determinations, Processing Requirements, Public Participation, Public Notice, and Issuance.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–07	Termination, Revocation, Expiration, Renewal, Revision and Transfer.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–08	Registration Status Permit-to-operate.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–09	Variances on Operation	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–10	NSR Projects at Existing Emissions Units at a Major Stationary Source.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–11	Attainment Provisions—Ambient Air Increments, Ceilings, and Classifications.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–12	Attainment Provisions—Data Submission Requirements.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–13	Attainment Provisions—Review of Major Stationary Sources and Major Modifications, Stationary Source Applicability and Exemptions.	5/29/2014	10/28/2014, 79 FR 64119	
3745–31–14	Attainment Provisions—Preapplication Analysis.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–15	Attainment Provisions—Control Technology Review.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–16	Attainment Provisions—Major Stationary Source Impact Analysis.	5/29/2014	10/28/2014, 79 FR 64119	
3745–31–17	Attainment Provisions—Additional Impact Analysis.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–18	Attainment Provisions—Air Quality Models.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–19	Attainment Provisions—Notice to the United States Environmental Protection Agency.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–20	Attainment Provisions—Innovative Control Technology.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–21	Nonattainment Provisions—Review of Major Stationary Sources and Major Modifications—Stationary Source Applicability and Exemptions.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–22	Nonattainment Provisions—Conditions for Approval.	5/29/2014	6/25/2015, 80 FR 36477	Except for (A)(3)(b).
3745–31–23	Nonattainment provisions—stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard.	5/29/2014	6/25/2015, 80 FR 36477	Except for the 1-hour NO_2 Significant Impact Level in the table in paragraph (A).
3745–31–24	Nonattainment Provisions—Baseline for Determining Credit for Emission and Air Quality Offsets.	5/29/2014	6/25/2015, 80 FR 36477	Except for (F).
3745–31–25	Nonattainment provisions—location of offsetting emissions.	5/29/2014	6/25/2015, 80 FR 36477	
3745–31–26	Nonattainment Provisions—Offset Ratio Requirements.	5/29/2014	6/25/2015, 80 FR 36477	Except for (D).
3745–31–27	Nonattainment Provisions—Administrative Procedures for Emission Offsets.	5/29/2014	6/25/2015, 80 FR 36477	Except for (A)(1)(b).
3745–31–29	General Permit-to-install and General PTIO.	5/29/2014	6/25/2015, 80 FR 36477	

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/Subject	Ohio effective date	EPA Approval date	Notes
3745–31–32	Plantwide Applicability Limit (PAL).	5/29/2014	6/25/2015, 80 FR 36477	
Chapter 3745–45 Permit Fees				
3745–45–01	Definitions	11/24/1973	11/24/1981, 46 FR 57490	
3745–45–02	Certification Fees	11/24/1973	11/24/1981, 46 FR 57490	
3745–45–03	Water Discharge Permit Fees	11/24/1973	11/24/1981, 46 FR 57490	
3745–45–04	Air Contaminant Source Operation Permit and Variance Fees.	11/24/1973	11/24/1981, 46 FR 57490	
3745–45–05	Exemptions	11/24/1973	11/24/1981, 46 FR 57490	
Chapter 3745–47 Procedural Rules				
3745–47–01	Applicability	6/30/1981	1/10/2003, 68 FR 1366	
3745–47–02	Construction of Rules and Regulations.	6/30/1981	1/10/2003, 68 FR 1366	
3745–47–03	Definitions	6/30/1981	1/10/2003, 68 FR 1366	
3745–47–05	Draft or Proposed Action	6/30/1981	1/10/2003, 68 FR 1366	
3745–47–07	Notice	6/30/1981	1/10/2003, 68 FR 1366	
3745–47–08	Contents of Public Notices	6/30/1981	1/10/2003, 68 FR 1366	Only (D).
Chapter 3745–71 Lead Emissions				
3745–71–01	Definitions and Reference to Materials.	10/4/1994	10/27/1995, 60 FR 54946	
3745–71–03	Methods of Ambient Air Measurement.	10/4/1994	10/27/1995, 60 FR 54946	
3745–71–05	Emissions Test Methods and Procedures and Reporting Requirements for New and Existing Sources.	10/4/1994	10/27/1995, 60 FR 54946	
3745–71–06	Source Specific Emission Limits.	10/4/1994	10/27/1995, 60 FR 54946	
Chapter 3745–72 Low Reid Vapor Pressure Fuel Requirements				
3745–72–01	Applicability	7/17/2006	5/25/2007, 72 FR 29269	Only (A) to (D).
3745–72–02	Definitions	5/12/2011	4/29/2013, 78 FR 24990	
3745–72–03	Gasoline Volatility Standards and General Provisions.	1/16/2006	5/25/2007, 72 FR 29269	
3745–72–04	Transfer Documentation and Recordkeeping.	1/16/2006	5/25/2007, 72 FR 29269	
3745–72–05	Liability	5/12/2011	4/29/2013, 78 FR 24990	
3745–72–06	Defenses	5/12/2011	4/29/2013, 78 FR 24990	
3745–72–07	Special Provisions for Alcohol Blends.	1/16/2006	5/25/2007, 72 FR 29269	
3745–72–08	Quality Assurance and Test Methods.	1/16/2006	5/25/2007, 72 FR 29269	
Chapter 3745–75 Infectious Waste Incinerator Limitations				
3745–75–01	Applicability, Definitions, and Reference to Materials.	3/23/2004	7/5/2007, 72 FR 36605	
3745–75–02	Emission Limits	3/23/2004	7/5/2007, 72 FR 36605	Except (I)(1), (I)(2), (I)(4), and (I)(7).
3745–75–03	Design Parameters and Operating Restrictions.	3/23/2004	7/5/2007, 72 FR 36605	
3745–75–04	Monitoring Requirements	3/23/2004	7/5/2007, 72 FR 36605	
3745–75–05	Recordkeeping and Inspections	3/23/2004	7/5/2007, 72 FR 36605	
3745–75–06	Certification and Compliance Time Schedules.	3/23/2004	7/5/2007, 72 FR 36605	
Chapter 3745–101 Transportation Conformity				
3745–101–02	Definitions	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–03	Applicability, Priority, and Frequency of Conformity Determinations.	2/16/1999	5/30/2000, 65 FR 34395	Only (A), (B), (C), (D), (G), (H), (I), (J), (K), and (L).

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/Subject	Ohio effective date	EPA Approval date	Notes
3745–101–05	Content of Transportation Plans.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–06	Relationship with NEPA and Fiscal Constraints.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–07	Criteria and Procedures for Conformity Determination, Assumptions, Emissions Model, and Consultation.	2/16/1999	5/30/2000, 65 FR 34395	Only (A), (B), and (C) Except (C)(1)(a) and (C)(2)(a).
3745–101–08	Criteria and Procedures for Implementation of TCMs, Current Conformity, and Projects from a Plan and TIP.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–09	Localized CO and PM_{10} Violations and Compliance with PM_{10} Control Measures.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–10	Motor Vehicle Emissions Budgets.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–11	Criteria and Procedures: Emission Reductions in Areas without Motor Vehicle Emissions Budgets.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–12	Consequences of Control Strategy Implementation Plan Failures.	2/16/1999	5/30/2000, 65 FR 34395	Except for (A)(2).
3745–101–13	Requirements for Adoption or Approval of Projects by Other Recipients of Funds Designated Under Title 23 U.S.C. or the Federal Transit Laws.	2/16/1999	5/30/2000, 65 FR 34395	Except for (A)(1).
3745–101–14	Procedures for Determining Regional Transportation-related Emissions.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–15	Procedures for Determining Localized CO and PM_{10} Concentrations (Hot-spot Analysis).	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–17	Enforceability of Design Concept and Scope and Project-level Mitigation and Control Measures.	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–18	Exempt Projects	2/16/1999	5/30/2000, 65 FR 34395	
3745–101–19	Traffic Signal Synchronization Projects.	2/16/1999	5/30/2000, 65 FR 34395	
Chapter 3745–102 General Federal Action Conformity				
3745–102–01	Purpose	8/21/1995	3/11/1996, 61 FR 9644	
3745–102–02	Definitions	8/21/1995	3/11/1996, 61 FR 9644	
3745–102–03	Applicability	8/21/1995	3/11/1996, 61 FR 9644	
3745–102–04	Analysis, Other Requirements	8/21/1995	3/11/1996, 61 FR 9644	
3745–102–05	Conformity Determinations	8/21/1995	3/11/1996, 61 FR 9644	
3745–102–06	Mitigation of Air Quality Impacts.	8/21/1995	3/11/1996, 61 FR 9644	
Chapter 3745–109 Emissions Trading Programs				
3745–109–01	CAIR NO_X Annual, CAIR SO_2, and CAIR NO_X Ozone Season Trading Programs Definitions and General Provisions.	7/16/2009	11/24/2009, 74 FR 48857	
3745–109–02	CAIR Designated Representative for CAIR NO_X Sources.	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–03	Permits	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–04	CAIR NO_X Allowance Allocations.	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–05	CAIR NO_X Allowance Tracking System.	9/27/2007	9/25/2009, 74 FR 48857	

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/Subject	Ohio effective date	EPA Approval date	Notes
3745–109–06	CAIR NO_X Allowance Transfers.	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–07	Monitoring and Reporting	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–08	CAIR NO_X Opt-in Units	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–09	CAIR Designated Representative for CAIR SO_2 Sources.	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–10	Permits	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–11	CAIR SO_2 Allowance Tracking System.	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–12	CAIR SO_2 Allowance Transfers	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–13	Monitoring and Reporting	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–14	CAIR SO_2 Opt-in Units	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–15	CAIR Designated Representative for CAIR NO_X Ozone Season Sources.	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–16	Permits	9/27/2007	9/25/2009, 74 FR 48857	
3745–109–17	CAIR NO_X Ozone Season Allowance Allocations.	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–18	CAIR NO_X Ozone Season Allowance Tracking System.	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–19	CAIR NO_X Ozone Season Allowance Transfers.	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–20	Monitoring and Reporting	7/16/2009	9/25/2009, 74 FR 48857	
3745–109–21	CAIR NO_X Ozone Season Opt-in Units.	7/16/2009	9/25/2009, 74 FR 48857	
Chapter 3745–112 Volatile Organic Compound Limits in Consumer Products				
3745–112–01	Definitions	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–02	Applicability	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–03	Standards	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–04	Exemptions	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–05	Administrative Requirements	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–06	Reporting Requirements	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–07	Variances	9/15/2007	8/13/2009, 74 FR 40745	
3745–112–08	Test Methods	9/15/2007	8/13/2009, 74 FR 40745	

(d) *EPA approved state source-specific requirements.*

EPA-APPROVED OHIO SOURCE-SPECIFIC PROVISIONS

Name of source	Number	Ohio effective date	EPA Approval date	Comments
AK Steel Corporation	Director's Final Findings and Orders (DFFO).	8/18/1995	4/25/1996, 61 FR 18255	
Excello Specialty	PTI 13–2396	12/11/1991	4/25/1996, 61 FR 18255	
Ford-Cleveland Casting	DFFO	7/10/1995	5/6/1996, 61 FR 20139	
Ford-Engine Plant 1	DFFO	5/31/1996	2/25/1997, 62 FR 8383	
Hilton Davis	PTI 14–2096	6/12/1991	4/25/1996, 61 FR 18255	
International Mill Services.	DFFO	7/12/1995	5/6/1996, 61 FR 20139	
International Paper Company.	DFFO	8/18/1995	4/25/1996, 61 FR 18255	
Luria Brothers	DFFO	7/10/1995	5/6/1996, 61 FR 20139	
Midwest Mica & Insulation Co.	DFFO	8/18/1995	4/25/1996, 61 FR 18255	
Morgan Adhesives Co	DFFO	7/5/2000	4/17/2001, 74 FR 19721	
P.H. Glatfelter Co.-Chillicothe.	PTI P0103673	3/7/2011	7/2/2012, 77 FR 39177	Regional haze BART emissions limits.
Reilly Industries, Inc	DFFO	8/18/1995	4/25/1996, 61 FR 18255	
Sprayon Products, Inc	DFFO	8/18/1995	4/25/1996, 61 FR 18255	
T&B Foundry Company	DFFO	7/10/1995	5/6/1996, 61 FR 20139	
United Ready Mix	DFFO	7/10/1995	5/6/1996, 61 FR 20139	

EPA-APPROVED OHIO SOURCE-SPECIFIC PROVISIONS—Continued

Name of source	Number	Ohio effective date	EPA Approval date	Comments
Wheeling-Pittsburg Steel Corporation.	DFFO	10/31/1995	6/12/1996, 61 FR 29662	

(e) *EPA approved nonregulatory and quasi-regulatory provisions.*

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
Legislative Provisions				
Authority to Require NSR Permits.	Statewide		1/25/1982	ORC 3704.03 (F).
Local Permits for Burning Construction Debris.	Statewide		7/15/1985	ORC 3704.11 (C).
Ohio EPA Authority	Statewide		1/25/1982	ORC 3704 (summary).
Requirements for Board Members.	Statewide		1/25/1982	ORC 102 (summary).
Definition of Air Contaminant.	Statewide			ORC 3704.01 (B); submitted 8/26/1982.
Summary of Criteria Pollutant Maintenance Plan				
Ozone 1-Hour	Cincinnati (Butler, Clermont, Hamilton, and Warren Counties).	6/28/1999	7/5/2000, 65 FR 37879	
Ozone 1-Hour	Columbiana County	3/25/1994	3/10/1995, 59 FR 48395	
Ozone 1-Hour	Columbus (Franklin, Delaware and Licking Counties).	1/1/1994	4/1/1996, 61 FR 3591	
Ozone 1-Hour	Dayton-Springfield (Miami, Montgomery, Clark, and Greene Counties).	11/8/1993	7/5/1995, 60 FR 22289	
Ozone 1-Hour	Jefferson County	3/25/1994	3/10/1995, 58 FR 66334	
Ozone 1-Hour	Youngstown (Mahoning and Trumbull Counties) and Canton (Stark County).	3/25/1994	4/1/1996, 61 FR 3319	
Ozone 8-Hour	Canton (Stark County)	6/20/2006	6/15/2007, 72 FR 27648	
Ozone 8-Hour	Cincinnati (Butler, Clermont, Clinton, Hamilton, and Warren Counties).	12/14/2009	5/11/2010, 75 FR 26118	
Ozone 8-Hour	Cleveland (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties).	3/17/2009	9/15/2009, 74 FR 47414	
Ozone 8-Hour	Columbiana County	2/15/2007	6/12/2007, 72 FR 32190	
Ozone 8-Hour	Columbus (Delaware, Fairfield, Franklin, Knox, Licking, and Madison Counties).	3/17/2009	9/15/2009, 74 FR 47404	
Ozone 8-Hour	Dayton-Springfield (Miami, Montgomery, Clark, and Greene Counties).	11/6/2006	8/13/2007, 72 FR 45169	
Ozone 8-Hour	Lima (Allen County)	6/20/2006	6/15/2007, 72 FR 27648	Correction: 72 FR 36599, effective 7/5/2007.
Ozone 8-Hour	Parkersburg-Marietta (Washington County).	9/22/2006	6/15/2007, 72 FR 27652	Correction: 72 FR 36599, effective 7/5/2007.
Ozone 8-Hour	Steubenville-Weirton (Jefferson County).	7/31/2006	6/15/2007, 72 FR 27640	Correction: 72 FR 36599, effective 7/5/2007.
Ozone 8-Hour	Toledo (Lucas and Wood Counties).	12/22/2006	8/9/2007, 72 FR 44784	

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
Ozone 8-Hour	Wheeling (Belmont County).	6/20/2006	6/15/2007, 72 FR 27644	Correction: 72 FR 36599, effective 7/5/2007
Ozone 8-Hour	Youngstown (Mahoning and Trumbull Counties).	2/15/2007	6/12/2007, 72 FR 32190	
PM–10	Cuyahoga and Jefferson Counties.	5/22/2000	1/10/2001, 65 FR 77308	
$PM_{2.5}$ (1997)	Canton (Stark County)	6/26/2012	10/22/2013, 78 FR 62459.	
$PM_{2.5}$ (1997)	Cincinnati (Butler, Clermont, Hamilton, and Warren Counties).	1/25/2011	12/23/2011, 76 FR 80253.	
$PM_{2.5}$ (1997)	Cleveland (Ashtabula, Cuyahoga, Lake, Lorain, Medina, Portage, and Summit Counties).	10/5/2011	9/18/2013, 78 FR 57270	
$PM_{2.5}$ (1997)	Columbus (Coshocton, Delaware, Fairfield, Franklin, and Licking Counties).	6/3/2011	11/7/2013, 78 FR 66845	
$PM_{2.5}$ (1997)	Dayton-Springfield (Clark, Greene, and Montgomery Counties).	6/1/2011	9/26/2013, 78 FR 59258	
$PM_{2.5}$ (1997)	Huntington-Ashland (Adams, Gallia, Lawrence, and Scioto Counties).	5/4/2011	12/31/2012, 77 FR 76883.	
$PM_{2.5}$ (1997)	Parkersburg-Marietta (Washington County).	2/29/2012	8/29/2013, 78 FR 53275	
$PM_{2.5}$ (1997)	Steubenville-Weirton (Jefferson County).	4/16/2012	9/18/2013, 78 FR 57273	
$PM_{2.5}$ (1997)	Wheeling (Belmont County).	4/16/2012	8/29/2013, 78 FR 53275	
$PM_{2.5}$ (2006)	Canton (Stark County)	6/26/2012	10/22/2013, 78 FR 62459.	
$PM_{2.5}$ (2006)	Cleveland (Cuyahoga, Lake, Lorain, Medina, Portage, and Summit Counties).	5/30/2012	9/18/2013, 78 FR 57270	
$PM_{2.5}$ (2006)	Steubenville-Weirton (Jefferson County).	4/16/2012	9/18/2013, 78 FR 57273	
SO_2 (1971)	Center Township (Morgan County) and Waterford Township (Washington County).	6/25/1992	9/21/1994, 59 FR 48403	
SO_2 (1971)	Lake County and Steubenville/Mingo Junction (Jefferson County).	10/26/1995	8/30/1999, 64 FR 47113	
SO_2 (1971)	Franklin Township (Coshocton County), Addison Township (Gallia County), and Lorain County.	3/20/2000	6/5/2000, 65 FR 35577	
SO_2 (1971)	Cuyahoga and Lucas Counties.	9/27/2003	7/8/2004, 69 FR 41342	
CO (1979)	Cleveland (Cuyahoga County).	10/20/2005	6/1/2006, 71 FR 31097	
Lead (2008)	Bellefontaine (Logan County).	10/29/2013	7/28/2014, 79 FR 43655	Includes approval of the 10/29/2013 emissions inventory.
Infrastructure Requirements				
Section 110(a)(2) infrastructure requirements for the 1997 8-hour ozone NAAQS.	Statewide	12/5/2007	7/13/2011, 76 FR 41075	Addresses the following CAA elements: 110(a)(2)(A))–(C), (D)(ii), (E)–(H), and (J)–(M).

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
Section 110(a)(2) infrastructure requirements for the 1997 $PM_{2.5}$ NAAQS.	Statewide	12/5/2007	7/13/2011, 76 FR 41075	Addresses the following CAA elements: 110(a)(2)(A)–(C), (D)(ii), (E)–(H), and (J)–(M).
Section 110(a)(2) infrastructure requirements for the 2006 $PM_{2.5}$ NAAQS.	Statewide	9/4/2009	10/29/2012, 77 FR 65478.	Addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E)(i) and (E)(iii), (F)–(H), (J) {except PSD}, and (K)–(M).
Section 110(a)(2) infrastructure requirements for the 2006 $PM_{2.5}$ NAAQS.	Statewide	6/7/2013	4/7/2014, 79 FR 18999	Addresses the following CAA elements: 110(a)(2)(E)(ii).
Section 110(a)(2) infrastructure requirements for the 2008 lead NAAQS.	Statewide	10/12/2011	10/6/2014, 79 FR 60075	Addresses the following CAA elements: 110(a)(2) (C), (D)(i)(II), (D)(ii), and the PSD portion of (J).
Section 110(a)(2) infrastructure requirements for the 2010 NO_2 NAAQS.	Statewide	2/8/2013	10/6/2014, 79 FR 60075	Addresses the following CAA elements: 110(a)(2) (A) to (H) and (J) to (M).
Section 110(a)(2) infrastructure requirements for the 2008 ozone NAAQS.	Statewide	12/27/2012	10/16/2014, 79 FR 60219.	Addresses the following CAA elements: 110(a)(2) (A) to (H) and (J) to (M).
Summary of Plan Element				
Particulate Matter (PM–10) Plan.	Statewide	11/14/1991	6/27/1994, 59 FR 27464	
Summary of the 15 Percent (%) Rate of Progress (ROP) Plan Control Measures for Volatile Organic Compounds (VOC) Emissions				
Cincinnati 15% Plan	Cincinnati (Butler, Clermont, Hamilton, and Warren Counties).	3/19/1994	3/30/1998, 63 FR 4188	

§ 52.1890 [Removed and Reserved]

■ 3. Remove and reserve § 52.1890.

§ 52.1891 [Removed and Reserved]

■ 4. Remove and reserve § 52.1891.

■ 5. In the newly redesignated § 52.1894 revise the section heading and paragraph (a) to read as follows:

§ 52.1894 Original Identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Ohio'' and all revisions submitted by Ohio that were federally approved prior to September 1, 2015.

* * * * *

§ 52.1919 [Removed and Reserved]

■ 6. Remove and reserve § 52.1919.

[FR Doc. 2015–28498 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 150610515–5999–02]

RIN 0648–BF16

Fisheries of the Northeastern United States; Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery

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

ACTION: Final rule.

SUMMARY: This action modifies the timing of the Lobster Conservation Management Area 4 seasonal closure. This action is necessary to ensure fishery regulations for the lobster fishery in Federal waters remain consistent with the Commission's Interstate Fishery Management Plan for American Lobster and previously implemented state measures and the intent of the Atlantic Coastal Fisheries Cooperative Management Act. This action is intended to ensure fishing effort is reduced in Area 4.

DATES: This rule is effective December 10, 2015.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, (978) 281–9122.

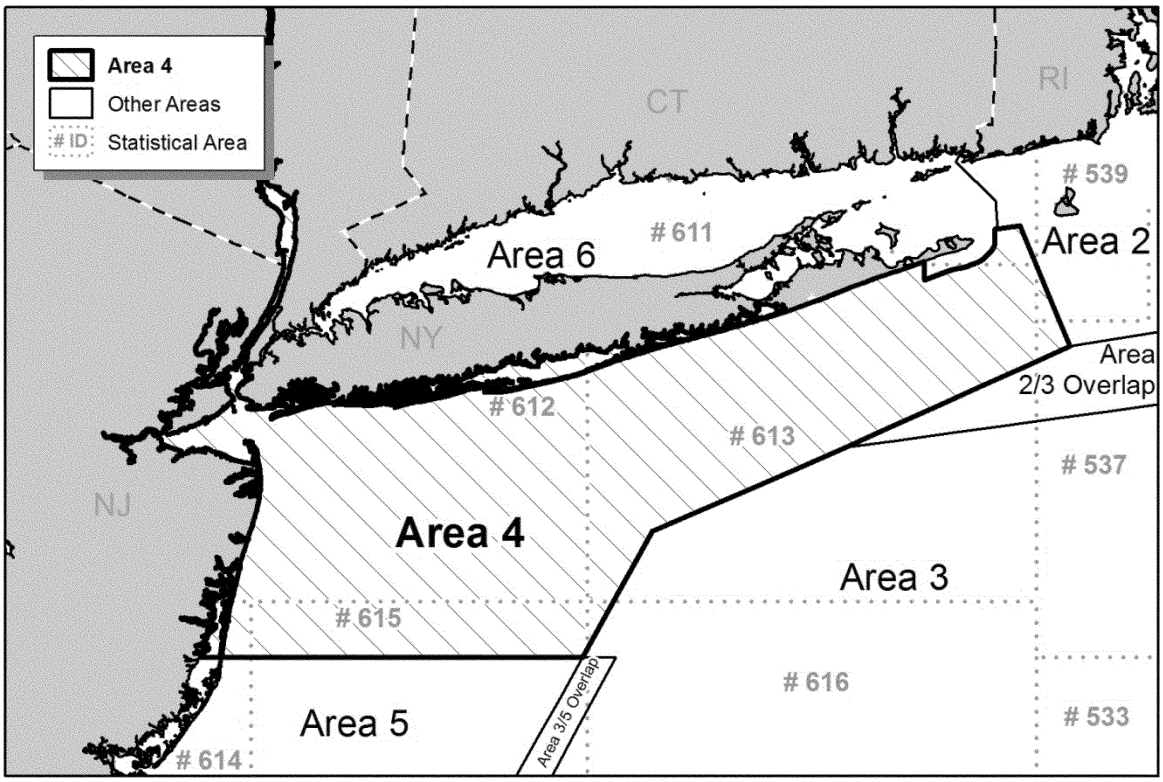
SUPPLEMENTARY INFORMATION:

Background

The American lobster fishery is managed by the Atlantic States Marine Fisheries Commission under Amendment 3 to the Interstate Fishery Management Plan for American Lobster (ISFMP). We manage the portion of the fishery conducted in Federal waters from 3 to 200 miles offshore, based on management recommendations made by the Commission.

The American lobster management unit is divided between two lobster stocks and seven Lobster Conservation Management Areas.

Figure 1. Lobster Conservation Management Area 4 and Statistical Areas



The 2009 stock assessment indicated that the Southern New England American lobster stock, which includes all or part of six areas including Area 4, is at a low level of abundance. The stock is experiencing persistent recruitment failure caused by a combination of environmental factors and continued fishing mortality. To address the poor condition of the stock, the Commission adopted Addendum XVII to Amendment 3 of the ISFMP in February of 2012. The measures in the addendum were intended to reduce fishing exploitation on the Southern New England lobster stock by 10 percent. Copies of the addendum are available on the Commission's Web site at: *http://www.asmfc.org/uploads/file/amLobsterAddendumXVII_feb2012.pdf.*

Consistent with the Commission's action in Addendum XVII, we issued complementary regulations (80 FR 2028; January 15, 2015) for Areas 2, 3, 4, and 5. Measures for Area 4 included a mandatory v-notching requirement for egg-bearing female lobsters and an annual seasonal closure from February 1–March 31. States came into compliance with Addendum XVII by January 1, 2013.

Approved Measures

We are changing the Area 4 seasonal closure from February 1–March 31 to April 30–May 31, consistent with the Commission's recommendation. The American Lobster Technical Committee analyzed the effectiveness of the initial February 1–March 31 Area 4 closure after it was implemented by the states and presented these results to the Commission in late 2014. The Technical Committee's analysis indicated that the February and March closure in Area 4 only achieved a 3.7-percent reduction in effort, falling short of the required 10-percent reduction. The Technical Committee recommended that the Lobster Board shift the annual seasonal closure from February 1–March 31 to April 30–May 31. The Technical Committee projected that this shift would achieve a 10.1-percent reduction in effort. The Lobster Board reviewed this analysis and approved the Area 4 seasonal closure modification during several meetings in late 2014 and early 2015. The Lobster Board also recommended that all jurisdictions change the closure date to April 30–May 31 annually. New York and New Jersey (the two states bordering Area 4) have already adjusted their regulatory closure to this later date. The changes implemented by this rule ensure consistency between state and Federal Area 4 management measures.

Comments and Responses

Our proposed rule, published August 5, 2015 (80 FR 46533), solicited comments through September 4, 2015. We received three comments, one from the Atlantic States Marine Fisheries Commission, one from the Atlantic Offshore Lobstermen's Association, and one from the Massachusetts Lobstermen's Association, in response to the proposed rule. A summary of the comments and our responses is provided below.

Comment 1: All three comments supported our action to modify the date of the closure to April 30–May 31 to ensure consistency between American lobster management in state and Federal waters.

Response: We agree and are implementing through this rule the annual seasonal closure shift to April 30–May 31.

Comment 2: Both Associations suggested edits to the vessel transiting provisions of the Area 4 seasonal closure. Both groups asked that we clarify that lobster caught in other Lobster Conservation Management

Areas could be retained on board while a vessel transits Area 4.

Response: We agree that a lobster vessel transiting Area 4 during the closure should be allowed to possess lobster legally caught in other areas. All of the seasonal closures (in Areas 4, 5, and the Outer Cape) contain transiting provisions allowing a vessel to transit through the area while closed, with gear properly stowed. The intent of the transiting provision is to allow a vessel to fish in an open area and transit through a seasonally closed area to return to port.

The wording of the proposed rule already allows a lobster vessel to transit an area closure with lobsters legally caught in other areas. As a result, although we acknowledge the commenters' concerns, we are not modifying the Area 4 transiting provisions from those we proposed.

In addition, changing transiting regulations for Area 4 would create an inconsistency with the transiting regulations for other areas. Changing the transiting provisions in Area 4 could lead industry to believe that lobsters could not be retained onboard while transiting Areas 5 or the Outer Cape. We do not want to create additional confusion. Therefore, we are not modifying the transiting provisions.

Classification

This final rule has been determined to be consistent with the provisions of the Atlantic Coastal Act, the National Standards of the Magnuson-Stevens Act, and other applicable laws.

This final rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with federalism implications as that term is defined in E.O. 13132. The approved measures are based upon the American Lobster ISFMP that was created by and is overseen by the states. These measures were a result of a modification to Addendum XVII measures, which was approved by the Commission's American Lobster Board, recommended by the Commission for Federal adoption, and are in place at the state level. Consequently, NMFS has consulted with the states in the creation of the ISFMP, which makes recommendations for Federal action. Additionally, these measures would not pre-empt state law and would do nothing to directly regulate the states.

This final rule does not contain a collection of information requirement subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to assess the economic impacts of their regulations on small entities. The objective of the RFA is to consider the impacts of a rulemaking on small entities, and the capacity of those affected by regulations to bear the direct and indirect costs of regulation. We prepared a Final Regulatory Flexibility Analysis (FRFA) for this action as required by section 603 of the RFA. The FRFA describes the economic impact this final rule would have on small entities. The approved management measure would affect small entities (*i.e.,* Federal lobster permit holders) fishing in Southern New England, specifically in Area 4.

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

No public comments were submitted about the IRFA. See the Comments and Responses section for general comments received on the rule's measures.

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

The RFA recognizes and defines three kinds of small entities: Small businesses; small organizations; and small governmental jurisdictions. The Small Business Administration (SBA) size standards define whether a business entity is small and, thus, eligible for Government programs and preferences reserved for ''small business'' concerns. Size standards have been established (and recently modified) for all for-profit economic activities or industries in the North American Industry Classification System (NAICS). Designations of large and small entities were based on each entity's 3-year average landings. For entities landing a majority of revenue in shellfish (NAICS 111412), the threshold for ''large'' is $5.5 million. For entities landing a plurality of revenue in finfish (NAICS 111411), the threshold for ''large'' is $20.5 million. The number of directly regulated entities for purposes of analyzing the economic impacts and describing those that are small businesses is selected based on permits held. Because this regulation applies only to the businesses that hold Area 4 permits, only those business entities are evaluated. Business entities that do not own vessels with directly regulated permits are not described.

Of the 47 small entities identified in the IRFA, 23 are considered a shellfish business, 12 are considered a finfish business, and 12 could not be identified as either because even though they had a lobster permit (in Area 4), they had no earned revenue from fishing activity. Because they had no revenue in the last 3 years, they would be considered small by default and would also be considered as latent effort.

The entity definition used by the Northeast Fisheries Science Center Social Sciences Branch uses only unique combinations of owners. That is, entities are not combined if they have a shared owner. Section 3 of the Small Business Act defines affiliation as: Affiliation may arise among two or more persons with an identity of interest. Individuals or firms that have identical or substantially identical business or economic interests (such as family members, individuals or firms with common investments, or firms that are economically dependent through contractual or other relationships) may be treated as one party with such interests aggregated (13 CFR 121.103(f)).

The recent addition of vessel owner information to the permit data allows us to better define fishing ''businesses.'' The vessel ownership data identify all the individual people who own fishing vessels. Vessels can be grouped together according to common owners, which can then be treated as a fishing business for purposes of RFA analyses. Revenues summed across all vessels in the group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business. Ownership data are available for those potentially impacted by this action from 2010 onward.

A person who does not currently own a fishing vessel, but who has owned a qualifying vessel that has sunk, been destroyed, or transferred to another person, must apply for and receive a ''confirmation of history'' (CPH) if the fishing and permit history of such vessel has been retained lawfully by the applicant. Issuance of a valid CPH preserves the eligibility of the applicant to apply for a permit for a replacement vessel based on the qualifying vessel's fishing and permit history at a subsequent time. The ownership data based on the permits held do not contain information on CPH permits. A total of six CPH's exist for lobster Area 4.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

Due to the expected high rate of dual permitting and that the states are already compliant with the revised Area 4 seasonal closure, the majority of Federal vessels must already abide by these requirements and have already been impacted. For those vessels not dually permitted, this change in the Area 4 seasonal closure can be expected to have a limited economic impact to permit holders. Because the regulations are consistent with Commission recommendations and current state regulations, alternative measures, such as maintain the status quo, would likely create inconsistencies and regulatory disconnects with the states and would likely worsen potential economic impacts. Therefore, the status quo was not considered reasonable, and for similar reasons, other alternatives that maintained disconnected state and Federal closures were not considered.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, we will send a small entity compliance guide to all Federal permit holders affected by this action. In addition, copies of this final rule and guide (*i.e.,* information bulletin) are available from NMFS (see **ADDRESSES**) and at the following Web site: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/lobster/index.html.*

List of Subjects in 50 CFR Part 697

Fisheries, fishing.

Dated: November 5, 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 697 is amended as follows:

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

■ 1. The authority citation for part 697 continues to read as follows:

Authority: 16 U.S.C. 5101 *et seq.*

■ 2. In § 697.7, revise paragraphs (c)(1)(xxx)(B) to read as follows:

§ 697.7 Prohibitions.

* * * * *

(c) * * *

(1) * * *

(xxx) * * *

(B) *Area 4 seasonal closure.* The Federal waters of Area 4 shall be closed to lobster fishing from April 30 through May 31.

(*1*) Lobster fishing is prohibited in Area 4 during this seasonal closure. Federal lobster permit holders are prohibited from possessing or landing lobster taken from Area 4 during the seasonal closure.

(*2*) All lobster traps must be removed from Area 4 waters before the start of the seasonal closure and may not be re-deployed into Area 4 waters until after the seasonal closure ends. Federal trap fishers are prohibited from setting, hauling, storing, abandoning, or in any way leaving their traps in Area 4 waters during this seasonal closure.

(*i*) Lobster fishers have a 1-week grace period from May 24 to May 31 to re-set gear in the closed area. During this grace period, re-set traps may not be re-hauled and any Federal lobster permit holder re-setting Area 4 traps during this grace period is prohibited from possessing on board any lobster regardless of the area from which the lobster may have been harvested.

(*ii*) [Reserved]

(*3*) Federal lobster permit holders are prohibited from possessing or carrying lobster traps aboard a vessel in Area 4 waters during this seasonal closure unless the vessel is operating subject to the grace period identified in paragraph (c)(1)(xxx)(B)(*2*)(*i*) of this section or is transiting through Area 4 pursuant to paragraph (c)(1)(xxx)(B)(*5*) of this section.

(*4*) The Area 4 seasonal closure relates only to Area 4. The restrictive provisions of §§ 697.3 and 697.4(a)(7)(v) do not apply to this closure. Federal lobster permit holders with an Area 4 designation and another Lobster Management Area designation on their Federal lobster permits would not have to similarly remove their lobster gear from the other designated management areas.

(*5)* Transiting Area 4. Federal lobster permit holders may possess lobster traps on their vessels in Area 4 during the seasonal closure only if:

(*i*) The trap gear is stowed; and

(*ii*) The vessel is transiting the Area 4. For the purposes of this section, transiting shall mean passing through Area 4 without stopping, to reach a destination outside Area 4.

(*6*) The Regional Administrator may authorize a permit holder or vessel owner to haul ashore lobster traps from Area 4 during the seasonal closure without having to engage in the exempted fishing process in § 697.22, if the permit holder or vessel owner can establish the following:

(i) That the lobster traps were not able to be hauled ashore before the seasonal closure due to incapacity, vessel/mechanical inoperability, and/or poor weather; and

(*ii*) That all lobsters caught in the subject traps will be immediately returned to the sea.

(iii) The Regional Administrator may condition this authorization as appropriate in order to maintain the overall integrity of the closure.

* * * * *

[FR Doc. 2015–28544 Filed 11–9–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 217
Tuesday, November 10, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 870

RIN 3206–AN04

Federal Employees' Group Life Insurance Program: Providing Option C Coverage for Children of Same-Sex Domestic Partners; Withdrawal

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The United States Office of Personnel Management (OPM) hereby withdraws a notice of proposed rulemaking (NPRM) to amend the Federal Employees' Group Life Insurance (FEGLI) regulations to allow children of same-sex domestic partners living in states that do not allow same-sex couples to marry to be covered as family members under an eligible individual's FEGLI Option C enrollment.

DATES: The proposed rule, published on October 15, 2014, in the **Federal Register** (79 FR 61788 –61790), is withdrawn as of November 10, 2015.

FOR FURTHER INFORMATION CONTACT: Ronald Brown, Policy Analyst, (202) 606–0004, or by email to *Ronald.Brown@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is withdrawing the proposed rule published October 15, 2014 entitled, ''Federal Employees' Group Life Insurance Program: Providing Option C Coverage for Children of Same-Sex Domestic Partners'' (79 FR 61788–61790). The proposed regulation would have allowed children of same-sex domestic partners living in states that do not allow same-sex couples to marry to be covered as family members under an eligible individual's FEGLI Option C enrollment. On June 26, 2015, the United States Supreme Court ruled in *Obergefell* v. *Hodges* that the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-State. As a result, all states are required to allow same-sex couples to marry, meaning no additional children would be eligible for coverage based on the proposed rule. For this reason, the Office of Personnel Management withdraws the proposed rule to amend the FEGLI regulation to allow children of same-sex domestic partners living in states that do not allow same-sex couples to marry to be covered as family members under an eligible individual's FEGLI Option C enrollment.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–28569 Filed 11–9–15; 8:45 am]

BILLING CODE 6325–63–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3732; Directorate Identifier 2015–NE–25–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Pratt & Whitney Canada Corp. (PWC) PT6A–60AG, –65AG, –67AF, and –67AG turboprop engines. This proposed AD was prompted by incidents of corrosion and perforation of the two-ply Cu-Be bellows in Woodward fuel control units (FCUs). This proposed AD would require removing the Woodward FCU and installing an FCU that is eligible for installation. We are proposing this AD to prevent failure of the Woodward FCU, which could lead to failure of the engine, in-flight shutdown, and loss of control of the airplane.

DATES: We must receive comments on this proposed AD by January 11, 2016.

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.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this proposed AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Web site: *www.pwc.ca.* 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.

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–2015–3732; 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 proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Besian Luga, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *besian.luga@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–2015–3732; Directorate Identifier

2015–NE–25–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on 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 with FAA personnel concerning this NPRM.

Discussion

The Transport Canada Civil Aviation, which is the aviation authority for Canada, has issued Canada AD CF–2015–23, dated July 23, 2015 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> There have been in-service incidents involving corrosion and perforation of the two-ply Cu-Be bellows in Woodward Fuel Control Units (FCU) fitted to PT6A–60, –65 and –67 series engines. In certain instances, associated bellows leakage has resulted in loss of engine power, in-flight shutdowns (IFSD) and even accidents. Engines installed on the aeroplanes that are used for crop dusting, due to the operational environment, are more susceptible to corrosion damage to the subject bellows.
>
> Loss of engine power or shut down in flight by itself usually is not considered a catastrophic event. However, on an aeroplane with single engine installation, an engine power loss or IFSD at a critical phase of flight could adversely affect the safe operation of the aeroplane.

This AD affects the PT6A–60AG, PT6A–65AG, PT6A–67AF, and PT6A–67AG engine models because they have the affected Woodward FCUs installed.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3732.

Related Service Information Under 1 CFR Part 51

PWC has issued Service Bulletin (SB) No. PT6A–72–14389, Revision 3, dated January 27, 2011 and SB No. PT6A–72–13473, Revision 1, dated May 26, 2015. The service information describes procedures for replacing Woodward FCUs. 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 This Proposed AD

This product has been approved by the aviation authority of Canada, and is approved for operation in the United States. Pursuant to our bilateral agreement with Canada, 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 provided by Transport Canada Civil Aviation and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This NPRM would require replacing the Woodward FCU.

Costs of Compliance

We estimate that this proposed AD affects 341 engines installed on airplanes of U.S. registry. We also estimate that it would take about 1.5 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost about $1,000 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $384,478.

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 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.

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 airworthiness directive (AD):

Pratt & Whitney Canada Corp. (Type Certificate previously held by Pratt & Whitney Canada, Inc., Pratt & Whitney Aircraft of Canada, Ltd., and United Aircraft of Canada, Ltd.): Docket No. FAA–2015–3732; Directorate Identifier 2015–NE–25–AD.

(a) Comments Due Date

We must receive comments by January 11, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Canada Corp. (PWC) PT6A–60AG, BS919 and BS1048 with pre-SB No. PT6A–72–13402, dated August 12, 2005 configuration; PT6A–65AG, BS708, BS903, BS1101, and BS1102 with pre-SB PT6A–72–13408, dated July 3, 2006 configuration; PT6A–67AF; and PT6A–67AG turboprop engines with Woodward fuel control units (FCUs) installed.

(d) Reason

This AD was prompted by incidents of corrosion and perforation of the two-ply Cu-Be bellows in Woodward FCUs. We are issuing this AD to prevent failure of the Woodward FCU, which could lead to failure of the engine, in-flight shutdown, and loss of control of the airplane.

(e) Actions and Compliance

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

(1) For PWC PT6A–67AF and PT6A–67AG engines, within 500 flight hours (FHs) or one year after the effective date of this AD, whichever occurs first, replace the Woodward FCU. Use paragraphs 3.A. and 3.C. of PWC Service Bulletin (SB) No. PT6A–72–14389, Revision 3, dated January 27, 2011 to replace the FCU.

(2) For PWC PT6A–60AG BS919 and BS1048 engines with pre-SB No. PT6A–72–13402 configuration, within 36 months after the effective date of this AD, replace the Woodward FCU. Use paragraph 3.C.(1) and 3.C.(3) of PWC SB No. PT6A–72–13473, Revision 1, dated May 26, 2015 to replace the FCU.

(3) For PWC PT6A–65AG BS708, BS903, BS1101, and BS1102 engines with pre-SB PT6A–72–13408 configuration, within 36 months after the effective date of this AD, replace the Woodward FCU. Use paragraphs 3.A.(1) and 3.A.(3) of PWC SB No. PT6A–72–13473, Revision 1, dated May 26, 2015 to replace the FCU.

(f) Credit for Previous Actions

You may take credit for the actions required by paragraph (e) of this AD if you performed the actions before the effective date of this AD in accordance with PWC SB No. PT6A–72–14389, Revision 2, dated April 23, 2009; or SB No. PT6A–72–13473, dated March 12, 2015; or SB No. PT6A–72–13408, Revision 1, dated March 12, 2015; or earlier versions.

(g) 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.*

(h) Related Information

(1) For more information about this AD, contact Besian Luga, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *besian.luga@faa.gov.*

(2) Refer to MCAI Transport Canada AD CF–2015–23, dated July 23, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–3732.

(3) PWC SB No. PT6A–72–14389, Revision 3, dated January 27, 2011 and SB No. 13473, Revision 1, dated May 26, 2015, can be obtained from PWC, using the contact information in paragraph (h)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Pratt & Whitney Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Web site: *www.pwc.ca.*

(5) 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.

Issued in Burlington, Massachusetts, on November 4, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–28534 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0561; Directorate Identifier 2014–NE–12–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2015–04–03 that applies to certain Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. AD 2015–04–03 requires inspection of the sealing sleeve on the high-pressure/intermediate-pressure (HP/IP) turbine support internal oil feed tube and removal of those sealing sleeves affected by AD 2015–04–03. This proposed AD would require removal of either the affected sealing sleeve only or both the affected sealing sleeve and the oil feed tube. We are proposing this AD to prevent failure of the HP/IP turbine support internal oil feed tube, which could lead to uncontained engine failure and damage to the airplane.

DATES: We must receive comments on this proposed AD by January 11, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://customers.rolls-royce.com/public/rollsroycecare.* 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.

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–2014–0561; 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 mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Philip Haberlen, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7770; fax: 781–238–7199; email: *philip.haberlen@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–2014–0561; Directorate Identifier 2014–NE–12–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://www.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

On February 11, 2015, we issued AD 2015–04–03, Amendment 39–18105 (80

FR 9380, February 23, 2015), for certain RR RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. AD 2015–04–03 requires inspection of the sealing sleeve on the HP/IP turbine support internal oil feed tube and removal of those sealing sleeves affected by AD 2015–04–03. AD 2015–04–03 resulted from fractures of the HP/IP turbine support internal oil feed tube. We issued AD 2015–04–03 to prevent failure of the HP/IP turbine support internal oil feed tube, which could result in uncontained engine failure and damage to the airplane.

Actions Since AD 2015–04–03 Was Issued

Since we issued AD 2015–04–03, Amendment 39–18105 (80 FR 9380, February 23, 2015), we received a report of high oil consumption on an engine that did not have an affected sealing sleeve. The manufacturer's investigation revealed that certain oil feed tube threaded end adapters were manufactured with the outer diameter larger than the drawing maximum, which can cause binding of the sliding joint and ultimately lead to low-cycle fatigue failure of the HP/IP turbine support internal oil feed tube. Also since we issued AD 2015–04–03, the European Aviation Safety Agency has issued AD 2015–0105R1, dated August 18, 2015, which requires inspection of the affected sealing sleeve and removal of the affected sealing sleeve or removal of both the affected sealing sleeve and oil feed tube.

Related Service Information Under 1 CFR Part 51

RR has issued RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AJ035, Revision 2, dated August 10, 2015 and RR Service Bulletin (SB) No. RB.211–72–H754, dated October 1, 2014. The Alert NMSB No. RB.211–72–AJ035, Revision 2, dated August 10, 2015, provides guidance on identification of the sealing sleeve, part number (P/N) FW15003, and replacement of the non-conforming sealing sleeve, P/N FW15003, with a conforming sealing sleeve, P/N FW15003. The SB No. RB.211–72–H754, dated October 1, 2014, provides information on the replacement of the sealing sleeve, P/N FW15003, and oil feed tube, P/N FW14193, with a sealing sleeve, P/N KH28323 and oil feed tube, P/N KH28324. 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

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require removal of the affected sealing sleeve only or both the affected sealing sleeve and the oil feed tube. Both corrective actions eliminate the unsafe condition caused by affected sealing sleeves and/or affected oil feed tube threaded end adapters.

Costs of Compliance

We estimate that this proposed AD affects 58 engines installed on airplanes of U.S. registry. We also estimate that it would take about 1.2 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost approximately $5,850 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $345,216.

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 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 that the 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 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.

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 removing airworthiness directive (AD) 2015–04–03, Amendment 39–18105 (80 FR 9380, February 23, 2015) (''AD 2015–04–03''), and adding the following new AD:

Rolls-Royce plc: Docket No. FAA–2014–0561; Directorate Identifier 2014–NE–12–AD.

(a) Comments Due Date

We must receive comments by January 11, 2016.

(b) Affected ADs

This AD supersedes AD 2015–04–03.

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines, all serial numbers, except those engines:

(1) That have had Modification 72–H754 applied in production, or

(2) that have been modified in accordance with RR Service Bulletin (SB) No. RB.211–72–H754, dated October 1, 2014, or

(3) with sealing sleeve, part number (P/N) FW15003, with markings 102013, 112013, or 102013L.

(d) Unsafe Condition

This AD was prompted by fractures of the high-pressure/intermediate pressure (HP/IP) turbine support internal oil feed tube. We are issuing this AD to prevent failure of the HP/IP turbine support internal oil feed tube, which could result in uncontained engine failure and damage to the airplane.

(e) Compliance

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

(1) If sealing sleeve, P/N FW15003, is installed without markings 102013, 112013, or 102013L, or if the markings cannot be sufficiently identified, then within 1,600 flight cycles or 24 months after the effective date of this AD, whichever occurs first:

(i) Remove the affected sealing sleeve, P/N FW15003, and replace it with a sealing sleeve eligible for installation. Use paragraph 3.A.(4)(b) of RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AJ035, Revision 2, dated August 10, 2015, to perform the part replacement, or,

(ii) Remove the affected sealing sleeve, P/N FW15003, and the oil feed tube, P/N FW14193, and replace with parts eligible for installation. Use paragraph 3.B. or 3.C., as appropriate, of RR SB No. RB.211–72–H754, dated October 1, 2014, to perform the parts replacement.

(2) Reserved.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to 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.*

(g) Related Information

(1) For more information about this AD, contact Philip Haberlen, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7770; fax: 781–238–7199; email: *philip.haberlen@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2015–0105R1, dated, August 18, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0561.*

(3) RR Alert NMSB No. RB.211–72–AJ035, Revision 2, dated August 10, 2015 and RR SB No. RB.211–72–H754, dated October 1, 2014, can be obtained from RR, using the contact information in paragraph (g)(4) of this AD.

(4) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://customers.rolls-royce.com/public/rollsroycecare.*

(5) 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.

Issued in Burlington, Massachusetts, on November 2, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–28533 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0475; FRL–9936–87–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Adoption of Control Techniques Guidelines for Four Industry Categories for Control of Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to convert the conditional approval of revisions to the Pennsylvania State Implementation Plan (SIP) submitted by the Commonwealth of Pennsylvania on behalf of the Allegheny County Health Department (ACHD) to a full approval. The SIP revision included amendments to the ACHD Rules and Regulations, Article XXI, Air Pollution Control, and meets the requirement to adopt Reasonably Available Control Technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) standards for the following categories: Miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. Upon review of the submittal, EPA found that the average monomer volatile organic compound (VOC) content limits were referenced but not included in the regulation for fiberglass boat manufacturing materials. ACHD has revised the regulation and submitted the table of VOC content limits for fiberglass boat manufacturing materials to EPA in order to address specific RACT requirements for Allegheny County. EPA is, therefore, proposing to convert the conditional approval to a full approval of the revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 10, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0475 by one of the following methods:

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

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

C. *Mail:* EPA–R03–OAR–2014–0475, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0475. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in *www.regulations.gov* or may be viewed during normal business hours at the Air Protection Division, U.S. Environmental

Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201 and at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT, for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIP to include RACT for sources of VOC emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment. EPA defines RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 44 FR 53761 (September 17, 1979).

CTGs are documents issued by EPA intended to provide state and local air pollution control authorities information to assist them in determining RACT for VOC from various sources. Section 183(e)(3)(c) provides that EPA may issue a CTG in lieu of a national regulation as RACT for a product category where EPA determines that the CTG will be substantially as effective as regulations in reducing emissions of VOC in ozone nonattainment areas. The recommendations in the CTG are based upon available data and information and may not apply to a particular situation based upon the circumstances. States can follow the CTG and adopt state regulations to implement the recommendations contained therein, or they can adopt alternative approaches. In either case, states must submit their RACT rules to EPA for review and approval as part of the SIP process.

In 1977 and 1978, EPA published CTGs for miscellaneous metal and plastic parts surface coatings, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. After reviewing the 1977/1978 CTGs for these industries, conducting a review of currently existing state and local VOC emission reduction approaches for these industries, and taking into account any information that has become available since then, EPA developed new CTGs entitled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (Publication No. EPA 453/R–08–003; September 2008); *Control Techniques Guidelines for Automobile and Light-duty Assembly Coatings* (Publication No. EPA 453/R–08–006; September 2008); *Control Techniques Guidelines for Miscellaneous Industrial Adhesives* (Publication No. EPA 453/R–08–005; September 2008); *Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials* (Publication No. EPA 453/R–08–004; September 2008).

II. Summary of SIP Revision

On November 15, 2013, Pennsylvania Department of Environmental Protection (PADEP) submitted to EPA on behalf of ACHD a SIP revision concerning the adoption of the EPA CTGs for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials in Allegheny County. Allegheny County is adopting EPA's CTG standards for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. These regulations, with a state effective date of June 8, 2013, are contained in the ACHD Rules and Regulations, Article XXI, Air Pollution Control sections 2105.83 (Control of VOC Emissions from Miscellaneous Metal and/or Plastic Parts Surface Coating Processes), 2105.84 (Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings), 2105.85 (Control of VOC Emissions from Miscellaneous Industrial Adhesives), and 2105.86 (Control of VOC Emissions from Fiberglass Boat Manufacturing Materials) in order to establish: (1) Applicability for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials; (2) exemptions; (3) record-keeping and work practice requirements; and (4) emission limitations. Upon review of the November 15, 2013 submittal, EPA found that a table of average monomer VOC content limit for fiberglass boat manufacturing materials was referenced; however, the table was erroneously not included in the regulation. Pursuant to section 110(k)(4) of the CAA, PADEP submitted on behalf of ACHD a letter dated July 16, 2014 committing to submit a SIP revision to EPA addressing this error in order to satisfy the RACT requirements under the 8-hour ozone standard for Allegheny County.

On November 26, 2014 (79 FR 70470), EPA conditionally approved the SIP revisions concerning the adoption of these CTGs. On September 9, 2015, PADEP submitted to EPA on behalf of ACHD a supplemental SIP revision containing the missing table of VOC content limits, and thereby addressing the erroneous deficiency in the regulation for fiberglass boat manufacturing materials.

III. Proposed Action

EPA is proposing to convert from conditional approval to full approval the Commonwealth of Pennsylvania SIP revision submitted on November 15, 2013, as supplemented with the September 9, 2015 SIP submittal, which consists of amendments to the ACHD Rules and Regulations, Article XXI, Air Pollution Control for adopting RACT for sources covered by EPA's CTG standards for the following categories: Miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. Pursuant to section 110(k)(4) of the CAA, the conditional approval was based upon a letter from PADEP on behalf of ACHD dated July 16, 2014 committing to submit to EPA, no later than twelve months from EPA's final conditional approval of ACHD's adoption of CTGs for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials, an additional SIP revision to address the missing table of average monomer VOC content in the current regulation for fiberglass boat manufacturing materials. On September 9, 2015, PADEP on behalf of ACHD submitted a supplemental SIP revision containing the table of monomer VOC content limits for fiberglass boat manufacturing materials. EPA has determined that ACHD has satisfied this condition, and therefore, EPA is proposing to remove the conditional nature of its approval and replace it with a full approval of Allegheny County's adoption of CTGs for miscellaneous metal and/or plastic parts surface coating processes,

automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials will. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this rulemaking, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Commonwealth of Pennsylvania rules regarding controls of VOC emissions discussed in Section III of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or may be viewed at the EPA Region III office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule, pertaining to ACHD's adoption of CTG standards for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

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

Dated: October 28, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2015–28645 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2015–0372; FRL–9936–90–OW]

Request for Comment: Kentucky Underground Injection Control (UIC) Program; Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and opportunity to request a public hearing.

SUMMARY: The U.S. Environmental Protection Agency (EPA) hereby gives public notice that the EPA has received a complete application from the Commonwealth of Kentucky requesting approval of its Underground Injection Control (UIC) Program for Class II injection wells. The EPA has determined the application contains all the required elements; see the **ADDRESSES** section for information on how to access the application documents. Public comments are requested and any member of the public may request a public hearing. This application would allow the Kentucky Division of Oil and Gas to regulate all Class II injection wells in Kentucky.

DATES: Comments will be accepted on or before December 23, 2015. Requests for a public hearing must be received by December 9, 2015. Requests for a hearing should be mailed to Nancy Marsh (see the **FOR FURTHER INFORMATION CONTACT** section). The EPA will determine by December 11, 2015, whether there is sufficient interest to warrant a public hearing. If determined to be warranted, the public hearing will be held on December 16, 2015 at 1:00 p.m. in Conference Room #D16 at the Department for Natural Resources, #2 Hudson Hollow, Frankfort, KY 40601. For additional information regarding the public hearing, please contact Nancy Marsh.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2015–0372 to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.* Comments should also be sent to Nancy Marsh (see the **FOR FURTHER INFORMATION CONTACT** section).

Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the following locations:

(1) U.S. Environmental Protection Agency, Region 4, Library, 9th Floor, 61 Forsyth Street SW., Atlanta, Georgia 30303. The Library is open from 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Library is (404) 562–8190.

(2) Kentucky Department of Natural Resources, Division of Oil and Gas 1025 Capital Center Drive, Frankfort, Kentucky 40601. The Office is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m.–5:00 p.m. Monday through Friday, excluding legal holidays. Please contact Marvin Combs at (502) 573–0147.

(3) Kentucky Underground Injection Control Program, Primacy Approval: EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OW Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, GW & UIC Section, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303; telephone number: (404) 562–9350; fax number: (404) 562–9439; email address: *marsh.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky has submitted an application to regulate Class II injection wells in the State. The application was determined to be complete because it contained all of the requirements of the *Code of Federal Regulations* (CFR) at 40 CFR 145.22(a), including: A letter from the Governor requesting program approval; a complete description of the State Underground Injection Control program; a statement of legal authority; a memorandum of agreement between the Commonwealth of Kentucky and the EPA, Region 4; copies of all applicable rules and forms; and a showing of the state's public participation process prior to program submission.

Dated: November 3, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–28662 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 27

[GN Docket No. 12–268, WT Docket Nos. 14–170 and 05–211, Report No. 3031]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by: Kim M. Keenan, on behalf of the Multicultural Media, Telecom and Internet Council; Donald L. Herman, Jr., on behalf of the Rural-26 DE Coalition; and D. Cary Mitchell, on behalf of the Blooston Rural Carriers.

DATES: Oppositions to the Petitions must be filed on or before November 25, 2015. Replies to an opposition must be filed on or before December 7, 2015.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Leslie Barnes, Wireless Telecommunications Bureau, (202) 418–1612, email: *leslie.barnes@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 3031, released November 4, 2015. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554 or may be accessed online via the Commission's Electronic Comment Filing System at *http://apps.fcc.gov/ecfs/.* The Commission will not send a copy of this *Public Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Public Notice* does not have an impact on any rules of particular applicability.

Subject: Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend 47 CFR 1.2105(a)(2)(xi) and 1.2106(a) and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, published at 80 FR 56754, September 18, 2015, in GN Docket No. 12–268, WT Docket Nos. 14–170, 05–0211, and FCC 15–80. This *Public Notice* is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1).

Number of Petitions Filed: 3.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–28554 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[WT Docket No. 08–7; DA 15–1169]

WTB Seeks Comment on a Petition for Declaratory Ruling Clarifying the Regulatory Status of Mobile Messaging Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission's Wireless Telecommunications Bureau (Bureau) seeks comment on a petition for declaratory ruling on the regulatory status of mobile messaging services.

DATES: Comments are due November 20, 2015. Reply Comments are due December 21, 2015.

ADDRESSES: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated above. All filings should refer to WT Docket No. 08–7. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325,

Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

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

FOR FURTHER INFORMATION CONTACT: Daniel Ball, Wireless Telecommunications Bureau, 202–418–1310, email *Daniel.Ball@fcc.gov* or Pramesh Jobanputra, Wireless Telecommunications Bureau, 202–418–1323, email *Pramesh.Jobanputra@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Public Notice, DA No. 15–1169 WT Docket No 08–7, released October 13, 2015. The full text of this document is available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Also, it may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554; Copies of the Public Notice also may be obtained via ECFS by entering the docket number WT Docket 15–180; DA No. 15–865. Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

By this Public Notice, the Wireless Telecommunications Bureau seeks comment on a petition for a declaratory ruling on the regulatory status of mobile messaging services.

On August 28, 2015, Twilio Inc. filed a petition for an expedited declaratory ruling, asking the Commission ''to declare that messaging services are governed by Title II'' of the Communications Act. Today's Public Notice seeks comment on the Twilio Petition and seeks to refresh the record in this proceeding in light of marketplace and legal developments since the Commission sought comment in 2008 on a similar petition.

Twilio describes itself as a ''cloud-based developer-platform company'' that facilitates ''merging cloud computing, web services, and traditional voice and messaging communications.'' In its Petition, Twilio asserts that wireless providers engage in a variety of discriminatory and anti-competitive practices that cannot be adequately addressed absent a declaratory ruling classifying messaging services under Title II. Twilio further asserts that, under judicial and Commission precedent, messaging services constitute telecommunications services and commercial mobile radio services and are thus subject to Title II.

The Commission invites comment on the issues raised in the Twilio Petition and the Commission seeks to refresh the record on the Joint Petition. The Commission invites commenters to offer detailed estimates—numerical estimates if available—of any costs or benefits claimed.

This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Roger Sherman,

Bureau Chief, Wireless Telecommunications Bureau.

[FR Doc. 2015–27899 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 80, No. 217
Tuesday, November 10, 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

Performance Review Board Appointments

AGENCY: Office of Human Resource Management, Departmental Management, USDA.

ACTION: Notice of Appointment.

SUMMARY: This notice announces the appointment of the members of the Senior Executive Service (SES) and Senior Level (SL) and Scientific or Professional (ST) Performance Review Boards (PRB) for the U.S. Department of Agriculture (USDA), as required by 5 U.S.C. 4314(c)(4). The Performance Review Board assures consistency, stability, and objectivity in the performance appraisal process. USDA has a total of six PRBs: the Secretary's PRB; Departmental Management and Staff Offices PRB; Natural Resources and Environment PRB; Farm and Foreign Agricultural Services, Rural Development, and Food, Nutrition, and Consumer Services PRB; Marketing and Regulatory Programs, Food Safety PRB; and Research, Education, and Economics PRB. The PRBs are comprised of career and noncareer executives and Chairpersons to make recommendations on the performance of executives to the Secretary, including performance ratings and bonuses for SES, SL, and ST employees. The boards meet annually to review and evaluate performance appraisal documents and provide written recommendations to the Secretary for final approval of performance ratings and base salary increases.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives may be appointed by mission areas to the USDA PRBs:

Office of the Secretary

Christenson, Daniel; Wheelock, Leslie.

Departmental Management (OAO, OBPA, OCIO, OCFO, OHSEC, OHRM, OJO, OO, and OPPM) and Staff Offices (ASCR, OCE, OC, OCR, OGC, and NA)

Alboum, Jonathan; Bender, Stuart; Bice, Donald; Black, David; Bumbary-Langston, Inga; Grahn, David; Holladay, Jon; Jeanquart, Roberta; Johansson, Robert C.; Jones, Carmen; Jones, Diem-Linh; Leonard, Joe; Parham, Gregory L.; Prieto, Jeffrey; Shorter, Malcom; Ware, Joseph A.; Wiggins, Marsha A.; Wilusz, Lisa; Young, Michael.

Marketing and Regulatory Programs (MRP)

Avalos, Edward.

Agricultural Marketing Service

Barnes, Rex; Morris, Erin.

Animal and Plant Health Inspection Service

Gregoire, Michael; Shea, A. Kevin.

Grain Inspection, Packers and Stockyards Administration

Mitchell, Lawrence W.

Food Safety

Almanza, Alfred; Ronholm, Brian.

Farm and Foreign Agricultural Services

Scuse, Michael.

Foreign Agricultural Service

Quick, Bryce.

Farm Service Agency

Beyerhelm, Christopher.

Risk Management Agency

Alston, Michael.

Food, Nutrition, and Consumer Services

Wilson, Kathryn.

Food and Nutrition Service

Dean, Telora; Jackson, Yvette.

Rural Development

Salerno, Lillian.

Rural Business Service

Parker, Chadwick O.

Rural Housing Service

Glendenning, Roger; Hernandez, Tony; Primrose, Edna.

Rural Utilities Service

Adams, Keith.

Natural Resources and Environment

Blazer, Arthur; Bonnie, Robert.

Forest Service

Blount, Emilee; Mills, Ann; Rodriguez-Franco, Carlos.

Natural Resources Conservation Service

Berns-Melhus, Kim; Norman-Barry, Gayle.

Research, Education and Economics

Bartuska, Ann.

Agricultural Research Service

Jacobs-Young, Chavonda.

Economic Research Service

Bohman, Mary; Pompelli, Gregory K.

National Agricultural Statistics Service

Hamer, Jr., Hubert; Picanso, Renee; Reilly, Joseph.

National Institute of Food and Agriculture

Broussard, Meryl; Ramaswamy, Sonny.

DATES: Effective November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Roberta Jeanquart, Director, Office of Human Resources Management, telephone: (202) 260–8718, email: *bobbi.jeanquart@dm.usda.gov.or* Patricia Moore, Director, Executive Resources Management Division, telephone: (202) 720–8629, email: *patty.moore@dm.usda.gov.*

(Authority: 5 U.S.C. 4314(c)(4).)

Dated: November 3, 2015.

Thomas J. Vilsack,

Secretary.

[FR Doc. 2015–28417 Filed 11–9–15; 8:45 am]
BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0083]

Notice of Request for Extension of Approval of an Information Collection; Select Agent Registration

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for select agent registration.

DATES: We will consider all comments that we receive on or before January 11, 2016.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0083.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2015–0083, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0083* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for select agent registration, contact Mr. Charles L. Divan, Operations Director, Agriculture Select Agent Services, National Import Export Services, VS, APHIS, 4700 River Road Unit 2, Riverdale, MD 20737; (301) 851–3300, option 3. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Select Agent Registration.

OMB Control Number: 0579–0213.

Type of Request: Extension of approval of an information collection.

Abstract: The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Act) provides for the regulation of certain biological agents and toxins by the U.S. Department of Agriculture (USDA) and the Department of Health and Human Services (HHS). Under section 212 of the Act, USDA regulates certain biological agents and toxins that have the potential to pose a severe threat to animal and plant health or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within USDA. Select agents and toxins that have been determined to pose a severe threat to both human health and to animal health or animal products are subject to regulation by both APHIS and the Centers for Disease Control and Prevention (CDC), HHS. CDC has the primary responsibility for implementing the provisions of the Act within HHS.

APHIS regulations for select agents and toxins are contained in 7 CFR part 331 (plant) and 9 CFR part 121 (animal and overlap [1]). They require an individual or entity (unless specifically exempted under the regulations) to register with APHIS or with CDC in order to possess, use, or transfer biological agents or toxins.

The registration process is designed to obtain critical information concerning individuals or entities in possession of select agents or toxins, as well as the specific characteristics of the agents or toxins, including name, strain, and genetic information. These data are needed, in part, to allow APHIS to determine the biosafety and biocontainment level of an entity as well as the entity's security situation. This, in turn, helps APHIS to ensure that appropriate safeguard, containment, and disposal requirements commensurate with the risk of the agent or toxin are present at the entity, thus preventing access to such agents and toxins for use in domestic or international terrorism. APHIS will also request information to determine that individuals seeking to register have a lawful purpose to possess, use, or transfer agents or toxins.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, such as electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 2.6 hours per response.

Respondents: Researchers, universities, research and development organizations, diagnostic laboratories, and other interested parties who possess, use, or transfer select agents or toxins.

Estimated annual number of respondents: 1,517.

Estimated annual number of responses per respondent: 3.

Estimated annual number of responses: 4,754.

Estimated total annual burden on respondents: 12,368 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of November 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–28597 Filed 11–9–15; 8:45 am]

BILLING CODE 3410–34–P

[1] Overlap select agents and toxins are those that have been determined to pose a severe threat to human and animal health or animal products.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Submission for OMB Review; Comment Request

November 4, 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 December 10, 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.

Farm Service Agency

Title: Measurement Service Records.

OMB Control Number: 0560–0260.

Summary of Collection: This collection of information is authorized by 7 CFR part 718 and described in FSA Handbook 2–CP. If a producer requests measurement services, it becomes necessary for the producer to provide certain information which is collected on the FSA–409, Measurement Service or 409 A, Measurement Service Request Register. The collection of this information is necessary to fulfill the producer's request for measurement services. Producers may request acreage or production measurement services.

Need and Use of the Information: The Farm Service Agency (FSA) will collect the following information that the producer is required to provide on the FSA–409 and FSA 409 A: farm serial number, program year, farm location, contact person, and type of service request (acreage or production). The collected information is used to create a record of measurement service requests and cost to the producer.

Description of Respondents: Farms.

Number of Respondents: 135,000.

Frequency of Responses: Reporting: On occasion; Weekly; Monthly.

Total Burden Hours: 168,750.

Farm Service Agency

Title: Biofuel Infrastructure Partnership (BIP) Grants to States.

OMB Control Number 0560–0284.

Summary of Collection: The Farm Service Agency (FSA) is administering the Biofuel Infrastructure Partnership (BIP) on behalf of the Commodity Credit Corporation (CCC). This information collection is needed for FSA to identify eligible States for blender pump funding to encourage increased ethanol use. FSA requires each State interested in a grant to submit an application to FSA on a form specified by FSA. States will be required to report on the funding distribution, which may require third party reporting depending how the States distribute the funds. FSA announced the availability of competitive grants to fund States, the Commonwealth of Puerto Rico, and Washington, DC with respect to activities designed to expand the infrastructure for renewable fuels. The goal is for grantees to provide funds on a one-to-one basis to receive matching CCC funds. The funding will be provided under the authority in section 5(e) of USDA's CCC Charter Act (15 U.S.C. 714c(e)).

Need and Use of the Information: The applicant will provide the following information in an objective work plan.to show logical connections between the different project elements: Project title, goal, year, objectives, problem statement, results expected, benefits expected, criteria for results and benefits expected, activities, position performing the activity, and time period. The information is used by FSA to determine whether participants meet the eligibility requirements to be a recipient of grant funds. BIP participants will provide to FSA a mid-year report that includes information on services provided during the preceding six months, and an annual report to FSA that includes the goals and accomplishments of the program, program activities and outcomes, and financial status report. Lack of adequate information to make the determination could result in the improper administration and appropriation of Federal grant funds.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 36.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 540.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–28540 Filed 11–9–15; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

November 4, 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), *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 within 30 days of this notification. 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.

Food and Nutrition Service

Title: Evaluation of Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Pilots.

OMB Control Number: 0584–NEW.

Summary of Collection: The SNAP Employment and Training (E&T) program provides assistance to unemployed and underemployed clients in the form of job search, job skills training, education (basic, post-secondary, vocational), work experience

or training and workfare. The Agriculture Act of 2014 (Pub. L. 113–79, Section 4022), authorized grants for up to 10 pilot sites to develop and rigorously test innovative SNAP E&T strategies for engaging more SNAP work registrants in employment, increasing participants' earnings and reducing reliance on public assistance.

Need and Use of the Information: An evaluation of the pilot sites will be critical in helping Congress and FNS identify strategies that effectively assist SNAP participants to succeed in the labor market and become self-sufficient. The data collected for this evaluation will be used for implementation, impact, participant and cost-benefit analyses for each pilot site.

Description of Respondents: Individual/Households; Business or other for-Profit; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 54,820.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 41,765.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–28539 Filed 11–9–15; 8:45 am]

BILLING CODE 3410–30–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: November 23, 2015, 1 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 1750 Pennsylvania Ave. NW., Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on November 23, 2015, starting at 1 p.m. EDT in Washington, DC at the CSB offices located at 1750 Pennsylvania Avenue NW., Suite 910. The Board will discuss investigations and operational activities through the end of the calendar year and will also provide an update on CSB audits conducted by the EPA Inspector General. An opportunity for public comment will be provided.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference: 1–888–862–6557, confirmation number 41154160.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

CONTACT PERSON FOR FURTHER INFORMATION: Amy McCormick, Board Affairs Specialist, *public@csb.gov* or (202) 261–7630. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov.*

Dated: November 6, 2015.

Kara Wenzel,

Acting General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2015–28711 Filed 11–6–15; 11:15 am]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission business meeting.

DATES: Date and Time: Wednesday, November 18, 2015; 10 a.m. EST.

ADDRESSES: Place: 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

SUPPLEMENTARY INFORMATION:

Meeting Agenda

This meeting is open to the public.

I. Approval of Agenda

II. Program Planning
- Status on pending Commission reports
- Presentation discussion and vote on timeline and on town hall plan for 2016 Statutory Enforcement Report on Environmental Justice
- Discussion and vote on approval of letter to Solicitor General regarding Fisher v. Univ. of Texas
- Discussion and vote on approval of public statement on Fisher v. Univ. of Texas
- Discussion about December 11th event at the Lincoln Cottage ceremony commemorating the passage of the 13th Amendment
- Discussion of next steps regarding Texas' denial of birth certificates to US citizen children of undocumented immigrants
- Discussion and vote on part B findings and recommendations for Peaceful Coexistence report
- Discussion and vote on approval of letter to Attorney General Lynch regarding prosecutions of Chinese Americans for spying and espionage.

III. Management and Operations
- Report by SAC Chair for Kansas
- Introduction of General Counsel Maureen Rudolph
- Staff Director Report

IV. State Advisory Committee (SAC) Appointments
- Maryland
- West Virginia
- Interim appointments to Missouri SAC
- Interim appointment to Kentucky SAC
- Appointment of Wisconsin SAC Chair

V. Adjourn Meeting

Dated: November 6, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–28715 Filed 11–6–15; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of

a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee will advise the Directors of the Economics and Statistics Administration's (ESA) two statistical agencies, the Bureau of Economic Analysis (BEA) and the Census Bureau, and the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Last minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: December 11, 2015. The meeting will begin at approximately 9:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Conference Center, 4600 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: James R. Spletzer, Designated Federal Official, Department of Commerce, U.S. Census Bureau, Research and Methodology Directorate, Room 5K175, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–4069, email: *james.r.spletzer@census.gov.* For TTY callers, please call the Federal Relay Service (FRS) at 1–800–877–8339 and give them the above listed number you would like to call. This service is free and confidential.

SUPPLEMENTARY INFORMATION: Members of the FESAC are appointed by the Secretary of Commerce. The Committee advises the Directors of the BEA, the Census Bureau, and the Commissioner of the Department of Labor's BLS, on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2).

The meeting is open to the public, and a brief period is set aside for public comments and questions. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Designated Federal Official named above. If you plan to attend the meeting, please register by Tuesday, December 1, 2015. You may access the online registration form with the following link: *https://www.regonline.com/fesac_december2015_meeting.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Designated Federal Official as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: November 4, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015–28557 Filed 11–9–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2015]

Notification of Proposed Production Activity ASA Electronics, LLC Subzone 125D (Motor Vehicle Audio-Visual Products) Elkhart, Indiana

The St. Joseph County Airport Authority, grantee of FTZ 125, submitted a notification of proposed production activity to the FTZ Board on behalf of ASA Electronics, LLC (ASA), operator of Subzone 125D, for ASA's facility located in Elkhart, Indiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 21, 2015.

ASA already has authority to produce motor vehicle radio/cassette players, radio/compact disc players, compact disc players, speakers, video observation systems, TV/video cassette recorder/digital video disk entertainment systems, and flip down video screens within Subzone 125D. The current request would add new finished products and foreign-status materials and components to the scope of authority. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ASA from customs duty payments on the foreign status materials and components used in export production. On its domestic sales, ASA would be able to choose the duty rates during customs entry procedures that apply to: Microphones; audio speakers; amplifiers; digital video disk (DVD) players; observation cameras; radios; liquid crystal display (LCD) monitors; television antennas; radar/navigation antennas; power control systems; camera switchers; public address systems; insulated coaxial cables; and, wire harnesses (duty rate ranges from free to 5.3%) for the foreign-status inputs noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: plastic bags/packaging; foam packaging; plastic radio housings/TV cabinets/speaker grills; rubber gaskets; paper insert packaging/retail box packaging/manuals; steel bolts/screws; zinc camera housings; metal brackets/sleeves; camera receivers-wireless; microphones; audio speakers/amplifiers; subwoofer speakers; speaker grills; DVD players; memory cards–SD; wireless transmitters; observation cameras; radios; rear view mirror monitors; LCD monitors; TV antennas; radar/navigation antennas; printed circuit boards; TV tuners; fuses; power filters; bulkhead coaxial camera connectors; power control systems; camera switchers; diodes and light emitting diodes; public address systems; insulated coaxial cables; and, wire harnesses (duty rate ranges from free to 5.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 21, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: November 3, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–28669 Filed 11–9–15; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–72–2015]

Foreign-Trade Zone (FTZ) 57—Charlotte, North Carolina, Notification of Proposed Production Activity, DNP Imagingcomm America Corporation, Subzone 57C, (Dye Sublimation Transfer Ribbon (STR) and STR Photo Printer Packages), Concord, North Carolina

The Charlotte Regional Partnership, Inc., grantee of FTZ 57, submitted a notification of proposed production activity to the FTZ Board on behalf of DNP Imagingcomm America Corporation (DNP), operator of Subzone 57C, located in Concord, North Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 27, 2015.

DNP already has authority to slit foreign jumbo rolls of thermal transfer ribbons (TTR) and STR and to assemble STR photo printer components (including photo printer packages—printer cartridges and paper) within Subzone 57C. The current request would add certain foreign-status materials and components to the scope of authority. DNP's new activity would involve manufacturing ink and coating polyethylene terephalate (PET) film to produce finished STR jumbo rolls. The finished STR jumbo rolls would then be slit and combined with other components to make photo cartridges that will be assembled with foreign photo paper to make photo printer packages. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt DNP from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, DNP would be able to choose the duty rate during customs entry procedures that applies to the photo printer packages (duty-free) for the foreign-status materials/components noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Talc hydrated magnesium silica; silicone dioxide; polyisocyanate prepolymer; dihydroxy bis ammonium lactate-titanium (IV) 2 propanal water; zinc stearyl phosphate; isocyanate resin; 2-H benzotriazol-2YL 4.6-bis 1 methyl 1 phenylethyl phenol; substituted heterocyclic compound; paraffin and hydrocarbon waxes; ethylcarbamate derivative; indophenol derivative; solvent dye (blue, violet, yellow, red); pyrazolone derivative; 2.2-(1.2-ethenediyldi-4.1-phenylene) bisbenzoxazole; acrylic copolymer solution; epoxypropoxy propyl; black dye; hydros colloidal alumina; polyaniline-sulfonic acid; vinyl acetal polymers; acrylic resin for coating; polyvinyl butyral; polyester resin; acrylate resin; ethylene glycol monobutyl ether; copolyester; synthetic resin; polyurethane resin; methyl silsesquioxane; plastic tape/labels/film/cores/flanges/spindles/caps; empty cartridges; smart cards (radio frequency identification devices); 4.5 micron polyethylene terephalate film; and photo paper (duty rates range from free to 6.5%). The request indicates that any foreign-status inputs (including PET film) subject to an antidumping/countervailing duty (AD/CVD) order will be admitted to the zone in domestic (duty-paid) status (19 CFR Sec. 146.43).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 21, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: November 4, 2015.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2015–28646 Filed 11–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–876]

Welded Line Pipe From the Republic of Korea: Amended Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) is amending the final determination in the less-than-fair-value investigation of welded line pipe from the Republic of Korea (Korea) to correct a ministerial error. The period of investigation is October 1, 2013, through September 30, 2014.

DATES: *Effective Date:* November 10, 2015.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Ross Belliveau, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–4952, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 13, 2015, the Department published the final determination in the less-than-fair-value investigation of welded line pipe from Korea.[1] Also on October 13, 2015, the Department received a timely allegation from Hyundai Steel Company [2] (HYSCO) that the Department made ministerial errors in applying the conversion cost adjustment, the toll processing cost adjustment, and the revisions to the date of sale for HYSCO.[3] On October 14, 2015, the Department received a timely allegation from the petitioners [4] that the Department made a ministerial error in the application of the general and administrative (G&A) and the financial expense ratios for HYSCO.[5] On October 15, 2015, the Department received comments from Maverick Tube Corporation (Maverick) on HYSCO's ministerial error allegation.[6] On October 19, 2015, the Department received

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[1] *See Welded Line Pipe From the Republic of Korea: Final Determination of Sales at Less Than Fair Value,* 80 FR 61366 (October 13, 2015) (*Final Determination*).

[2] On July 1, 2015 Hyundai HYSCO merged into Hyundai Steel Company.

[3] *See* Letter from HYSCO, ''Welded Line Pipe from Korea: Ministerial Error Allegation,'' dated October 13, 2015 (HYSCO Ministerial Error Allegation).

[4] The petitioners include American Cast Iron Pipe Company; Energex Tube, a division of JMC Steel Group; Northwest Pipe Company; Stupp Corporation, a division of Stupp Bros., Inc.; Tex-Tube Company; TMK IPSCO; and Welspun Tubular LLC USA (collectively, the petitioners).

[5] *See* Letter from the petitioners, ''Line Pipe from Korea: Ministerial Error Allegation'' dated October 14, 2015.

[6] *See* Letter from Maverick, ''Welded Line Pipe from South Korea: Response to HYSCO's Ministerial Error Allegations'' October 15, 2015.

comments from HYSCO on the petitioners' ministerial error allegation.[7]

Based on our analysis of the allegations submitted by HYSCO and the petitioners, we determined that, with respect to the conversion cost adjustment and the toll processing cost adjustment, we did not make ministerial errors, as defined by section 735(e) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.224(f).[8] However, we determined that we did make ministerial errors within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) with respect to the revisions to date of sale and the application of the G&A and financial expense ratios.[9] We revised the margin calculation for HYSCO accordingly, and assigned a new All Others rate, as discussed below.[10]

Scope of the Investigation

The scope of the investigation appears in Appendix I of the *Final Determination.*

Ministerial Error

Section 735(e) of the Act, and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial.''

We analyzed the ministerial error allegations and determined, in accordance with section 735(e) of the Act and 19 CFR 351.224(e), that we made ministerial errors with respect to the revisions to date of sale and the application of the G&A and financial expense ratios. In implementing the date of sale methodology to use the earlier of invoice date or shipment date, we inadvertently failed to update HYSCO's reported date of sale variable to account for invoice and shipment date revisions. Therefore, we corrected this error. In addition, we revised HYSCO's calculation of the G&A and financial expense ratios cost of goods sold denominator to reflect the major input rule and transactions disregarded rule adjustments, in order to keep the calculation of the ratios on the same basis as the cost of manufacturing to which they are applied.[11] Therefore, we are amending the final determination with respect to HYSCO, in accordance with section 735(e) of the Act and 19 CFR 351.224(e).[12]

Amended Final Determination

As a result of correcting these ministerial errors, we determine that the following weighted-average margins exist for the period October 1, 2013, through September 30, 2014:

Manufacturer/exporter	Weighted-average dumping margin (percent)
Hyundai HYSCO	6.23
SeAH Steel Corporation	2.53
All Others	4.38

Continuation of Suspension of Liquidation

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of this amended final determination, as provided by section 735(c)(1)(B) of the Act: (1) The cash deposit rate for HYSCO will be the rate we determined in this amended final determination (*i.e.,* 6.23 percent); (2) the cash deposit rate for SeAH will continue to be that identified in the *Final Determination* (*i.e.,* 2.53 percent); (3) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; and (4) the rate for all other producers or exporters will be 4.38 percent, as indicated above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of the *Final Determination* and our amended final determination. As the *Final Determination* was affirmative, in accordance with section 735(b)(3) of the Act, the ITC will determine within 45 days of the *Final Determination* whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This amended final determination notice is published in accordance with section 735(e) of the Act and 19 CFR 351.224(e).

Dated: November 4, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–28667 Filed 11–9–15; 8:45 am]

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[7] *See* Letter from HYSCO, ''Welded Line Pipe from Korea: Response to Petitioners' Ministerial Error Allegation,'' dated October 19, 2015.

[8] *See* Memorandum entitled ''Allegations of Ministerial Errors in the Final Determination,'' dated concurrently with this determination and hereby adopted by this notice.

[9] *Id.*

[10] *Id.*

[11] We note that the correction of this error did not change HYSCO's G&A and financial expense ratios from those in the *Final Determination.*

[12] The weighted-average dumping margin for SeAH Steel Corporation (SeAH) in the *Final Determination* has not changed. It remains at 2.53 percent.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–984]

Drawn Stainless Steel Sinks From the People's Republic of China: Final Results of Countervailing Duty Administrative Review and Rescission in Part; 2012–2013

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

SUMMARY: The Department of Commerce (the Department) has conducted an administrative review of the countervailing duty (CVD) order on drawn stainless steel sinks (sinks) from the People's Republic of China (PRC). The period of review (POR) is August 6, 2012, through December 31, 2013. On May 7, 2015, we published the preliminary results of this administrative review.[1] We invited interested parties to comment on the *Preliminary Results.* After reviewing the comments received, we have made no changes to the *Preliminary Results.* As such, we continue to find that Guangdong Dongyuan Kitchenware Industrial Co., Ltd. (Dongyuan) received countervailable subsidies during the POR. We also find that Shunde Native Produce Import and Export Co., Ltd. of Guangdong (Native Produce) did not

[1] *See Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent to Rescind the Review in Part; 2012–2013,* 80 FR 26226 (May 7, 2015) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

have any reviewable entries during the POR.

DATES: Effective date: November 10, 2015.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778.

Scope of the Order

Drawn stainless steel sinks are sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of sinks. The products covered by this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under statistical reporting number 7324.10.0000. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China'' dated concurrently with this notice (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of topics discussed in the Issues and Decision Memorandum is provided as Appendix I to this Notice.

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

Analysis of Comments Received

All issues raised in the case briefs submitted by parties are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised and to which we respond in the Issues and Decisions Memorandum is attached to this notice as Appendix I. The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each program found countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[2]

In making these findings, we relied, in part, on facts available and, because we determine that the Government of the PRC did not act to the best of its ability to respond to the Department's requests for information, we applied an adverse inference in selecting from among the facts otherwise available.[3] For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Final Determination of No Shipments and Rescission of the Review in Part

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by Native Produce, we determine that Native Produce did not have any reviewable entries during the POR. No evidence of shipments was placed on the record, therefore, pursuant to 19 CFR 351.213(d)(3), we are rescinding the administrative review of this company. For additional information regarding this determination, *see* the Issues and Decision Memorandum.

Final Results of the Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for for 2012 and 2013, respectively, as set forth below.

Company	Subsidy rate (percent) 2013	Subsidy rate (percent) 2012
Guangdong Dongyuan Kitchenware Industrial Co., Ltd	9.83	3.91

Assessment Rates

Consistent with 19 CFR 351.212(b)(2), we intend to issue assessment instructions to CBP fifteen days after the date of publication of these final results. The Department will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by Guangdong Dongyuan Kitchenware Industrial Co., Ltd. entered, or withdrawn from warehouse, for consumption for the periods on or after August 6, 2012 through December 3, 2012, and on or after April 10, 2013, through December 31, 2013. For entries made during the gap period[4] (*i.e,* on or after December 4, 2012 through April 9, 2013), we will instruct CBP to liquidate the entries without regard to countervailing duties pursuant to section 703(d) of the Tariff Act of 1930, as amended (the Act).

For the rescinded company, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period on or after August 6, 2012, through December 3, 2012, and on or after April 10, 2013, through December 31, 2013, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for Dongyuan, as determined for 2013, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

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

[3] *See* sections 776(a) and (b) of the Act. For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Issues and Decision Memorandum.

[4] The gap period represents the period of time after the expiration of the 120-day provisional measures period during the investigation, to the day prior to the publication in the **Federal Register** of the U.S. International Trade Commission's Final Determination. In this administrative review, the gap period is December 4, 2012, to April 9, 2013.

with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: November 3, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

Summary
A. Background
B. Scope of the Order
C. Partial Rescission of the Administrative Review
D. Use of Facts Otherwise Available and Adverse Inferences
E. Subsidy Valuation Information
F. Analysis of Programs
G. Analysis of Comments
Comment 1: Whether Dongyuan's Stainless Steel Supplier is an Authority
Comment 2: The Department's Refusal to Meet With Counsel for Dongyuan
Comment 3: The Department's Refusal to Permit the GOC to Submit Factual Information After the Preliminary Results
Comment 4: Whether the Stainless Steel Coil Industry in China is Distorted by Government Presence in the Market
Comment 5: Whether Working Capital Loans are a Part of the Policy Lending Program
H. Recommendation

[FR Doc. 2015–28664 Filed 11–9–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination Pursuant to Court Decision

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

SUMMARY: On October 23, 2015, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to court remand, which recalculated the all-others subsidy rate in the countervailing duty (CVD) investigation of aluminum extrusions from the People's Republic of China (the PRC),[1] pursuant to the CIT's *MacLean-Fogg Remand Order.*[2] Consistent with the clarification in the United States Court of Appeals for the Federal Circuit (CAFC) decision in *Diamond Sawblades,*[3] we are amending the *Final Determination.*

DATES: *Effective date:* November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4793.

SUPPLEMENTARY INFORMATION: In the *Final Determination,* the Department assigned a total adverse facts available (AFA) rate of 374.14 percent to the three non-cooperating mandatory respondents and calculated company-specific net subsidy rates for two participating voluntary respondents. The Department averaged the rates calculated for the mandatory respondents and applied that rate as the all-others rate, calculated pursuant to section 705(c)(5)(A) of the Tariff Act of 1930 (the Act).[4]

In *MacLean-Fogg I,* the CIT held that the statute was ambiguous concerning whether the Department is required to base the all-others rate on rates calculated for mandatory respondents and therefore the Department was permitted to use the mandatory respondents' rates in calculating the all-others rate provided it did so in a reasonable manner.[5] Nonetheless, the CIT remanded the all-others rate to the Department for reconsideration because the Department failed to articulate a connection between the mandatory respondent rates, based on AFA, and the all-others companies.[6]

In *MacLean-Fogg II,* the CIT held that the Department's preliminary all-others rate in the *Preliminary Determination*[7] was also subject to review under the same reasonableness standard because it had legal effect on the entries made during the interim time period between the issuance of the preliminary and final CVD rates, both as a cash deposit rate and, if an annual review was sought, as a cap on the final rate for those particular entries.[8] Thus, in *MacLean-Fogg II,* the Court held that it would consider the reasonableness of the preliminary rate when it reviewed the Department's remand determination.[9]

In *MacLean-Fogg III,* the CIT considered the Department's remand results.[10] On remand, the Department did not recalculate the all-others rate, but rather, provided data indicating that the rate calculated for the mandatory respondents was logically connected to the all-others companies because the mandatory respondents comprised a significant portion of the PRC extruded aluminum producers and exporters, and thus were representative of the PRC extruded aluminum industry as a whole.[11] The CIT held that ''nothing in the statute requires that the mandatory respondents' rates, even when based on AFA, may only be used to develop rates for uncooperative respondents.'' [12] However, in *MacLean-Fogg III,* the CIT also concluded that the Department failed to explain how the calculated all-others rate was remedial and not punitive when it assumed use of all subsidy programs identified in the investigation.[13] Therefore, the CIT remanded again to the Department for re-consideration of the issue.[14]

In the second results of redetermination pursuant to remand issued in this litigation, the Department designated the all-others rate as equal to the preliminary rate it calculated for the mandatory respondents, *i.e.,* 137.65 percent.[15] In *MacLean-Fogg IV,* the CIT affirmed the Department's remand results, holding that the Department's selection of this all-others rate was reasonable.[16]

The CIT's holdings were appealed to the CAFC. On June 3, 2014, the CAFC held that section 351.204(d)(3) of the Department's regulations, which directs the Department to exclude voluntary respondents' rates from its calculation of the all-others rate, was inconsistent

[1] *See Aluminum Extrusions from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 76 FR 18521 (April 4, 2011) and *Aluminum Extrusions from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Affirmative Countervailing Duty Determination and Notice of Amended Final Affirmative Countervailing Duty Determination,* 77 FR 74466 (December 14, 2012) (collectively, *Final Determination*).

[2] *See MacLean-Fogg Co.* v. *United States,* Consol. Court No. 11–00209, Slip Op. 15–85 (CIT August 2015) (*MacLean-Fogg Remand Order*).

[3] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[4] *See Final Determination,* 76 FR at 18523, and accompanying Issues and Decision at Comment 9.

[5] *See MacLean-Fogg Co.* v. *United States,* 836 F. Supp. 2d 1367, 1373–1374 (CIT 2012) (*MacLean-Fogg I*).

[6] *Id.,* at 1376.

[7] *See Aluminum Extrusions from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination,* 75 FR 54302 (September 7, 2010) (*Preliminary Determination*).

[8] *See MacLean-Fogg Co.* v. *United States,* 853 F. Supp. 2d 1253, 1256 (CIT 2012) (*MacLean-Fogg II*).

[9] *Id.*

[10] *See MacLean-Fogg Co.* v. *United States,* 853 F. Supp. 2d 1336, 1338 (2012) (*MacLean-Fogg III*).

[11] *Id.*

[12] *Id.,* at 1341.

[13] *Id.,* at 1342–1343.

[14] *Id.,* at 1343.

[15] *See Final Results of Redetermination Pursuant to Court Remand,* dated September 13, 2012, available at *http://enforcement.trade.gov/remands.*

[16] *See MacLean Fogg Co., et al.* v. *United States,* 885 F. Supp. 2d 1337 (CIT 2012) (*MacLean Fogg IV*) at 11–12.

with the statute.[17] Accordingly, the CAFC held that the Department must include rates calculated for voluntary respondents in determining an all-others rate.[18] As the Department had not used the rates calculated for the voluntary respondents in the underlying investigation to determine the all-others rate, the CAFC therefore held that the Department was required to recalculate the all-others rate using the voluntary respondents' rates. The CIT subsequently remanded the issue to the Department for reconsideration in light of the CAFC's holding.[19]

On remand, the Department recalculated the all-others rate using a simple average of the voluntary respondents' rates.[20] Section 705(c)(5)(A)(i) of the Act provides that, in general, the all-others rate ''shall be an amount equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated . . . .'' However, the Department explained in the *Third Remand Results* that the use of a weighted average would have revealed the proprietary information of the voluntary respondents to each other.[21]

Petitioners[22] argued that the Department should have requested publicly ranged versions of proprietary data on the record from the voluntary respondents to use in its calculation of the all-others rate, but in the *Third Remand Results,* the Department instead calculated the all-others rate using a simple average of the rates of the two voluntary respondents, which resulted in a rate of 7.42 percent.[23]

After considering the *Third Remand Results,* the CIT remanded to the Department the all-others rate calculation, explaining that the ''statute unequivocally and without exception requires that the Department base the all-others rate on the weighted average of individually-investigated non-zero, non-*de minimis,* non-AFA rates.''[24] Furthermore, the CIT emphasized that 19 CFR 351.304(c)(1) requires all proprietary information ''to be accompanied by public versions 'in sufficient detail to permit a reasonable understanding of the substance of the information.' ''[25] The CIT thus directed the Department on remand to either request the publicly ranged data from the voluntary respondents, or publicly range the companies' information itself, and reconsider its determination to use a simple average of their subsidy rates.[26]

The Department requested and received from the voluntary respondents (*i.e.,* Guang Ya Companies and Zhongya Companies) their publicly ranged sales value and volume data for exports of subject merchandise to the United States during the 2009 investigation period. Using that data, the Department calculated a weighted-average all-others subsidy rate of 7.37 percent.[27] In accordance with the *MacLean-Fogg Remand Order,* the Department reconsidered its decision to rely on the simple average of the voluntary respondents' rates in determining the all-others rate.[28] Specifically, because the subsidy rate determined based on the publicly ranged data, rather than the subsidy rate determined based on a simple average, is closer to the subsidy rate that would have resulted from weighting the voluntary respondents' rates based on proprietary sales values, the Department revised the all-others rate to 7.37 percent in its *Final Remand Results.*[29]

On October 23, 2015, in *MacLean Fogg Remand Order,* the CIT affirmed the Department's *Final Remand Results,* upholding that the Department's all-others rate of 7.37 percent.[30]

Amended Final Determination

Because there is now a final court decision with respect to the *Final Determination,* the Department amends its *Final Determination.* The following revised net subsidy rate exists:

Company	Subsidy rate
All-Others	7.37 percent *ad valorem.*

For companies subject to the all-others rate, the cash deposit rate will be the rate listed above and the Department will instruct U.S. Customs and Border Protection accordingly. This notice is issued and published in accordance with sections 705(d) and 777(i)(1) of the Act and consistent with the clarification in *Diamond Sawblades.*

Dated: November 4, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–28668 Filed 11–9–15; 8:45 am]

BILLING CODE 3510–DS–P

[17] *See MacLean-Fogg Co.* v. *United States (CAFC),* 753 F.3d 1237 (Fed. Cir. 2014).

[18] *Id.,* at 1245.

[19] *See MacLean-Fogg Co.* v. *United States,* 32 F. Supp. 3d 1358 (CIT 2014) (*MacLean-Fogg V*).

[20] *See Final Results of Redetermination Pursuant to Court Remand,* dated March 17, 2015 (*Third Remand Results*) at 6, available at *http://enforcement.trade.gov/remands.*

[21] *Id.*

[22] Petitioners are the Aluminum Extrusions Fair Trade Committee.

[23] *See Third Remand Result.*

[24] *See MacLean-Fogg Remand Order,* at 21.

[25] *Id.,* at 30.

[26] *Id.,* at 31.

[27] *See Final Results of Redetermination Pursuant to Court Remand,* dated October 15, 2015 (*Final Remand Results*), available at *http://enforcement.trade.gov/remands.*

[28] *Id.*

[29] *Id.*

[30] *See MacLean Fogg Co., et al.* v. *United States,* Slip Op. 15–119, Court No. 11–00209 (October 23, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Carbon and Certain Alloy Steel Wire Rod From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Mexico. The period of review (POR) is October 1, 2013 through September 30, 2014.[1] This review covers two producers/exporters of subject merchandise: ArcelorMittal Las Truchas, S.A. de C.V. (AMLT) and Deacero S.A. de C.V. We preliminarily determine that AMLT and Deacero made sales of subject merchandise at less than normal value (NV) during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective date:* November 10, 2015.

FOR FURTHER INFORMATION CONTACT: James Terpstra (for Deacero) or Jolanta Lawska (for AMLT), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3965 and 202–482–8362, respectively.

SUPPLEMENTARY INFORMATION

Scope of the Order

The merchandise covered by the *Wire Rod Order* is carbon and certain alloy steel wire rod. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.91.3000, 7213.91.3010, 7213.91.3011,

[1] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine* 67 FR 65945 (October 29, 2002) (*Wire Rod Order*).

7213.91.3015, 7213.91.3020, 7213.91.3090, 7213.91.3091, 7213.91.3092, 7213.91.3093, 7213.91.4500, 7213.91.4510, 7213.91.4590, 7213.91.6000, 7213.91.6010, 7213.91.6090, 7213.99.0030, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0000, 7227.20.0010, 7227.20.0020, 7227.20.0030, 7227.20.0080, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6020, 7227.90.6030, 7227.90.6035, 7227.90.6050, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, 7227.90.6080, and 7227.90.6085 of the HTSUS. Although the HTS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export prices or export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memorandum, which is hereby adopted by this notice. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the POR are as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Deacero S.A. de C.V	72.95
ArcelorMittal Las Truchas, S.A. de C.V	12.38

Assessment Rate

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[3] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.50 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

In accordance with the Department's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Deacero and AMLT will be equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established in the completed segment for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 20.11 percent, the all-others rate established in the investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Concerning Deacero, on October 1, 2012, the Department found that wire rod with an actual diameter of 4.75 mm to 5.00 mm produced (hereinafter referred to as narrow gauge wire rod) in Mexico and exported to the United States by Deacero was circumventing the *Wire Rod Order.*[5] Specifically, the Department found that it is appropriate to consider that Deacero's shipments to the United States of narrow gauge wire rod constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of *Wire Rod Order.*[6]

[2] For a complete description of the scope of the order, *see* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of 2013/14 Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Mexico'' (Preliminary Decision Memorandum), dated concurrently with these preliminary results.

[3] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[4] *See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod From Mexico,* 67 FR 55800 (August 30, 2002).

[5] *See Carbon and Certain Alloy Steel Wire Rod From Mexico: Affirmative Final Determination of Circumvention of the Antidumping Order,* 77 FR 59892 (October 1, 2012) (*Final Circumvention Determination*) and accompanying Issues and Decision Memorandum.

[6] *Id.*

The Department's affirmative finding in the *Final Circumvention Determination* applied solely to Deacero.

Deacero challenged the Department's ruling in the *Final Circumvention Determination* and on December 22, 2014, the Court of International Trade (CIT) entered its final judgement in *Deacero III,*[7] sustaining the Department's negative circumvention determination from the First Remand Redetermination in which the Department, under protest, found that Deacero's shipments of narrow gauge wire rod to the United States were not subject antidumping duties.[8] The Department is appealing the CIT's decision at the Federal Circuit. Consistent with the CIT's holding and *Wire Rod Timken Notice,*[9] the Department instructed CBP to set the cash deposit rate for narrow gauge wire rod shipped to the United States by Deacero to zero, pending a final and conclusive court decision. Additionally, we instructed CBP to refund any antidumping duties deposited for narrow gauge wire rod shipped to the United States by Deacero that entered from January 1, 2015, through the publication date of the *Wire Rod Timken Notice* (July 27, 2015) and, for such entries, to continue to suspend Deacero's narrow gauge wire rod at a zero cash deposit rate.[10]

During the POR of the instant review, Deacero shipped narrow gauge wire rod as well as wire rod with actual diameters greater than 5.00 mm. In light of the CIT's holding in *Deacero III* and our statement in *Wire Rod Timken Notice* that Deacero's narrow gauge wire rod is excluded from antidumping duties,[11] we have, for purposes of these preliminary results, removed narrow gauge wire rod from Deacero's dumping calculations. Per the Court's holding in *Deacero III,* the preliminary cash deposit rate for Deacero, as listed above, only applies with regard its entries of wire with an actual diameter that is greater than 5.00 and less than or equal to 19.00 mm. The cash deposit rate listed above for Deacero does not apply to its entries of narrow gauge wire rod.

Disclosure and Public Comment

The Department intends to disclose to interested parties to this proceeding the calculations performed in connection with these preliminary results within five days after the date of publication of this notice.[12] Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with the argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[14] All case and rebuttal briefs must be filed electronically using ACCESS, and must also be served on interested parties.[15] An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using ACCESS. An electronically-filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[16] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case and rebuttal briefs, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Notification to Importers

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

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of Methodology
  A. Universe of Sales
  B. Date of Sale
  C. Comparisons to Normal Value
  D. Product Comparisons
  E. Determination of Comparison Method
  F. Results of DP Analysis
  G. U.S. Price
  H. Normal Value
  I. Cost of Production Analysis
  J. Affiliated Respondents
  K. Currency Conversion
  V. Recommendation

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[7] *See Deacero S.A.P.I. de C.V. and Deacero Usa, Inc.* v. *United States and Arcelormittal USA LLC, Gerdau Ameristeel U.S. Inc., Evraz Rocky Mountain Steel, and Nucor Corporation,* Court No. 12–00345, Slip Op. 14–151 (*Deacero III*).

[8] *See* Final Results of Redetermination Pursuant to *Deacero S.A. de C.V. and Deacero USA Inc.* v. *United States and Arcelormittal USA LLC, Gerdau Ameristeel U.S. Inc., Evraz Rocky Mountain Steel, and Nucor Corporation,* Court No. 12–00345; Slip Op. 13–126 (CIT 2013) (January 29, 2014) (First Remand Redetermination).

[9] *See Carbon and Certain Alloy Steel Wire Rod From Mexico: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Determination,* 80 FR 44326, 44327 (July 27, 2015) (*Wire Rod Timken Notice*).

[10] *Id.*

[11] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010).

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

[13] *See* 19 CFR 351.309(d).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.303(f).

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

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–024]

Certain Polyethylene Terephthalate Resin From the People's Republic of China: Notice of Correction to Preliminary Affirmative Less Than Fair Value Determination

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

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian, Office VI, AD/CVD

Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1131.

SUPPLEMENTARY INFORMATION: On October 15, 2015, the Department of Commerce (the Department) published the preliminary affirmative less than fair value determination on certain polyethylene terephthalate resin from the People's Republic of China.[1] The *Preliminary Determination* contained inadvertent errors in the chart containing the weighted-average margins. Specifically, certain exporter names were matched with the incorrect producer names. The chart below contains the correct combinations of names:

Exporter	Producer	Weighted-average margin (percent)
Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited.	Far Eastern Industries (Shanghai) Ltd. or Oriental Industries (Suzhou) Limited.	125.12
Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd.	Jiangyin Xingyu New Material Co., Ltd. or Jiangsu Xingye Plastic Co., Ltd. or Jiangyin Xingjia Plastic Co., Ltd. or Jiangyin Xingtai New Material Co., Ltd. or Jiangsu Xingye Polytech Co., Ltd.	131.16
Dragon Special Resin (XIAMEN) Co., Ltd	Dragon Special Resin (XIAMEN) Co., Ltd	129.42
Hainan Yisheng Petrochemical Co., Ltd	Hainan Yisheng Petrochemical Co., Ltd	129.42
Shanghai Hengyi Polyester Fiber Co., Ltd	Shanghai Hengyi Polyester Fiber Co., Ltd	129.42
Zhejiang Wankai New Materials Co., Ltd	Zhejiang Wankai New Materials Co., Ltd	129.42
PRC-Wide Entity		145.94

This correction to the *Preliminary Determination* is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: November 4, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–28665 Filed 11–9–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–983]

Drawn Stainless Steel Sinks From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2012–2014

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

SUMMARY: On May 7, 2015, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty (AD) order on drawn stainless steel sinks (drawn sinks) from the People's Republic of China (PRC).[1] The review covers seven producers/exporters of the subject merchandise, including the following mandatory respondents: Guangdong Dongyuan Kitchenware Industrial Co., Ltd. (Dongyuan) and Guangdong Yingao Kitchen Utensils Co., Ltd. (Yingao). The period of review (POR) is October 4, 2012, through March 31, 2014. We provided interested parties an opportunity to comment on the *Preliminary Results.* After reviewing the comments received and making corrections to the margin calculations, where appropriate, we continue to find that Dongyuan and Yingao both made sales of subject merchandise to the United States at prices below normal value (NV) during the POR. The final dumping margins are listed below in the section entitled ''Final Results of the Review.''

DATES: *Effective date:* November 10, 2015.

FOR FURTHER INFORMATION CONTACT: Brian C. Smith or Reza Karamloo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1766 and (202) 482–4470, respectively.

SUPPLEMENTARY INFORMATION:

Background

For a description of events that have occurred since the publication of the *Preliminary Results,* see the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's AD and Countervailing Duty (CVD) Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Scope of the Order

The products covered by the order include drawn stainless steel sinks. Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the

[1] *See Certain Polyethylene Terephthalate Resin from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 80 FR 62024 (October 15, 2015) (*Preliminary Determination*).

[1] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 80 FR 26227 (May 7, 2015) (*Preliminary Results*).

[2] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Drawn Stainless Steel Sinks from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review; 2012–2014,'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[3] For a complete description of the Scope of the Order, *see* Issues and Decision Memorandum.

Issues and Decision Memorandum. A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as Appendix I.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain revisions to the margin calculations for Dongyuan, Yingao, and the separate rate respondents.[4]

Separate Rate Respondents

In the *Preliminary Results,* we determined that the mandatory respondents, Dongyuan and Yingao, and the following separate rate applicant companies satisfied the criteria for separate rate status: Foshan Zhaoshun Trade Co., Ltd.; Guangdong New Shichu Import & Export Company Limited; Yuyao Afa Kitchenware Co., Ltd.; Zhongshan Newecan Enterprise Development Corporation Limited; and Zhongshan Superte Kitchenware Co., Ltd.[5] We received no comments or arguments since the issuance of the *Preliminary Results* that provide a basis for reconsideration of our decision with respect to these companies. Therefore, the Department continues to find that the companies listed above meet the criteria for a separate rate.

Rate for Non-Examined Separate Rate Respondents

In the *Preliminary Results,* we assigned an average of the weighted-average dumping margins assigned to Dongyuan and Yingao to the non-individually examined companies that are eligible for a separate rate (*i.e.,* the separate rate applicant companies). No parties commented on the methodology for calculating this separate rate. Therefore, in these final results of the review, we continue to use an average of the weighted-average dumping margins assigned to Dongyuan and Yingao,[6] which is 4.29 percent, as the rate for those companies which were not examined and which are eligible for a separate rate. The separate rate applicant companies receiving this rate are identified by name and listed below in the section entitled ''Final Results of the Review.''

Final Results of the Review

In the *Preliminary Results,* the Department found that Feidong Import & Export Co., Ltd.; Shunde Native Produce Import & Export Co, Ltd. of Guangdong; and Zhongshan Silk Import & Export Group Co., Ltd. of Guangdong were not eligible for a separate rate, and therefore, were part of the PRC-wide entity.[7] Because the status of these companies has not changed since the *Preliminary Results,* we continue to find that they are ineligible for a separate rate and part of the PRC-wide entity. Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews,[8] we did not conduct a review of the PRC-wide entity. Thus, the rate for the PRC-wide entity is not subject to change as a result of this review.

For companies subject to this review, which established their eligibility for a separate rate, the Department finds that the following weighted-average dumping margins exist for the period October 4, 2012, through March 31, 2014:

Exporters	Weighted-average dumping margin [9] (percent)
Foshan Zhaoshun Trade Co., Ltd	4.29
Guangdong Dongyuan Kitchenware Industrial Co., Ltd	2.82
Guangdong New Shichu Import & Export Company Limited	4.29
Guangdong Yingao Kitchen Utensils Co., Ltd	8.06
Yuyao Afa Kitchenware Co., Ltd	4.29
Zhongshan Newecan Enterprise Development Corporation Limited	4.29
Zhongshan Superte Kitchenware Co., Ltd	4.29

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), the Department determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For each individually examined respondent in this review (*i.e.,* Dongyuan and Yingao) which has a weighted-average dumping margin which is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's (or customer's) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).[10] Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-(or customer-) specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents which were not selected for individual examination in this administrative review and which qualified for a separate rate, the assessment rate is equal to the average of the weighted-average dumping margins assigned to Dongyuan and Yingao, or 4.29 percent.

For the companies identified above as part of the PRC-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 76.45 [11] percent to all entries of subject merchandise during

[4] For further explanation regarding these changes, *see* Issues and Decision Memorandum.

[5] *See Preliminary Results,* 80 FR 26228; *see also* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China'' (April 30, 2015) (Preliminary Decision Memorandum), at 6–9.

[6] *See* Memorandum to the File from Brian Smith, Team Leader, ''Drawn Stainless Steel Sinks from the People's Republic of China: Calculation of the Final Margin for Separate Rate Companies,'' dated concurrently with this memorandum (Final Results Separate Rate Calculation Memorandum).

[7] *See* Preliminary Decision Memorandum, at 10–12.

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

[9] These rates have been adjusted for the estimated domestic subsidy pass-through.

[10] In these final results, the Department continues to apply the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[11] The PRC-wide rate determined in the investigation was 76.53 percent. *See Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 21592, 21594 (April 11, 2013). This rate was adjusted for export subsidies and estimated domestic subsidy pass through to determine the cash deposit rate (76.45 percent) collected for companies in the PRC-wide entity. *See* explanation in *Drawn Stainless Steel Sinks From the People's Republic of China: Investigation, Final Determination,* 78 FR 13019, 13025 (February 26, 2013).

the POR which were produced and/or exported by those companies.

The Department has refined its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[12]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, which is 76.45 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

The Department intends to disclose to the parties the calculations performed for these final results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

[12] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*NME Antidumping Proceedings*).

Notification to Importers

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

Notification Regarding Administrative Protective Order

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

This notice is published in accordance with sections 751(a)(l) and 777(i)(l) of the Act.

Dated: November 2, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Margin Calculations
V. Discussion of the Issues
- Comment 1. Eligibility of Respondents for a ''Double Remedy'' Pass-Through Adjustment
- Comment 2. Subsidy Rates Used as the Basis for the ''Double Remedy'' Pass-Through Adjustment
- Comment 3. Use of Bloomberg Data
- Comment 4. Statutory Authority To Consider an Alternative Comparison Method
- Comment 5. Notice and Comment Process Necessary for New Differential Pricing Analysis
- Comment 6. Differential Pricing Analysis
- Comment 7. Zeroing
- Comment 8. Definition of Purchaser and Region in the Cohen's *d* Test
- Comment 9. Surrogate Financial Ratios
- Comment 10. Stainless Steel Surrogate Value
- Comment 11. Treatment of Labor Expenses in the Financial Ratios and Adjustment To Labor Surrogate Value
- Comment 12. Calculation of the Labor Surrogate Value
- Comment 13. Truck Freight Surrogate Value
- Comment 14. Inclusion of Letter of Credit Costs in the Brokerage and Handling Surrogate Value
- Comment 15. Weight Adjustment Made to the Brokerage and Handling and Truck Surrogate Values
- Comment 16. Wooden Box Factor Calculation for Yingao
- Comment 17. Packing Material Consumption Weights for Yingao
- Comment 18. Dongyuan Reported Gross Weights
- Comment 19. Separate Rate Eligibility for Feidong

VI. Recommendation

[FR Doc. 2015–28644 Filed 11–9–15; 8:45 am]

BILLING CODE 3510–DS–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2015–0047]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, and to revise an existing information collection, titled, ''Home Mortgage Disclosure (Regulation C) 12 CFR 1003.''

DATES: Written comments are encouraged and must be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments

received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: ''Home Mortgage Disclosure (Regulation C) 12 CFR 1003''.

OMB Control Number: 3170–0008.

Type of Review: Extension without change of an existing collection.

Affected Public: Private Sector.

Estimated Number of Respondents: 145.

Estimated Total Annual Burden Hours: 690,000.[1]

Abstract: The Home Mortgage Disclosure Act (HMDA) requires certain depository institutions and for-profit nondepository institutions to collect, report, and disclose data about originations and purchases of mortgage loans, as well as mortgage loan applications that do not result in originations (for example, applications that are denied or withdrawn). The Bureau's Regulation C, 12 CFR part 1003, implements HMDA. The purpose of the information collection is: (i) To help determine whether financial institutions are serving the housing needs of their communities; (ii) to assist public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and (iii) to assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. The information collection will also assist the CFPB's examiners, and examiners of other federal supervisory agencies, in determining that the financial institutions they supervise comply with applicable provisions of HMDA.

In accordance with 5 CFR 1320.11(f) and 1320.11(h), this information collection request (ICR) is being submitted to OMB in association with the final rule for Regulation C (RIN 3170–AA10), 80 FR 66127 published October 27, 2015. Further, since the information collection requirements as contained in current Regulation C are currently scheduled to expire on January 31, 2016 and the information collection requirements as contained in the final rule for Regulation C will generally not become effective until January 1, 2018, this ICR is also contemporaneously being submitted to OMB under 5 CFR 1320.12, *Clearance of collections of information in current rules.* The Bureau is requesting OMB to extend for an additional three years its approval of the information collection requirements as contained in current Regulation C.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: November 4, 2015.

Linda F. Powell,

Chief Data Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–28602 Filed 11–9–15; 8:45 am]

BILLING CODE 4810–AM–P

[1] This represents the burden under the renewal of the existing rules which will increase to 1,388,880 once all provisions of the new final rule become effective.

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Federal Advisory Committee Closed Meeting

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee closed meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the U.S. Strategic Command Strategic Advisory Group. This meeting will be closed to the public.

DATES: Wednesday, December 2, 2015, from 8:00 a.m. to 5:00 p.m. and Thursday, December 3, 2015, from 8:00 a.m. to 11:00 a.m.

ADDRESSES: Dougherty Conference Center, Building 432, 906 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: Ms. Christy Fetzer, Alternate Designated Federal Officer, (402) 294–4102, 901 SAC Boulevard, Suite 1F7, Offutt AFB, NE 68113–6030.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App 2, section 1), the Government in Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Policy Issues, Space Operations, Nuclear Weapons Stockpile Assessment, Weapons of Mass Destruction, Intelligence Operations, Cyber Operations, Global Strike, Command and Control, Science and Technology, Missile Defense.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, Admiral C.D. Haney, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the Strategic Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Strategic Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the Strategic Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all

submitted written statements and provide copies to all the committee members.

Dated: November 4, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–28506 Filed 11–9–15; 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 Meetings: Wednesday, November 18, 2015, from 1 p.m. to 5 p.m. and Thursday, November 19, 2015, from 8 a.m. to 12 p.m.

Date of the Open Meeting: Thursday, November 19, 2015, from 3 p.m. to 5 p.m.

ADDRESSES: Address of Closed Meetings, November 18 and 19, 2015: Rm 12110, 5th Floor, Zachary Taylor Building, 2530 Crystal Dr., Arlington, VA 22202.

Address of Open Meeting, November 19, 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: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Commission on the Future of the Army was unable to provide public notification of its meeting of November 18–19, 2015, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

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 Wednesday, November 18, 2015, the Commission will receive results from the Comprehensive Analytical Review and begin the discussion on the rationale for proposals using the Comprehensive Analytical Review results.

During the closed meeting on Thursday, November 19, 2015, the Commission will continue the discussion on the rationale for proposals using the Comprehensive Analytical Review's results from the November 18 closed meeting and establish the framework for subcommittee proposals. During the open meeting on Thursday, November 19, 2015, the Commission will hear subcommittee interim reports and the public will have an opportunity to provide remarks.

Agendas: November 18, 2015—Closed Meeting: The Commission will hold a closed meeting to receive results of the Comprehensive Analytical Review followed by a discussion on the rationale for proposals using the results of the Comprehensive Analytical Review. Speakers include analysts from Institute for Defense Analyses (IDA), Center for Army Analysis, RAND Corporation and the Commission Staff. All presentations and resulting discussion are classified.

November 19, 2015—Closed Meeting: The Commission will continue the discussion on the rationale for subcommittee proposals using the Comprehensive Analytical Review results, additionally the Commission and subcommittee staff leads will establish the framework work for presenting subcommittee proposals to the Commission. All presentations and resulting discussion are classified.

November 19, 2015—Open Meeting: The Commission will receive interim reports from representatives from the various subcommittees and time will be allotted for public comments.

Meeting Accessibility: In accordance with applicable law, 5 U.S.C. 552b(c) and 41 CFR 102–3.155, the DoD has determined that portion of the meetings scheduled for November 18, 2015, and the morning of November 19, 2015, 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 these portions of the meetings will be closed to the public because it will discuss matters covered by 5 U.S.C. 52b(c)(1).

Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for November 19, 2015 from 3 p.m. to 5 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 Wednesday, November 18, 2015, will be provided to the Commission before the November 19, 2015 meeting. Comments received after Wednesday, November 18, 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, ten minutes will be reserved for individuals or interest groups to address the Commission on November 19, 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 meeting on Thursday, November 19, 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: November 5, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–28543 Filed 11–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0123]

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 December 10, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: National Language Service Corps; DD Forms 2932, 2933, and 2934; OMB Control Number 0704–0449.

Type of Request: Reinstatement with change.

Number of Respondents: 1,500.

Responses per Respondent: 3.

Annual Responses: 4,500.

Average Burden per Response: 16.24 minutes.

Annual Burden Hours: 1,218.

Needs and Uses: The information collection requirement is necessary to identify individuals with language and special skills who potentially qualify for employment or service opportunities in the public section during periods of national need or emergency.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, 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: November 5, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–28551 Filed 11–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0107]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Grantee Reporting Form—RSA Annual Payback Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), 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 December 10, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0107. 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 Rose Ann Ashby, (202) 245–7258.

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: Grantee Reporting Form—RSA Annual Payback Report.

OMB Control Number: 1820–0617.

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: 350.

Total Estimated Number of Annual Burden Hours: 400.

Abstract: Under section 302 of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Services Administration (RSA) provides Long-Term Training grants to academic institutions to support scholarship assistance to students. Students who receive scholarships under this program are required to work within the public rehabilitation program, such as with a state vocational rehabilitation agency, or an agency or organization that has a service arrangement with a state vocational rehabilitation agency. The student is expected to work two years in such settings for every year of full-time scholarship support. The program regulations at 34 CFR 386.33–386.35 and 386.40–386.43 detail the payback provisions and the RSA scholars' requirements to comply with them.

Section 302 (b)(2)(C) of the Act requires the academic institutions (*i.e.,* grantees) that administer Long-Term Training grants to track the employment status and location of former scholars supported under their grants in order to ensure that students are meeting the payback requirement. Program regulations at 34 CFR 386.34 require each grantee to establish and maintain a tracking system on current and former RSA scholars for this purpose and to report to the Secretary information on the scholars' progress toward fulfilling their obligation towards payback in qualified employment in fields which include clinical practice, administration, supervision, teaching or research in vocational rehabilitation, supported employment, or independent living rehabilitation of individuals with disabilities, especially individuals with significant disabilities.

The Annual Payback Report form for which RSA is requesting an extension collects data on the status of ''current'' and ''exited'' RSA scholars who are/were the recipients of scholarships. In addition to meeting the requirement that all scholars be tracked, the information collected on the form currently in use will continue to provide performance data relevant to the rehabilitation fields and degrees pursued by RSA scholars, as well as the funds owed and the rehabilitation work completed by them.

Dated: November 5, 2015.

Tomakie Washington,

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

[FR Doc. 2015–28564 Filed 11–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0106]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Study of Enhanced College Advising in Upward Bound

AGENCY: Institute of Education Sciences (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 December 10, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0106. 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 Marsha Silverberg, 202–2018–7178.

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: Study of Enhanced College Advising in Upward Bound.

OMB Control Number: 1850–0912.

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

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 2,835.

Total Estimated Number of Annual Burden Hours: 885.

Abstract: The Study of Enhanced College Advising in Upward Bound will test the effectiveness of providing Upward Bound projects with a professional development package and tools to provide semi-customized college advising to students participating in Upward Bound. Upward Bound projects were invited to volunteer for the demonstration, and approximately 200 projects that volunteered for the demonstration are included. Volunteer projects will be randomly assigned so that half receive the staff training, materials, tools, and resources in the first wave (spring 2015), and the other half will receive the staff training, materials, tools, and resources in the second wave (summer and fall 2016). The study will follow students who participate in both groups of projects as 11th graders in the 2014–2015 school year. The study will examine the impact of the demonstration on key outcomes including college application behavior, college acceptance and matriculation, and receipt of financial aid. The first of two ICRs for the study requested approval for the overall evaluation design, to collect 11th grade student rosters at each participating project and to administer the student baseline survey; the first ICR was approved on 8/8/2014. This is the second of two ICRs and requests approval for the remaining data collection activities, including a project survey, a follow-up student survey, and administrative records. Three reports will be produced, with one (expected 2017) reporting on the outcomes measures prior to high school graduation; a second (expected 2018) reporting on the results regarding actual college enrollment, college selectivity and use of Federal financial aid; and a third (expected 2020) reporting results regarding college persistence. The analyses will be both descriptive (distributions and means) and causal (using standard regression analyses to estimate impacts).

Dated: November 5, 2015.

Tomakie Washington,

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

[FR Doc. 2015–28563 Filed 11–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–154–000.
Applicants: Texas Eastern Transmission, LP.
Description: Section 4(d) Rate Filing: Negotiated Rate—Chesapeake 911268 to be effective 11/1/2015.
Filed Date: 10/30/15.
Accession Number: 20151030–5499.
Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: RP16–155–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Negotiated Rates—Nextera 510828 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5137.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–156–000.
Applicants: Equitrans, L.P.
Description: Section 4(d) Rate Filing: Negotiated Capacity Release Agreements—11/01/2015 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5179.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–157–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: BUG Ramapo release to L&L Energy for 11–1–2015 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5181.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–158–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: ConEd Ramapo releases 2 for 11–1–2015 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5182.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–159–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: KeySpan Ramapo release to Alpha for 11–1–2015 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5184.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–160–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Section 4(d) Rate Filing: Amendment to Neg Rate Agmt (BP 37–21) to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5187.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–161–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Negotiated Rates—Plymouth Rock 790838 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5225.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–162–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) Rate Filing: Rate Case Settlement Amendments to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5241.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–163–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Section 4(d) Rate Filing: Negotiated Rates—BP Energy 790839 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5246.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP16–164–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Section 4(d) Rate Filing: Volume No. 2—Cargill, Incorporated SP315848 to be effective 11/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5261.
Comments Due: 5 p.m. ET 11/16/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–1252–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing Negotiated Rate & Non-Conforming ESE—SWN Energy Compliance to be effective 10/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5257.
Comments Due: 5 p.m. ET 11/16/15.

Docket Numbers: RP15–1253–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing Negotiated Rate & Non Conforming ESE SJ Resources Compliance.

Filed Date: 11/2/15.
Accession Number: 20151102–5258.
Comments Due: 5 p.m. ET 11/16/15.
Docket Numbers: RP16–137–001.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Tariff Amendment: Amendment to RP16–137 to be effective 12/1/2015.
Filed Date: 11/2/15.
Accession Number: 20151102–5259.
Comments Due: 5 p.m. ET 11/12/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–28523 Filed 11–9–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9936–92–OA]

Notification of a Public Teleconference of the Science Advisory Board Hydraulic Fracturing Research Advisory Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Hydraulic Fracturing Research Advisory Panel as part of the peer review of the EPA draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047).* The teleconference will serve to complete agenda items from the October 28–30, 2015 Panel meeting, namely to develop preliminary key points in response to charge questions on the agency's draft assessment.

DATES: The public teleconference will be held on Thursday, December 3, 2015, from 2:00 p.m. to 6:00 p.m. (Eastern Time).

ADDRESSES: The teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information regarding this public teleconference may contact Edward Hanlon, Designated Federal Officer, by telephone: (202) 564–2134 or email at *hanlon.edward@epa.gov.* The SAB mailing address is: U.S. EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. General information about the SAB, including information concerning the SAB meeting and teleconferences announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab.*

Technical Contact for EPA's Draft Report: Any technical questions concerning EPA's draft report should be directed to Dr. Jeffrey Frithsen, National Center for Environmental Assessment, Office of Research and Development, U.S. EPA, 1200 Pennsylvania Avenue NW., Mail Code 8601P, Washington, DC 20460, telephone (703) 347–8623 or via email at *frithsen.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Hydraulic Fracturing Research Advisory Panel will hold a public teleconference as part of the peer review of the EPA draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047).*

The EPA's Office of Research and Development (ORD) has developed a draft assessment report concerning the relationship between hydraulic fracturing and drinking water in the United States. The purpose of the report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources, (May, 2015 External Review Draft, EPA/600/R–15/047),* is to synthesize available scientific literature and data to assess the potential for hydraulic fracturing for oil and gas to impact the quality or quantity of drinking water resources, and identify factors affecting the frequency or severity of any potential impacts. As noticed in 80 FR 32111–32113, the SAB Hydraulic Fracturing Research Advisory Panel held a face-to-face meeting on October 28–30, 2015, to conduct a peer review of the agency's draft report.

The purpose of the December 3, 2015, public teleconference is for the SAB Hydraulic Fracturing Research Advisory Panel to complete agenda items from the October 28–30, 2015 Panel meeting, namely to develop preliminary key points in response to charge questions on the agency's draft assessment.

Availability of Meeting Materials: Additional background on this SAB activity, the teleconference agenda, and other materials for the teleconference will be posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/02ad90b136fc21ef85256eba00436459/f7a9db9abbac015785257e540052dd54!OpenDocument&Highlight=0,hydraulic,fracturing* in advance of the teleconference.

Procedures for Providing Public Input: Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Interested members of the public may submit relevant information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB committees and panels to consider or if it relates to the clarity or accuracy of the technical information. Throughout the Panel review process, there will be opportunities for the public to provide comments. For example, the public was invited to provide comments to the Docket on the draft EPA report and will have an opportunity to provide comments to the Docket on the SAB Panel's draft report, provide oral statements to the Panel during the Panel teleconferences and meeting, and provide comments in preparation for quality review of the SAB Panel's draft report by the Chartered SAB. Members of the public wishing to provide written comments may submit them to the EPA Docket electronically via *www.regulations.gov,* by email, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the written statements section of this notice. Members of the public wishing to

provide oral statements to the SAB Panel should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting to present an oral statement at a public teleconference will be limited to three minutes per speaker. To be placed on the public speaker list for the December 3, 2015 teleconference, interested parties should notify Mr. Edward Hanlon, DFO, by email no later than November 25, 2015.

Written Statements: Written statements for the December 3, 2015, teleconference should be received in the EPA Docket by November 25, 2015, so that the information may be made available to the SAB Panel sufficiently in advance of the teleconference for the Panel's consideration.

Written statements should be identified by Docket ID No. EPA–HQ–OA–2015–0245 and submitted to the Docket at *www.regulations.gov* by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Docket_OEI@epa.gov:* Include the docket number in the subject line of the message.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), Docket ID No. EPA–HQ–OA–2015–0245, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The phone number is (202) 566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA headquarters Docket Center, Room 3334, EPA West Building, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- *Fax:* (202) 566–9744.

Public comments submitted after November 25, 2015 will be marked late, and should be submitted to the Docket by email, mail, hand delivery or fax (see detailed instructions above). Consistent with SAB Staff Office general practice, comments received after November 25, 2015 will be made available to the SAB Panel as soon as practicable. It is EPA's policy to include all comments received in the public docket without change and to make the comments available on-line at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email 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 comments due to technical difficulties and cannot contact you for clarification, the SAB Panel may not be able to consider your comments. Electronic files should avoid the use of special characters and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm.*

Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* 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. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Edward Hanlon at the phone number or email address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: November 3, 2015.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2015–28663 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2015–0668; FRL–9936–78–OW]

Notice of Opportunity To Provide Information on Existing Programs That Protect Water Quality From Forest Road Discharges

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) solicits public input and information on existing public and private sector programs that address stormwater discharges from forest roads. This information will assist EPA in responding to the remand in *Environmental Defense Center, Inc.* v. *U.S. EPA,* 344 F.2d 832 (9th Cir. 2003) that requires EPA to consider whether the Clean Water Act requires the Agency to regulate forest roads. This notice does not imply that EPA has made any decision to do so. EPA is considering the implementation, effectiveness, and scope of existing programs in addressing water quality impacts attributable to stormwater discharges from forest roads prior to making any decision. The Agency plans to assess a variety of existing programs, including federal, state, local, tribal, third party certifications, and combinations of these approaches, as well as voluntary best management practices (BMP)-based approaches. In preparing its response to the remand, EPA is coordinating with other federal agencies, and will assess whether any additional stormwater controls are called for, consistent with federal law, including the recent 2014 amendments to the Clean Water Act.

DATES: Comments must be received on or before January 11, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2015–0668, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally

not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Prasad Chumble, EPA Headquarters, Office of Water, Office of Wastewater Management via email at *chumble.prasad@epa.gov* or telephone at 202–564–0021.

SUPPLEMENTARY INFORMATION:

I. General Information

Applicability

This notice does not impose requirements on any entity.

II. Background

A. Purpose

EPA is gathering information on existing programs addressing stormwater discharges from forest roads to determine what additional measures, if any, are necessary to protect water quality. As described below, section 402(p)(6) of the Clean Water Act (CWA) allows EPA to consider a range of regulatory and non-regulatory approaches, and determine which stormwater discharges (if any) need controls under 402(p)(6). Since EPA's last public notice on May 23, 2012 (77 FR 30473), in which the Agency also solicited comments on approaches for addressing water quality impacts associated with forest roads, a number of developments have occurred, including statutory and regulatory changes, collection of additional water quality data, results from new research, new information pertaining to effectiveness of BMPs, and updates to federal, state, local, tribal, and other programs. Therefore, the Agency seeks to obtain public input and updated information on the implementation, effectiveness, and scope of approaches and programs that are currently in place for addressing stormwater discharges from forest roads.

B. Legal Background

The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. 33 U.S.C. 1251(a). To that end, the CWA provides that the discharge of any pollutant by any person shall be unlawful, except in compliance with other provisions of the statute. The CWA provides for a permit program, in general, for the discharge of a pollutant from a ''point source,'' which is defined in section 502 of the CWA as ''any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.'' 33 U.S.C. 1362(14). In 1987 Congress added section 402(p) to the CWA, which required National Pollutant Discharge Elimination System (NPDES) permits for certain specified stormwater discharges and provided EPA with discretion to determine whether and how discharges from other stormwater sources should be addressed ''to protect water quality.''

For the initial phase of stormwater regulation, section 402(p)(1) created a temporary moratorium on NPDES permits for point sources except for those listed in section 402(p)(2), which includes discharges already required to have a permit; discharges from municipal separate storm sewer systems serving population of 100,000 or more; and stormwater discharges ''associated with industrial activity.'' Congress did not define discharges associated with industrial activity, allowing EPA to define the term. For other stormwater discharges, section 402(p)(5) directs EPA to conduct studies, in consultation with the states, for ''identifying those stormwater discharges or classes of stormwater discharges for which permits are not required''; ''determining to the maximum extent practicable, the nature and extent of pollutants in such discharges''; and ''establishing procedures and methods to control stormwater discharges to the extent necessary to mitigate impacts on water quality.'' Section 402(p)(6) directs the Agency to issue regulations, in consultation with state and local officials, based on such studies. The section allows EPA flexibility in issuing regulations to address designated stormwater discharges and does not require the use of NPDES permits. Specifically, the section states that the regulations ''shall establish priorities, establish requirements for state stormwater management programs, and establish expeditious deadlines'' and may include ''performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.'' 33 U.S.C. 1342(p)(6). This flexibility is unique to stormwater discharges regulated under section 402(p)(6) and differs from the requirement for NPDES permits for stormwater discharges listed in section 402(p)(2) of the Act.

Prior to the 1987 Amendments, there were numerous questions regarding the appropriate means of regulating stormwater discharges through the NPDES program. These questions stemmed from serious water quality impacts of stormwater, the variable nature of stormwater, the large number of stormwater discharges, and the limited resources of permitting agencies. EPA undertook several regulatory actions, which resulted in extensive litigation, in an attempt to address these unique discharges.

EPA's Silvicultural Rule (40 CFR 122.27) predates the 1987 amendments to the CWA that added section 402(p) for stormwater controls. The Agency defined silvicultural point source as part of the Silvicultural Rule to specify which silvicultural discharges were to be included in the NPDES program. The rule defines silvicultural point source to mean any ''discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States,'' and further explains that ''the term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff.''

In 1990, EPA promulgated the Phase I stormwater regulations (55 FR 47990) (''Phase I Rule''), following the 1987 amendments which directed the Agency to develop regulations requiring permits for large and medium municipal separate storm sewer systems and stormwater ''discharges associated with industrial activity.'' In the Phase I regulations EPA defined the term ''storm water discharge associated with industrial activity,'' which is not defined by the Act but was discussed in the legislative history to the 1987 amendments. In describing the scope of the term ''associated with industrial activity,'' several members of Congress explained in the legislative history that the term would apply if a discharge was ''directly related to manufacturing, processing or raw materials storage areas at an industrial plant.'' (Vol. 132 Cong. Rec. H10932, H10936 (daily ed. October 15, 1986); Vol. 133 Cong. Rec. H176 (daily ed. January 8, 1987)). The Phase I Rule provided the regulatory definition of ''associated with industrial

activity'' by adopting the language used in the legislative history and supplementing it with a description of various types of areas (for example, material handling sites, sites used for the storage and maintenance of material handling equipment, etc.) that are directly related to an industrial process and to industrial facilities identified by EPA. The Phase I regulations define the term ''storm water discharge associated with industrial activity'' to include stormwater discharges from facilities identified in the rule by Standard Industrial Classifications (SIC) codes. 40 CFR 122.26(b)(14). The Phase I Rule does not include discharges from facilities or activities excluded from the NPDES program under other parts of EPA's regulations, including the Silvicultural regulations. *Id.* As discussed above, EPA had previously specified under the Silvicultural regulations which silvicultural discharges were to be included in the NPDES program. 40 CFR 122.27. EPA intended to regulate those same ''silvicultural point source[s]'' under the Phase I rule (*i.e.,* rock crushing, gravel washing, log sorting, and log storage facilities) and to exclude from the Phase I regulation stormwater runoff from other silvicultural activities, consistent with the requirements of section 122.27.

In developing the second phase of stormwater regulations, EPA submitted to Congress in March 1995 a report that evaluated the nature of stormwater discharges from municipal and industrial facilities that were not already regulated under the Phase I regulations (U.S. Environmental Protection Agency, Office of Water. *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Storm Water Program: Report to Congress.* Washington, DC EPA, 1995. (833–K–94–002)). On December 8, 1999, EPA promulgated the Phase II stormwater regulations to address stormwater discharges from small municipal separate storm sewer systems and construction sites that disturb one to five acres. 64 FR 68722. Under CWA sections 402(p)(2)(E) and 402(p)(6), EPA retains the authority to designate additional stormwater discharges for regulation.

The Phase II stormwater regulations were challenged in *Environmental Defense Center* v. *US EPA,* 344 F.3d 832 (9th Cir. 2003) (*EDC* v. *EPA*). In that case, petitioners contended that EPA arbitrarily failed to regulate discharges from forest roads under the Phase II rule. The court held that EPA failed to consider the petitioners' comments and remanded the issue to EPA ''so that it may consider in an appropriate proceeding Petitioner's contention that section 402(p)(6) requires the EPA to regulate forest roads. The EPA may then either accept Petitioners' arguments in whole or in part, or reject them on the basis of valid reasons that are adequately set forth to permit judicial review.'' *Id.* at 863.

During several years following the decision in *EDC* v. *EPA,* EPA undertook research to improve the Agency's knowledge of forest road stormwater discharge impacts on water quality and what programs exist, whether voluntary or mandatory, to reduce those impacts. During the same period, the Northwest Environmental Defense Center initiated litigation concerning logging road stormwater discharges.

In 2011, the U.S. Court of Appeals for the Ninth Circuit issued a decision in *Northwest Environmental Defense Center* v. *Brown,* 640 F.3d 1063 (9th Cir. 2011) (''*NEDC*''), a citizen suit alleging violations of the CWA for unpermitted discharges of stormwater from ditches alongside two logging roads in state forests. The court held that because the stormwater runoff from the two roads in question is collected by a system of ditches, culverts and channels and then discharged into waters of the United States, there was a point source discharge of stormwater associated with industrial activity for which an NPDES permit is required.

On May 23, 2012, EPA published a Notice in the **Federal Register** summarizing known water quality impacts related to forest roads and discussing existing state, tribal, and voluntary programs designed to address those impacts. (77 FR 30473). The Notice expressed EPA's intent to specify that only stormwater discharges associated with rock crushing, gravel washing, log sorting, and log storage are considered discharges associated with industrial activities, and that those would be the only discharges associated with silvicultural activity that would be subject to permitting under the stormwater regulations pertaining to industrial activity. The Notice also discussed the Agency's consideration of non-permitting approaches to address other stormwater discharges from forest roads.

On December 7, 2012, EPA promulgated a final rule (77 FR 72970) to specify that for the purposes of assessing whether stormwater discharges are ''associated with industrial activity,'' the only facilities under the SIC code 2411 that are ''industrial'' are: Rock crushing, gravel washing, log sorting, and log storage. This rulemaking clarified that, contrary to the Ninth Circuit's decision in *NEDC,* discharges of stormwater from silviculture activities other than the four specifically named activities identified above do not require an NPDES permit. On March 20, 2013, the U.S. Supreme Court reversed the Ninth Circuit's ruling in *NEDC,* holding that discharges of stormwater that ran off logging roads into ditches, culverts and channels did not require an NPDES permit. *Decker, Oregon State Forester, et al.* v. *Northwest Environmental Defense Center,* 133 S.Ct 1326 (2013).

In 2014, Congress amended section 402(l) of the Federal Water Pollution Control Act to effectively prohibit the use of NPDES permits for the discharge of runoff ''resulting from the conduct of the following silviculture activities conducted in accordance with standard industry practice: nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance.'' 33 U.S.C. 1342(l). In addition, the amendment prohibits third party lawsuits authorized by section 505(a) for any non-permitting program established under 402(p)(6), or for any other limitations applied to silviculture activities.

In December 2014, EDC and the Natural Resources Defense Council filed a petition with the Ninth Circuit to compel EPA to respond, within six months, to the question remanded in the 2003 *EDC* v. *EPA* decision of whether section 402(p)(6) requires regulation of stormwater discharges from forest roads. Following execution of a settlement agreement that was filed with the court on August 26, 2015, the court entered an order establishing a schedule requiring EPA to issue a final determination by May 26, 2016.

III. Water Quality Impacts From Stormwater Discharges From Forest Roads

The Agency's May 23, 2012 Notice summarized the research EPA had collected to date on the water quality impacts resulting from stormwater discharges from forest roads. Much of this research was compiled in the 2008 report ''National Level Assessment of Water Quality Impairments Related to Forest Roads and Their Prevention by Best Management Practices'' prepared by the Great Lakes Environmental Center, Inc. (GLEC). This document is available in the docket for today's notice and provides an extensive discussion on water quality impacts from forest road stormwater discharges, which are primarily erosion and sedimentation,

but can also include changes in stream morphology, introduction of chemicals and other pollutants, and degradation of aquatic habitat.

EPA's research indicates that improperly designed, constructed, maintained, or decommissioned forest roads, as well as abandoned ''legacy roads,'' [1] can lead to a number of impacts. These impacts can include increased sediment load and changes in stream network hydrology, subsequently causing physical, biological, and ecological impacts to water quality. EPA also recognizes that not all forest roads cause water quality impacts and that within a basin the majority of the water quality impacts caused by discharges from forest roads may be attributed to a relatively small subset of forest roads (see, for example, Nelson et al., 2011; Fly et al., 2010; Luce and Black, 2001; Luce and Black, 1999).

The focus of this notice is to solicit input on the implementation and effectiveness of existing public and private programs, whether voluntary or legally binding and enforceable, in mitigating water quality impacts from stormwater discharges from forest roads, rather than to receive additional comments or materials on water quality impacts of these discharges. Specifically, EPA seeks input on the implementation, effectiveness, and scope of existing federal, state, local, tribal and private sector programs. The Agency also seeks input on additional approaches and regulations, if necessary, to mitigate negative impacts on water quality from forest road stormwater discharges.

IV. EPA's May 23, 2012 Federal Register Notice

On May 23, 2012, EPA published a Notice that sought comment on potential approaches for addressing water quality impacts resulting from stormwater discharges from forest roads. In response to that Notice, EPA received over 100 comment letters. Some comments pointed to existing programs suggesting that a national regulation addressing discharges from forest roads is unnecessary because existing state and tribal programs are sufficient. Others asserted that existing federal, state, and tribal programs are insufficient to protect water quality.

As discussed above, EPA is prohibited from requiring NPDES permits for stormwater discharges from forest roads associated with defined ''silvicultural activities'' as a result of the 2014 amendment to section 402(l) of the CWA. However, authority to regulate these discharges in other ways and using other methods remains, including under section 402(p)(6). As noted, section 402(p)(6) of the CWA allows EPA flexibility in issuing regulations to address designated stormwater discharges and does not require the use of NPDES permits. Specifically, the section states that the regulations shall establish priorities, establish requirements for state stormwater management programs, and establish expeditious deadlines and may include ''performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.'' 33 U.S.C. 1342(p)(6).

In assessing whether regulation is required under section 402(p)(6) of the CWA, EPA is considering the effectiveness of existing programs in addressing water quality impacts attributable to stormwater discharges from forest roads, including federal, state, local, tribal, third-party certifications, and combinations of these approaches, as well as voluntary BMP-based approaches. In this notice, EPA requests information on these and other means currently in place for addressing the water quality impacts of stormwater discharges from forest roads or certain portions of forest roads. EPA also requests information on implementation and lessons learned from experience with existing programs.

V. Key Considerations

In assessing how best to manage stormwater discharges from forest roads, EPA recognizes that any effective program should be informed by several considerations. It is EPA's view that there are four key considerations for managing stormwater discharges as described later in this notice: (1) The advantage of leveraging existing strategies that work, including existing effective federal, state, local, tribal, private, and voluntary BMP-based programs; (2) the utility of addressing site-specific factors; (3) the need to prioritize actions; and (4) the benefits of accountability measures.

Forest road stormwater management programs vary across the country in response to state or regional factors. EPA is working with federal agencies, states, and tribes as well as the private sector to understand their programs for managing stormwater discharges from forest roads. The Agency is interested in engaging other interested stakeholders in the process as well. EPA provided an overview of existing public and private programs to manage stormwater discharges from forest roads in its May 23, 2012 **Federal Register** Notice, but understands that there may have been improvements and additions since that time. With this Notice, EPA seeks updated information on existing programs.

A range of guidelines are available to assist forest owners, managers, and operators in designing and maintaining forest roads and selecting the appropriate BMPs to control stormwater discharges. For example, EPA has issued national guidance to assist forest owners and operators to protect lakes and streams from polluted runoff that can result from forestry activity and, in particular, from improperly built or maintained forest roads (USEPA, 2005). Other federal agencies as well as states have also developed guidance documents to protect water quality from forest road discharges (For example USFS (2012) and Georgia Forestry Commission (2009)). In addition, industry has developed standards for voluntary certification programs (For example, NCASI (2012) and SFI (2015)). BMP-based approaches allow forest road owners and operators to tailor management practices to site-specific factors such as topography, road design, soils, geologic factors, road use, and climate. The diversity of the forest road networks, the different classes of roads, the different local physical conditions, and the broad range of road conditions and uses indicate the importance of site-specific BMP selection and implementation to protect water quality.

EPA also intends to consider the complexity and vastness of the Nation's forest road network and diversity of the forested landscape. EPA seeks additional information that would assist the Agency in evaluating various approaches, including, for example: Differences among forest uses; particularly vulnerable features of the road network (for example, stream crossings); critical phases (for example, road closure or decommissioning); ownerships of different forest tracts; types of ownership, including public, private, and tribal-owned lands; and forest road conditions, type, and usage. The selection of appropriate management strategies and BMPs can vary based on site-specific factors, including topography, road design, soils, geologic factors, road use, road maintenance schedule, and climate. EPA also would like information on the effectiveness of properly implemented BMPs in protecting water quality from forest road stormwater discharges. EPA solicits information on what approaches have been or could be applied nationally regardless of forest road type

[1] Abandoned or ''legacy roads'' refers to forest roads built prior to the establishment of current design standards, which are not being used but may still be sources of sediment.

and ownership, as well as which approaches might be best targeted to specific locations. For instance, performance-based management strategies may be more effective and less burdensome than approaches that rely upon prescriptive solutions.

EPA recognizes the importance of prioritization in allocating resources. For example, protecting beneficial uses such as fish spawning or public water supply may be a high priority in some areas while reducing impacts to waters listed as impaired or included in an existing Total Maximum Daily Load (TMDL) might be a high priority in other areas. EPA requests information on how existing programs identify and determine where to allocate resources to prioritize high quality, or pristine, waters or alternatively, impaired waters, or how to prioritize focus on certain forest roads that may be more problematic than others.

Finally, accountability is a key element of a successful approach ensuring stormwater discharges from forest roads are properly implemented and managed across the country and that reasonable progress is made in addressing inadequately managed stormwater discharges from forest roads. EPA seeks information regarding existing programs, such as adaptive management approaches, that include accountability measures such as monitoring, reporting, necessary updates, and consequences for failure to adhere to the objectives of the management program.

VI. Approaches for Managing Stormwater Discharges From Forest Roads

As described in further detail below, many owners and operators of forest lands are employing a variety of effective approaches to manage, operate, comply with and maintain forest roads to control stormwater discharges. Depending on the jurisdiction, owners or operators use federal requirements, BMP state program requirements, as well as tribal requirements, or follow the standards of voluntary programs, including forest stewardship and sustainability initiatives. Some of these approaches are used in combinations that may provide a more holistic approach, which may be more protective and effective.

A. Examples of Existing State and Tribal Programs

Many states and some tribes have programs in place that function to prevent or minimize forest road stormwater discharge impacts on water quality. These programs generally establish standards for the design of forest roads and BMPs. State and tribal programs vary in their substantive level of protection, specificity and enforceability, and generally fall into three categories: regulatory, non-regulatory, and combination programs. Information available to EPA indicates that 15 states have established mandatory BMPs for forest roads and the remaining 35 states allow for voluntary implementation of BMPs to control stormwater discharges from forest roads (GLEC, 2008). In some cases the failure to implement voluntary measures can result in enforcement where noncompliance leads to a significant risk to water quality. For example, the California program resembles a permit program and is mandatory, whereas Florida relies primarily on voluntary compliance with state-approved road BMPs. The discussion below describes two existing state programs and briefly describes several existing tribal programs to illustrate the different approaches used to address forest road impacts.

Maine provides an example of a state that employs a non-regulatory forest management program. In a voluntary program, the state typically develops state-wide forestry BMPs (including measures for forest roads) and recommends that the forest owners implement the BMPs. Generally, there are no permit mechanisms or enforcement actions, but many states with voluntary programs use a hands-on approach that emphasizes education, outreach, and training for forest owners, loggers, and others (Maine DEC, 2012).

Maine's forestry BMP program is administered through the Maine Forest Service (MFS). Broadly, the program consists of voluntary BMPs implemented by the landowner, monitoring of the BMPs by MFS, and, if needed, a regulatory ''safety net.'' The primary focus of the MFS program is training and outreach. MFS works to develop and revise BMPs, the most recent set being published in 2004. MFS then offers frequent training courses across the state and online to promote understanding of the principles and techniques in selecting and installing appropriate BMPs. Deficiencies in the implementation of BMPs (as identified by follow-up monitoring or other mechanisms) may lead to specialized training sessions (Maine DEC, 2012).

The MFS also conducts field monitoring of forestry BMPs. In collaboration with other stakeholders, a state-wide monitoring protocol was developed and has been implemented annually at selected sites since 2006. As noted in GLEC (2008), surveys have shown that BMPs are, for the most part, being consistently implemented and installation rates have improved substantially over time. When the need for improvements in BMP application are identified, MFS works cooperatively with the landowner to address the issue (Maine DEC, 2012).

Maine has a number of state laws that address sediment discharges to surface waters, including discharges due to timber operations. As needed, MFS works with other state agencies to identify problems and address them in a regulatory manner. Most issues are resolved cooperatively before a regulatory solution is needed (Maine DEC, 2012).

North Carolina has a combination approach for its forest management program, as it employs elements of both regulatory and non-regulatory programs. In 1990, the state developed administrative rules (*Forest Practice Guidelines Related to Water Quality (FPGs)*). Additionally, other state laws or interagency agreements can apply to forestry activities, including the location, construction, and maintenance of forest roads in wetlands (North Carolina FS, 2012).

The North Carolina Forest Service (NCFS) conducts thousands of forestry compliance inspections each year and has found high FPG compliance rates on a statewide basis. More focused implementation-specific monitoring has been conducted several times since 2000 by the NCFS and has also shown high implementation rates for forest road BMPs, despite their voluntary nature. State staff also provide technical assistance in designing and implementing BMPs and in assessing water quality. North Carolina revised its BMP manual in 2006 and included detailed discussions about all aspects of managing forest roads. The state has implemented a number of training and education programs in concert with demonstration projects to promote proper BMP usage. North Carolina agencies also coordinate to ensure that forestry operations are compliant with state requirements, that inspections are properly conducted, and that enforcement protocols are appropriately established (North Carolina FS, 2012).

Across the country, over 300 tribal reservations are significantly forested, and tribal lands include 17.9 million acres of forest land, including 7.7 million acres of productive timberland (ITC 2007). Tribal governments in partnership with the U.S. government dedicate substantial resources to improving tribal forest management. Much of the responsibility for managing forests on tribal lands across the country

is carried out by the Bureau of Indian Affairs (BIA) with the involvement of tribal governments. The National Indian Forest Resources Management Act (NIFRMA), Title III, Public Law 101–630, directs the Secretary of the Interior, in consultation with the affected tribes, to obtain an independent assessment of the status of forest resources on tribal lands and their management.

NIFRMA requires the development of forestry management plans under which the forests are managed in accordance with BMPs, as approved through an interdisciplinary team consisting of forestry experts from academia, the private sector, forest-managing tribes and the U.S. Department of Agriculture Forest Service. The Tribal Forest Protection Act (Pub. L. 108–278) authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with tribes to carry out projects to protect forests on tribal lands. Protection of such land is particularly important for tribes because they pass their land on from generation to generation. This helps to ensure future availability of natural resources, including healthy forests and clean water.

Many tribes have taken on significant roles in sustainable forest management. For example, the Menominee Indian Tribe of Wisconsin manages the forested portions of the reservation for long-term sustainability through the Menominee Tribal Enterprises (MTE), which has received certifications for sustainable management from the Forest Stewardship Council (FSC)-approved programs conducted by the Scientific Certification and the Rainforest Alliance. According the MTE Millwork Web site,[2] certification is awarded to forest operations that are well managed in accordance with environmentally and socially responsible guidelines. The Northern Cheyenne Tribe requires that all new roads be obliterated and seeded after forest harvesting activities. Similarly, the Blackfeet Nation has a no net new road miles policy, which requires the closure of an existing road before a new forest road may be constructed.

EPA requests comments regarding the implementation, effectiveness and scope of state, local, and tribal programs, both mandatory and voluntary, in preventing or minimizing forest road environmental impacts on water quality. EPA also seeks feedback on which elements are regarded as necessary for an effective program (for example, an inventory of forest roads; logger training and outreach; technical assistance; requirements for best management practices for forest roads; guidelines for prioritizing and addressing water quality concerns related to stormwater discharges from existing forest roads; accountability measures; public involvement and the opportunity for public input into the development of the state program; a program for monitoring or auditing to assess program compliance; a program for monitoring the effectiveness of the roads program in minimizing water quality impacts; and an adaptive management process to revise BMPs based on effectiveness monitoring) and how much flexibility is appropriate for state and tribal programs.

B. Examples of Existing Federal Programs

Federal agencies, such as the U.S. Department of Agriculture Forest Service (FS) and the Bureau of Land Management (BLM), have established programs for the management of stormwater discharges from forest roads on federal lands. These agencies manage large tracts of forested lands, including lands that are actively being disturbed by road building, road maintenance, logging operations, unauthorized public and recreational use or other tasks, and have generally demonstrated sound environmental stewardship in managing these lands.

FS has developed a number of programs related to managing discharges from forest roads to improve water quality. For example, FS is revising its Forest Service Manual and Forest Service Handbook directives (FSM 2500[3] and FSH 2509–19[4]) on BMPs for water quality protection on National Forest Service lands. These revisions would establish national BMPs and associated monitoring protocols on National Forest Service lands. 70 FR 25824. As part of this effort, FS has developed a National Core BMP Technical Guide[5] intended to improve FS performance and accountability in managing water quality consistent with the CWA and State water quality programs. This Guide establishes national core BMPs that address 11 subject areas affecting water quality, including ''Road Management Activities.'' The Road Management Activities BMP provisions address: Travel Management Planning and Analysis; Road Location and Design; Road Construction and Reconstruction; Road Operations and Maintenance; Temporary Roads; Road Storage and Decommissioning; Stream Crossings; Snow Removal and Storage; Parking and Staging Areas; Equipment Refueling and Servicing; and Road Storm Damage Surveys. Each BMP draws on administrative directives that guide FS management of roads on NFS land. FS directives and BMP Guide allow for the use of state, tribal and local requirements and information to develop site-specific BMPs. They also provide monitoring of BMP implementation and effectiveness using national core BMP monitoring protocols and reporting systems. Based on monitoring results, these mechanisms provide for adaptive management in assessing implementation, effectiveness, and adjusting practices as needed to protect water quality. FS has enhanced its Road Preconstruction Handbook on Design (FSH 7709.59 Chapter 40) as well as the Transportation Structures Handbook on Hydraulics and Watershed Protection (FSH 7709.59b CH 60) to include design considerations for the construction and reconstruction of forest roads which minimize road and drainage impacts to the watershed. FS Technology and Development Centers have created a number of publications to assist designers when addressing road/water interactions *http://www.fs.fed.us/eng/pubs/*.

FS has also created the Watershed Condition Framework, an approach to assessing watersheds in national forests and grasslands, implementing protective measures and providing for ongoing monitoring.[6] FS has developed another program, known as the Legacy Roads and Trails Program, to identify legacy roads in national forests and grasslands, and to minimize the discharge of stormwater by decommissioning or upgrading them.[7] FS also publishes documents for specific regions or types of forests that contain information on forest road construction and maintenance, as well as information on appropriate BMPs.[8]

FS has also developed a suite of tools for the identification and prioritization of road segments at risk for contributing

[2] *http://www.mtemillwork.com/*.

[3] Watershed and Air Management, Chapter 2530—Water Resource Management, 2532—Water Quality Management.

[4] National Best Management Practices, Chapter 10—National Core Best Management Practices.

[5] National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core BMP Technical Guide, United States Department of Agriculture, Forest Service, FS–990a, April 2012.

[6] *http://www.fs.fed.us/sites/default/files/Watershed_Condition_Framework.pdf*.

[7] *http://www.fs.fed.us/restoration/Legacy_Roads_and_Trails/*.

[8] See, for example, *http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5362512.pdf* and *http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5399662.pdf*.

to water quality problems.[9] These tools operate at scales of detail ranging from using corporate road databases and digital elevation data to using detailed GPS surveys. These tools have been applied in watershed sediment load reduction plans for waters listed as impaired under the CWA [10] and in forest restoration projects under the Collaborative Forest Landscape Restoration Program in the states of Idaho, Montana,[11] and California. FS maintains an applied science program on road-related sediment risks to support all of the above efforts (see, for example, Luce et al., 2001; Switalski et al., 2004).

BLM is a significant owner and manager of forests and woodlands on federal lands as well, primarily in the western U.S. and Alaska. Similar to FS, a full suite of activities are authorized and managed on BLM forests and woodlands, including timber harvesting, hazardous fuel reduction treatments, recreation, fish and wildlife conservation, oil and gas activities, and grazing. Authorized uses in forests and woodlands, such as timber harvesting, often include road construction and maintenance, which are broadly governed by policies, standards, and right of way agreements that ensure proper design and upkeep.[12] The BLM's Land Use Planning Handbook, which includes guidance for the development of BLM land use plans developed under section 202 of the Federal Land Policy and Management Act (FLPMA) and implementation of other BLM actions, provides broad agency direction for BLM to use BMPs to meet the standards and goals of the CWA, to address various protection measures to mitigate impacts to human health concerns, ecosystem health, riparian areas, and overall watershed conditions, and to meet state and local water quality requirements.[13] One recent example on how BLM has incorporated this guidance into the planning process for management of lands that include forest roads can be found in Appendix I of the recently released western Oregon Draft Resource Management Plan/ Environmental Impact Statement (Appendix I).[14]

One example of multiple agencies coordinating to implement BMPs in a particular region of forests is the Northwest Forest Plan under the Aquatic Conservation Strategy. The recently released ''*Northwest Forest Plan Interagency Regional Monitoring, 20-Year Report, Status and Trend of Watershed Condition*'' summarizes the results of the 20-year interagency effort to implement an array of protective measures including BMPs to maintain watershed health in that region.[15] Finally, BLM has partnered with the Society of America Foresters (SAF) to foster proper forest management techniques on BLM lands nationwide.[16]

EPA welcomes comments on the implementation, effectiveness and scope of these federal programs and how they work in coordination with state and tribal programs to assist EPA in developing its response to the 2003 remand in *EDC* v. *EPA,* but emphasizes that this is not the forum for evaluating specific elements of FS or BLM programs.

C. Examples of Third-Party Certification Programs

In recent years, forestry organizations, such as the Sustainable Forestry Initiative (SFI) and Forest Stewardship Council (FSC), have developed non-governmental third-party certification programs to address water quality impacts from forest roads. A wide variety of certification programs exist worldwide, but most have common elements such as standards for responsible forest management and harvesting, third-party audits, documentation, and publication. These certification programs address many aspects of forest management, but they specifically include management practices for mitigating water quality impacts resulting from stormwater discharges from forest roads. Also, these programs typically avoid developing a single set of standards and acknowledge necessary regional variation in BMPs.

Certification programs are, at their core, market- or consumer-driven. Certification is incorporated into a chain-of-custody process that permits a producer of consumer products (for example, paper, lumber, and furniture) to apply a ''green'' or ''eco-friendly'' label to those products as recognition of responsible sourcing and to ultimately influence consumer purchasing choices that translate into increased sales. Some producers of end products may *only* accept raw materials that meet certification program requirements; for example, a paper mill might not accept raw materials that do not have certification. The recent rise in prominence of certification programs coincides with other studies (for example, Ice et al., 2010) showing increases in the implementation rates of BMPs over the same period.

SFI grew out of a program developed by the American Forest & Paper Association and relies on a system of principles and objectives. A set of BMP-related requirements must be met for forest owners, loggers, and others to attain SFI's certification for forest fiber sourcing. Performance measures focus on adherence to applicable water quality laws and installation of BMPs, with performance criteria that include developing an overall program for certification and compliance, monitoring of BMPs during all phases of forestry activities, mapping of water resources, and recordkeeping. Third-party audits (typically conducted annually) verify the certification process. This program is also already a central element in many of the states' forestry training programs and also includes outreach to landowners and support for various research efforts.

FSC's program places an emphasis on conservation, as well as social and economic criteria. Similar to SFI, FSC's program relies on a series of overarching principles and more specific performance criteria. One such criterion specifies that forest owners must develop written plans to address erosion and other impacts associated with forest operations. Specific guidelines for forest roads include minimizing erosion, avoiding water crossings, and minimizing habitat fragmentation. FSC offers two types of certification: one for forest managers and another for entities involved in the intermediate and end uses of the wood products.

Like the state and federal programs, these programs are revised over time. For example, in 2015, SFI revised the standards that guide their certification program; the new standards specifically mention managing water quality impacts resulting from the construction and use of forest roads. Data also suggest that BMP implementation rates are substantially higher in forests that participate in certification programs (Texas Forest Service, 2011).

EPA requests comments on the implementation, effectiveness and scope

[9] See, for example, *http://www.fs.fed.us/GRAIP/.*

[10] See, for example, *http://water.epa.gov/polwaste/nps/success319/id_bear.cfm.*

[11] See, for example, *http://www.fs.fed.us/GRAIP/downloads/case_studies/WatershedStudies_LoloHelenaFlatheadNFs_SWCC_2014%20Final%20Report.pdf.*

[12] *http://www.blm.gov/wo/st/en/prog/more/forests_and_woodland.html.*

[13] *http://www.blm.gov/style/medialib/blm/ak/aktest/planning/planning_general.Par.65225.File.dat/blm_lup_handbook.pdf.*

[14] *http://www.blm.gov/or/plans/rmpswesternoregon/deis.php.*

[15] *http://www.reo.gov/monitoring/reports/20yr-report.*

[16] *http://www.blm.gov/style/medialib/blm/wo/Planning_and_Renewable_Resources/0.Par.97719.File.dat/BLM_MOU_WO-200-2009-03.pdf.*

of the elements of these third-party certification programs that address runoff from forest roads. EPA also welcomes comments from the organizations administering these programs. In particular, EPA seeks comment on how programs such as these fit with or complement other programs; for example, whether and to what extent these industry or non-governmental programs fill gaps in state and tribal programs.

VII. Request for Comments and Data

EPA encourages public comments to inform EPA's upcoming decision as to whether there is a need for additional regulation of stormwater discharges from forest roads. Requests for comment can be found throughout this notice in the sections where they are discussed. This section specifically requests comment on the issues below. To the extent possible, EPA requests that comments provide concrete examples or quantitative data.

1. For purposes of the discussion in this notice, EPA uses the term ''forest road'' to mean a road located on forested land, and the term ''logging road'' to mean a forest road that is used to support logging activities. That is, as used in this notice, logging roads are a subset of forest roads. However, the Agency has not established regulatory definitions of ''forest road,'' ''logging road,'' or ''forested land'' and welcomes comment on whether and how EPA should define these terms. EPA is also interested in the way in which states, tribes, and other federal agencies currently define them. EPA recognizes that some forest roads are built initially to support logging activities but later serve other purposes that may or may not continue to include support for logging activities. EPA requests comment on the way in which states, tribes, and other federal agencies distinguish among such forest roads.

2. EPA seeks comment on the implementation, effectiveness, and scope of existing federal, state, local, tribal, and other programs in addressing stormwater discharges from forest roads. EPA encourages submittal of specific information (for example, BMP implementation rates, effectiveness of implemented BMPs to protect water quality, pollutant reduction studies, audit results, and examples of adaptive management).

3. EPA requests comments on what specific elements of a forest road program are most important to ensure it is effective and protective of water quality. For example, forest road programs may include an inventory of forest roads; a requirement for BMPs; a systematic planning process for prioritizing and addressing water quality concerns related to stormwater discharges from existing roads; an accountability measure; an opportunity for public involvement in the development and management of the program; water quality monitoring to assess effectiveness of the program; and/or an adaptive management process to revise BMPs based on effective monitoring.

4. EPA also invites comments on what additional measures, consistent with federal law, could be implemented in existing programs to increase water quality protection from forest roads stormwater discharges where necessary.

IX. References

A list of references cited in this notice is available at *http://www.regulations.gov/* under Docket ID No. EPA–HQ–OW–2015–0668.

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Dated: October 31, 2015.

Kenneth J. Kopocis,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 2015–28649 Filed 11–9–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1178]

Information Collection Being Reviewed by the Federal Communications Commission

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 PRA comments should be submitted on or before January 11, 2016. 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1178.

Title: TV Broadcaster Relocation Fund Reimbursement Form, FCC Form 2100, Schedule 399; Section 73.3700(e), Reimbursement Rules.

Form No.: FCC Form 2100, Schedule 399.

Type of Review: Revision of an existing information collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 1,900 respondents and 22,800 responses.

Estimated Time per Response: 1–4 hours.

Frequency of Response: One-time reporting requirement; On occasion reporting requirement; Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i), 157 and 309(j) as amended; and Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, §§ 6402 (codified at 47 U.S.C. 309(j)(8)(G)), 6403 (codified at 47 U.S.C. 1452), 126 Stat. 156 (2012) (Spectrum Act).

Total Annual Burden: 31,100 hours.

Annual Cost Burden: $5,625,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is some need for confidentiality with this collection of information. Invoices, receipts, contracts and other cost documentation submitted along with the form will be kept confidential in order to protect the identification of vendors and the terms of private contracts between parties. Vendor name and Employer Identification Numbers (EIN) or Taxpayer Identification Number (TIN) will not be disclosed to the public.

Needs and Uses: The collection is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's Incentive Auction Order, FCC 14–50, which adopted rules for holding an Incentive Auction, as required by the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act). The information gathered in this collection will be used to provide reimbursement to television broadcast stations that are relocated to a new channel following the Federal Communications Commission's Incentive Auction, and to multichannel video programming distributors (MVDPs) that incur costs in carrying the signal of relocated television broadcast stations. Relocated television broadcasters and MVPDs (''eligible entities'') will be reimbursed for their reasonable costs incurred as a result of relocation from the TV Broadcaster Relocation Fund. Eligible entities will use the TV Broadcaster Relocation Fund Reimbursement Form (FCC Form 2100, Schedule 399) to submit an estimate of their eligible relocation costs; to submit actual cost documentation (such as receipts and invoices) throughout the construction period, as they incur expenses; and to account for the total expenses incurred at the end of the project.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–28553 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Safety and Homeland Security Bureau; Federal Advisory Committee Act; Task Force on Optimal Public Safety Answering Point Architecture

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice advises interested persons that the Federal Communications Commission's (FCC) Task Force on Optimal Public Safety Answering Point (PSAP) Architecture (Task Force) will hold its fifth meeting.

DATES: December 10, 2015.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Timothy May, Federal Communications Commission, Public Safety and Homeland Security Bureau, 202–418–1463, email: *timothy.may@fcc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be held on December 10, 2015, from 1:00 p.m. to 4:00 p.m. in the Commission Meeting Room of the FCC, Room TW–305, 445 12th Street SW., Washington, DC 20554. The Task Force is a Federal Advisory Committee that studies and will report findings and recommendations on PSAP structure and architecture to determine whether additional consolidation of PSAP infrastructure and architecture improvements would promote greater efficiency of operations, safety of life, and cost containment, while retaining needed integration with local first responder dispatch and support. On December 2, 2014, pursuant to the FACA, the Commission established the Task Force charter for a period of two years, through December 2, 2016. At this meeting, the Task Force will hear presentations and consider a vote on the recommendations and reports of Working Group 1—Cybersecurity: Optimal Approach for PSAPs and Working Group 2—Optimal Approach to NG911 Architecture Implementation by PSAPs.

Members of the general public may attend the meeting. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the Internet from the FCC's Web page at *http://www.fcc.gov/live.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs at (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation requested. In addition, please include a way the FCC may contact you if it needs more information. Please allow at least five days' advance notice; last minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–28556 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 12–354; DA 15–1208]

Wireless Telecommunications Bureau Seeks Comment on an Appropriate Method for Determining the Protected Contours for Grandfathered 3650–3700 MHz Band Licensees

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) seeks comment on the appropriate methodology for determining the contours for protecting existing 3650–3700 MHz wireless broadband licensees from Citizens Broadband Radio Service users during a fixed transition period.

DATES: Comments are due on or before December 10, 2015. Reply comments are due on or before December 28, 2015.

ADDRESSES: All filings in response to the notice must refer to WT Docket No. 12–354. The Wireless Telecommunications Bureau strongly encourages parties to file comments electronically. Comments may be submitted electronically by the following methods:

- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *By email.* To obtain instructions for filing by email, filers should send an email to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Attn: WTB/MD, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. All envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *fcc504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

FOR FURTHER INFORMATION CONTACT: Paul Powell, Mobility Division, Wireless Telecommunications Bureau at (202) 418–1613 or via email at *Paul.Powell@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of public notice (DA 15–1208) released on October 23, 2015. The complete text of the public notice is available for viewing via the Commission's ECFS Web site by entering the docket number, WT Docket No. 12–354. The complete text of the public notice is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com.* When ordering documents from BCPI, please provide the appropriate FCC document number, for example, DA 15–1208.

In the notice, the Bureau seeks comment on the appropriate methodology for determining the protected interference contours for existing 3650–3700 MHz wireless broadband licensees during a fixed transition period. During the transition period existing licensees will receive protection for operations that are within their ''Grandfathered Wireless Protection Zone,'' provided that: (1) The stations were registered in the Commission's Universal Licensing System (ULS) on or before April 17, 2015; and (2) as of a year later (April 17, 2016) the stations are constructed, in service, and fully compliant with the relevant operating rules.

Specifically, the Bureau seeks comment on a two-pronged approach to defining the Grandfathered Wireless Protection Zone around ''grandfathered'' base stations. Under this two-part approach, the Grandfathered Wireless Protection Zone around each base station would be defined by: (1) Sectors with a 4.4 km radius from each registered base station, and the azimuth and beamwidth registered for that base station with associated unregistered customer premises equipment (CPE) to encompass the operational area of unregistered subscriber stations; and (2) sectors (centered on each base station with the registered azimuth and beamwidth) which would encompass all registered subscriber stations within that sector. The first prong of the approach will provide protection for unregistered subscribers that operate below the mobile power limit of 1 watt/25 MHz EIRP, which are within the range of a registered base station. Since unregistered CPE operates at low power it is only able to effectively communicate with base stations within a limited range. Considering the relative low power of unregistered CPE compared to the power of a base station, the upstream or ''talk-back'' path determines the maximum range of a system. Using average values for unregistered CPE transmit power and base station receiver sensitivity specifications from existing type certified equipment, and assuming free space loss along a line of sight path, we calculate that a typical unregistered CPE will have a maximum range of approximately 4.4 km for ''talk-back'' to a base station. The second prong of the approach will provide protection to each base station's registered CPE. Protected sectors around each base station will be defined based on the distance from the base station to the furthest CPE unit registered in ULS and the base station antenna parameters (*e.g.,* azimuth and beamwidth) registered in ULS and a graphic representation of this methodology is included in an appendix to the Notice. The Bureau proposed that the field strength limit of any Citizens Broadband Radio Service station should be 44

dBuV/m/MHz at the boundary of the Grandfathered Wireless Protection Zone.

The notice seeks comment on how best to implement the protection methodology, including properly collecting and managing data. Much of the relevant data is already stored in the Commission's ULS but ULS does not record three key elements needed to implement the proposed methodology: (1) Information that would distinguish between base station and CPE use; (2) the specific center frequency on which the station operates; and (3) whether a base station has associated unregistered CPE. Therefore, the Bureau proposes to implement a mechanism whereby licensees will certify which of their base stations are constructed, in service, and in full compliance with the rules by April 17, 2016, and provide the three key elements simultaneously. The notice seeks comment on this approach and alternative approaches. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to that data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where the data or arguments can be found) *in lieu* of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations and all attachments to those documents must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Brian Regan,

Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2015–28481 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0995]

Information Collection Requirement Being Submitted to the Office of Management and Budget for Emergency Review and Approval

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 invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 1, 2015.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of the information collection requirement(s) contained in this notice and has requested OMB approval no later than 26 days after the collection is received at OMB. 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 Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Number: 3060–0995.

Title: Section 1.2105(c), Bidding Application and Certification Procedures; Sections 1.2105(c) and 1.2205, Prohibition of Certain Communications.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 10 respondents and 10 responses.

Estimated Time per Response: 1.5 hours to 2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this currently approved information collection is contained in sections 154(i) and 309(j) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), and section 1.2105(c) of the Commission's rules, 47

CFR 1.2105(c). Statutory authority for the revised information collection is contained in sections 154(i), 309(j), and 1452(a)(3) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), 1452(a)(3), and sections 1.2105(c) and 1.2205 of the Commission's rules, 47 CFR 1.2105(c), 1.2205.

Estimated Total Annual Burden: 50 hours.

Total Annual Costs: $9,000.

Nature and Extent of Confidentiality: The Commission will take all reasonable steps to protect the confidentiality of all Commission-held data of a reverse auction applicant consistent with the confidentiality requirements of the Spectrum Act and the Commission's rules. *See* 47 U.S.C. 1452(a)(3); 47 CFR 1.2206. In addition, to the extent necessary, a full power or Class A television broadcast licensee may request confidential treatment of any report of a prohibited communication submitted to the Commission that is not already being treated as confidential pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459. Forward auction applicants are entitled to request confidentiality in accordance with section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On February 22, 2012, the President signed the Spectrum Act, which, among other things, authorized the Commission to conduct incentive auctions, and directed that the Commission use this innovative tool for an incentive auction of broadcast television spectrum to help meet the Nation's growing spectrum needs. *See* Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, sections 6402, 6403, 125 Stat. 156 (2012) (Spectrum Act), codified at 47 U.S.C. 309(j)(8)(G), 1452. The Commission's broadcast incentive auction (BIA) will have three main components: (1) A reverse auction in which broadcast television licensees will submit bids to voluntarily relinquish their spectrum usage rights in exchange for defined shares of proceeds from the forward auction; (2) a repacking of the broadcast television bands; and (3) a forward auction of initial licenses for flexible use of the newly available spectrum.

The Commission is revising the currently approved information collection to implement new collection requirements resulting from the Commission's adoption of new and modified rules prohibiting certain communications for full power and Class A television broadcast licensees and for applicants seeking to participate in the forward auction component of the BIA and requiring such covered parties to file a report with the Commission within a specified period of time if they make or receive a prohibited communication. Subject to certain exceptions, section 1.2205(b) of the Commission's rules provides that, beginning on the deadline for submitting applications to participate in the reverse auction and until the results of the incentive auction are announced by public notice, all full power and Class A broadcast television licensees are prohibited from communicating directly or indirectly any incentive auction applicant's bids or bidding strategies to any other full power or Class A broadcast television licensee or to any forward auction applicant. Section 1.2205(c) requires any party that makes or receives a prohibited communication to report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Section 1.2205(d) provides the procedures for filing any reports required under section 1.2205(c). Subject to certain exceptions, forward auction applicants in the BIA are subject to a BIA-specific provision in section 1.2105(c) of the Commission's rules (in addition to the Commission's existing prohibited communications rule applicable to applicants in traditional Commission auctions), which provides that, beginning on the deadline for submitting applications to participate in the forward auction and until the results of the incentive auction have been announced by public notice, all forward auction applicants are prohibited from communicating directly or indirectly any incentive auction applicant's bids or bidding strategies to any full power or Class A broadcast television licensee. Section 1.2105(c) requires forward applicants that make or receive a prohibited communications that is prohibited under section 1.2105(c) to file a report of such a communication with the Commission.

The Commission's rules prohibiting certain communications in Commission auctions are designed to reinforce existing antitrust laws, facilitate detection of collusive conduct, and deter anticompetitive behavior, without being so strict as to discourage pro-competitive arrangements between auction participants. They also help assure participants that the auction process will be fair and objective, and not subject to collusion. The information collected through the Commission's existing reporting requirement under section 1.2105(c) allows the Commission to enforce the prohibition on forward auction applicants by making clear the responsibility of parties who receive information that potentially violates the rules to promptly report to the Commission, thereby enhancing the competitiveness and fairness of its spectrum auctions. The revised information collection under the BIA-specific rule in section 1.2105(c) and in sections 1.2205(c) and 1.2205(d) will likewise help the Commission enforce the prohibition on covered parties in the BIA, further assuring incentive auction participants that the auction process will be fair and competitive. The prohibited communication reporting requirement required of covered parties will enable the Commission to ensure that no bidder gains an unfair advantage over other bidders in its auctions and thus enhances the competitiveness and fairness of Commission's auctions. The information collected will be reviewed and, if warranted, referred to the Commission's Enforcement Bureau for possible investigation and administrative action. The Commission may also refer allegations of anticompetitive auction conduct to the Department of Justice for investigation.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015–28572 Filed 11–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2015–N–11]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-day Notice of Submission of Information Collection for Approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Agency (FHFA) is seeking public comments concerning the information collection known as the ''National Survey of Existing Mortgage Borrowers'' (NSEMB). This is a new collection that has not yet been assigned a control number by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year control number.

DATES: Interested persons may submit comments on or before January 11, 2016.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'National Survey of Existing Mortgage Borrowers, (No. 2015–N–11)' '' by any of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''National Survey of Existing Mortgage Borrowers, (No. 2015–N–11)''.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

FOR FURTHER INFORMATION CONTACT: Forrest Pafenberg, Supervisory Policy Analyst, Office of the Chief Operating Officer, by email at *Forrest.Pafenberg@fhfa.gov* or by telephone at (202) 649–3129; or Eric Raudenbush, Assistant General Counsel, by email at *Eric.Raudenbush@fhfa.gov* or by telephone at (202) 649–3084, (these are not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20219. The Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

The NSEMB will be a periodic, voluntary survey of individuals who currently have a first mortgage loan secured by single-family residential property. The survey questionnaire will consist of approximately 80–85 questions designed to learn directly from mortgage borrowers about their mortgage experience, any challenges they may have had in maintaining their mortgage and, where applicable, terminating a mortgage. It will request specific information on: The mortgage; the mortgaged property; the borrower's experience with the loan servicer; and the borrower's financial resources and financial knowledge. FHFA is also seeking clearance to pretest the survey questionnaire and related materials from time to time through the use of focus groups. A preliminary draft of the survey questionnaire (which at this time includes only 66 questions) appears at the end of this notice.

The NSEMB will be a component of the larger ''National Mortgage Database'' (NMDB) Project (Project), which is a multi-year joint effort of FHFA and the Consumer Financial Protection Bureau (CFPB) (although the NSEMB is being sponsored only by FHFA). The Project is designed to satisfy the Congressionally-mandated requirements of section 1324(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by the Housing and Economic Recovery Act of 2008.[1] Section 1324(c) requires that FHFA conduct a monthly survey to collect data on the characteristics of individual prime and subprime mortgages, and on the borrowers and properties associated with those mortgages in order to enable it to prepare a detailed annual report on the mortgage market activities of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) for review by the appropriate Congressional oversight committees. Section 1324(c) also authorizes and requires FHFA to compile a database of timely and otherwise unavailable residential mortgage market information to be made available to the public.

In order to fulfill those and other statutory mandates, as well as to support policymaking and research efforts, FHFA and CFPB committed in July 2012 to fund, build and manage the NMDB Project. When fully complete, the NMDB will be a de-identified loan-level database of closed-end first-lien residential mortgages. It will: (1) Be representative of the market as a whole; (2) contain detailed, loan-level information on the terms and performance of mortgages, as well as characteristics of the associated borrowers and properties; (3) be continually updated; (4) have an historical component dating back before the financial crisis of 2008; and (5) provide a sampling frame for surveys to collect additional information.

The core data in the NMDB are drawn from a random 1-in-20 sample of all closed-end first-lien mortgage files outstanding at any time between January 1998 and the present in the files of Experian, one of the three national credit repositories. A random 1-in-20 sample of mortgages newly reported to Experian is added each quarter. The NMDB also draws information on mortgages in the NMDB datasets from other existing sources, including the Home Mortgage Disclosure Act (HMDA) database that is maintained by the Federal Financial Institutions Examination Council (FFIEC), property valuation models, and data files maintained by Fannie Mae and Freddie Mac and by federal agencies. Currently, FHFA obtains additional data from its quarterly National Survey of Mortgage Borrowers (NSMB), which provides critical and timely information on newly-originated mortgages and those borrowing that are not available from any existing source, including: The range of nontraditional and subprime mortgage products being offered, the methods by which these mortgages are being marketed, and the characteristics of borrowers for these types of loans.[2]

While the quarterly NSMB provides information on newly-originated mortgages, it does not solicit borrowers' experience with maintaining their existing mortgages; nor is detailed information on that topic available from any other existing source. The NSEMB will solicit such information, including information on borrowers' experience with maintaining a mortgage under financial stress, their experience in soliciting financial assistance, their success in accessing federally-sponsored programs designed to assist them, and, where applicable, any challenges they may have had in terminating a mortgage loan. The NSEMB questionnaire will be sent out to a stratified random sample of 10,000 borrowers in the NMDB. The NSEMB assumes a 25 percent overall response rate, which would yield 2,500 survey responses.

The information collected through the NSEMB questionnaire will be used, in combination with information obtained from existing sources in the NMDB, to assist FHFA in understanding how the performance of existing mortgages is influencing the residential mortgage market, what different borrower groups are discussing with their servicers when they are under financial stress, and

[1] 12 U.S.C. 4544(c).

[2] OMB has cleared the NSMB under the PRA and assigned it control no. 2590–0012. The current OMB clearance expires on December 31, 2016.

consumers' opinions of federally-sponsored programs designed to assist them. This important, but currently unavailable, information will assist the agency in the supervision of its regulated entities (Fannie Mae, Freddie Mac, and the Federal Home Loan Banks) and in the development and implementation of appropriate and effective policies and programs. The information may also be used for research and analysis by other federal agencies that have regulatory and supervisory responsibilities/mandates related to mortgage markets and to provide a resource for research and analysis by academics and other interested parties outside of the government.

FHFA expects that, in the process of developing the initial and any subsequent NSEMB survey questionnaires and related materials, it will sponsor one or more focus groups to pretest those materials. Such pretesting will ultimately help to ensure that the survey respondents can and will answer the survey questions and will provide useful data on their experiences with maintaining their existing mortgages. FHFA will use information collected through the focus groups to assist in drafting and modifying the survey questions and instructions, as well as the related communications, to read in the way that will be most readily understood by the survey respondents and that will be most likely to elicit usable responses. Such information will also be used help the agency decide on how best to organize and format the survey questionnaire.

B. Burden Estimate

While FHFA currently has firm plans to conduct the survey only once—in the second quarter of 2016—it may decide to conduct further periodic NSEMB surveys once the first survey is completed. The agency therefore estimates that the survey will be conducted, on average, once annually over the next three years and that it will conduct pre-testing on each set of annual survey materials. FHFA has analyzed the hour burden on members of the public associated with pre-testing the survey materials (24 hours) and with conducting the survey (5,000 hours) and estimates the total annual hour burden imposed on the public by this information collection to be 5,024 hours. The estimate for each phase of the collection was calculated as follows:

Pre-Testing the Materials

FHFA estimates that it will sponsor two focus groups prior to conducting each survey, with 12 participants in each focus group, for a total of 24 focus group participants. It estimates the participation time for each focus group participant to be one hour, resulting in a total annual burden estimate of 24 hours for the pre-testing phase of the collection (2 focus groups per year × 12 participants in each group × 1 hour per participant = 24 hours).

Conducting the Survey

FHFA estimates that the NSEMB questionnaire will be sent to 10,000 recipients each time it is conducted. Although the agency expects only 2,500 of those surveys to be returned, it assumes that all of the surveys will be returned for purposes of this burden calculation. Based on the reported experience of respondents to the quarterly NSMB questionnaire, which contains a similar number of questions, FHFA estimates that it will take each respondent 30 minutes to complete each survey, including the gathering of necessary materials to respond to the questions. This results in a total annual burden estimate of 5,000 hours for the survey phase of this collection (1 survey per year × 10,000 respondents per survey × 30 minutes per respondent = 5,000 hours).

C. Comment Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) The accuracy of FHFA's estimates of the burdens of the collection of information; (3) Ways to enhance the quality, utility, and clarity of the information collected; and (4) Ways to minimize the burden of the collection of information on survey respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: November 3, 2015.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

BILLING CODE 8070–01–P

National Survey of Existing Mortgage Borrowers Draft Questionnaire

1. Thinking back to [Month, Year], did you have at least one outstanding mortgage loan on a residence that required a monthly payment *(could be your home or house lived in by others)*?

☐ Yes → *If you had more than one mortgage loan outstanding in [Month, year], please refer to your experience with the most recent refinance or new mortgage.*

☐ No → *Please return the blank questionnaire so we know the survey does not apply to you. The money enclosed is yours to keep.*

2. Did we mail this survey to the address of the house or property you financed with this mortgage?

☐ Yes
☐ No

3. What was the primary purpose of this mortgage? If you refinanced a mortgage for any reason, please select refinance below. *Mark one answer.*

☐ Purchase of a property
☐ Permanent financing on a construction loan
☐ Refinance or modification of an existing mortgage
☐ New loan on a mortgage-free property
☐ Some other purpose (specify) _____

4. When did you take out this mortgage? *The purchase date or refinance whichever was closest to [Month, Year].*

_____/_____
month year

5. What was the amount of this loan (the dollar amount you borrowed)?

$_____ . 00

☐ Don't know

6. What is/was the monthly payment, including the amount paid to escrow for taxes and insurance?

$_____ . 00

☐ Don't know

7. What is/was the interest rate on this mortgage?

_____%

☐ Don't know

8. Is/was this an adjustable rate mortgage, one that allows the interest rate to change over the life of the loan?

☐ Yes
☐ No

☐ Don't know

9. Including you, how many people signed/co-signed for this mortgage?

☐ 1 ☐ 2 ☐ 3 ☐ 4 or more

10. Does/did this mortgage have any of the following features?

	Yes	No	Don't Know
A prepayment penalty *(fee if the mortgage is paid off early)*	☐	☐	☐
An escrow account for taxes and/or homeowner insurance	☐	☐	☐
A balloon payment	☐	☐	☐
Interest-only monthly payments	☐	☐	☐

11. When you took out this mortgage, how satisfied were you with the…

	Very	Somewhat	Not At All
Lender/broker you used	☐	☐	☐
Application process	☐	☐	☐
Documentation process required for the loan	☐	☐	☐
Loan closing process	☐	☐	☐
Information in mortgage disclosure documents	☐	☐	☐
Timeliness of mortgage disclosure documents	☐	☐	☐
Settlement agent	☐	☐	☐

12. Overall, how satisfied are you that the mortgage you got was the one with the…

	Very	Somewhat	Not At All
Best terms to fit your needs	☐	☐	☐
Lowest interest rate for which you could qualify for	☐	☐	☐
Lowest closing cost	☐	☐	☐

National Survey of Existing Mortgage Borrowers Draft Questionnaire

13. How satisfied are you today with…

	Very	Somewhat	Not At All
The lender you used to get this mortgage	☐	☐	☐
The servicer or firm that collects the monthly payment	☐	☐	☐

14. During the past year, or so, did you discuss any of the following with a lender or mortgage servicer?

	Yes	No
Refinancing your mortgage	☐	☐
Lowering your interest rate	☐	☐
Changing from an adjustable to fixed-rate mortgage	☐	☐
Difficulties making mortgage payments	☐	☐
Catching up on missed payments	☐	☐
Extending the term of your mortgage	☐	☐
Deferring or forgiving some of your loan amount	☐	☐
Selling your property in a 'short sale'	☐	☐
Giving the property to your lender in return for canceling your mortgage debt	☐	☐

15. How would you describe your payment history on this mortgage?

☐ Always pay on time, never a late payment
☐ Usually pay on time, a few late payments
☐ Many late payments

16. Which of the following best describes how you use/used this property?

☐ Primary residence *(where you spend the majority of your time)*
☐ It would be my primary residence soon
☐ Seasonal or second home
☐ Home for other relatives
☐ Rental or investor property
☐ Other (specify)_____

17. What type of house is on this property?
Mark one answer.

☐ Single-family detached house
☐ Townhouse, row house, or villa
☐ Mobile home or manufactured home
☐ 2-unit, 3-unit, or 4 unit dwelling
☐ Condo, apartment house, or co-op
☐ Unit in a partly commercial structure
☐ Other (specify) _____

18. Do you still have this mortgage, that is, you did not refinance, sell or give up this property?

☐ No *Skip to Q23*
☐ Yes *Continue with Q19*

19. Is the amount you owe on this mortgage today…

☐ Significantly less than your property value
☐ Slightly less than your property value
☐ About the same as your property value
☐ Slightly more than your property value
☐ Significantly more than your property value

20. About how much do you think this property is worth; that is, what could you sell it for now?

$_____, 00

☐ Don't know

21. In the last couple years, how has the following changed in the neighborhood where this property is located?

	Significant Increase	Little/No Change	Significant Decrease
Number of homes for sale	☐	☐	☐
Number of vacant homes	☐	☐	☐
Number of homes for rent	☐	☐	☐
Number of foreclosures or short sales	☐	☐	☐
House prices	☐	☐	☐
Overall desirability of living there	☐	☐	☐

22. What do you think will happen to the prices of homes in this neighborhood over the next couple of years?

☐ Increase a lot
☐ Increase a little
☐ Remain about the same
☐ Decrease a little
☐ Decrease a lot

23. In the next couple of years, how do you expect the overall desirability of living in this neighborhood to change?

☐ Become more desirable
☐ Stay about the same
☐ Become less desirable

National Survey of Existing Mortgage Borrowers Draft Questionnaire

24. How likely is it that in the next couple of years you will…

	Very	Somewhat	Not At All	N/A
Sell this property	☐	☐	☐	☐
Move but keep this property	☐	☐	☐	☐
Refinance the mortgage on this property	☐	☐	☐	☐
Pay off this mortgage and own the property mortgage-free	☐	☐	☐	☐
Lose the property because you cannot afford the loan payments	☐	☐	☐	☐

Skip to Q38

25. What happened to this mortgage?

- ☐ Loan was refinanced
- ☐ Loan was modified by lender or servicer
- ☐ Sold the property – regular sale
- ☐ Sold the property – short sale
- ☐ Lender or servicer took over property as part of foreclosure
- ☐ Paid off the loan myself and kept the property
- ☐ Loan closed or paid off some other way (specify) _____

26. When did this happen?

_____/_____
month year

27. Were any of the following a reason for this loan transaction?

	Yes	No
To reduce debt	☐	☐
To reduce monthly expenses	☐	☐
To rent rather than own your home	☐	☐
Wanted a different house	☐	☐
House was too much to maintain	☐	☐
Moved to be closer to family	☐	☐
Divorce	☐	☐
Death of a household member	☐	☐
Illness or disability	☐	☐
The neighborhood (*changed, depressed, foreclosures or vacancies*)	☐	☐
Owed more on the loan than the property was worth or could sell it for	☐	☐
Other (specify)_____	☐	☐

28. Considering the circumstances around this loan transaction, would you say the decision was best characterized as…

- ☐ Your decision
- ☐ Forced on you

29. How confident were you that…

	Very	Somewhat	Not At All
You fully understood all the options available to you	☐	☐	☐
Your lender/servicer or their representative acted in good faith	☐	☐	☐

30. How would you rate your interaction with the lender/servicer on this loan transaction?

	Very	Somewhat	Not At All
Easy to work with	☐	☐	☐
Explained things clearly	☐	☐	☐
Responsive	☐	☐	☐
Respectful	☐	☐	☐

- ☐ Had little or no contact with the lender/servicer

31. Did you get advice or information from any of the following for this loan transaction?

	Yes	No
A credit counselor	☐	☐
A home ownership counselor	☐	☐
Family/friends	☐	☐
Other professionals – attorney, tax advisor, etc.	☐	☐
The internet	☐	☐

32. What was the primary use of the property at the time of this last or most recent transaction?

- ☐ Primary residence *(where you spend the majority of your time)*
- ☐ Seasonal or second home
- ☐ Home for other relatives
- ☐ Rental or investor property

National Survey of Existing Mortgage Borrowers Draft Questionnaire

33. Did you purchase or co-sign for any other property around the time of this loan transaction?

☐ No *Skip to Q35*
☐ Yes

34. Do you use this new property as your primary residence?

☐ Yes ☐ No

35. Do you currently own or rent your primary residence?

☐ Own *Skip to Q38*
☐ Rent
☐ Live with family and help with expenses
☐ Live rent free with family or friends

36. When do you think you might purchase another primary residence?

☐ Within 1-2 years
☐ Within 3-5 years
☐ Not for at least 5 years
☐ Never, continue to rent
☐ Never, continue to live with family/friends

37. Would any of the following events cause you to consider buying sooner or at all?

	Yes	No
Increase in income/more hours at work	☐	☐
Improved credit score	☐	☐
Improved health	☐	☐
Paying off other debts first	☐	☐
Saving more for a down payment	☐	☐
Banks make it easier to get a loan	☐	☐
Other (specify) _____	☐	☐

☐ Nothing, will not buy again

38. How well could you explain to someone the …

	Very	Somewhat	Not At All
Process of taking out a mortgage	☐	☐	☐
Difference between a fixed- and an adjustable-rate mortgage	☐	☐	☐
Difference between a prime and a subprime loan	☐	☐	☐
Difference between a mortgage's interest rate and its APR	☐	☐	☐
Amortization of a loan	☐	☐	☐
Consequences of not making required mortgage payments	☐	☐	☐
Difference between lender's and owner's title insurance	☐	☐	☐

39. Have you ever taken a course about home-buying or talked to a housing counselor?

☐ Yes *Continue with Q40*
☐ No *Skip to Q41*

40. How many hours was the home-buying course or counseling?

☐ Less than 3 hours
☐ 3 – 6 hours
☐ 7 – 12 hours
☐ More than 12 hours

41. Do you know anyone who…

	Yes	No
Is behind in making their mortgage payments	☐	☐
Has gone through foreclosure where the lender took over the property	☐	☐
Stopped making monthly mortgage payments, even if they could afford it, because they owed more than the property was worth	☐	☐

National Survey of Existing Mortgage Borrowers Draft Questionnaire

42. Do you agree or disagree with the following statements?

	Agree	Disagree
Owning a home is a good financial investment	☐	☐
Mortgage lenders generally treat borrowers well	☐	☐
Mortgage lenders would offer me roughly the same rates and fees	☐	☐
Late payments will lower my credit rating	☐	☐
Lenders shouldn't care about any late payments only whether loans are fully repaid	☐	☐
It is okay to default or stop making mortgage payments if it is in the borrower's financial interest	☐	☐

Your Household

43. What is your current marital status?

☐ Married *Skip to Q45*
☐ Separated
☐ Never married
☐ Divorced
☐ Widowed

44. Do you have a partner who shares the decision-making and responsibilities of running your household but is not your legal spouse?

☐ Yes
☐ No

Please answer the following questions for you and your spouse or partner, if applicable.

	You	Spouse/ Partner
45. Age at last birthday:	____ years	____ years

46. Sex:

	You	Spouse/ Partner
Male	☐	☐
Female	☐	☐

47. Highest level of education achieved:

	You	Spouse/ Partner
Some schooling	☐	☐
High school graduate	☐	☐
Technical school	☐	☐
Some college	☐	☐
College graduate	☐	☐
Postgraduate studies	☐	☐

48. Hispanic or Latino:

	You	Spouse/ Partner
Yes	☐	☐
No	☐	☐

49. Race: *Mark all that apply.*

	You	Spouse/ Partner
White	☐	☐
Black or African American	☐	☐
American Indian or Alaska Native	☐	☐
Asian	☐	☐
Native Hawaiian or Pacific Islander	☐	☐

50. Current work status: *Mark all that apply.*

	You	Spouse/ Partner
Self-employed/work for self	☐	☐
Employed full time	☐	☐
Employed part time	☐	☐
Retired	☐	☐
Temporarily laid-off or on leave	☐	☐
Not working for pay (*student, homemaker, disabled, unemployed*)	☐	☐

51. Have you ever served on active duty in the U.S. Armed Forces? *Active duty includes serving in the U.S. Armed Forces as well as activation from the Reserves or National Guard.*

	You	Spouse/ Partner
Yes, now on active duty	☐	☐
Yes, on active duty in the past, but not now	☐	☐
No, never on active duty except for initial/basic training	☐	☐
No, never served in the U.S. Armed Forces	☐	☐

National Survey of Existing Mortgage Borrowers Draft Questionnaire

52. Approximately how much is your total annual household income from all sources *(wages, salaries, tips, interest, child support, investment income, retirement, social security, and alimony)*?

- ☐ Under $35,000
- ☐ $35,000 to $49,999
- ☐ $50,000 to $74,999
- ☐ $75,000 to $99,999
- ☐ $100,000 to $174,999
- ☐ $175,000 or more

53. How does this total annual household income compare to what it is in a "normal" year?

- ☐ Higher than normal
- ☐ Normal
- ☐ Lower than normal

54. Does your total annual household income include any of the following sources?

	Yes	No
Wages or salary	☐	☐
Business or self-employment	☐	☐
Interest or dividends	☐	☐
Alimony or child support	☐	☐
Social Security benefits	☐	☐

55. Does anyone in your household have any of the following?

	Yes	No
401(k), 403(b), IRA, or pension plan	☐	☐
Stocks, bonds, or mutual funds *(not in retirement accounts or pension plans)*	☐	☐
Certificates of deposit	☐	☐
Investment real estate	☐	☐

56. Besides you (and your spouse/partner), who else live in your household? *Mark all that apply.*

- ☐ Children/grandchildren under age 18
- ☐ Children/grandchildren age 18-22
- ☐ Children/grandchildren age 23 or older
- ☐ Parents of you or your spouse or partner
- ☐ Other relatives like siblings or cousins
- ☐ Non-relatives

- ☐ No one else

57. Do you provide care giving support to any family members or friends living within a few hours drive from you?

☐ Yes ☐ No

58. Do you have any adult children living within a few hours drive from you?

☐ Yes ☐ No

59. Which one of the following statements best describes the amount of financial risk you are willing to take when you make investments?

- ☐ Take substantial risks expecting to earn substantial returns
- ☐ Take above-average risks expecting to earn above-average returns
- ☐ Take average risks expecting to earn average returns
- ☐ Not willing to take any financial risks

60. How do your current monthly household expenses compare to what they were a year ago?

- ☐ Significantly higher now
- ☐ About the same vs. twelve months ago
- ☐ Significantly lower now

61. In the last couple of years, how have the following changed for you (and your spouse/partner)?

	Significant Increase	Little/No Change	Significant Decrease
Household income	☐	☐	☐
Housing expenses	☐	☐	☐
Non-housing expenses	☐	☐	☐

National Survey of Existing Mortgage Borrowers Draft Questionnaire

62. In the last couple of years, have any of the following happened to you?

	Yes	No
Separated/divorced	☐	☐
Married/remarried/new partner	☐	☐
Death of household member	☐	☐
Addition to your household (not including spouse/partner)	☐	☐
Person leaving your household (not including spouse/partner)	☐	☐
Disability or serious illness of a household member	☐	☐
Disaster affecting a property you own	☐	☐
Disaster affecting your (or your spouse/partner's) work	☐	☐
Move within the area (less than 50 miles)	☐	☐
Moved to a new area (more than 50 miles)	☐	☐

63. In the last couple of years, have any of the following happened to you (or your spouse/partner)?

	Yes	No
Layoff, unemployment or reduced hours	☐	☐
Retirement	☐	☐
Promotion	☐	☐
Started a new job	☐	☐
Started a second job	☐	☐
Business failure	☐	☐
A personal financial crisis	☐	☐
Borrowed money from family or friend	☐	☐
Borrowed money from bank, credit union or other financial institution	☐	☐
Significant decrease in the value of your home	☐	☐
A large number of foreclosures or short sales in your neighborhood	☐	☐

64. In the next couple of years, how do you expect the following to change for you (and your spouse/partner)?

	Significant Increase	Little/No Change	Significant Decrease
Household income	☐	☐	☐
Housing expenses	☐	☐	☐
Non-housing expenses	☐	☐	☐

65. How likely is it in the next couple of years you (or your spouse/partner) will face…

	Very	Somewhat	Not At All
Retirement	☐	☐	☐
Difficulty making your mortgage payments	☐	☐	☐
A layoff, unemployment, or forced reduction in hours	☐	☐	☐
Some other personal financial crisis	☐	☐	☐

66. If your household faced an unexpected personal financial crisis in the next couple of years, how likely is it you could…

	Very	Somewhat	Not At All
Pay your bills for the next 3 months without borrowing	☐	☐	☐
Get significant financial help from family or friends	☐	☐	☐
Borrow enough money from a bank or credit union	☐	☐	☐
Significantly increase your Income	☐	☐	☐

[FR Doc. 2015–28483 Filed 11–9–15; 8:45 am]

BILLING CODE 8070–01–C

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 27, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Robert J. Foley, Roseau, Minnesota; Catherine Ann Swenson, San Luis Obispo, California; Elizabeth Foley, Burlingame, California; Colleen Foley-Sacks, Portland, Oregon; and Scott M. Foley,* West St. Paul, Minnesota; each to retain voting shares of Roseau Realty Co., Inc., and thereby indirectly retain voting shares of Citizens State Bank of Roseau, both in Roseau, Minnesota.

Board of Governors of the Federal Reserve System, November 5, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–28545 Filed 11–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 4, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Haviland Bancshares, Inc. Employee Stock Ownership Plan, Greensburg, Kansas; to become a bank holding company by acquiring an additional 4.4 percent, for a total of up to 28 percent, of the voting shares of Haviland Bancshares, Inc., and thereby acquire The Haviland State Bank, both in Haviland, Kansas.

In connection with this application, applicant also has applied to engage indirectly in general insurance activities, pursuant to section 225.28(b)(11)(iii)(A).

Board of Governors of the Federal Reserve System, November 4, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–28469 Filed 11–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 24, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Colter Cumin,* Deer Lodge, Montana; to acquire voting shares of First Security Group, and thereby indirectly acquire voting shares of First Security Bank of Deer Lodge, both in Deer Lodge, Montana.

B. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Castle Creek Capital Partners V, LP, and persons or entities that are acting with or control Castle Creek Capital Partners V, LP, including Castle Creek Capital V LLC, Castle Creek Advisors IV LLC, JME Advisory Corp., Legions IV Corp., Mikesell Advisory Corp., Pietrzak Advisory Corp., Scavuzzo Advisory Corp., Volk Advisory Corp., Rana Advisory Corp., Szumski Advisory Corp., John M. Eggemeyer, III, Mark G. Merlo, J. Mikesell Thomas, John T. Pietrzak, Anthony R. Scavuzzo, David J. Volk, Sundeep Rana, and Martin Szumski, all of Rancho Santa Fe, California, and Mayo Clinic and Mayo Clinic Master Retirement Trust,* of Rochester, Minnesota; to acquire voting shares of Guaranty Federal Bancshares, Inc., and thereby indirectly acquire voting shares of Guaranty Bank, both in Springfield, Missouri.

Board of Governors of the Federal Reserve System, November 4, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–28468 Filed 11–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2015–27768) published on page 67405 of the issue for Monday, November 2, 2015.

Under the Federal Reserve Bank of Boston heading, the entry for ESB

Bancorp MHC, Easthampton, Massachusetts, is revised to read as follows:

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204:

1. *ESB Bancorp MHC, Easthampton, Massachusetts;* (''ESB MHC'') to merge with Hometown Community Bancorp MHC, Oxford, Massachusetts (''Hometown MHC''), with ESB MHC as the surviving entity to be known as ''Hometown Financial Group, MHC''; and ii) ESB Bancorp, Inc., Easthampton, Massachusetts (''ESB Bancorp''), to merge with Hometown Community Bancorp, Inc., Oxford, Massachusetts (''Hometown Bancorp''), with ESB Bancorp as the surviving entity to be known as ''Hometown Financial Group, Inc. Upon consummation of the merger, Easthampton Savings Bank and Hometown Bank will remain separate wholly-owned subsidiaries of Hometown Financial Group, Inc.

Comments on this application must be received by November 27, 2015.

Board of Governors of the Federal Reserve System, November 4, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–28467 Filed 11–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 151 0129]

Mylan N.V.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before December 3, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/mylanperrigoconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Mylan N.V—Consent Agreement, File No. 151–0129'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/mylanperrigoconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Mylan N.V.—Consent Agreement, File No. 151–0129'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jasmine Rosner (202–326–3558), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for November 3, 2015), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 3, 2015. Write ''Mylan N.V.—Consent Agreement, File No. 151–0129'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/mylanperrigoconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Mylan N.V.—Consent Agreement, File No. 151–0129'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 3, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Mylan N.V. (''Mylan'') that is designed to remedy the anticompetitive effects resulting from Mylan's acquisition of Perrigo Company plc (''Perrigo''). Under the terms of the proposed Consent Agreement, Mylan is required to divest to Alvogen, Inc. (''Alvogen'') all of its rights and assets to the following generic pharmaceutical products: (1) Acyclovir ointment; (2) bromocriptine mesylate tablets; (3) clindamycin phosphate/benzoyl peroxide gel; (4) hydromorphone hydrochloride extended release tablets; (5) liothyronine sodium tablets; (6) polyethylene glycol 3350 over-the-counter (''OTC'') oral solution packets; and (7) scopolamine extended release transdermal patches.

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again evaluate the proposed Consent Agreement, along with the comments received, to make a final decision as to whether it should withdraw from the proposed Consent Agreement or make final the Decision and Order (''Order'').

On September 14, 2015, Mylan launched a hostile tender offer to gain a controlling interest in Perrigo. The Commission alleges in its Complaint that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening current and future competition in seven generic pharmaceutical markets in the United States. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that otherwise would be eliminated by the proposed acquisition.

I. The Products and Structure of the Markets

A generic pharmaceutical drug contains the same active ingredient as the brand name product, but typically at a much more affordable price. Pharmaceutical companies usually launch generic versions of drugs after a branded product loses its patent protection. When only one generic product is available, the price for the branded product typically acts as a ceiling above which the generic manufacturer cannot price its product. During this period, the branded product competes directly with the generic. Once multiple generic suppliers enter a market, the branded drug manufacturer usually ceases to provide any competitive constraint on the prices for generic versions of the drug. Rather, generic suppliers compete only against each other.

Mylan's proposed acquisition of Perrigo will lessen competition in seven concentrated generic pharmaceutical product markets by reducing the number of current or future suppliers competing in each market. The proposed acquisition will reduce current competition in four generic pharmaceutical markets: (1) Bromocriptine mesylate tablets; (2) clindamycin phosphate/benzoyl peroxide gel; (3) liothyronine sodium tablets; and (4) polyethylene glycol 3350 OTC oral solution packets.

- Bromocriptine mesylate is a dopamine agonist used to treat Type 2 diabetes, pituitary tumors, Parkinson's disease, neuroleptic malignant syndrome, and hyperprolactinemia. The market for generic 2.5 mg bromocriptine mesylate tablets is highly concentrated with only three current suppliers: Mylan, Perrigo, and Sandoz AG. Absent a remedy, the proposed transaction would consolidate the market from three to two suppliers.
- Clindamycin phosphate/benzoyl peroxide gel is a combination antibiotic and drying agent used to stop the bacterial infection that causes acne. Today, only Mylan supplies the market with generic clindamycin phosphate 1%/benzoyl peroxide 5% gel. Perrigo recently received FDA approval for generic clindamycin phosphate 1%/benzoyl peroxide 5% gel and is poised to start supplying the market in the near future. As a result, the proposed transaction would reduce the number of generic clindamycin phosphate 1%/benzoyl peroxide 5% gel suppliers from two to one.
- Liothyronine sodium is a synthetic thyroid hormone used to treat hypothyroidism and to treat or prevent enlarged thyroid glands. Currently, only three suppliers provide generic liothyronine sodium tablets in the 0.005 mg, 0.025 mg, and 0.05 mg strengths: Mylan, Perrigo, and SigmaPharm Laboratories, LLC. The proposed transaction would further consolidate an already highly concentrated market, leaving two suppliers post-transaction.
- Polyethylene glycol 3350, a laxative, is an OTC oral solution packet used to treat occasional constipation. In the 17 gm/packet OTC market, Mylan, Perrigo, and Gavis Pharmaceuticals, LLC, are the only active suppliers in the market. As a result, the proposed transaction would consolidate the number of active suppliers of generic polyethylene glycol 3350 OTC oral solution packets from three to two.

Additionally, the proposed acquisition will reduce future competition in three generic pharmaceutical markets: (1) Acyclovir ointment; (2) hydromorphone hydrochloride extended release tablets; and (3) scopolamine extended release transdermal patches. In each of these markets, either Mylan or Perrigo is a likely new entrant in the near future. Without a remedy, the proposed acquisition would eliminate an independent entrant into each market, likely depriving customers of the significant cost savings that result when an additional generic supplier enters a concentrated market.

- Acyclovir ointment is a topical product used to slow the growth and spread of the herpes virus. Mylan and Amneal Pharmaceuticals LLC currently hold ANDAs and supply acyclovir 5% ointment. Allergan plc (''Allergan'') also sells an authorized generic version of acyclovir 5% ointment. Perrigo is one of a limited number of suppliers likely to enter this market in the near future.
- Hydromorphone hydrochloride is an analgesic used to treat moderate to severe pain in narcotic-tolerant patients. Perrigo and Allergan hold ANDAs for 8 mg, 12 mg, and 16 mg extended release tablets. In addition, Mallinckrodt plc markets an authorized generic version of hydromorphone hydrochloride extended release tablets. Mylan is one of a limited number of suppliers likely to enter this market in the near future.
- Scopolamine transdermal patches prevent nausea and vomiting associated with motion sickness and recovery from anesthesia and surgery. Novartis AG currently markets the branded version, Transderm Scop, which is available as a 1 mg/72 hour extended release transdermal patch. Perrigo holds the only approved ANDA for the generic version of Transderm Scop. Mylan is one of a limited number of other

suppliers likely to enter this market in the near future. As there is no generic version of Transderm Scop on the market today, it is likely that the price for scopolamine transdermal patches would significantly decrease with the onset of generic competition. Without a remedy, the proposed acquisition would eliminate the price reductions that would likely have accompanied Mylan's independent entry into this market.

II. Entry

Entry into each of these generic pharmaceutical markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed acquisition. The combination of drug development times and regulatory requirements, including approval by the United States Food and Drug Administration (''FDA''), is costly and lengthy.

III. Effects

The proposed acquisition likely would cause significant anticompetitive harm to consumers by eliminating current or future competition between Mylan and Perrigo in these seven concentrated markets. In each of these markets, Mylan and Perrigo are two of a limited number of current or likely future suppliers in the United States. Market participants characterize each of the markets as a current or likely future commodity market, in which the number of generic suppliers has a direct impact on pricing. Customers and competitors have observed that the price of generic pharmaceutical products decreases with new entry even after several suppliers have entered the market. Removal of an independent generic pharmaceutical supplier from the relevant markets in which Mylan and Perrigo currently compete likely would result in significantly higher prices post-acquisition. Similarly, the elimination of a future independent competitor would prevent the price decreases that are likely to result from the firm's entry. Thus, absent a remedy, the proposed acquisition will likely cause U.S. consumers to pay significantly higher prices for these generic drugs.

IV. The Consent Agreement

The proposed Consent Agreement effectively remedies the proposed acquisition's anticompetitive effects in each relevant market. Under the Consent Agreement, Mylan is required to divest to Alvogen its rights to the seven relevant products. Alvogen is an international pharmaceutical company, with commercial operations in thirty-four countries. Its business focuses on developing, manufacturing, and distributing generic, branded, and OTC pharmaceutical products. Mylan must accomplish the divestitures to Alvogen and relinquish its rights to these products no later than thirty days after the proposed acquisition is consummated.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the proposed acquisition. If the Commission determines that Alvogen is not an acceptable acquirer, or that the manner of the divestitures is not acceptable, the proposed Order requires Mylan to unwind the sale of rights to Alvogen and to divest the products to a Commission-approved acquirer within six months of the date the Order becomes final. The proposed Order further allows the Commission to appoint a trustee if Mylan fails to divest the products as required.

The proposed Consent Agreement contains several provisions to help ensure that the divestitures are successful. The Order requires Mylan to take all action to maintain the economic viability, marketability, and competitiveness of the products to be divested until such time that they are transferred to a Commission-approved acquirer. Mylan must provide transitional services to Alvogen to assist it in establishing independent manufacturing capabilities. These transitional services include technical assistance to manufacture the divestiture products in substantially the same manner and quality employed or achieved by Mylan, and advice and training from knowledgeable Mylan employees. Mylan must also provide Alvogen with a supply of the divested products while Mylan transfers manufacturing technology to Alvogen or its designated manufacturer. The goal of the transitional services is to ensure that Alvogen will be able to operate independent of Mylan in the manufacture and sale of the divested products. Nothing in the Consent Agreement, however, precludes Alvogen from sourcing active pharmaceutical ingredients or other divestiture product inputs from Mylan on a negotiated basis.

As Alvogen was unable to perform due diligence on the Perrigo products at issue, Mylan divested its own on-market, generic acyclovir ointment product rather than Perrigo's product in development. Because the competition that is preserved by the proposed Consent Agreement will only occur when the Perrigo product is launched, the proposed Order permits Mylan to retain the right to sell acyclovir ointment through a license from Alvogen until thirty days after Mylan receives approval for the Perrigo ANDA, but for no longer than three years. This provision is designed to permit Mylan to remain an active market participant pending the approval of Perrigo's acyclovir ointment ANDA but also ensures Mylan's continued incentive to develop and launch the Perrigo product.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–28522 Filed 11–9–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–0943; Docket No. CDC–2015–0098]

Proposed Data Collections 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 Data Collection for the Residential Care Community and Adult Day Services Center Components of the National Study of Long-Term Care Providers. The purpose is to collect data for the residential care community and adult day services center components for the 2016 wave of the National Study of Long-Term Care Providers.

DATES: Written comments must be received on or before January 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0098 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

Residential Care Community and Adult Day Service Center Components of the National Study of Long-Term Care Providers (OMB Control No. 0920–0943 Exp. Date: 07/31/2015)—Reinstatement with change—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, ''shall collect statistics on health resources . . . [and] utilization of health care, including extended care facilities, and other institutions.''

NCHS seeks approval to collect data for the residential care community (RCC) and adult day services center (ADSC) survey components of the 3rd wave of the National Study of Long-Term Care Providers (NSLTCP). A two year clearance is requested.

As background here are some details on the complete study design. The NSLTCP, a voluntary survey, is designed to (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) providers; (2) merge with existing administrative data on LTC providers and service users (*i.e.*, Centers for Medicare and Medicaid Services (CMS) data on nursing homes and residents, home health agencies and patients, and hospices and patients); (3) update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply and use of these sectors over time.

Data will be collected from two types of LTC providers in the 50 states and the District of Columbia: 11,690 RCCs and 5,440 ADSCs in each wave. Data were collected in 2012 and 2014. The data to be collected beginning in 2016 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs, and aggregate-level distributions of the demographics, selected health conditions and health care utilization, physical functioning, and cognitive functioning of RCC residents and ADSC participants.

Expected users of data from this collection effort include, but are not limited to CDC; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation and the Agency for Healthcare Research and Quality; associations, such as LeadingAge (formerly the American Association of Homes and Services for the Aging), National Center for Assisted Living, American Seniors Housing Association, Assisted Living Federation of America, and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association and the AARP Public Policy Institute.

Expected burden from data collection is 30 minutes per respondent. We estimate that 5% of RCC and ADSC directors will be called for an additional 5 minutes of data retrieval when there are errors or omissions in their returned questionnaires. Two year clearance is requested to cover the collection of data. The burden for the collection is shown in Table 1 below. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
RCC Director/Designated Staff	RCC Questionnaire	5,846	1	30/60	2,923

ESTIMATED ANNUALIZED BURDEN TABLE—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
ADSC Director/Designated Staff	ADSC Questionnaire	2,720	1	30/60	1,360
RCC and ADSC Directors/Designated Staff.	Data Retrieval	429	1	5/60	36
Total					4,319

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. 2015–28475 Filed 11–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16CO; Docket No. CDC–2015–0099]

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 for Developing a Self-Management Tool for Individuals with Systemic Lupus Erythematosus (SLE), to assess the value of a tool aimed to enhance the ability of persons with SLE to effectively manage their condition.

DATES: Written comments must be received on or before January 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0099 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

Developing a Self-Management Tool for Individuals with Systemic Lupus Erythematosus (SLE)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Systemic Lupus Erythematosus (SLE) is an autoimmune disease in which the immune system produces antibodies to cells within the body leading to widespread inflammation and tissue damage. SLE has a variety of clinical manifestations and can affect joints, skin, the brain, lungs, kidneys, and blood vessels. Effective SLE management depends not only upon clinical interventions, but also on self-management—those things done on a day-to-day basis to manage SLE. SLE self-management requires gaining essential knowledge, skills, and confidence to manage the condition.

CDC previously launched a two-year project called ''*Filling a Gap: Creating*

Educational Program, Tools, or Materials to Enhance Self-Management in Systemic Lupus Erythematosus'' to identify and address the needs of lupus patients in practicing effective self-management. The purpose of this project is to develop a SLE self-management tool to improve the ability of people living with lupus to manage their condition.

The proposed information collection will assess a SLE self-management tool that is in development to ensure that the tool is usable and useful to members of the target audience. The tool is expected to be comprised of multiple SLE self-management resources that may include, but are not limited to: Education resources about fatigue management, pain management, healthy diet, and exercise; symptom trackers; medication trackers; appointment calendars; resources about communication with family, friends, and co-workers about SLE; and strategies for coping with depression and anxiety. CDC plans to make the tool available in an electronic format (web-based or a native mobile application) and will consider making it available as a printed resource, depending on the feedback obtained during the testing process.

The information collection will also gauge the needs of the target audience(s), tool format and delivery method(s), and the tool's clarity, relevance, salience and appeal. A series of focus groups with women with a diagnosis of SLE, and one-on-one telephone interviews with men with a diagnosis of SLE will be conducted to assess the tool. The same discussion guide will be used for all information collection. The estimated burden per response for participating in a focus group discussion is 2 hours. The estimated burden per response for a discussion conducted via telephone interview is 45 minutes. Respondent burden also includes 2 hours for reviewing the draft SLE self-management tool in advance of the focus group meeting or telephone interview.

OMB approval is requested for one year. Participation is voluntary and 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 hrs.)	Total burden (in hrs.)
Women with SLE diagnosis.	Screener	192	1	10/60	32
	Review of the CDC SLE Self-Management Tool	128	1	2	256
	Discussion Guide	128	1	2	256
Men with SLE diagnosis	Screener	40	1	10/60	7
	Review of the CDC SLE Self-Management Tool	20	2	2	40
	Discussion Guide	20	1	45/60	15
Total					606

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. 2015–28472 Filed 11–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16CP; Docket No. CDC–2015–0100]

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 request entitled ''Data Collection for Community-based Tick Control for the Prevention of Rocky Mountain Spotted Fever in Hermosillo, Mexico.'' This project will be carried out in collaboration with the Rickettsial Zoonoses Branch, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC) and the University of Sonora School of Medicine (UNSOM) to assess the efficacy and impact of a community based tick prevention project.

DATES: Written comments must be received on or before January 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0100 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

Community-based Tick Control for the Prevention of Rocky Mountain Spotted Fever in Hermosillo, Mexico''—New—National Center for Emerging and Zoonotic Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Rickettsial Zoonoses Branch (RZB) requests approval of a public health intervention assessment tool to demonstrate the efficacy and impact of public health research related to the prevention of Rocky Mountain spotted fever [RMSF] in Hermosillo, Mexico. These activities include monitoring cases, conducting tick control interventions, and performing participant surveys to assess the knowledge, attitudes, and practices relating to tick control and prevention.

The information collection for which approval is sought is in accordance with RZB's mission to reduce morbidity and mortality of rickettsial diseases and decrease the burden of disease through control and prevention methods. Authorizing Legislation comes from section 301 of the Public Health Service Act (42 U.S.C. 241).

Approval for a three-year data collection will allow RZB to collect information related to risk of RMSF to improve and inform prevention activities. Successful execution of RZB's public health mission requires use data collection activities in collaboration with multiple local and international partners. RZB proposes the following use of pre/posttests to evaluate the changes in knowledge, attitudes and practices relating to tick control as well as perceived impact of the intervention project. The project will also collect basic household information to document their consent to participate. Data collection will be conducted in-person. Data will be recorded on paper forms and then entered into an electronic database.

RZB estimates involvement of 1,300 respondents and a maximum of 600 hours of burden for research activities each year. The collected information will not impose a cost burden on the respondents beyond that associated with their time to provide the required data.

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)
General Public	Registration	500	1	20/60	167
General Public	KAP survey (pre and post intervention).	800	2	20/60	533
Total					700

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. 2015–28473 Filed 11–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16CQ; Docket No. CDC–2015–0101]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the ''Occupational Health Safety Network (OHSN)'' data collection.

DATES: Written comments must be received on or before January 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0101 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

Occupational Health Safety Network (OHSN)—Existing Information Collection in use Without an OMB Control Number—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Healthcare in the United States is a growing industry that employs more than 19 million workers with a substantial burden of occupational injuries and illnesses. In 2013, one in five workers in the healthcare and social assistance industry reported a nonfatal job-related injury. This is the highest number of non-fatal injuries reported among all private industries.

U.S. healthcare facilities depend on surveillance data to track the incidence of injuries, identify risk factors, target prevention activities and evaluate interventions to reduce the occurrence of occupational injury among healthcare personnel. To assist healthcare facilities to enhance capacity to use existing surveillance data, in 2012, the National Institute for Occupational Safety and Health (NIOSH) launched the Occupational Health Safety Network (OHSN), a voluntary surveillance system developed specifically for healthcare personnel environment. OHSN is a free and secure electronic occupational safety and health surveillance system that has provided U.S. healthcare facilities the ability to efficiently analyze their own occupational injury data while, at the same time, serving as a source for national surveillance by sharing their de-identified injury data with NIOSH. Unlike other national occupational surveillance systems, OHSN offers an integrated approach to monitor standard occupational injuries among facility-based healthcare personnel in the U.S. and to provide timely, facility-level feedback to participants with benchmarking and analyses capabilities.

OHSN collects two types of data from participating facilities. Facilities collect these data to meet specific regulatory or administrative requirements. Thus, no new data collection is required. Participating facilities provide OHSN a onetime enrollment. The enrollment form requests information about the participating facility, which is publically available from American Hospital Association. Participating facilities also provide a monthly submission of occupational injury data collected in the previous month. These data are sent to OHSN via a web portal in a format using standardized data elements and value sets. No personal identifiable information is transmitted to OHSN. Data elements include: Injury time, location and surrounding circumstances of each injury event.

Healthcare facilities download data through an OHSN-provided data conversion and mapping tools which uploads the monthly occupational injury data.

Each participating facility has access to the OHSN web portal, facilities are able to analyze current and historical data to benchmark their worker injury rates and trends and compare their data to aggregate data from similar workplaces. In addition they are able to assess the impact of prevention efforts on occupational health and safety over time using aggregated data analysis and visualization tools (charts and graphs).

OHSN currently tracks three common, serious, and preventable categories of traumatic injury to healthcare personnel: Slips, trips and falls; musculoskeletal disorders resulting from patient handling and movement events; and workplace violence. NIOSH proposes to add new modules about exposure to sharps injury and blood and body fluids exposures.

NIOSH analyzes the data submitted to OHSN to conduct occupational health surveillance and to produce periodic aggregate reports on the occurrence of and risk factors for occupational injuries among all OHSN facilities.

OHSN has been operating continuously and receiving voluntary monthly reports from 116 participating facilities since 2012 and is projected to enroll total of 300 facilities in the next 3 years. NIOSH seeks approval for an OMB control number to continue this

important work. There is no cost to the 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 hrs.)	Total burden (in hrs.)
U.S. healthcare facilities	Occupational Health Safety Network (OHSN).	300	12	3/60	180
U.S. healthcare facilities	Enrollment form	300	1	1/60	5
Total					185

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. 2015–28474 Filed 11–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16CM; Docket No. CDC–2015–0097]

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. CDC is requesting a new three-year approval for ''The Cooperative Re-engagement Controlled Trial (CoRECT)'' information collections.

DATES: Written comments must be received on or before January 11, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0097 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

The Cooperative Re-engagement Controlled Trial (CoRECT)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Division of HIV/AIDS Prevention (DHAP) requests a new three-year OMB approval for information collection for a new research study entitled ''The Cooperative Re-engagement Controlled Trial (CoRECT)''. The purpose of the study is to evaluate a combined health department and clinic intervention to improve engagement in HIV care.

Increasing the number of people living with HIV who access HIV care and achieve viral load suppression addresses one of the priorities of the National HIV/AIDS Strategy.

The CoRECT Study data collection is comprised of six core components: 1. Electronic clinic data abstraction (Electronic Medical Record (EMR) abstraction will be conducted by project clinic staff at each project clinic to develop the clinic-based ''Out of Care'' list; 2. electronic surveillance data abstraction (Electronic surveillance data abstraction will be conducted by project health department staff at each health department to develop the health department based ''Out of Care'' list); 3. a ''Barriers to Care'' survey (These surveys will provide information regarding barriers to accessing healthcare (*e.g.,* transportation, financial assistance, housing, substance abuse services, etc.); 4. ''Standard of Care'' survey (Investigators will administer this survey to clinic managers, at baseline and every six months during the study period to assess how the delivery of health services has evolved over time) 5. Preliminary Case Investigations form (a listing of potential out-of-care patients will be reviewed to determine those who appear to be out-of-care, as determined by study eligibility, versus those who meet criteria for exclusion); and 6) Case Conference form (project health department staff will determine if potentially eligible patients met criteria for inclusion in the study and if so randomization will occur).

Prospective data collection will provide information about participant's baseline characteristics including sex, race/ethnicity, HIV exposure risk category, CD4 and viral load test results, date of first clinic visit, and insurance status.

HIV antiretroviral therapy (ART) can durably suppress the plasma HIV viral load, which improves individual survival and dramatically reduces further HIV transmission. Increasing the number of people living with HIV who access HIV care and achieve viral load suppression is a priority of the National HIV/AIDS Strategy. Within the continuum of HIV care in the United States, improvements in linkage to and retention in effective care provide the greatest opportunity to improve rates of HIV viral suppression. It is estimated that of the 1.2 million persons living with HIV in 2011, only 40% were engaged in HIV medical care and only 30% achieved viral suppression.

HIV clinical trials with enhanced case management have demonstrated that interventions provided by the health department can improve linkage to HIV care and interventions provided by the clinic can improve retention in HIV care. Although linkage to care has improved in many health department jurisdictions, being linked to care is not enough. There is a need to ensure that: (i) People diagnosed with HIV and linked to care are engaging medical care (*i.e.,* attending their enrollment appointment and returning for follow-up medical appointments); and (ii) people who have disengaged from HIV care (*i.e.,* have missed medical appointments and have not been seen in clinic for more than 6 months) are able to efficiently re-engage in care. There have been no randomized controlled studies using a Data-to-Care approach to identify and re-engage out of care persons. Controlled studies such as the CoRECT study are critical to determine the effectiveness of HIV prevention interventions.

The CoRECT study is a randomized controlled trial that seeks to establish a data-sharing partnership between health departments and HIV care clinical providers to identify HIV-infected persons who are out of care and evaluate an intervention that aims to have randomized participants: (a) Link to an HIV clinic; (b) remain in HIV medical care; (c) achieve HIV viral load suppression within 12 months; and (d) achieve durable HIV viral load suppression over 18 months.

The study is funded by CDC through cooperative agreements with the Connecticut State Department of Public Health (in collaboration with Yale University School of Medicine), the Massachusetts State Department of Public Health, and the Philadelphia Department of Public Health.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Study Coordinator	Electronic transmittal of surveillance variables.	3	4	1	12
Clinic data manager	Electronic transmittal of clinical variables.	46	4	1	184
CoRECT study Participants	Barriers to Care Survey	1,200	1	30/60	600
Clinical Nurse Coordinator	Standard of Care Survey	46	2	45/60	69
Clinic data manager	Case Conference Session	46	12	1	552
CoRECT study Coordinator (health department).	Case Conference Session	3	12	1	36
CoRECT study Coordinator (health department).	Preliminary Case Investigation	3	12	1	36
Clinic Data Manager	Preliminary Case Investigation	3	12	1	36
Total					1,525

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. 2015–28471 Filed 11–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; NIH Office of Intramural Training & Education Application (OD)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Intramural Training & Education (OITE), Office of the Director (OD), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Patricia Wagner, Office of Intramural Training & Education (OITE), 2 Center Drive; Building 2/Room 2E06; Bethesda, Maryland 20892, or call non-toll-free number 240–476–3619, or Email your request, including your address to: *wagnerpa@od.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

SUPPLEMENTARY INFORMATION: NIH Office of Intramural Training & Education Application, Revision, 0925–0299 Expiration Date: 3/31/2016, Office of Intramural Training & Education (OITE), Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Intramural Training & Education (OITE) administers a variety of programs and initiatives to recruit pre-college through pre-doctoral educational level individuals into the National Institutes of Health Intramural Research Program (NIH–IRP) to facilitate their development into future biomedical scientists. The proposed information collection is necessary in order to determine the eligibility and quality of potential awardees for traineeships in these programs. The applications for admission consideration include key areas such as: Personal information, ability to meet eligibility criteria, contact information, university assigned student identification number, training program selection, scientific discipline interests, educational history, standardized examination scores, reference information, resume components, employment history, employment interests, dissertation research details, letters of recommendation, financial aid history, sensitive data, travel information, as well as feedback questions about interviews and application submission experiences. Sensitive data collected on the applicants: Race, gender, ethnicity, relatives at the NIH, and recruitment method, are made available only to OITE staff members or in aggregate form to select the NIH offices and are not used by the admission committees for admission consideration.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 16,332.55.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Estimated number of respondents	Estimated number of responses annually per respondent	Estimated total annual burden hours	Estimated total annual burden hours
Summer Internship Program—Application	7,525	1	1	7,525
Amgen Scholars at NIH Program—Supplemental Application	300	1	3/60	15
High School Scientific Training & Enrichment Program—Contact Information	40	1	3/60	2
NIH Visit Week—Application	30	1	1	30
Undergraduate Scholarship Program (UGSP)—Application	150	1	1	150
Undergraduate Scholarship Program—Certificate of Exceptional Financial Need (Completed by Applicant)	300	1	3/60	15
Undergraduate Scholarship Program—Certificate of Exceptional Financial Need (Completed by University Staff)	300	1	15/60	75
Undergraduate Scholarship Program (UGSP)—Renewal Application	15	1	1	15
Undergraduate Scholarship Program—Deferment Form (Completed by UGSP Scholar)	40	1	3/60	2
Undergraduate Scholarship Program—Deferment Form (Completed by University Staff)	40	1	15/60	10
Undergraduate Scholarship Program—Scholar Contract	30	1	10/60	5
Undergraduate Scholarship Program—Evaluation of Scholar PayBack Period	50	1	15/60	13
Postbaccalaureate/Technical Training Program—Application	2,050	1	1	2,050
NIH Academy Training Program—Supplemental Application	225	1	1	225
Graduate Partnerships Program—Application	275	1	1	275
Graduate Partnerships Program—Registration	150	1	1	150
Graduate Partnerships Program—Interview Experience Survey (60% Response Rate)	30	1	10/60	5
Evaluation—Recommendation Letters for Prospective Students	22,570	1	15/60	5,643

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Estimated number of respondents	Estimated number of responses annually per respondent	Estimated total annual burden hours	Estimated total annual burden hours
Survey—Optional Statistics (Majority of Programs; 25% Response Rate)	2,571	1	3/60	129
Totals	36,691	36,691		16,334

Dated: November 4, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–28600 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Advisory Board, November 30, 2015, 6:30 p.m. to December 2, 2015, 12:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on October 27, 2015, 80 FR 65785.

The open session on December 2, 2015 has been canceled. The meeting is partially closed to the public.

Dated: November 5, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28583 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIH Support for Conferences & Scientific Meetings (Parent R13).

Date: December 2–4, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F52B, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Nancy Vazquez-Maldonado, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F52B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5044, *nv19q@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Investigator Initiated Clinical Trial Applications.

Date: December 3, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4C100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., AIDS Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 4, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28588 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Resource Related Research Projects (R24).

Date: December 7, 2015.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3G30, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Investigator Initiated Program Project Applications (P01).

Date: December 10, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4H100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Amir Emanuel Zeituni, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9834, Rockville, MD 20852, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: November 4, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28584 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, ''Consortia for Innovative AIDS Research in Nonhuman Primates (UM1).''

Date: December 14–15, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rooms 3C100 and 4C100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, ''NIAID RESOURCE-RELATED RESEARCH PROJECTS (R24).''

Date: January 27, 2016.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4F100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Lynn Rust, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G42A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5069, *lrust@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: November 5, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28582 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental and Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

Date: December 9–10, 2015.

Time: December 9, 2015, 8:30 a.m. to 5:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, Room 117, 30 Center Drive, Bethesda, MD 20892.

Time: December 10, 2015, 8:00 a.m. to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, Room 117, 30 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl. Institute of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about/CouncilCommittees.asp*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: November 4, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28586 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, November 19, 2015, 8:00 p.m. to November 20, 2015 5:00 p.m., St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036 which was published in the **Federal Register** on October 09, 2015, 2015–61217.

The meeting location has changed from the St. Gregory Hotel, Washington DC to the Washington Marriott Wardman Park Hotel, Washington, DC. The meeting date has changed from Nov. 19–20, 2015 to Nov. 19, 2015 only. The meeting is closed to the public.

Dated: November 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28585 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis, Panel NIAID Resource Related Research Projects (R24).

Date: December 3, 2015.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, ''NIAID Clinical Trial Planning Grant (R34).''

Date: December 9, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: B. Duane Price, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, RM 3G50, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5074, *pricebd@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 4, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–28587 Filed 11–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30 Day Comment Request; Evaluation of the Science Education Partnership Award (SEPA) Program (OD)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on 06/03/2015 (Vol. 80, No. 106, Pages 31610–31611) and allowed 60 days for public comment. Zero public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Office of Science Education/SEPA, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Tony Beck, Ph.D., Office of Science Education/SEPA, Office of Research Infrastructure Programs, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Room 206, Bethesda, MD 20892 or call non-toll-free number 301–435–0805 or email your request, including your address to: *beckl@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Evaluation of the Science Education Partnership Award (SEPA) Program, 0925–NEW, the Office of Science Education/SEPA, within the Office of the Research Infrastructure Programs (ORIP), an office of the Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), within the Office of the Director (OD) at the National Institutes of Health (NIH).

Need and Use of Information Collection: The Science Education Partnership Award Program is a program in the Office of the Research Infrastructure Programs within the Office of Research Infrastructure Program of the Division of Program Coordination, Planning, and Strategic Initiatives. The program provides 5-year grants for PK–12 educational projects, science centers, and museum exhibits to increase students' interest in pursuing science-related careers, deliver topical and interactive information about NIH-funded medical research, and cultivate an understanding about healthy living habits among the general public. SEPA is undertaking an evaluation to examine the extent to which SEPA grants awarded from 2004 through 2014 have met goals related to project structure, partnership formation, and evaluation quality. The evaluation will utilize archival grant project data (*e.g.,* SEPA solicitations, project proposals, annual and final reports, and summative evaluations). The evaluation will also collect new data to (1) determine the extent to which the SEPA portfolio is aligned with the program's overall goals; (2) assess how the SEPA Program has contributed to the creation and/or enrichment of beneficial productive partnerships; and (3) determine the extent to which the SEPA Program is generating a rigorous evidence-based system that provides high-quality evaluations to inform the knowledge base. The goal of this process evaluation is to provide SEPA, program staff, the NIH, and other interested stakeholders with information about how the program is operating, the extent to which projects address the program's multiple goals, and the extent to which project-level evaluations are informing and enhancing the quality of work in the field.

OMB approval is requested for one year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 523.

ESTIMATED OF ANNUALIZED BURDEN HOURS

Type of respondent	Data collection type	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PI	Web survey	156	1	30/60	78
	Telephone script to schedule interview.	34	1	5/60	3
	Telephone interview	34	1	1	34
	Telephone script to schedule site visit.	34	1	5/60	3
	Site visit interview	6	1	90/60	9
Project partner	Web survey	312	1	30/60	156
	Telephone script to schedule interview.	74	1	5/60	7
	Telephone interview	74	1	1	74
	Telephone script to schedule site visit.	74	1	5/60	7
	Site visit interview	6	1	90/60	9
Other key staff	Telephone script to schedule site visit.	90	1	5/60	8
	Site visit interview	90	1	90/60	135
Total		558			523

Dated: November 4, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–28601 Filed 11–9–15; 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: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

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

Proposed Project: Now Is the Time (NITT)—Healthy Transitions (HT) Evaluation—New

SAMHSA is conducting a national evaluation of the Now is the Time (NITT) initiative, which includes separate programs—NITT Project AWARE (Advancing Wellness and Resilience in Education)—State Educational Agency (SEA), Healthy Transitions (HT), and two Minority Fellowship Programs (Youth and Addiction Counselors). These programs are united by their focus on capacity building, system change, and workforce development.

NITT–HT, which is the focus of this data collection, represents a response to the fourth component of President Obama's NITT Initiative: Increasing access to mental health services. The purpose of the NITT–HT program is to improve access to treatment and support services for youth/young adults 16–25 years that either have, or are at risk of developing a mental illness or substance use disorder, and are at high risk of suicide. NITT–HT grants were made to 17 state or local jurisdictions, each of which include 2–3 learning laboratories (n = 43), which are the local communities of practice responsible for implementing the NITT–HT approach. The NITT–HT program aims to increase awareness about early signs and symptoms of mental health conditions in the community; identify action strategies to use when a mental health concern is detected; provide training to provider and community groups to improve services and supports for youth/young adults; enhance peer and family supports; and develop effective services and interventions for youth and young adults with a serious mental health condition and their families. The NITT–HT evaluation is designed to understand whether and how NITT–HT grantees reach these program goals by examining system- and grantee-level processes and system- and client-level outcomes. Data collection efforts that will support the evaluation are described below.

The *Community Support for Transition Inventory (CSTI)* will assess systems change for communities implementing comprehensive, community-based approaches to improve outcomes for emerging adults with serious mental health conditions. The *CSTI* is organized around seven themes: Community partnership, collaborative action, transition planning quality assurance and support, workforce, fiscal policies and sustainability, access to needed support and services, and accountability. The *CSTI* is a web-based survey to be completed by 1,075 community leaders (15–25 community leaders per 43 learning laboratories) once during Year 2 and once during Year 4 of the grant period. Community leaders include members of the local advisory or steering committee, staff of the NITT–HT program, staff of agencies providing portions of the services, and young adult and family members' advocates.

The *State Support for Transition Inventory (SSTI)* will assess state

support for systems change and is organized around six themes (partnership, collaborative action, workforce, fiscal policies & sustainability, access to needed supports & services, and accountability). The *SSTI* is a web-based survey to be completed by 425 state leadership members (20–25 state leaders per 17 grantees) once during Year 2 and once during Year 4 of the grant period. State leadership members include administrators or staff from state agencies responsible for aspects of services to youth/young adults (*e.g.,* mental health, child welfare, education), youth/young adult and adult allies who are active in promoting, planning, or overseeing services at the state level, as well as other members of state-level advisory groups or governing bodies.

The *Collaborative Member Survey* is designed to assess specific team processes that contribute to collaboration outcomes at the systems level and will be administered to a subset of *CSTI* respondents who participate in a NITT–HT grantee's Advisory Team. The *Collaborative Member Survey* emphasizes aspects of Advisory Teams' climate (participatory decision-making, structure, management of conflict, reflexivity). A maximum of 1,075 respondents (15–25 advisory team members per 43 learning laboratories) are expected to complete the web-based survey once during Year 3 and once during Year 5 of the grant period.

The *Collaborative Self-Assessment* assesses collaborative functioning and accomplishments, and specific tasks completed by NITT–HT grantee stakeholders and the leadership team including progress in each of the primary ''functions'' for the NITT–HT grantees (*i.e.,* specific, discrete achievements or steps toward strategic and fiscal planning, expansion of services, early identification outreach, and reduction of barriers to access). The web-based *Collaborative Self-Assessment Survey* will be completed by one advisory team member per learning laboratory (n = 43) once in Year 3 and once in Year 5 of the grant period.

The *Project Director Web Survey* will collect information on planning, coordination, leadership processes, fiscal planning, and sustainability. The brief *Project Director Web Survey* will be completed by all grantee project directors (n = 17) once during each of Years 2, 3, and 4 of the grant period. The web survey includes prompts designed to assist the project director in gathering and recalling information to be discussed during the subsequent *Project Director Telephone Interview.* Upon completion of the web survey, the project director will be asked to schedule a telephone interview, which will focus on gathering more in depth information to complement information gathered via the web survey. The *Project Director Telephone Interview* includes information on state/local implementation, fiscal planning, coordination and organizational challenges, workforce development, quality assurance procedures, sustainability planning, and leadership and political issues. The telephone interview will also be completed by all grantee project directors (n = 17) once during each of Years 2, 3, and 4 of the grant period. The web survey and telephone interview are slightly different at each time point to reflect varying annual changes in program implementation emphasis.

The *Core Staff Web Survey* will be administered to core NITT–HT staff to assess characteristics of person-centered practice and barriers to this practice. ''Core staff'' are defined as staff members serving as primary providers of planning, case management and coordination services to youth/young adults (''life coaches,'' ''transition facilitators,'' or ''transition specialists''). A maximum of 430 core staff (no more than 10 core staff per 43 learning laboratories) are expected to complete the *Core Staff Survey* once during the grant period.

In the *Multi-Media Project,* youth/young adults will be invited to voluntarily provide information about their experiences working with or being served by NITT–HT grantee communities using multi-media outlets. Youth/young adult involvement is a priority both for the NITT–HT national evaluation and for NITT–HT grantees. Consequently, it will be important to offer youth/young adults opportunities to participate in national evaluation activities in developmentally-appropriate and engaging ways. These outlets could include videos, photos, blogs, or poems (at the choice of the participating youth/young adult). Youth/young adults will be given informational probes (*e.g.,* what keeps you involved in NITT–HT activities?) in grantee Years 2, 3, and 4; an estimated 510 youth/young adults (30 youth/young adults per 17 grantees) will participate in the *Multi-Media Project.*

The *Supplemental Youth and Youth Adult Interview (SYAI)* will assess key client-level outcomes of interest for the NITT–HT program, including: School/home/daily living functioning, emotional/behavioral health, vocation and education status, housing stability, criminal or juvenile justice involvement, psychotic symptoms, substance use/abuse, trauma symptoms, victimization experiences and propensity to commit violent acts. In addition to primary outcomes of interest, the *SYAI* also assesses intermediate outcomes thought to be critical in influencing change in behavioral health and functioning, including: Self-efficacy (mental health, school, career and social), and perceptions of social support, person-centered care, and service alliance. The *SYAI* includes standardized instruments as well as project-developed items and does not duplicate the client-level data collection required separately by SAMHSA (OMB No. 0930–0346). The *SYAI* will be conducted with 90 service recipient youth/young adults per NITT–HT grantee (n = 17), for a total of 1,530 youth/young adults, at program enrollment (Baseline) and 12- and 24-months after enrollment. These 90 cases will be evenly distributed across the grantee's 2–3 learning laboratories. The *SYAI* is designed for administration as an audio computer-assisted self-interviewing (ACASI) survey. This mode was selected to offer participating youth/young adults maximum privacy while completing the interview and to present minimal survey administration burden to NITT–HT grantee staff.

Grantee Visit In-Person Interviews and Focus Group Guides

All NITT–HT grantees (n = 17) will be visited once during the 5-year grant period. Activities associated with the grantee visit (*i.e.,* a pre-planning inventory, interviews, focus groups, and document review) are described below.

Prior to the grantee visit, the *Services & Supports Inventory* will be administered one time by telephone to a representative from each of the NITT–HT grantees (n = 17) to identify specific providers and other stakeholders to participate in the grantee visit. Respondents will also provide information about specific services, especially evidence-based and evidence-informed practices being provided to youth/young adults through NITT–HT associated behavioral health or other professional agencies, and provide a preliminary assessment of the frequency and quality of implementation of the practice(s).

During the one-time grantee visit, several in-person interviews and two client-oriented focus groups will be conducted with NITT–HT program staff. The *Core Staff In-Person Interview* will be conducted with core staff members (*i.e.,* ''transitions specialists,'' ''transition facilitators,'' or ''life coaches'') to examine their experiences providing person-centered planning

services to youth/young adults served within the NITT–HT grantee communities and ask about successes and challenges in creating and implementing youth/young adult service plans. A total of 215 core staff (five core staff per 43 learning laboratories) are expected to participate.

The *Youth Coordinator In-Person Interview* will be conducted with three staff members (one youth coordinator and up to two peer workers) to elicit staff experiences working with the NITT–HT grantee with a focus on the Youth Coordinator functions including participation in planning and coordination, outreach, mentoring, and other activities. A total of 129 staff members (three per 43 learning laboratories) are expected to participate.

The *Provider In-Person Interview* will be conducted with individuals who provide behavioral health services/treatment directly to youth/youth adults served within the NITT–HT community, other than the transition facilitators. These individuals will likely come from NITT–HT partner organizations. Interviews will focus on two areas: (1) Perceptions of organizational support by the collaborative, and (2) implementation of evidence-based practices (*e.g.,* general attitudes, types of practices being used, implementation supports). A total of 85 key provider informants (five key providers per 17 grantees) are expected to participate.

The *Stakeholder In-Person Interview* will be conducted with other key stakeholders (*e.g.,* board members for agencies, leaders or liaisons for advocacy groups, leaders or advocates with religious or charitable organizations), as identified by grantee leadership. The interview will elicit experiences contributing to systems development, including history of involvement, their specific contributions to the systems development effort, and strategies, barriers and facilitators to making these contributions. A total of 51 community stakeholders (3 stakeholders per 17 grantees) are expected to participate.

Two *Young Adult Focus Groups* will be conducted during the grantee visit—one for youth/young adults directly involved in NITT–HT system change efforts, and one for youth/young adults who are recipients of NITT–HT services. The focus groups are designed to elicit perceptions based on youth/young adult lived experience about resources to support successful youth/young adult transition at NITT–HT sites, whether practices are well aligned to address needs and cultivate resources, and ideas about how to build on these achievements in the future. An information form will be completed by each participant to gather general background information (*e.g.,* demographics, extent of experience with the mental health system and grantee community). A total of 860 youth/young adult participants (20 participants per 43 learning laboratories) are expected to participate.

Two *Family/Adult Ally Focus Groups* will be conducted during the grantee visit—one focused at the client-level (for family members of youth/young adults service recipients), and one focused at the systems level (for family members involved in NITT–HT grantee planning and systems change efforts). The focus groups will gather information about family member perceived needs and resources to support youth/young adults at the NITT–HT sites. An information form will be completed by each participant to gather general background information (*e.g.,* demographics, extent of experience with the mental health system and grantee community). A total of 860 family/adult allies (20 participants per 43 learning laboratories) are expected to participate.

Grantee Visit Document Review. Files or charts of a subset of youth/young adults participating in the *SYAI* will be reviewed during the grantee visit. This document review will be designed to ascertain types of standard documentation routinely completed for youth/young adult clients served as well as the consistency of completion of these documents. Information extracted from client charts will be programmatic only; there will be no identifying or personal information extracted from these client charts.

ANNUALIZED BURDEN HOURS FOR THE NITT-HEALTHY TRANSITIONS EVALUATION

Instrument/activity	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Community Support for Transition Inventory	1,075	1	1,075	0.4	430
State Support for Transition Inventory	425	1	425	0.32	136
Collaborative Member Survey	1,075	1	1,075	0.25	269
Collaborative Self-Assessment Survey	43	1	43	0.83	36
Project Director Web Survey	17	1	17	0.33	6
Project Director Telephone Interview	17	1	17	1.5	26
Core Staff Web Survey	430	1	430	0.33	142
Grantee Visits:					
Services & Supports Inventory	17	1	17	0.67	11
Core Staff In-Person Interview	215	1	215	0.33	71
Youth Coordinator In-Person Interview	129	1	129	1	129
Provider In-Person Interview	85	1	85	0.75	64
Stakeholder In-Person Interview	51	1	51	0.75	38
Young Adult Focus Group	860	1	860	1.75	1,505
Family/Adult Ally Focus Group	860	1	860	1.75	1,505
Document Review	43	1	43	0.25	11
Supplemental Youth & Young Adult Interview	1,530	1	1,530	0.67	1,025
Multi-Media Project Young Adult Probes	510	1	510	0.33	168
Total	*5,522		7,382		5,572

*This is an unduplicated count of total respondents.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by January 11, 2016.

Summer King,

Statistician.

[FR Doc. 2015–28558 Filed 11–9–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Navajo Nation Trust Leasing Act of 2000 Approval of Navajo Nation Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On May 16, 2014, the Bureau of Indian Affairs (BIA) approved the Navajo Nation General Leasing Regulations under the Navajo Nation Trust Leasing Act of 2000. With this approval, the Tribe is authorized to enter into leases without BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Morales, Office of Trust Services—Division of Realty, Bureau of Indian Affairs; Telephone (202) 768–4166; Email *cynthia.morales@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Navajo Nation Trust Leasing Act of 2000

The Navajo Nation Trust Leasing Act authorizes the Nation to issue leases for purposes authorized under 25 U.S.C. 415(a) without the approval of the Secretary, provided the lease is executed under tribal regulations approved by the Secretary. Congress enacted the Leasing Act in 2000, to ''establish a streamlined process for the Navajo Nation to lease trust lands without having the approval of the Secretary of the Interior for individual leases,'' and ''[t]o maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.'' Public Law 106–568 § 1202, 114 Stat. 2933 (Dec. 27, 2000). *See also* S. Rpt. 106–511 (Oct. 31, 2000). The Navajo Nation Trust Leasing Act requires the Secretary to approve tribal regulations if the tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the tribal regulations for the Navajo Nation.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under tribal leasing regulations approved by the Federal government pursuant to the Navajo Nation Trust Leasing Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones*, 411 U.S. 145 (1973)). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to tribal leasing regulations approved under the Navajo Nation Trust Leasing Act. The Navajo Nation Trust Leasing Act was intended to ''revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.'' Public Law 106–568 § 1202, 114 Stat. 2933 (Dec. 27, 2000). Moreover, the Navajo Nation Trust Leasing Act was the model for the HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012, for which Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting tribal economic development and self-determination, and also threaten substantial tribal interests in effective tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community*, 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage tribes from raising tax revenue from the same sources because the imposition of double taxation would impede tribal economic growth).

Just like BIA's surface leasing regulations, tribal regulations under the Navajo Nation Trust Leasing Act pervasively cover all aspects of leasing. Furthermore, the Federal government remains involved in the tribal land leasing process by approving the tribal leasing regulations in the first instance. The Secretary also retains authority to take ''all appropriate actions . . . in furtherance of the trust obligation of the United States to the Navajo Nation'' and necessary actions remedy violations of tribal regulations, including cancelling the lease or rescinding approval of the tribal regulations and reassuming lease approval responsibilities. 25 U.S.C. 415(e). Moreover, the Secretary continues to review, approve, and

monitor individual Indian land leases and other types of leases not covered under the tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Navajo Nation.

Dated: November 2, 2015.

Kevin K. Washburn,

Assistant Secretary, Indian Affairs.

[FR Doc. 2015–28476 Filed 11–9–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF ENERGY

Western Area Power Administration

[LLNM930000 L51010000.ER0000 LVRWG14G0790 14XL5017AP]

Notice of Availability of the Southline Transmission Line Project Final Environmental Impact Statement (DOE/EIS–0474), New Mexico and Arizona

AGENCY: Bureau of Land Management, Interior; Western Area Power Administration, DOE.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) and the Western Area Power Administration (Western) have prepared a Final Environmental Impact Statement (EIS) for the proposed Southline Transmission Line Project (Project), and by this notice are announcing its availability.

DATES: Neither the BLM nor Western will issue a final decision on the proposed Project for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Southline Transmission Line Project Final EIS have been sent to affected Federal, State, and local government agencies as well as to other stakeholders. Copies of the Final EIS are available for public inspection at the BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005; the BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87508; the BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004; the BLM Safford Field Office, 711 14th Avenue, Safford, Arizona 85546; and the BLM Tucson Field Office, 3201 East Universal Way, Tucson, Arizona 85756. The Final EIS and supporting documents are available electronically on the Project Web site at: *http://www.blm.gov/nm/southline.*

FOR FURTHER INFORMATION CONTACT: Mark Mackiewicz, PMP, BLM Senior National Project Manager; telephone (435) 636–3616; email: *mmackiew@blm.gov.* For information about Western's involvement, contact Mark Wieringa, Western NEPA Document Manager; telephone (720) 962–7448; email: *wieringa@wapa.gov.* For general information on the Department of Energy's (DOE) NEPA review procedures or on the status of a NEPA review, contact Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0119, telephone (202) 586–4600 or toll free at (800) 472–2756, fax (202) 586–7031, email *askNEPA@hq.doe.gov.*

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (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: Southline Transmission, LLC (Southline), the proponent, has filed a right-of-way (ROW) application with the BLM pursuant to Title V of FLPMA, proposing to construct, operate, maintain, and eventually decommission a high-voltage, alternating current electric transmission line. The BLM and Western agreed to be joint lead agencies in accordance with 40 CFR 1501.5(b). Western is a power-marketing agency within the DOE and is also a participant in the proposed Project with Southline.

The proposed Project would consist of two sections. The first section would entail construction of approximately 240 miles of new double-circuit 345-kilovolt (kV) transmission line in a 200-foot ROW between the Afton Substation, south of Las Cruces, New Mexico, and Apache Substation, south of Willcox, Arizona (Afton-Apache or New Build Section). The second section would entail the upgrade of approximately 120 miles of Western's existing Saguaro-Tucson and Tucson-Apache 115-kV transmission line in a 100-foot existing ROW to a double-circuit 230-kV transmission line in a 100 to 150-foot ROW (Apache-Saguaro or Upgrade Section). The Upgrade Section would originate at the Apache Substation and terminate at the Saguaro Substation northwest of Tucson, Arizona. Both new permanent ROWs and temporary construction ROWs would be required in the New Build Section and in some portions of the Upgrade Section for the transmission line, access roads, and other permanent and temporary Project components.

The proposed Project would involve the interconnection with and expansion and upgrade of 14 existing substations in southern Arizona and New Mexico, as well as the potential construction of a new 345-kV substation facility in New Mexico. The Project would also include installation of a fiber optic network communications system. Fee ownership would only be considered for substations or substation expansions; all other land rights acquired on non-federal lands would be through easements or leases. The New Build Section (Afton-Apache) would include construction and operation of:

- 205 miles of 345-kV double-circuit electric transmission line as well as associated roads and ancillary facilities in New Mexico and Arizona with a planned bidirectional capacity of up to 1,000 MW. This section is defined by endpoints at the existing Afton Substation, south of Las Cruces in Doña Ana County, New Mexico, and Western's existing Apache Substation, south of Willcox in Cochise County, Arizona;
- 5 miles of 345-kV single-circuit electric transmission line between the existing Afton Substation and the existing Luna-Diablo 345-kV transmission line;
- 30 miles of 345-kV double-circuit electric transmission line between New Mexico State Route 9 and Interstate 10 east of Deming in Luna County, New Mexico, to provide access for potential renewable energy generation sources in southern New Mexico. This segment of the proposed Project is included in the analysis, however, development of this segment would be determined at a later date;
- One potential new substation on approximately 25 acres of land in Luna County, New Mexico (proposed Midpoint Substation), to provide an intermediate connection point for future interconnection requests; and

The Upgrade Section (Apache-Saguaro) would include:

- Replacing 120 miles of Western's existing Saguaro-Tucson and Tucson-Apache 115-kV single-circuit electric wood-pole H-frame transmission lines with a 230-kV double-circuit electric steel-pole transmission line. This section is defined by endpoints at the existing Apache Substation, south of Willcox in Cochise County, Arizona, and the existing Saguaro Substation, northwest of Tucson in Pima County, Arizona;
- 2 miles of new build double-circuit 230-kV electric transmission line to interconnect with the existing Tucson Electric Power Company Vail Substation, located southeast of Tucson and just north of the existing 115-kV Tucson-Apache line; and
- Interconnection with and upgrade of 12 existing substations along Western's existing Saguaro-Tucson and Tucson-Apache 115-kV lines in Arizona. Substation expansions would be required for installation of new communications equipment, new 230-kV bays with transformers, breakers, switches, and ancillary equipment. In some cases expansion may require a separate yard.

Environmental and social concerns and issues were identified through both the initial public scoping and Draft EIS comment periods. The issues addressed in the Final EIS that shaped the Project's scope and alternatives include, but are not limited to:

- Air and climate
- Biological resources
- Cultural resources
- Health and safety
- Noise
- Land use (including farmlands and military operations)
- Recreation
- Socioeconomics and environmental justice
- Special designations
- Wilderness characteristics units
- Trails
- Visual
- Transportation

In addition to the Proponent Preferred Action, Southline also submitted the Proponent Alternative route for the New Build Section of the proposed Project, both of which were the product of extensive stakeholder outreach. In addition to the Proponent Preferred Action, the Proponent Alternative and the No Action Alternative, the BLM and Western are considering local alternatives and route variations. To simplify the analysis of alternatives, the Project area has been divided into four major route groups: (1) Afton Substation to Hidalgo Substation (New Build Section); (2) Hidalgo Substation to Apache Substation (New Build Section); (3) Apache Substation to Pantano Substation (Upgrade Section); and (4) Pantano Substation to Saguaro Substation (Upgrade Section).

Route Group 1: Afton to Hidalgo (New Build Section). This route group includes two sub-routes and five local alternatives. Both sub-routes are approximately 140 miles long. Local alternatives range between approximately 9 and 43 miles long. The route group crosses portions of Doña Ana, Grant, and Hidalgo counties in New Mexico. Three of the four local alternatives were identified by Southline and represent routing options developed to avoid localized environmental conflicts along the international border. The fourth local alternative provides a co-location option with the proposed SunZia Southwest Transmission Line Project.

Route Group 2: Hidalgo to Apache (New Build Section). This route group includes two sub-routes, four route variations and eight local alternatives. Both sub-routes are approximately 95 miles long. Route variations and local alternatives range between approximately 1 and 54 miles long. The alternatives in this group cross portions of Hidalgo County in New Mexico and portions of Cochise, Greenlee, and Graham counties in Arizona. The four route variations and eight local alternatives were identified by the BLM and Western and represent routing options developed to avoid localized environmental conflicts around Lordsburg and Willcox Playas.

Route Group 3: Apache to Pantano (Upgrade Section). This route group includes the upgrade of the existing Western 115-kV line between the Apache and Pantano substations; the line measures about 70 miles between these two substations. There is one local alternative identified by Southline that represents routing options designed to avoid residential development in the Benson area. Route Group 3 crosses portions of Cochise and Pima counties in Arizona.

Route Group 4: Pantano to Saguaro (Upgrade Section). This group includes the upgrade of the existing Western 115-kV line between the Pantano and Saguaro substations; the line measures about 50 miles between these two substations. There are one route variation and ten local alternatives in Route Group 4. The alternatives in this group cross portions of Pima and Pinal counties in Arizona. Nine of the ten local alternatives proposed by the BLM and Western in this route group are options for replacing the portion of the existing Western line that crosses over Tumamoc Hill in Tucson. The route variation and the tenth local alternative are routing options near the Tucson International Airport and Marana Regional Airport, and were proposed by the lead agencies to address potential conflicts with future airport expansion and economic development plans as well as removing the existing line from a dense residential development with encroachments.

The Final EIS also considers two substation alternatives (Midpoint North and Midpoint South) proposed by Southline; they are options for the location of the proposed Midpoint Substation located within Route Group 1. Both alternative locations would be in Luna County, New Mexico.

For the New Build Section, the Agency Preferred Alternative consists of a combination of the Proponent-Proposed Action, Proponent Alternative, and agency local alternative segments within Route Groups 1 and 2. The route was selected by the BLM and Western as the Agency Preferred Alternative because it would maximize use of existing and linear ROWs by paralleling existing and proposed infrastructure and transmission lines; eliminate the need for plan amendments through conformance with existing land use plans; minimize impacts to military operations at and near the Willcox Playa; and minimize impacts to sensitive resources. Public and agency comments on the Draft EIS expressed concern that portions of the Agency Preferred Alternative in the New Build Section would parallel the SunZia Southwest Transmission Line project, a project not yet constructed. Additional comments expressed concern about potential avian conflicts along the southeastern side of the Willcox Playa. The Agency Preferred Alternative for the Final EIS takes all comments received on the Draft EIS into consideration and suggests appropriate mitigation to be used to avoid sensitive resources as well as residential and economic development conflicts in the area.

The Agency Preferred Alternative for the Upgrade Section consists of a combination of Proponent-Proposed Action and local alternatives at Tumamoc Hill and near the Marana Airport within Route Groups 3 and 4. The route was selected because it would maximize the use of the existing ROW and facilities currently used for Western's Saguaro-Tucson and Tucson-Apache 115-kV transmission lines; minimize impacts to sensitive resources at Tumamoc Hill; and minimize impacts

to military training operations at the Marana Airport.

The BLM requires mitigation measures and conservation actions to achieve land use plan goals and objectives. The sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, or compensate) identified by the CEQ (40 CFR 1508.20), BLM's Draft Regional Mitigation Manual, section 1794, and as described in the Final EIS. Certain alternatives, if selected, may require compensatory mitigation for those implementation-level activities that result in impacts the agencies cannot adequately avoid, minimize, rectify, reduce, or eliminate over time (*i.e.,* residual impacts).

The BLM, Western, Southline, and cooperating agencies worked together to develop routes that would conform to existing Federal land use plans. No plan amendments are required for the Upgrade portion of the proposed Project in Arizona or the Agency Preferred Alternative for the New Build Section in New Mexico, as described in the Final EIS.

The BLM and Western have utilized the NEPA comment period to assist the agencies in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)), as provided for in 36 CFR 800.2(d)(3). The agencies have also consulted with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Ongoing Native American tribal consultations will continue to be conducted in accordance with law and policy, and tribal concerns, including impacts on Indian trust assets, will be given due consideration. The BLM has also completed, with Western input, formal consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

Based on the environmental analysis in this Final EIS, the BLM will decide whether to authorize the Proponent Preferred Action, Agency Preferred Alternative, alternatives, or any combination thereof on Public Lands. The Administrator will decide whether Western would use its borrowing authority to partially finance and/or hold partial ownership in the resulting transmission facilities and capacity. Western will consider the environmental analysis as the Project Development and Finance Phases are completed, as outlined in the Transmission Infrastructure Program **Federal Register** Notice of Procedures (79 FR 19065–19077, April 7, 2014)

Comments on the Draft EIS received from the public and internal agency review were considered, and document revisions were incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text, but did not result in substantial changes to the proposed Project or the impact analysis between the Draft and Final EIS.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Mark A. Gabriel,

Administrator, Western Area Power Administration.

Aden Seidlitz,

Acting State Director, Bureau of Land Management, New Mexico.

[FR Doc. 2015–28676 Filed 11–9–15; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML00000 L12200000.DF0000 16XL1109AF]

Notice of Public Meeting, Las Cruces District Resource Advisory Council Meeting, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the Bureau of Land Management's (BLM), Las Cruces District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on December 8, 2015, at the BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico from 8:30 a.m.–12 p.m. The public may send written comments to the RAC at the BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, BLM Las Cruces District, 1800 Marquess Street, Las Cruces, NM 88005, 575–525–4421. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member Las Cruces District RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in New Mexico. Planned agenda items include a welcome by the Chair, and presentations and discussions related to the New Mexico Copper Project Draft Environmental Impact Statement; the Prehistoric Trackways National Monument Record of Decision and planning process; lands with wilderness characteristics; Restore New Mexico; and grazing permit renewals. A half-hour public comment period, during which the public may address the RAC, will begin at 11:30 a.m. All RAC meetings are open to the public. Depending on the number of individuals wishing to comment and time available, the time for individual oral comments may be limited.

Melanie Barnes,

Acting Deputy State Director, Lands and Resources.

[FR Doc. 2015–28541 Filed 11–9–15; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–COMM–19682; PPWOBSADC0, PPMVSCS1Y.Y00000 (166)]

Proposed Information Collection; National Park Service Concessions

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on November 30, 2016. We 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: To ensure that we are able to consider your comments on this IC, we must receive them by January 11, 2016.

ADDRESSES: Send your comments on the IC to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Room 2C114, Mail Stop 242, Reston, VA 20192 (mail); or *madonna_baucum@nps.gov* (email). Please include ''1024–0029'' in the

subject line of your comments. You can view the currently approved collection at *www.reginfo.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Brian P. Borda, Chief, Commercial Services Program, National Park Service, 1201 I Street NW., Washington, DC 20005 (mail), (202) 513–7156 (phone), or *brian_borda@nps.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Abstract

Private businesses under contract to the National Park Service manage food, lodging, tours, whitewater rafting, boating, and many other recreational activities and amenities in more than 100 national parks. These services gross more than $1 billion every year and provide jobs for more than 25,000 people during peak season.

The regulations at 36 CFR part 51 primarily implement title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391), which provides legislative authority, policies, and requirements for the solicitation, award, and administration of NPS concession contracts. Following are the information collection requirements associated with soliciting, awarding, and administering NPS concessions. We collect the following information in narrative and form format:

Proposals

The public solicitation process begins with the issuance of a prospectus to invite the general public to submit proposals for the contract. The prospectus describes the terms and conditions of the concession contract to be awarded, the procedures to be followed in the selection of the best proposal, and the information that must be provided. Information that we collect includes, but is not limited to:

- Description of how respondent will conduct operations to minimize disturbance to wildlife; protect park resources; and provide visitors with a high quality, safe, and enjoyable visitor experience.
- Organizational structure and history and experience with similar operations.
- Details on violations or infractions and how they were handled.
- Financial information and demonstration that the respondent has a credible, proven track record of meeting obligations.

Amendments

Amendments to proposals may be submitted in accordance with 36 CFR 51.15 and 51.32.

Appeals

Regulations at 36 CFR 51.47 state that any person may appeal a determination that a concessioner is not a preferred offeror for the purposes of a right of preference in renewal. The appeal must specify the grounds for the appeal.

Request To Construct a Capital Improvement

In accordance with 36 CFR 51.54, a request for approval to construct a capital improvement must include appropriate plans and specifications for the capital improvement. The request must also include an estimate of the total construction cost of the capital improvement.

Construction Report

In accordance with 36 CFR 51.55, a concessioner obtaining a leasehold surrender interest must submit a construction report to the NPS. The construction report must be supported by actual invoices of the capital improvement's construction cost together with, if requested by the NPS, a written certification from a certified public accountant (CPA).

Application To Sell or Transfer Concession Operation

36 CFR part 51, subpart J, provides that a concessioner must obtain NPS approval to assign, sell, convey, grant, contract for, or otherwise transfer: Any concession contract; any rights to operate under or manage the performance of a concession contract as a subconcessioner or otherwise; any controlling interest in a concessioner or concession contract; or any leasehold surrender interest or possessory interest obtained under a concession contract. The amount and type of information to be submitted varies with the type and complexity of the proposed transaction. Information includes, but is not limited to:

- Instruments proposed to implement the transaction.
- Opinion of counsel that the proposed transaction is lawful under all applicable Federal and State laws.
- Narrative description of the proposed transaction.
- Statement as to the existence and nature of any litigation relating to the proposed transaction.
- Description of the management qualifications, financial background, and financing and operational plans of any proposed transferee.
- Description of all financial aspects of the proposed transaction.
- Prospective financial statements (proformas).
- Schedule that allocates in detail the purchase price (or, in the case of a transaction other than an asset purchase, the valuation) of all assets assigned or encumbered. In addition, the applicant must provide a description of the basis for all allocations and ownership of all assets.

Annual Financial Statements

We currently use NPS Forms 10–356 and 10–356A to collect annual financial reports. These forms are an accumulation of various financial statements commonly used by industry for reporting in conformance with generally accepted accounting principles. The information provides a comprehensive view of the concessioner's financial situation at the end of the fiscal year and the concessioner's activity over the preceding year. We are proposing revisions to the currently approved NPS Form 10–356 and NPS Form 10–356A. You can view the currently approved forms at *www.reginfo.gov.* We have made minor formatting adjustments to all schedules. The other changes are necessary to improve the clarity of the forms and lessen the total time to complete the forms. There are many different contractual provisions in concession contracts and the changes may affect some concessioners more than others. In addition, we will simplify the submission process, which will significantly reduce the time required to complete and submit an Annual Financial Report.

Revisions to NPS Form 10–356

- Modifying Schedules D–PI and D–LSI and adding Schedule D–1. These changes are necessary to accommodate accounting rule changes in the Financial Accounting Standards Board Accounting Standards Codification (ASC) Topic 853. Some concession contracts have provisions for possessory interest and leasehold surrender interest, and ASC Topic 853 changes the accounting treatment of these assets.
- Deleting Schedules N and O due to the small number of concessioners that must complete them. These schedules will be included in a proposed new form, NPS Form 10–356B (see below).
- Deleting Schedule L so that all notes and supplemental text will be captured on Schedule F.
- Replacing high-season and low-season collection fields on Schedule M with annual collection fields.
- Adding ''other'' data fields on many schedules.

Revisions to NPS Form 10–356A

• Revising indirect operating expenses collection fields on Schedule B to match the indirect operating expenses collection fields on NPS Form 10–356 Schedule I.

• Replacing high-season and low-season collection fields on Schedule M with annual collection fields.

• Adding ''other'' data fields on many schedules.

NPS Form 10–356B

We are proposing a new NPS Form 10–356B, which will include:

• Supplemental Schedules N and O (currently on NPS Form 10–356)

• Supplemental Schedule R. This new schedule is necessary to accurately track utility add-ons for the small number of concessioners that have an approved rate add-on in their contract. Concessioners choose how to account for the approved rate add-on in their annual financial report on NPS Forms 10–356 or 10–356A according to best industry accounting practices. However, the currently approved forms do not include any schedules or collection areas that show the amount of revenue collected in excess of approved rates or the cost of utilities provided by the National Park Service to the concessioner. This information is necessary to ensure that visitors are only charged the approved rate add-on amount and to ensure that we have a comprehensive view of the concessioner's financial situation as it relates to the regulations at 36 CFR part 51.

Recordkeeping

In accordance with 36 CFR 51.98, a concessioner (and any subconcessioner) must keep and make available to NPS, records for the term of the concession contract and for 5 years after the termination or expiration of the concession contract.

II. Data

OMB Control Number: 1024–0029.

Title: National Park Service Concessions, 36 CFR 51.

Service Form Numbers: 10–356, 10–356A, 10–356B.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals, businesses, and nonprofit organizations.

Respondent's Obligation: Required to obtain or retain a benefit.

Estimated Number of Respondents: 500.

Frequency of Collection: On occasion for proposals, amendments, and appeals; annually for financial reports; and ongoing for recordkeeping.

Estimated Nonhour Cost Burden: $425,000.

Activity	Number of annual responses	Completion time per response (hours)	Total annual burden hours *
Proposals—large concessions	30	240	7,200
Proposals—small concessions	60	80	4,800
Amendments	1	1	1
Appeals	1	.5	1
Request To Construct a Capital Improvement—large projects	31	16	496
Request To Construct a Capital Improvement—small projects	89	8	712
Construction Report—large projects	31	56	1,736
Construction Report—small projects	89	24	2,136
Application to Sell/Transfer Concession Operation	20	80	1,600
Annual Financial Report—NPS Form 10–356	150	15	2,250
Annual Financial Report—NPS Form 10–356A	350	4	1,400
Annual Financial Report—NPS Form 10–356B	30	2	60
Recordkeeping—large concessions	150	800	120,000
Recordkeeping—small concessions	350	50	17,500
Totals	1,382	.....	159,892

* rounded

III. Comments

We invite comments concerning this information collection on:

• Whether or not the collection of information is necessary, including whether or not the information will have practical utility;

• The accuracy of our estimate of the burden for this collection of information;

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

• Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: November 4, 2015.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2015–28546 Filed 11–9–15; 8:45 am]

BILLING CODE 4310–7EH–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on October 9, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Ricardo Grinberg-Funes (individual member), Leonia, NJ; Gaia Paolini Ltd., Bridge, UNITED KINGDOM; and Savdion Limited, Cambridge, UNITED KINGDOM, have been added as parties to this venture. Also, Deloitte Consulting LLP, New York, NY, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on July 15, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 25, 2015 (80 FR 51606).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–28616 Filed 11–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Ros-Industrial Americas

Notice is hereby given that, on October 16, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Rensselaer Polytechnic Institute, Troy, NY; and Stratasys, Inc., Eden Prairie, MN, have been added as parties to this venture. Also, Shanghai Shou-Elin Robot Technology Co., Ltd., Shanghai, People's Republic of China, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RIC-Americas intends to file additional written notifications disclosing all changes in membership.

On April 30, 2014, RIC-Americas filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014, (79 FR 32999).

The last notification was filed with the Department on May 22, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 25, 2015 (80 FR 36578).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–28613 Filed 11–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on October 13, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Echo360, Inc., Reston, VA; eLumen, Minneapolis, MN; Intel Education, Leixlip, County Kildare IRELAND; Public Consulting Group, Boston, MA; Schoology, New York, NY; and University of Toronto, Toronto, Ontario, CANADA, have been added as parties to this venture.

Also, K12, Herndon, VA; Kaywon University, Gyeonnggi-do REPUBLIC OF KOREA; and Carson Dellosa Publishing, Greensboro, NC, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on July 20, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 25, 2015 (80 FR 51605).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–28617 Filed 11–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 10–15]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, November 19, 2015: 10 a.m.—Oral hearings on Objection to Commission's Proposed Decisions in Claim Nos. LIB–III–025 and LIB–III–019.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2015–28768 Filed 11–6–15; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

[Docket No. ODAG 156]

Notice of Federal Advisory Committee Meeting

AGENCY: Department of Justice.

ACTION: Notice of Federal Advisory Committee Meeting. Request for Public Comment.

SUMMARY: The National Commission on Forensic Science will hold meeting [insert number] at the time and location listed below.

DATES: (1) Public Hearing.—The meeting will be held on December 7, 2015 from 12:00 p.m. to 5:00 p.m. and December 8, 2015 from 9:00 a.m. to 5:00 p.m.

(2) Written Public Comment.—Written public comment regarding National Commission on Forensic Science meeting materials can be submitted through *www.regulations.gov* starting on November [23], 2015. Any comments should be posted to regulations.gov no later than December [22], 2015.

Location: House of Sweden: 2900 K Street NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Andrew J. Bruck, Senior Counsel to the Deputy Attorney General and Designated Federal Official, 950 Pennsylvania Avenue NW., Washington, DC 20530, by email at *Andrew.J.Bruck@usdoj.gov* by phone at (202) 305–3481.

SUPPLEMENTARY INFORMATION:

Agenda: December 7, 2015, 12 p.m. to 5 p.m. and December 8, 2015, 9 a.m. to 5 p.m.—Open Meeting: The public will have the opportunity to make oral comments beginning at 5 p.m. each day.

Meeting Accessibility: Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for December 7, 2015, 12 p.m. to 5 p.m. and December 8, 2015, 9 a.m. to 5 p.m. at the House of Sweden is open to the public and webcast. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register in advance.

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 and meeting material. Meeting material, including work products will be made available on the Commission's Web site: *http://www.justice.gov/ncfs.*

Oral Comments: In addition to written statements, members of the public may present oral comments at 5 p.m. on December 7 and 8, 2015. Those individuals interested in making oral comments should indicate their intent through the on-line registration form and time will be allocated on a first-come, first-served basis. Time allotted for an individual's comment period will be limited to no more than 3 minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments can be submitted through *www.regulations.gov* in lieu of oral comments.

Registration: Individuals and entities who wish to attend the public meeting are encouraged to register for the meeting. All persons must register on-line by clicking the registration link found at: *http://www.justice.gov/ncfs/meetings#s8.* Online registration for the meeting must be completed on or before 5:00 p.m. (EST) November 30, 2015.

Additional Information: The Department of Justice 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, please indicate your requirements on the online registration form.

Dated: November 3, 2015.

Andrew J. Bruck,

Designated Federal Official, National Commission on Forensic Science.

[FR Doc. 2015–28599 Filed 11–9–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Registration of Firearms Acquired by Certain Government Entities

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 January 11, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Andrew Ashton, NFA Branch Specialist, 244 Needy Road, Martinsburg, WV 25402, at 304–616–4501 *Andrew.Ashton@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 1140–0016:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Registration of Firearms Acquired by Certain Government Entities.

3. *The agency form number, if any, and the applicable component of the Department? sponsoring the collection:*

Form number (if applicable): ATF F 10 (5320.10).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State Local or Tribal Governments.

Other (if applicable): None.

Abstract: Primary: State Local or Tribal Governments. Other: None. The form is required to be submitted by State and local government entities wishing to register an abandoned or seized and previously unregistered National Firearms Act weapon. The form is required whenever application for such a registration is made.

5. *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: An estimated 1909 respondents will take 30 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 955 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: November 4, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–28502 Filed 11–9–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Extension to Public Comment Period for Two Consent Decrees Under the Resource Recovery and Conservation Act

On September 30, 2015, the Department of Justice lodged two proposed Consent Decrees with two United States District Courts, the Middle District of Florida and the Eastern District of Louisiana, in lawsuits both entitled *United States* v. *Mosaic Fertilizer, LLC*, Civil Action No. 15–cv–02286 in the Middle District of Florida and Civil Action No. 15–cv–04889 in the Eastern District of Louisiana. The proposed Consent Decrees will resolve all of the claims of the United States against Mosaic under the Resource Conservation and Recovery Act (RCRA) at Mosaic's facilities in Bartow, Lithia, Mulberry and Riverview, Florida and in St. James and Uncle Sam, Louisiana. They also resolve, respectively, the parallel claims of the Florida Department of Environmental Protection (FDEP) and the Louisiana Department of Environmental Quality (LDEQ) against Mosaic. The alleged violations in this case stem from storage and disposal of waste from the production of phosphoric and sulfuric acids, key components of fertilizers, at Mosaic's facilities.

The two consent decrees require Mosaic to spend approximately $170 million on projects to ensure the proper treatment, storage, and disposal of its hazardous waste and reduce the environmental impact of its manufacturing and waste management programs. Mosaic also will establish a $630 million trust fund—which will be invested to grow until it reaches full funding of $1.8 billion—the cost to cover phosphogypsum stack closure, including the treatment of hazardous process wastewater, at four of its operating facilities, and long-term care of all of its Florida and Louisiana facilities. The Mosaic Company, Mosaic Fertilizer's parent company, will provide financial guarantees for this work, and the settlement also requires Mosaic Fertilizer to submit a $50 million letter of credit. Mosaic also will pay a $5 million civil penalty to the United States and $1.55 million to Louisiana and $1.45 million to Florida, who are state co-plaintiffs in these cases. In addition, Mosaic will spend $2.2 million on two local environmental projects: A $1.2 million environmental project in Florida to mitigate and prevent certain potential environmental impacts associated with an orphaned industrial property located in Mulberry, Florida; and a $1 million project in Louisiana to fund studies regarding statewide water quality issues and the development of watershed nutrient management plans to be utilized by beef cattle, dairy and poultry producers.

The prior notice of lodging of the Consent Decrees, published on October 7, 2015, stated that the Department of Justice would receive comments concerning the settlement until November 7, 2015. Having received a request for an extension of the initial comment period and given the public interest in this settlement, the United States is extending the comment period for an additional thirty (30) Days, until December 7, 2015.

The Department of Justice will receive, for a period of sixty (60) days from October 7, 2015, any comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to United States v. Mosaic Fertilizer, LLC, Civil Action No. 15–cv–02286 in the Middle District of Florida and Civil Action No. 15–cv–04889 in the Eastern District of Louisiana, with D.J. Ref. No. 90–7–1–08388. All comments must be submitted no later than December 7, 2015. Comments may be submitted 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 Consent Decrees may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decrees upon written request and payment of reproduction costs (25 cents per page). Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611. If you would like a copy of the Consent Decree lodged with the Middle District of Florida, please enclose a check or money order, payable to the United States Treasury, for $162.50 (or $20.50 for a paper copy without the exhibits). If you would like a copy of the Consent Decree lodged with the Eastern District of Louisiana, the cost is $124.50 (or $21.25 for a paper copy without the exhibits). If you would like a copy of both Consent Decrees, the cost is $287.00 (or $41.75 for paper copies without the exhibits).

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–28565 Filed 11–9–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On November 3, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Arizona in the lawsuit entitled *United States* v. *Asarco LLC,* Civil Action No. 2:15–cv–02206–JZB.

The United States filed this civil enforcement action under the federal Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations that govern emissions from the defendant's copper smelting facility in Hayden, Arizona. The proposed consent decree resolves the claims alleged in the complaint and requires the defendant to perform injunctive relief that will significantly reduce emissions of particulate matter, sulfur dioxide, and several hazardous air pollutants including lead and arsenic at its facility, and to pay a civil penalty of $4.5 million. Additionally, the proposed consent decree requires the defendant to spend at least $8 million on environmental mitigation projects that will benefit communities adversely affected by pollution from its facility. The defendant will also perform a Supplemental Environmental Project (''SEP'') under the proposed consent

decree. For the SEP, the defendant will retire an old diesel switch locomotive and replace it with a low emission diesel-electric switch locomotive at an estimated cost of $1 million, which will result in reduced nitrogen oxides, particulate matter and greenhouse gas emissions.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Asarco LLC,* D.J. Ref. No. 90–5–2–1–10459. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $32.75 (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. 2015–28479 Filed 11–9–15; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Education and Human Resources Program Monitoring Clearance

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

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 on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by January 11, 2016 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22030, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Education and Human Resources Program Monitoring Clearance.

OMB Approval Number: 3145–0226.

Expiration Date of Approval: 2/29/2016.

Type of Request: Intent to seek renewal of an information collection.

Abstract: The National Science Foundation (NSF) requests reclearance of program accountability data collections that describe and track the impact of NSF funding that focuses on the Nation's science, technology, engineering, and mathematics (STEM) education and STEM workforce. NSF funds grants, contracts, and cooperative agreements to colleges, universities, and other eligible institutions, and provides graduate research fellowships to individuals in all parts of the United States and internationally.

The Directorate for Education and Human Resources (EHR), a unit within NSF, promotes rigor and vitality within the Nation's STEM education enterprise to further the development of the 21st century's STEM workforce and public scientific literacy. EHR does this through diverse projects and programs that support research, extension, outreach, and hands-on activities that service STEM learning and research at all institutional (*e.g.,* pre-school through postdoctoral) levels in formal and informal settings; and individuals of all ages (birth and beyond). EHR also focuses on broadening participation in STEM learning and careers among United States citizens, permanent residents, and nationals, particularly those individuals traditionally underemployed in the STEM research workforce, including but not limited to women, persons with disabilities, and racial and ethnic minorities.

The scope of this information collection request will primarily cover descriptive information gathered from education and training (E&T) projects that are funded by NSF. NSF will primarily use the data from this collection for program planning, management, and audit purposes to respond to queries from the Congress, the public, NSF's external merit reviewers who serve as advisors, including Committees of Visitors (COVs), the NSF's Office of the Inspector General, and as a basis for either internal or third-party evaluations of individual programs.

The collections will generally include three categories of descriptive data: (1) Staff and project participants (data that are also necessary to determine individual-level treatment and control groups for future third-party study or for internal evaluation); (2) project implementation characteristics (also necessary for future use to identify well-matched comparison groups); and (3) project outputs (necessary to measure baseline for pre- and post- NSF-funding-level impacts).

Use of the Information: This information is required for effective administration, communication, program and project monitoring and evaluation, and for measuring attainment of NSF's program, project, and strategic goals, and as identified by the President's Accountability in Government Initiative; GPRA, and the NSF's Strategic Plan. The Foundation's

FY 2014–2018 Strategic Plan may be found at: *http://www.nsf.gov/pubs/2014/nsf14043/nsf14043.pdf.*

Since this collection will primarily be used for accountability and evaluation purposes, including responding to queries from COVs and other scientific experts, a census rather than sampling design typically is necessary. At the individual project level funding can be adjusted based on individual project's responses to some of the surveys. Some data collected under this collection will serve as baseline data for separate research and evaluation studies.

NSF-funded contract or grantee researchers and internal or external evaluators in part may identify control, comparison, or treatment groups for NSF's E&T portfolio using some of the descriptive data gathered through this collection to conduct well-designed, rigorous research and portfolio evaluation studies.

Respondents: Individuals or households, not-for-profit institutions, business or other for profit, and Federal, State, local or tribal government.

Number of Respondents: 8,184.

Burden on the Public: NSF estimates that a total reporting and recordkeeping burden of 58,449 hours will result from activities to monitor EHR STEM education programs. The calculation is shown in table 1.

TABLE 1—ANTICIPATED PROGRAMS THAT WILL COLLECT DATA ON PROJECT PROGRESS AND OUTCOMES ALONG WITH THE NUMBER OF RESPONDENTS AND BURDEN HOURS PER COLLECTION PER YEAR

Collection title	Number of respondents	Number of responses	Annual hour burden
Advancing Informal STEM Learning (AISL) Monitoring System	155	155	1,921
Centers of Research Excellence in Science and Technology (CREST) and Historically Black Colleges and Universities Research Infrastructure for Science and Engineering (HBCU–RISE) Monitoring System.	40	40	1,810
Graduate STEM Fellows in K–12 Education (GK–12) Monitoring System	1,267	1,267	3,529
Integrative Graduate Education and Research Traineeship Program (IGERT) Monitoring System.	3,307	3,307	12,282
Louis Stokes Alliances for Minority Participation (LSAMP) Monitoring System	563	563	12,949
Louis Stokes Alliances for Minority Participation Bridge to the Doctorate (LSAMP–BD) Monitoring System.	55	55	2,090
Robert Noyce Teacher Scholarship Program (Noyce) Monitoring System	422	422	5,908
Research in Disabilities Education (RDE) Monitoring System	12	12	1,368
Scholarships in Science, Technology, Engineering, and Mathematics (S–STEM) Monitoring System.	500	1,000 (500 respondents × 2 responses/yr.).	6,000
Science, Technology, Engineering, and Mathematics Talent Expansion Program (STEP) Monitoring System.	277	277	6,648
Transforming Undergraduate Education in Science, Technology, Engineering, and Mathematics (TUES) Monitoring System.	686	686	2,744
Additional Collections not Specified	900	900	1,200
Total	8,184	8,684	58,449

The total estimate for this collection is 58,449 annual burden hours. The average annual reporting burden is between 1.7 and 114 hours per ''respondent,'' depending on whether a respondent is a direct participant who is self-reporting or representing a project and reporting on behalf of many project participants.

Dated: November 5, 2015.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2015–28576 Filed 11–9–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0068]

Mitigation Strategies for Beyond-Design-Basis External Events

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft interim staff guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on its draft Japan Lessons-Learned Division Interim Staff Guidance (JLD–ISG), JLD–ISG–2012–01, Draft Revision 1, ''Compliance with Order EA–12–049, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events.'' This draft JLD–ISG revision provides guidance and clarification to assist nuclear power reactors applicants and licensees with the identification of measures needed to comply with requirements to mitigate challenges to key safety functions.

DATES: Submit comments by December 10, 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 before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0068. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, 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: Eric Bowman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2963; email: *Eric.Bowman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2012–0068 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–2012–0068.
- 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 documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document title	Abbreviated title	ADAMS Accession No.
JLD–ISG–2012–01, ''Compliance with Order EA–12–049, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events,'' Draft Revision 1.	JLD–ISG–2012–01, Draft Revision 1.	ML15294A078
See Previous Entry for JLD–ISG–2012–01	JLD–ISG–2012–01, Revision 0	ML12229A174
Order EA–12–049, ''Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events''.	Order EA–12–049	ML12054A736
V.C. Summer Nuclear Station, Unit 2 License, License No. NPF–93	n/a	ML14100A092
V.C. Summer Nuclear Station, Unit 3 License, License No. NPF–94	n/a	ML14100A101
Enrico Fermi Nuclear Plant, Unit 3 License, License No. NPF—95	n/a	ML15084A170
SECY–11–0093, ''Near-Term Report and Recommendations for Agency Actions Following the Events in Japan''.	SECY–11–0093	ML11186A950
SECY–11–0124, ''Recommended Actions to be Taken without Delay from the Near-Term Task Force Report''.	SECY–11–0124	ML11245A158
SECY–11–0137, ''Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned''.	SECY–11–0137	ML11272A111
Commission's staff requirements memorandum (SRM) for SECY-11-0093	SRM–SECY–11–0093	ML112310021
SRM for SECY–11–0124 (see entry to SECY–11–0124 for full title)	SRM–SECY–110124	ML112911571
SRM for SECY–11–0137 (see entry to SECY–11–0124 for full title)	SRM–SECY–11–0137	ML113490055
Nuclear Energy Institute (NEI) Letter Titled, ''An Integrated, Safety-Focused Approach to Expediting Implementation of Fukushima Daiichi Lessons Learned''.	n/a	ML11353A008
SECY–12–0025, ''Proposed Orders and Requests for Information in Response to Lessons Learned from Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami''.	SECY–12–0025	ML12039A103
SRM for SECY–12–0025 (see entry for SECY–12–0025 for full title)	SRM–SECY–12–0025	ML120690347
Request for Information Pursuant to Title 10 of the *Code of Federal Regulations* (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 Accident.	50.54(f) Letter	ML12053A340
NEI 12–06, ''Diverse and Flexible Coping Strategies (FLEX) Implementation Guide,'' Revision B.	NEI 12–06, Revision B	ML12144A419
NEI 12–06, Revision B1 (See Previous Entry for NEI 12–06)	NEI 12–06, Revision B1	ML12143A232
''NRC Response to Public Comments, JLD–ISG–2012–01 (Docket ID NRC–2012–0068)''	n/a	ML12229A253
NEI 12–06, Revision C (See Previous Entry for NEI 12–06)	NEI 12–06, Revision C	ML121910390
NEI 12–06, Draft Revision 0 (See Previous Entry for NEI 12–06)	NEI 12–06, Draft Revision 0	ML12221A204
See Previous Entry for JLD–ISG–2012–01	JLD–ISG–2012–01, Draft Revision 0.	ML12146A014
Vermont Yankee Nuclear Power Station's Overall Integrate Plan	n/a	ML13064A300
COMSECY–14–0037, ''Integration of Mitigating Strategies for Beyond-Design-Basis External Events and the Reevaluation (sic) of Flooding Hazards''.	COMSECY–14–0037	ML14238A616
SRM–COMSECY–14–0037	SRM–COMSECY–14–0037	ML15089A236
NEI 12–06, Revision 1 (See Previous Entry for NEI 12–06)	NEI 12–06, Revision 1	ML15244B006
NEI 12–06, Revision 1A (See Previous Entry for NEI 12–06)	NEI 12–06, Revision 1A	ML15279A425
NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor''.	NUREG–2161	ML14255A365

- The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2012–0068. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) Navigate to the docket folder (NRC–2012–0068); 2) click the ''Sign up for Email Alerts'' link; and 3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).
- 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.

B. Submitting Comments

Please include Docket ID NRC–2012–0068 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering

the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The NRC staff issued JLD–ISG–2012–01 Revision 0 on August 29, 2012. The NRC staff developed JLD–ISG–2012–01 Draft Revision 1 to provide further guidance and clarification to assist nuclear power reactor applicants and licensees with the identification of measures needed to comply with requirements to mitigate challenges to key safety functions. These requirements are contained in Order EA–12–049. In addition, these requirements are included in the following license conditions: Virgil C. Summer Nuclear Station, Unit 2 License (V.C. Summer), License No. NPF–93, Condition 2.D.(13), V.C. Summer Nuclear Station, Unit 3 License, License No. NPF–94, Condition 2.D.(13), and Enrico Fermi Nuclear Plant, Unit 3 License, License No. NPF–95, Condition 2.D.(12)(g). The draft ISG is not a substitute for the requirements in Order EA–12–049, and compliance with the ISG is not required. This ISG revision is being issued in draft form for public comment to involve the public in development of the implementation guidance.

Following the events at the Fukushima Dai-ichi nuclear power plant on March 11, 2011, the NRC established a senior-level agency task force referred to as the Near-Term Task Force (NTTF). The NTTF was tasked with conducting a systematic and methodical review of the NRC regulations and processes, and determining if the agency should make additional improvements to these programs in light of the events at Fukushima Dai-ichi. As a result of this review, the NTTF developed a comprehensive set of recommendations, documented in SECY–11–0093, dated July 12, 2011. These recommendations were enhanced by the NRC staff following interactions with stakeholders. Documentation of the staff's efforts is contained in SECY–11–0124, dated September 9, 2011, and SECY–11–0137, dated October 3, 2011.

As directed by the Commission's SRM for SECY–11–0093, the NRC staff reviewed the NTTF recommendations within the context of the NRC's existing regulatory framework and considered the various regulatory vehicles available to the NRC to implement the recommendations. SECY–11–0124 and SECY–11–0137 established the staff's prioritization of the recommendations.

After receiving the Commission's direction in SRM–SECY–11–0124 and SRM–SECY–11–0137, the NRC staff conducted public meetings to discuss enhanced mitigation strategies intended to maintain or restore core cooling, containment, and spent fuel pool (SFP) cooling capabilities following beyond-design-basis external events. At these meetings, the industry described its proposal for a Diverse and Flexible Mitigation Capability (FLEX), as documented in NEI's letter, dated December 16, 2011. FLEX is proposed as a strategy to fulfill the key safety functions of core cooling, containment integrity, and spent fuel cooling. Stakeholder input influenced the staff to pursue a more performance-based approach to improve the safety of operating power reactors than was originally envisioned in NTTF Recommendation 4.2, SECY–11–0124, and SECY–11–0137.

On February 17, 2012, the NRC staff provided SECY–12–0025 to the Commission, including the proposed order to implement the enhanced mitigation strategies. As directed by SRM–SECY–12–0025, the NRC staff issued Order EA–12–049 and, in parallel, issued as a Request for Information under 10 CFR 50.54(f) for a reevaluation of licensees' flooding and seismic hazards.

Guidance and strategies required by the order would be available if the loss of power, motive force and normal access to the ultimate heat sink to prevent fuel damage in the reactor, and SFP affected all units at a site simultaneously. The order requires a three-phase approach for mitigating beyond-design-basis external events. The initial phase requires the use of installed equipment and resources to maintain or restore core cooling, containment, and SFP cooling. The transition phase requires providing sufficient, portable, onsite equipment and consumables to maintain or restore these functions until they can be accomplished with resources brought from off site. The final phase requires obtaining sufficient offsite resources to sustain those functions indefinitely.

On May 4, 2012, NEI submitted document 12–06, Revision B, and on May 13, 2012, Revision B1, to provide specifications for an industry-developed methodology for the development, implementation, and maintenance of guidance and strategies in response to the mitigating strategies order. The strategies and guidance described in NEI 12–06 expand on the strategies the industry developed and implemented to address the limited set of beyond-design-basis external events that involve the loss of a large area of the plant due to explosions and fire required pursuant to paragraph (hh)(2) of 10 CFR 50.54(f), ''Conditions of licenses.''

On May 31, 2012, the NRC staff issued a draft version of JLD–ISG–2012–01, Revision 0, and published a notice of its availability for public comment in the **Federal Register** (FR) (77 FR 33779; June 7, 2012), with the comment period running through July 7, 2012, 30 days from its publication. The staff received seven comments during this time, addressing the comments, as documented in ''NRC Response to Public Comments, JLD–ISG–2012–01 (Docket ID NRC–2012–0068).''

On July 3, 2012, NEI submitted Revision C to NEI 12–06, incorporating many of the exceptions and clarifications included in the draft version of this ISG. On August 3, 2012, NEI submitted Draft Revision 0 to NEI 12–06, incorporating many of the remaining exceptions and clarifications. On August 21, 2012, NEI submitted Revision 0 to NEI 12–06, making various editorial corrections. The NRC reviewed the August 21, 2012, submittal of Revision 0 of NEI 12–06 and endorsed it as a process the NRC considers acceptable for meeting the regulatory requirements with noted clarifications in revision 0 of JLD–ISG–2012–01.

By February 2013, licensees of operating power reactors submitted their overall integrated plans (OIPs) under the Mitigating Strategies order describing the guidance and strategies to be developed and implemented. Because this development and implementation was to be accomplished in parallel with the reevaluation of the seismic and flooding hazards under the 10 CFR 50.54(f) letter issued subsequent to SECY–12–0025, these included in their key assumptions a statement that typically read, ''[f]lood and seismic re-evaluations pursuant to the 10 CFR 50.54(f) letter of March 12, 2012, are not completed and therefore not assumed in this submittal. As the reevaluations are completed, appropriate issues will be entered into the corrective action system and addressed on a schedule commensurate with other licensing

bases changes.'' (See, *e.g.,* Vermont Yankee Nuclear Power Station's OIP)

In order to clarify the relationship between the Mitigating Strategies order and the hazard reevaluation, the NRC staff provided COMSECY–14–0037 to the Commission on November 21, 2014, requesting that the Commission affirm that ''[l]icensees for operating nuclear power plants need to address the reevaluated flooding hazards within their mitigating strategies for beyond-design-basis external events (Order EA–12–049 and related [Mitigation of Beyond-Design-Basis Events] MBDBE rulemaking).'' COMSECY–14–0037 further requested affirmation that ''[l]icensees for operating nuclear power plants may need to address some specific flooding scenarios that could significantly damage the power plant site by developing targeted or scenario-specific mitigating strategies, possibly including unconventional measures, to prevent fuel damage in reactor cores or spent fuel pools.'' In SRM–COMSECY–14–0037, the Commission affirmed these two items and noted that ''it is within the staff's authority, and is the staff's responsibility, to determine, on a plant-specific basis, whether targeted or scenario-specific mitigating strategies, possibly including unconventional measures, are acceptable.''

On August 25, 2015, NEI submitted Revision 1 to NEI 12–06, incorporating lessons learned in the implementation of Order EA–12–049 and alternative approaches taken by licensees for compliance to that order. Following a public webinar discussion of potential exceptions and clarifications that took place on September 21, 2015, NEI submitted Revision 1A to NEI 12–06 on October 5, 2015.

III. Specific Request for Comment

The NRC is seeking advice and recommendations from the public on the revision to this interim staff guidance document. We are particularly interested in comments and supporting rationale from the public on the following:

Spent Fuel Pool (SFP) Spray strategy: Order EA–12–049 was issued in parallel with the March 12, 2012, request for information under 10 CFR 50.54(f) for reevaluation of seismic and flooding hazards. The order and the guidance developed to support the development and implementation of the mitigating strategies were intended to address the uncertainties associated with beyond-design-basis external events. Since March 12, 2012, the NRC has completed NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor,'' which predicted an SFP liner failure likelihood of about two times in a million years and a possibility of release of radioactive materials only if that liner failure occurs during 8 percent of the operating cycle of the reference plant considered in the study. The results of the study showed that the risk of individual latent cancer fatality within 10 miles of the reference plant due to the effects of a beyond-design-basis earthquake on the SFP is several orders of magnitude below the quantitative health objectives established in the Commission's safety goal policy, ''Safety Goals for the Operations of Nuclear Power Plants,'' 51 FR 28044, August 4, 1986, as corrected and republished at 51 FR 30028, August 21, 1986. These results did not quantitatively credit the existing SFP spray strategy under 10 CFR 50.54(hh)(2), which would be necessary for conformance with the guidance contained in this revision to JLD–ISG–2012–01 through its endorsement of NEI 12–06, Revision 1A, at Tables C–3 and D–3 for boiling-water reactors and pressurized-water reactors, respectively. The NRC seeks comment on whether continuing to require the SFP spray strategy under Order EA–12–049 is warranted in light of the analyses performed for NUREG–2161, or whether the need for this strategy should be limited or removed.

Proposed Action

By this action, the NRC is requesting public comments on JLD–ISG–2012–01 Draft Revision 1. This draft JLD–ISG proposes guidance related to requirements contained in Order EA–12–049, Mitigation Strategies for Beyond-Design-Basis External Events. The NRC staff will make a final determination regarding issuance of the JLD–ISG after it considers any public comments received in response to this request.

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

For The Nuclear Regulatory Commission.

Stewart N. Bailey,

Acting Director, Japan Lessons-Learned Division, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–28593 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361, 50–362, and 72–41; NRC–2015–0023]

Southern California Edison Company, San Onofre Nuclear Generating Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental assessment and finding of no significant impact; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft environmental assessment (EA) and finding of no significant impact (FONSI) related to a request to amend Facility Operating License Nos. NPF–10 and NPF–15 and Docket No. 72–41, issued to the Southern California Edison Company (SCE or ''the licensee''), for operation of the San Onofre Nuclear Generating Station, Units 2 and 3 (hereinafter ''SONGS'' or ''the facility''), including the general-license Independent Spent Fuel Storage Installation (ISFSI), located in San Diego County, California. The requested amendment would permit licensee security personnel to use certain firearms and ammunition feeding devices not previously permitted, notwithstanding State, local and certain Federal firearms laws or regulations that otherwise prohibit such actions.

DATES: Submit comments by December 10, 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 before this date. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to sensitive unclassified non-safeguards information (SUNSI) is necessary to respond to this notice must request document access by November 20, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0023. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop:

OWFN–12–H08, 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: Marlayna Vaaler, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178, *Marlayna.Vaaler@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0023 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–2015–0023.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section. The applications for amendments for SONGS, dated August 28, 2013, as supplemented by a letter dated February 10, 2015, contain SUNSI and are being withheld from public disclosure.
- 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.

B. Submitting Comments

Please include Docket ID NRC–2015–0023 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering a request to amend Facility Operating License Nos. NPF–10 and NPF–15 and Docket No. 72–41, issued to SCE for the operation of SONGS, Units 2 and 3, including the general-license ISFSI, located in San Diego County, California, in accordance with 10 CFR 50.90, ''Application for amendment of license, construction permit, or early site permit.'' Therefore, as required by 10 CFR 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments,'' and 10 CFR 51.33, ''Draft finding of no significant impact; distribution,'' the NRC has prepared a draft EA documenting its finding. The requested amendment would permit licensee security personnel to use certain firearms and ammunition feeding devices not previously permitted, notwithstanding State, local, and certain Federal firearms laws or regulations that otherwise prohibit such actions.

III. Draft Environmental Assessment and Finding of No Significant Impact

Identification of the Proposed Action

The proposed action would permit security personnel at SONGS during the performance of their official duties, to transfer, receive, possess, transport, import, and use certain firearms and large capacity ammunition feeding devices not previously permitted to be owned or possessed, notwithstanding State, local, and certain Federal firearms laws, or regulations that otherwise prohibit such actions.

The proposed action is in accordance with the SONGS application dated August 28, 2013 (ADAMS Accession No. ML13242A277), as supplemented by letters dated December 31, 2013 (ADAMS Accession No. ML14007A496), May 15, 2014 (ADAMS Accession No. ML14139A424), and February 10, 2015 (ADAMS Accession No. ML15044A047).

The Need for the Proposed Action

The proposed action would allow the transfer, receipt, possession, transportation, importation, and use of those firearms and devices needed in the performance of official duties required for the protection of SONGS and associated special nuclear materials, consistent with the SONGS NRC-approved security plan.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed action would only allow the use of those firearms and devices necessary to protect SONGS and associated special nuclear materials, consistent with the SONGS NRC-approved security plan. Therefore, the proposed action would not significantly increase the probability or consequences of any accidents. In addition, the proposed action would not change the types or the amounts of any effluents that may be released offsite. There would also be no significant increase in occupational or public radiation exposure. Therefore, there would be no significant radiological environmental impacts associated with the proposed action.

The proposed action would not impact land, air, or water resources, including biota. In addition, the proposed action would not result in any socioeconomic or environmental justice impacts or impacts to historic and cultural resources. Therefore, there would also be no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that the issuance of the requested amendment would not result in significant environmental impacts.

The NRC will publish in the **Federal Register** a copy of the final EA as part of the final FONSI.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denying the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change to current environmental conditions at SONGS.

Alternative Use of Resources

The proposed action would not involve the use of any resources.

Agencies and Persons Consulted

The staff did not consult with any Federal agency or California state agencies regarding the environmental impact of the proposed action.

IV. Finding of No Significant Impact

The licensee has requested a license amendment to permit licensee security personnel, in the performance of their official duties, to transfer, receive, possess, transport, import, and use certain firearms and large capacity ammunition feeding devices not previously permitted to be owned or possessed, notwithstanding State, local, and certain Federal firearms laws or regulations that would otherwise prohibit such actions.

On the basis of the information presented in this environmental assessment, the NRC concludes that the proposed action would not cause any significant environmental impact and would not have a significant effect on the quality of the human environment. In addition, the NRC has determined that an environmental impact statement is not necessary for the evaluation of this proposed action.

Other than the licensee's letter dated August 28, 2013, there are no other environmental documents associated with this review. This document is available for public inspection as indicated above.

Dated at Rockville, Maryland, this 3rd day of November, 2015.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–28594 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on November 18, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, November 18, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review the Draft Final Regulatory Guide 1.127, ''Design and Inspection Criteria for Water-Control Structures Associated with Nuclear Power Plants''. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Girija Shukla (Telephone 301–415–6855 or Email: *Girija.Shukla@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: November 2, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–28581 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0253]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 10, 2015, to October 26, 2015. The last biweekly notice was published on October 27, 2015.

DATES: Comments must be filed December 10, 2015. A request for a hearing must be filed by January 11, 2016.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site*: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0253. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, 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: Lynn Ronewicz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2549, email: *Lynn.Ronewicz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0253 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–2015–0253.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** 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.

B. Submitting Comments

Please include Docket ID NRC–2015–0253, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by December 28, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by December 28, 2015.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: July 17, 2015. A publicly-available version is in ADAMS under Accession No. ML15232A017.

Description of amendment request: The proposed amendment corrects a usage problem with recently issued Amendment Nos. 382, 384, and 383 (ADAMS Accession No. ML13231A013), which precludes Oconee Nuclear Station Technical Specification (TS) 3.8.1, ''AC [Alternating Current] Sources-Operating,'' Condition H from being used as planned. The proposed change revises the note to TS 3.8.1 Required Actions L.1, L.2, and L.3, to remove the 12-hour time limitation when the second Keowee Hydroelectric Unit (KHU) is made inoperable for the purpose of restoring the KHU undergoing maintenance to OPERABLE status. Removal of the 12-hour time limitation allows use of the full 60-hour Completion Time of Required Action H.2 when the unit(s) have been in Condition C for greater than 72 hours and both units are made inoperable for purposes of restoring the KHU undergoing maintenance to OPERABLE status.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment revises the note to Technical Specification (TS) 3.8.1 Required Actions L.1, L.2, and L.3 to indicate the Required Actions are not required when the Condition is entered to restore a KHU to OPERABLE status. This change is consistent with Amendment Nos. 382, 384, and 383, which approved a cumulative 240 hours of allowed outage time over a 3-year period when both KHUs are inoperable when in the 45-day Completion Time of TS 3.8.1 Required Action C.2.2.5. The proposed TS change does not modify the reactor coolant system pressure boundary, nor make any physical changes to the facility design, material, or construction standards. The probability of any design basis accident (DBA) is not affected by this change, nor are the consequences of any DBA affected by this change. The proposed change does not involve changes to any structures, systems, or components (SSCs) that can alter the probability for initiating a LOCA [loss-of-coolant accident] event.

Therefore, the proposed TS changes do not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS change revises the note to TS 3.8.1 Required Actions L.1, L.2, and L.3 to indicate the Required Actions are not required when the Condition is entered to restore a KHU to OPERABLE status. Revision of the note allows the 60 hour Completion Time of TS 3.8.1 Condition H to limit the time that both KHUs are inoperable. The changes do not alter the plant configuration (no new or different type of equipment will be installed) or make changes in methods governing normal plant operation. No new failure modes are identified, nor are any SSCs required to be operated outside the design bases.

Therefore, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed TS change revises the note to TS 3.8.1 Required Actions L.1, L.2, and L.3 to indicate the Required Actions are not required when the Condition is entered to restore a KHU to OPERABLE status. Revision of the note allows the 60 hour Completion Time of TS 3.8.1 Condition H to limit the time that both KHUs are inoperable. The proposed TS change does not involve: (1) A physical alteration of the Oconee Units; (2) the installation of new or different equipment; (3) operating any installed equipment in a new or different manner; (4) a change to any set points for parameters which initiate protective or mitigation action; or (5) any impact on the fission product barriers or safety limits.

Therefore, this request does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Robert J. Pascarelli.

Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant (CR–3), Citrus County, Florida

Date of amendment request: August 27, 2015. A publicly-available version is in ADAMS under Accession No. ML15246A231.

Description of amendment request: The amendment would approve changes to the Permanently Defueled Emergency Plan (PDEP) to reflect the planned use of an Independent Spent Fuel Storage Installation (ISFSI) located in the Crystal River Unit 3 Nuclear Plant Protected Area while the spent fuel pool contains spent fuel assemblies.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed site PDEP and PD EAL [Permanently Defueled Emergency Action Level] Bases Manual revisions are commensurate with the ongoing and anticipated reduction in radiological source term at the CR–3 site and reflects the addition of spent fuel being transferred to the ISFSI facility. These changes add the responsibility for responding to ISFSI emergencies to the CR–3 PDEP Shift Supervisor/Certified Fuel Handler, and accompanying changes to the PD EAL Bases Manual due to the creation of a potential or actual release path to the environment, degradation of one or more storage canisters or fuel assemblies due to environmental factors, and configuration changes that could cause challenges in removing the canister or fuel from storage.

There are no longer design basis accidents or postulated beyond design basis accidents that could result in doses to the public and the environment beyond the exclusion area boundary that would exceed the EPA PAGs [Protective Action Guidelines]. CR–3 was shut down on September 26, 2009, and will not be restarted. With the reactor permanently defueled, the spent fuel pool and its support systems are dedicated to spent fuel storage only. With the spent fuel in wet storage for some time, the spectrum of postulated accidents is much smaller than for an operational plant, with the majority of design basis accidents no longer possible. The only remaining credible design basis accident is the fuel handling accident, which does not result in exceeding the EPA Protective Action Guidelines at the exclusion area boundary. Spent fuel located in the spent fuel pools will be transferred to the ISFSI facility. Emergency Planning Zones beyond the exclusion area boundary and the associated protective actions are no longer required. No corporate personnel, personnel involved in off-site dose projections, or personnel with special qualifications are required to augment the ERO [Emergency Response Organization].

The credible events for the ISFSI facility remain unchanged. The indications of damage to a loaded Dry Shielded Canister CONFINEMENT BOUNDARY have been revised to be twice the design basis dose rate as described in Draft Amendment 14 to COC [Certificate of Compliance] 1004 Technical Specifications for the Standardized NUHOMS Horizontal Modular Storage System, Sections 5.2.4 'Radiation Protection Program' and 5.4.2 HSM [horizontal storage module] or HSM–H Dose Rate Evaluation Program (Reference 7), while in transit or HSM storage.

Damage to Dry Shielded Canister CONFINEMENT BOUNDARY as indicated by the following on-contact radiation readings at some prescribed distance from the transfer cask or HSM:

1300 mrem/hr (gamma + neutron) on the radial surface of the fuel transfer cask while in transit to the ISFSI HSM

OR

1050 mrem/hr (gamma + neutron)—HSM Front Bird Screen

4 mrem/hr (gamma + neutron)—HSM Outside Door

40 mrem/hr (gamma + neutron)—HSM End Shield Wall Exterior while in HSM storage.

This change is consistent with industry practices previously approved by the NRC to distinguish whether a degraded containment barrier condition exists.

The probability of occurrence of previously evaluated accidents is not increased, since most previously analyzed accidents can no longer occur and the probability of the remaining credible design basis accident is unaffected by the proposed amendment.

The deletion of the Communicator position does not impact Emergency Notifications from the plant since the Emergency Coordinator has shown the capability to perform this function. This function is not involved in operations or evolutions that could cause an accident since it is not performed until after the emergency is declared, and has no effect on accident mitigation.

Therefore, the proposed changes do not affect any plant system, the operation and maintenance of CR–3 and the ISFSI facility, or increase the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes have no impact on facility structures, systems, or components (SSCs) affecting the safe storage of irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of irradiated fuel itself. Additionally, the proposed changes have no impact on a Fuel Handling Accident, which is the remaining credible design basis accident evaluated. The CR–3 PDEP is applicable for the plant's defueled condition. There is no impact on the prevention, diagnosis, or mitigation of reactor-related transients as there are no longer any reactor-related accidents. Accidents cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor is permanently shut down and defueled, and CR–3 is no longer authorized to operate the reactor.

There are no longer credible events that would result in doses to the public beyond the exclusion area boundary that would exceed the EPA [Environmental Protection

Agency] PAGs. Spent fuel waste will be transferred to the ISFSI facility. Emergency Planning Zones beyond the site boundary and the associated protective actions are no longer required. No corporate personnel, personnel involved in offsite dose projections, or personnel with special qualifications are required to augment the ERO.

The credible events for the ISFSI facility remain unchanged. The indications of damage to a loaded Dry Shielded Canister CONFINEMENT BOUNDARY have been revised to be twice the design basis dose rate as described in Draft Amendment 14 to COC 1004 Technical Specifications for the Standardized NUHOMS Horizontal Modular Storage System, Sections 5.2.4 'Radiation Protection Program' and 5.4.2 HSM or HSM–H Dose Rate Evaluation Program (Reference 7), while in transit or HSM storage.

Damage to Dry Shielded Canister CONFINEMENT BOUNDARY as indicated by the following on-contact radiation readings at some prescribed distance from the transfer cask or HSM:

1300 mrem/hr (gamma + neutron) on the radial surface of the fuel transfer cask while in transit to the ISFSI horizontal storage module (HSM)

OR

1050 mrem/hr (gamma + neutron)—HSM Front Bird Screen

4 mrem/hr (gamma + neutron)—HSM Outside Door

40 mrem/hr (gamma + neutron)—HSM End Shield Wall Exterior while in HSM storage.

This change is consistent with industry practices previously approved by the NRC to distinguish whether a degraded containment barrier condition exists. The proposed amendment does not introduce a new mode of plant operation or new accident precursors, does not involve any physical alterations to plant configurations, or make changes to plant system set points that initiate a new or different kind of accident.

The deletion of the Communicator position does not impact Emergency Notifications from the plant since the Emergency Coordinator has shown the capability to perform this function. This function is not involved in operations or evolutions that could cause or create new or different kinds of accidents since the communication of Emergency Notifications is not performed until after the emergency is declared and cannot affect an accident or event already in progress.

Therefore, the proposed changes have no direct effect on any plant system, the operation and maintenance of CR–3 or the ISFSI facility, or create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes have no direct effect on any plant system, do not involve any physical plant limit or parameter, License Condition, Technical Specification Limiting Condition of Operability or operating philosophy, and therefore cannot affect any margin of safety. The margin of safety is maintained by conforming to the CR–3 Technical Specifications or the ISFSI Technical Specifications. The proposed CR–3 PDEP and PD EAL Bases Manual revisions are commensurate with the on-going and anticipated reduction in radiological source term at the CR–3 site and reflect spent fuel being transferred to the ISFSI facility. These changes add the responsibility for implementing the emergency plan for the ISFSI facility to the Shift Supervisor/Certified Fuel Handler.

The only remaining credible accident for CR–3, while the SFP is operable and prior to the transference of all spent fuel to dry shielded canisters, is a fuel handling accident. The proposed amendment does not adversely affect the inputs or assumptions of any design basis analysis that impact the fuel handling accident. There are no longer credible events that would result in doses to the public beyond the exclusion area boundary that would exceed the EPA PAGs. Emergency Planning Zones beyond the exclusion area boundary and the associated protective actions are no longer required. No corporate personnel, personnel involved in offsite dose projections, or personnel with special qualifications are required to augment the ERO. The credible events for the ISFSI facility remain unchanged. The indications of damage to a loaded Dry Shielded Canister CONFINEMENT BOUNDARY have been revised to be twice the design basis dose rate as described in Draft Amendment 14 to COC 1004 Technical Specifications for the Standardized NUHOMS Horizontal Modular Storage System, Sections 5.2.4 'Radiation Protection Program' and 5.4.2 HSM or HSM–H Dose Rate Evaluation Program (Reference 7), while in transit or HSM storage.

Damage to Dry Shielded Canister CONFINEMENT BOUNDARY as indicated by the following on-contact radiation readings at some prescribed distance from the transfer cask or HSM:

1300 mrem/hr (gamma + neutron) on the radial surface of the fuel transfer cask while in transit to the ISFSI HSM

OR

1050 mrem/hr (gamma + neutron)—HSM Front Bird Screen

4 mrem/hr (gamma + neutron)—HSM Outside Door

40 mrem/hr (gamma + neutron)—HSM End Shield Wall Exterior while in HSM storage.

This change is consistent with industry practices previously approved by the NRC to distinguish whether a degraded containment barrier condition exists. The proposed changes are limited to the CR–3 PDEP and PD EAL Bases Manual and do not impact the safe storage of irradiated fuel. The proposed revisions do not affect any requirements for SSCs credited in the remaining analyses of applicable postulated accidents, and as such, do not affect the margin of safety associated with these accident analyses.

The deletion of the Communicator position does not impact Emergency Notifications from the plant since the Emergency Coordinator has shown the capability to perform this function. This function is not involved in design basis analyses or operations that could cause any decrease in any previously analyzed safety margin.

Therefore, the proposed changes do not create the possibility of reduction in any safety margin.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, 550 South Tryon Street, Charlotte NC 28202.

NRC Branch Chief: Bruce A. Watson, CHP.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: September 8, 2015. A publicly-available version is in ADAMS under Accession No. ML15258A185.

Description of amendment request: The proposed amendment would replace the Technical Specification (TS) Figure 4.1–1, ''Site and Exclusion Area Boundaries and Low Population Zone,'' with a text description in TS 4.1, ''Site Location.'' In addition, a typographical error would be corrected from ''LGHR'' to ''LHGR'' [Linear Heat Generation Rate] in TS 1.1, ''Definitions.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes a figure, replaces that figure with a text description of the site location and corrects a typographical error. An administrative change such as this is not an initiator of any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident with the incorporation of this administrative change are not different than the consequences of the same accident without this change. As a result, the consequences of an accident previously evaluated are not affected by this change.

Based on the above, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not modify the plant design, nor does the proposed change alter the operation of the plant or equipment involved in either routine plant operation or

in the mitigation of design basis accidents. The proposed change is administrative only.

Based on the above, it is concluded that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change consists of an administrative change to remove a figure, replace that figure with a text description of the site location, and correct a typographical error. The change does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside of the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John C. McClure, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Branch Chief: Michael T. Markley.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: July 24, 2015. A publicly-available version is in ADAMS under Accession No. ML15246A408.

Description of amendment request: The amendment would make editorial corrections to Technical Specification (TS) Section 1.4, ''Frequency.'' Example 1.4–1 would be revised to be consistent with NRC-approved Industry Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF–485, Revision 0, ''Correct Example 1.4–1.'' In addition, Example 1.4–5 and Example 1.4–6 would be revised to correct typographical errors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes are editorial in nature and have no effect on accident scenarios previously evaluated. The proposed changes consist of editorial corrections to TS Section 1.4, ''Frequency,'' that would make the Duane Arnold Energy Center (DAEC) TS consistent with the Standard Technical Specifications for General Electric BWR/4 Plants (NUREG–1433). The proposed changes do not affect initiating events for accidents previously evaluated and do not affect or modify plant systems or procedures used to mitigate the progression or outcome of those accident scenarios.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are editorial in nature consisting of editorial corrections to TS Section 1.4, ''Frequency.'' The proposed changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes.

The proposed changes do not introduce any new accident precursors, nor do they impose any new or different requirements or eliminate any existing requirements. The proposed changes do not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed changes are editorial in nature consisting of editorial corrections to TS Section 1.4, ''Frequency.'' No setpoints at which protective actions are initiated are altered by the proposed changes. The proposed changes do not alter the manner in which the safety limits are determined. These changes are consistent with plant design and do not change the TS operability requirements; thus, previously evaluated accidents are not affected by this proposed change.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William Blair, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: August 6, 2015. A publicly-available version is in ADAMS under Accession No. ML15246A410.

Description of amendment request: The proposed amendment would resolve a 10 CFR part 21 condition concerning a potential to momentarily violate Reactor Core Safety Limit 2.1.1.1 during Pressure Regulator Failure Maximum Demand (Open) transient.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the reactor steam dome pressure from 785 psig to 685 psig in TS [Technical Specification] SLs [Safety Limits] 2.1.1.1 and 2.1.1.2 does not alter the use of the analytical methods used to determine the safety limits that have been previously reviewed and approved by the NRC. The proposed change is in accordance with an NRC approved critical power correlation methodology and as such maintains required safety margins. The proposed change does not adversely affect accident initiators or precursors nor does it alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained.

The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not require any physical change to any plant SSCs nor does it require any change in systems or plant operations. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be

installed) or a change in the methods governing normal plant operation. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed change.

The proposed change does not introduce any new accident precursors, nor does it impose any new or different requirements or eliminate any existing requirements. The proposed change does not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. Evaluation of the 10 CFR part 21 condition by General Electric determined that there was no decrease in the safety margin, the Minimum Critical Power Ratio improves during the transient, and therefore is not a threat to fuel cladding integrity.

The proposed change to Reactor Core Safety Limits 2.1.1.1 and 2.1.1.2 is consistent with, and within the capabilities of the applicable NRC approved critical power correlation, and thus continues to ensure that valid critical power calculations are performed. No setpoints at which protective actions are initiated are altered by the proposed change. The proposed change does not alter the manner in which the safety limits are determined. This change is consistent with plant design and does not change the TS operability requirements; thus, previously evaluated accidents are not affected by this proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William Blair, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

NextEra Energy, Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: June 12, 2015, as supplemented by letters dated August 11, 2015, and August 28, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15166A042, ML15223B277, and ML15240A017, respectively.

Description of amendment request: The amendments would revise the Point Beach Emergency Plan, to increase the staff augmentation times for Emergency Response Organization (ERO) response functions, from 30 and 60 minutes, to 60 minutes and 90 minutes, respectively. Additional changes include relocation of the Emergency Director and Emergency Action Level Monitor positions, and the addition of an Assistant Emergency Operations Facility Manager position.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed increase in staff augmentation times has no effect on normal plant operation or on any accident initiator or precursors and does not impact the function of plant structures, systems, or components (SCCs). The proposed change does not alter or prevent the ability of the ERO to perform their intended functions to mitigate the consequences of an accident or event. The ability of the ERO to respond adequately to radiological emergencies has been demonstrated as acceptable through a staffing analysis as required by 10 CFR 50 Appendix E.IV.A.9.

Therefore, the proposed Emergency Plan changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not impact the accident analysis. The change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed), a change in the method of plant operation, or new operator actions. The proposed change does not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. This proposed change increases the staff augmentation response times in the Emergency Plan, which are demonstrated as acceptable through a staffing analysis as required by 10 CFR 50 Appendix E.IV.A.9. The proposed change does not alter or prevent the ability of the ERO to perform their intended functions to mitigate the consequences of an accident or event.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed change is associated with the Emergency Plan staffing and does not impact operation of the plant or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed change does not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed change. Safety analysis acceptance criteria are not affected by this proposed change. The revised Emergency Plan will continue to provide the necessary response staff with the proposed change. A staffing analysis and a functional analysis were performed for the proposed change on the timeliness of performing major tasks for the functional areas of Emergency Plan. The analysis concluded that an extension in staff augmentation times would not significantly affect the ability to perform the required Emergency Plan tasks. Therefore, the proposed change is determined to not adversely affect the ability to meet 10 CFR 50.54(q)(2), the requirements of 10 CFR 50 Appendix E, and the emergency planning standards as described in 10 CFR 50.47(b).

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, San Luis Obispo County, California

Date of amendment request: September 16, 2015. A publicly-available version is in ADAMS under Accession No. ML15259A576.

Description of amendment request: The amendment would revise the Reactor Coolant System (RCS) minimum flow specified in Technical Specification (TS) 3.4.1, ''RCS Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits.'' The proposed change is necessary to correct a non-conservative TS value for DCPP, Unit 1. The Unit 1 RCS flow specified in TS 3.4.1 for 100 percent power is 359,000 gallons per minute (gpm). However, the TS value is less than the 359,200 gpm RCS minimum measured flow (MMF) value specified in the Updated Final Safety Analyses Report

(UFSAR) Table 4.1–1, ''Reactor Design Comparison.'' The UFSAR RCS MMF value represents the RCS flow value used in the reactor core DNB safety analyses. This issue has been entered in the DCPP corrective action program, and the actual Unit 1 RCS flow value has been verified to be within the limits required by the applicable safety analyses.

In order to resolve the non-conservative TS value, the proposed change would revise the RCS flow requirements in DCPP TS 3.4.1 to be consistent with TS 3.4.1 in NUREG–1431, Revision 4, Volume 1, ''Standard Technical Specifications—Westinghouse Plants,'' April 2012 (ADAMS Accession No. ML12100A222). The proposed change to the RCS flow requirements in TS 3.4.1 would also be consistent with the NRC-approved Technical Specification Task Force (TSTF) Traveler–339–A, Revision 2, ''Relocate TS Parameters to [Core Operating Limits Report] COLR,'' and NRC-approved WCAP–14483–A, ''Generic Methodology for Expanded Core Operating Limits Report,'' dated June 13, 2000 (ADAMS Accession No. ML003723269).

The proposed change would delete the current DCPP, Units 1 and 2 TS 3.4.1 RCS flow Tables 3.4.1–1 and 3.4.1–2, and would add the DCPP, Units 1 and 2 RCS thermal design flow values of 350,800 gpm and 354,000 gpm, respectively, to the requirements of TS 3.4.1. In addition, the proposed change would add the RCS MMF values of 359,200 gpm and 362,500 gpm, to the DCPP, Units 1 and 2 COLR, respectively. Consistent with the Standard Technical Specifications (STS), the proposed change would also include a reference to the RCS COLR flow requirements in the TS 3.4.1 Limiting Condition for Operation and Surveillance Requirements. Due to the elimination of RCS flow Tables 3.4.1–1 and 3.4.1–2, a reference to these tables is also deleted from Figure 2.1.1–1, ''Reactor Core Safety Limit.''

As such, the proposed change would resolve the non-conservative TS value for Unit 1 and serve to make the DCPP, Units 1 and 2 TS more consistent with the STS in NUREG–1431.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the DCPP Unit 1 and Unit 2 RCS flow requirements in TS 3.4.1, ''RCS Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits,'' to be more consistent with TS 3.4.1 in NUREG–1431 and with the applicable DCPP safety analyses. The proposed RCS flow values will ensure the assumptions of the safety analyses continue to be met.

As such, the proposed change does not affect the design or function of any plant structures, systems, and components (SSCs). Thus, the proposed change does not affect plant operation, design features, or any analysis that verifies the capability of an SSC to perform a design function. As the proposed change is consistent with the RCS flow assumptions of the safety analyses, the proposed change does not affect any previously evaluated accidents in the UFSAR. In addition, the proposed change does not affect any SSCs, operating procedures, and administrative controls which have the function of preventing or mitigating any accident previously evaluated in the UFSAR.

The proposed change will not alter any accident analyses assumptions discussed in the UFSAR and will continue to assure the DCPP units operate within the assumptions of the applicable safety analyses described in the UFSAR.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change revises the DCPP Unit 1 and Unit 2 RCS flow requirements in TS 3.4.1, ''RCS Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits,'' to be more consistent with TS 3.4.1 in NUREG–1431 and with the applicable DCPP safety analyses. The proposed RCS flow values will ensure the assumptions of the safety analyses continue to be met.

The proposed change does not change any system functions or maintenance activities. The change does not involve physical alteration of the plant, that is, no new or different type of equipment will be installed. The proposed change involves no physical plant modification or changes in plant operation, therefore no new failure modes are created. As such, the proposed change does not create new failure modes or mechanisms that are not identifiable during testing, and no new accident precursors are generated.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. The proposed change does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. The setpoints at which protective actions are initiated are not altered by the proposed change. Therefore, sufficient equipment remains available to actuate upon demand for the purpose of mitigating an analyzed event. The proposed RCS flow value changes are consistent with the plant safety analyses. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, CA 94120.

NRC Branch Chief: Michael T. Markley.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, San Diego County, California

Date of amendment request: August 20, 2015. A publicly-available version is in ADAMS under Accession No. ML15236A018.

Description of amendment request: The proposed amendment would revise Appendix 3A of the Updated Final Safety Analysis Report to more fully reflect the permanently shutdown status of the SONGS, Units 2 and 3. The revision would include a limited set of exceptions and clarifications to referenced Regulatory Guides to reflect the significantly reduced decay heat loads in the SONGS, Units 2 and 3 Spent Fuel Pools and to support corresponding design basis changes and modifications that will allow for the implementation of the ''cold and dark'' strategy outlined in the SONGS Post-Shutdown Decommissioning Activities Report (PSDAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The only accident previously evaluated, is the Spent Fuel Pool Boiling Event. The initiating event (loss of cooling) would no longer lead to a rapid increase in pool temperature to the boiling point or to a relatively short-term reduction in pool level due to evaporative losses. Currently a loss of

cooling would lead to a very slow heat-up toward the boiling point taking at least a week or more. From that point the slower evaporative losses would take several weeks to reduce inventory to unacceptable levels.

The most likely cause of a loss of function of the Spent Fuel Pool Cooling System (SFPCS) is not a failure of components in the cooling system, but instead a loss of electrical power. The probability of a loss of power is substantially higher than the probability of a contemporaneous common cause failure of active components in the cooling system. For example, NRC has collected operating experience on loss of Spent Fuel Pool (SFP) cooling for nuclear plants in the U.S., which includes both safety-related and non-safety-related cooling systems. As indicated in NUREG–1275, Volume 12, the causes of loss of SFP cooling were the loss of the SFP cooling pumps due to loss of electrical power (39 of 56 events), loss of suction from the spent fuel pool, flow blockage, loss of the heat sink, and one case of inadequate configuration control. As concluded by the NRC: ''The dominant cause of the actual loss of SFP cooling events was loss of electrical power to the SFP cooling pumps.'' There were no cases involving a common cause failure mode, such as seismic events or tornados. Given this operating experience, any increase in the probability of a spent fuel pool boiling event due to the seismic re-classification of the system would be minimal in comparison to the failure rate due to loss of electrical power.

The change in commitment does not affect the consequences of the spent fuel pool boiling accident (which by definition assumes loss of the spent fuel pool cooling system). Revised dose calculations were completed to support the changes to the Updated Final Safety Analysis Report (UFSAR) Chapter 15 Accident Analysis, and the UFSAR was revised to reflect the new analysis. These were recently reviewed to verify they remain bounding for the much slower event, even if it is not terminated (through restored cooling or adequate make-up) prior to reaching levels approaching the top of the stored fuel. This re-evaluation confirmed the doses previously calculated remain bounding and several orders of magnitude below applicable limits.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The only accident relevant to this proposed change would be an unmitigated Spent Fuel Pool Boiling Event (*i.e.,* boiling without restoration of cooling or make-up prior to uncovering of the spent fuel). The initiating event (loss of cooling) would no longer lead to a rapid increase in pool temperature to the boiling point and a relatively short-term reduction in pool level due to evaporative losses. Currently a loss of cooling would lead to a very slow heatup toward the boiling point taking at least a week or more. From that point the slower evaporative losses would take several weeks to reduce inventory to unacceptable levels. The only safety function remaining relates to maintaining the fuel cladding in the SFP (cooling is not a safety-related function as defined in the updated Chapter 15 Fuel Pool Boiling Accident Analysis, only maintaining water level—Reference 6.12). The only remaining safety related SSCs at SONGS Units 2 and 3 are the Spent Fuel Pool and related structural components (pool liner, structure, and racks).

The Make-up System will ensure that sufficient water is supplied to the SFPs in the event of loss of cooling. In addition to the Seismic Category I make-up source, currently there are numerous other diverse sources of make-up for the SFPs, including:

- As provided in SONGS Units 2 and 3 procedures, the Nuclear Service Water connections located on the SFP operating level can be used via hoses to fill the pool. These connections are QC III, Seismic Category II.
- As provided in SONGS Units 2 and 3 Mitigation Strategies, water from Fire Water Tanks T–102 and T–103 via Fire Pumps P–220 (diesel driven), P–221 or P–222 (both of which are motor driven) can be provided through the installed fire system piping to two fire hose cabinets located on the Spent Fuel Pool Operating level. The tanks, pumps and piping are QC III–EPS and Seismic Category II.
- As provided in SONGS Units 2 and 3 Mitigation Strategies, make-up to the SFPs can be provided using water from one or more of the following sources: Demineralized Water Tanks T–266, T–267 or T–268, all are located at a higher elevation at the Make-up Demineralizer Area at the south end of the plant. Skid mounted pump P-i1058 delivers water from these sources to the seismic standpipe and from the standpipe to the SFP. T–266, T–267 and T–268 are QC III, Seismic Category II. P–1058 is QC III-EPS and Seismic Category III.
- As discussed in SONGS Units 2 and 3 Mitigation Strategies, the 10″ City Water Line Supply Line can be used as an alternate source of SFP make-up water.
- Another make-up path is available using the Seismic Category I Demineralized Water Storage Tank (T–351) located in the North Industrial Area along with Seismic Category I portable diesel driven Fire Pump (P-i1065) using strategically staged hoses between the tank, pump, Seismic Category I standpipe and the Spent Fuel Pool. The hoses are pressure tested annually and are inspected for location quarterly per SONGS Units 2 and 3 procedures.

The Mitigation Strategies are sequenced to assure the strategies can be deployed in 2 hours or less. The capability to achieve this time requirement was evaluated in a formal study and further demonstrated in the field using actual staff, procedures and equipment.

Given the number and diversity of make-up sources, and the time available to supply make-up to the SFPs in the loss of spent fuel pool cooling, it is not credible to postulate a complete loss of make-up to a SFP. As discussed in NRC's June 30, 2014, letter concerning San Onofre Nuclear Generating Station, Units 2 and 3—Rescission of Order EA–12–049:

[T]he time to boil off water inventory in the SFP to a level of 10 feet above the spent fuel will be sufficiently long to obviate the need for additional strategies to restore SFP cooling. The NRC staff concludes that given the low decay heat levels and the long time to boil off, the reliance on the SFP inventory for passive cooling provides an equivalent level of protection as that which would be provided by the initial phase of the guidance and strategies for maintaining or restoring SFP cooling capabilities that would be necessary for compliance with Order EA–12–049 using installed equipment. The staff further concludes that the long time to boil off the SFP inventory to a point at which make-up would be necessary for radiation shielding purposes obviates the need for the transition phase of the guidance and strategies that would be necessary for compliance with Order EA–12–049 using on-site portable equipment. The staff also concludes that the low decay heat and long boil-off period provides sufficient time for the licensee to obtain off-site resources on an ad hoc basis to sustain the SFP cooling function indefinitely, obviating the need for the final phase of the guidance and strategies that would be necessary for compliance with Order EA–12–049.

Similarly, as described in NRC's 2015 exemption from certain emergency planning requirements for SONGS Units 2 and 3:

Additionally, in its letters to the NRC dated October 6, 2014, and December 15, 2014, SCE described the SFP make-up strategies that could be used in the event of a catastrophic loss of SFP inventory. The multiple strategies for providing make-up water to the SFP include: Using existing plant systems for inventory make-up; an internal strategy that relies on installed fire water pumps and service water or fire water storage tanks; or an external strategy that uses portable pumps to initiate make-up flow into the SFPs through a seismic standpipe and standard fire hoses routed to the SFPs or to a spray nozzle. These strategies will continue to be required as a license condition. Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide defense-in-depth and time to provide additional make-up or spray water to the SFP before the onset of any postulated off-site radiological release.

It is not necessary to postulate both a loss of spent fuel pool cooling in conjunction with a loss of spent fuel pool make-up, and such an event is not postulated in UFSAR Section 15.7.3.8 related to SFP boiling and is not credible given the number of diverse sources of make-up and the time available to supply make-up.

As currently discussed in UFSAR 9.1.2.3, spent fuel pool boiling also will not adversely affect the integrity of the SFPs. The reinforced concrete temperature differences and gradients were determined based on an inside face temperature of 230 °F (water temperature of 212 °F and gamma heating of 18 °F). That analysis indicates that the SFP walls have sufficient structural capability to accommodate this thermal loading.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The proposed changes do not alter any design basis or safety limits for the plant. The applicable limits are spent fuel clad temperature and spent fuel pool level. The spent fuel cladding temperature is assured by maintaining water level to support natural circulation cooling within the spent fuel racks. Forced cooling keeps evaporative losses and Fuel Handling Building environs within nominal limits. Thus, the SSCs that support the design and safety limits are limited to those that maintain inventory (Spent Fuel Pool and related structural components (pool liner, structure, and racks) and sufficient equipment to replace evaporative or other losses. Complete loss of make-up is not credible given the existence of numerous sources of make-up and the time available to provide make-up. No changes to the pool and its structures are proposed and make-up capability remains assured.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Walker A. Matthews, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, CA 91770.

NRC Branch Chief: Bruce Watson.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, GA

Date of amendment request: August 4, 2015. A publicly-available version is in ADAMS under Accession No. ML15216A602.

Description of amendment request: The licensee describes the application as follows: ''This amendment corrects an obvious typographical error in the Unit 1 FOL [Facility Operating License], and on page 5.0.17 of the Unit 2 TS [Technical Specification]. The Degraded Voltage Protection license condition in Part 2.C of the Unit 1 FOL (DPR–57) is currently listed as condition number 10, whereas it should be listed as condition number 11. In addition, this paragraph should be further indented to the right, to clarify that it's a third level paragraph (*i.e.* level 2.C.11). In addition to the FOL change, this amendment corrects an incorrect Unit number in Hatch Unit 2 TS page 5.0.17. This page was inadvertently sent and issued stating Unit 1 on the bottom left, whereas it should clearly state Unit 2. Lastly, this amendment adds the term STAGGERED TEST BASIS to the Definitions section of the Unit 1 and Unit 2 TS. This term was removed from the TS and moved to the Surveillance Frequency Control Program (SFCP) when the NRC issued the TSTF–425 license amendment in [January 3,] 2012 to relocate specific surveillance frequency requirements to a licensee controlled program. This term, however, was reintroduced into Section 5 of the TS as a defined term when Hatch adopted the Control Room Envelope Habitability Program (TSTF–448) [in an amendment issued on August 29, 2014]. Since it's currently used as a defined term in Section 5 of the TS, it needs to be included in the Definitions section of the TS.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment contains no technical changes; all proposed changes are administrative. These changes are consistent with the intent of what has already been approved by the Nuclear Regulatory Commission (NRC).

There are no accidents affected by this change, and therefore no increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment contains no technical changes; all proposed changes are administrative. These changes are consistent with the intent of what has already been approved by the Nuclear Regulatory Commission (NRC).

There are no accidents affected by this change, and therefore no possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment contains no technical changes; all proposed changes are administrative. These changes are consistent with the intent of what has already been approved by the Nuclear Regulatory Commission (NRC).

There are no accidents affected by this change, and therefore no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Energy Kewaunee, Inc., Docket No. 50-305, Kewaunee Power Station, Kewaunee County, Wisconsin

Dominion Nuclear Connecticut, Inc., Docket Nos. 50-336 and 50-423, Millstone Power Station, Unit Nos. 2 and 3, New London County, Connecticut

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Unit Nos. 1 and 2, Louisa County, Virginia

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: November 17, 2014, as supplemented by letter dated August 13, 2015.

Brief description of amendments: The amendments revised the Cyber Security Plan (CSP) Milestone 8 full implementation date as set forth in the CSP Implementation Schedule for the following plants: Kewaunee Power Station; Millstone Power Station, Unit Nos. 2 and 3; North Anna Power Station, Unit Nos. 1 and 2; and Surry Power Station, Unit Nos. 1 and 2.

Date of issuance: October 7, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 216, 323, 269, 276, 258, 286, and 286. A publicly-available version is in ADAMS under Accession No. ML15245A482. Documents related to these amendment are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–43, DPR–65, DPR–49, NPF–4, NPF–7, DPR–32, and DPR–37: Amendments revised the Facility Operating Licenses.

Date of initial notice in ***Federal Register***: May 5, 2015 (80 FR 25718). The supplement letter dated August 13, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 7, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: September 10, 2015, as supplemented by letters dated September 30 and October 20, 2015.

Brief description of amendment: The amendment approved a one-time extension of the Technical Specification (TS) completion time associated with the Division 2 Shutdown Service Water Subsystem from 72 hours to 7 days in support of maintenance activities.

Date of issuance: October 22, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No: 207. A publicly-available version is in ADAMS under Accession No. ML15280A258; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–62: The amendment revised the TSs and License.

Date of initial notice in ***Federal Register****:* September 18, 2015 (80 FR 56498).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 22, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373, LaSalle County Station, Unit 1 and Unit 2, LaSalle County, Illinois

Date of amendment request: January 12, 2015.

Brief description of amendments: The amendments deleted the limiting condition for operation (LCO) Note for Technical Specification (TS) Section 3.5.1, ''ECCS [emergency core cooling system]—Operating.'' The current Note allowed the licensee to consider the low pressure coolant injection subsystem associated with the residual heat removal system to be OPERABLE under specified conditions.

Date of issuance: October 14, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 217 and 203. A publicly-available version is in ADAMS under Accession No. ML15244B410; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–11 and NPF–18: Amendments revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: March 31, 2015 (80 FR 17091).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 14, 2015.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 19, 2014, as supplemented by letter dated June 26, 2015.

Brief description of amendment: This amendment revised the technical specifications (TSs) to adopt performance-based Type C testing for the reactor containment, which would allow for extended test intervals for Type C valves, and corrects an editorial issue in the TSs.

Date of issuance: October 9, 2015.

Effective date: As of the date of issuance and shall be implemented within 45 days from the date of issuance.

Amendment No.: 288. A publicly-available version is in ADAMS under Accession No. ML15239B293; documents related to this amendment are listed in the Safely Evaluation enclosed with the amendment.

Facility Operating License No. NPF–3: Amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: March 31, 2015 (80 FR 17090), and July 7, 2015 (80 FR 38759). The supplemental letter dated June 26, 2015, provided additional information that clarified the application, did not expand the scope of the application as previously noticed, and did not change the staff's proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 9, 2015.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 30, 2014.

Brief description of amendment: This amendment revises the technical specification (TS) surveillance requirement for the frequency to verify that each containment spray system nozzle is unobstructed from every 10 years to an event-based frequency.

Date of issuance: October 20, 2015.

Effective date: As of the date of issuance and shall be implemented within 45 days from the date of issuance.

Amendment No.: 289. A publicly-available version is in ADAMS under Accession No. ML15251A046; documents related to this amendment

are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–3: Amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: March 31, 2015 (80 FR 17090).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 20, 2015.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket No. 50–133, Humboldt Bay Power Plant, Unit 3, Humboldt County, California

Date of amendment request: June 30, 2014, as supplemented March 27, 2015.

Brief description of amendment: The amendment revised the Humboldt Bay Power Plant, Unit 3 License to approve the revised Emergency Plan.

Date of issuance: September 23, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 46. A publicly-available version is in ADAMS under Accession No. ML15148A361; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–7: Amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register***: August 19, 2014 (79 FR 49109).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 23, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: July 22, 2015.

Brief description of amendment: The amendment revised Technical Specification Section 6.0, ''Administrative Controls,'' by changing the ''Shift Supervisor'' title to ''Shift Manager.''

Date of issuance: October 15, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 202. A publicly-available version is in ADAMS under Accession No. ML15208A029; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register***: August 14, 2015 (80 FR 48924), as corrected by **Federal Register** notice dated August 20, 2015 (80 FR 50663).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 15, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: June 17, 2015, as supplemented by letters dated July 14, August 3, August 28, September 3, and September 21, 2015.

Brief description of amendment: The amendment adopted new Technical Specification (TS) 3.7.16, ''Component Cooling System (CCS)—Shutdown,'' and TS 3.7.17, ''Essential Raw Cooling Water (ERCW) System—Shutdown,'' and revised TS 3.3.2, ''Engineered Safety Feature Actuation System (ESFAS) Instrumentation,'' and TS 3.4.6, ''RCS Loops-MODE 4,'' to support dual-unit operation of WBN Units 1 and 2.

Date of issuance: October 20, 2015.

Effective date: As of the date of issuance and shall be implemented after the issuance of the Facility Operating License for Unit 2.

Amendment No.: 104. A publicly-available version is in ADAMS under Accession No. ML15275A042; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Facility Operating License No. NPF–90: Amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** July 17, 2015 (80 FR 42552). The supplemental letters dated July 14, August 3, August 28, September 3, and September 21, 2015, provided additional information that clarified the application. These supplements did not change the staff's proposed no significant hazards consideration. The supplemental letter dated September 3, 2015, provided additional information that expanded the scope of the application as originally noticed. A notice published in the **Federal Register** on September 15, 2015 (80 FR 55383), supersedes the original notice in its entirety to update the expanded scope of the amendment description and include the staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in an SE dated October 20, 2015.

No significant hazards consideration determination comments received: No.

Dated at Rockville, Maryland, this 2nd day of November, 2015.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–28347 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0031]

Information Collection: NRC Form 171, Duplication Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 171, ''Duplication Request.''

DATES: Submit comments by December 10, 2015.

ADDRESSES: Submit comments directly to the OMB reviewer at: Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (OMB–3150–0066) NEOB–10202, Office of Management and Budget, Washington, DC 20503; telephone: 202–395–7315, email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, NRC Clearance Officer, 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–2015–0031 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–2015–0031. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0031 on the 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. ML15294A486. The supporting statement is available in ADAMS under Accession No. ML15294A512.

• *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 the 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

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. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 171, ''Duplication Request.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on July 21, 2015 (80 FR 43122).

1. *The title of the information collection:* NRC Form 171, ''Duplication Request.''

2. *OMB approval number:* 3150–0066.

3. *Type of submission:* Extension.

4. *The form number if applicable:* NRC Form 171.

5. *How often the collection is required or requested:* As needed (determined by the public ordering documents).

6. *Who will be required or asked to respond:* Individuals, companies or organizations requesting document duplication.

7. *The estimated number of annual responses:* 108.

8. *The estimated number of annual respondents:* 108.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 9.

10. *Abstract:* This form is used by the Public Document Room (PDR) staff members who collect information from the public requesting reproduction of publicly-available documents in NRC Headquarters' Public Document Room. Copies of the form are utilized by the reproduction contractor to accompany the orders. One copy of the form is kept by the contractor for their records, one copy is sent to the public requesting the documents, and the third copy (with no credit card data) is kept by the PDR staff for 90 calendar days, and then securely discarded.

Dated at Rockville, Maryland, this 5th day of November 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–28536 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0130]

Information Collection: Rules of General Applicability to Domestic Licensing of Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Rules of General Applicability to Domestic Licensing of Byproduct Material.''

DATES: Submit comments by December 10, 2015.

ADDRESSES: Submit comments directly to the OMB reviewer at: Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150–0017), NEOB–10202, Office of Management and Budget, Washington, DC 20503; telephone: 202–395–7315, email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, NRC Clearance Officer, 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–2015–0130 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–2015–0130. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0130 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. ML15253A662. The supporting statement and Rules of General Applicability to Domestic Licensing of Byproduct Material is available in ADAMS under Accession No. ML15253A665.

• 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 the 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

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. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''Rules of General Applicability to Domestic Licensing of Byproduct Material.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on June 23, 2015 (80 FR 35977).

1. *The title of the information collection:* Part 30 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Rules of General Applicability to Domestic Licensing of Byproduct Material.''

2. *OMB approval number:* 3150–0017.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 10 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

6. *Who will be required or asked to respond:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

7. *The estimated number of annual responses:* 179,423 (22,044 NRC Licensee responses [1,212 reporting responses + 2,600 for recordkeeping + 18,232 third-party disclosures] and 157,379 Agreement State Licensee responses [13,790 reporting responses + 17,988 for recordkeeping + 125,601 third-party disclosures]).

8. *The estimated number of annual respondents:* 20,588 (2,600 NRC licensees and 17,988 Agreement State licensees).

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 273,991 (NRC licensees 32,803 hours [15,318 hours for reporting + 15,615 hours for recordkeeping + 1,870 hours for third-party disclosures] and Agreement State licensees 241,188 hours [111,209 hours for reporting + 117,091 hours for recordkeeping + 12,888 hours for third-party disclosures]).

10. *Abstract:* 10 CFR part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

Dated at Rockville, Maryland, this 5th day of November 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–28535 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0254]

Proposed Emergency Preparedness Frequently Asked Questions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability; request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making available for comment a set of emergency preparedness frequently asked questions (EPFAQs). These EPFAQs are intended to provide clarification of endorsed Nuclear Energy Institute's guidance related to emergency preparedness (EP) at licensed power reactor sites. The NRC is publishing these draft EPFAQs to inform the public and solicit comments.

DATES: Submit comments by December 10, 2015. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0254. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Don A. Johnson, Office of Nuclear Security and Incident Response, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9230; email: *Don.Johnson@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0254 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0254.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The draft EPFAQs are available in ADAMS under Accession No. ML15271A299. These are also located on the NRC's Web site at *http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html.*
- 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.

B. Submitting Comments

Please include Docket ID NRC–2015–0254 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 that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The NRC is requesting comments on these draft EPFAQs. The NRC has developed this program for the staff to provide clarification of endorsed guidance related to EP. This process is intended to describe the manner in which the NRC may provide interested parties an opportunity to share their individual views with the NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of EP regulatory guidance issued by the NRC, before the NRC issues an official response to such questions.

Dated at Rockville, Maryland this 29 day of October, 2015.

For the Nuclear Regulatory Commission.

Robert E. Kahler,

Acting Deputy Director, Division of Preparedness and Response, Office of Nuclear Security and Incident Response.

[FR Doc. 2015–28595 Filed 11–9–15; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Notice—Public Hearing

TIME AND DATE: 2 p.m., Wednesday, December 2, 2015.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC

STATUS: Hearing OPEN to the Public at 2 p.m.

PURPOSE: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, November 25, 2015. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, November 25, 2015. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the December 10, 2015 Board meeting will be posted on OPIC's Web site.

CONTACT PERSON FOR INFORMATION

Information on the hearing may be obtained from Catherine F. I. Andrade at (202) 336–8768, via facsimile at (202) 408–0297, or via email at *Catherine.Andrade@opic.gov.*

Dated: August 14, 2015.

Catherine F. I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2015–28705 Filed 11–6–15; 4:15 pm]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Upcoming Meeting

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Federal Prevailing Rate Advisory Committee is issuing this notice to cancel the November 19, 2015, public meeting scheduled to be held in Room 5A06A, U.S. Office of Personnel Management Building, 1900 E Street NW., Washington, DC. The original **Federal Register** notice announcing this meeting was published Monday, December 8, 2014, at 79 FR 72714, with a correction published Wednesday, December 17, 2014, at 79 FR 75189.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, 202–606–2838, or email *pay-leave-policy@opm.gov.*

U.S. Office of Personnel Management.

Sheldon Friedman,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 2015–28571 Filed 11–9–15; 8:45 am]

BILLING CODE 6325–49–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from August 1, 2015, to August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, (202) 606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during August 2015.

Schedule B

No Schedule B Authorities to report during August 2015.

Schedule C

The following Schedule C appointing authorities were approved during August 2015.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Office of the Assistant Secretary for Congressional Relations.	Legislative Analyst	DA150167	8/4/2015
	Rural Housing Service	State Director—North Dakota	DA150169	8/7/2015
	Farm Service Agency	Chief of Staff	DA150168	8/11/2015
	Office of the Under Secretary for Marketing and Regulatory Programs.	Chief of Staff	DA150186	8/31/2015
DEPARTMENT OF COMMERCE	Office of Deputy Assistant Secretary for Legislative and Intergovernmental Affairs.	Associate Director for Oversight	DC150145	8/5/2015
	Minority Business Development Agency.	Senior Advisor	DC150139	8/7/2015
	Office of the Deputy Secretary	Deputy Chief Data Officer	DC150144	8/11/2015
	Office of the Chief of Staff	Advance Assistant	DC150146	8/11/2015
	Office of Policy and Strategic Planning.	Senior Policy Advisor	DC150147	8/11/2015
	Assistant Secretary and Director General for United States and Foreign Commercial Service.	Special Advisor	DC150149	8/19/2015
	Office of Public Affairs	Deputy Speechwriter	DC150153	8/25/2015
		Press Assistant	DC150156	8/25/2015
	Office of Scheduling and Advance	Scheduler	DC150157	8/25/2015
	Office of Executive Secretariat	Deputy Director	DC150163	8/25/2015
DEPARTMENT OF DEFENSE	Washington Headquarters Services.	Defense Fellow	DD150173	8/20/2015
	Office of the Director of Defense Research and Engineering.	Special Assistant (Research and Engineering).	DD150178	8/21/2015
	Office of the Assistant Secretary of Defense (Asian and Pacific Security Affairs).	Special Assistant for Afghanistan, Pakistan and Central Asia.	DD150172	8/24/2015
	Office of the Assistant Secretary of Defense (International Security Affairs).	Special Assistant for Middle East Policy.	DD150175	8/24/2015
DEPARTMENT OF THE ARMY	Office Assistant Secretary Army (Acquisition, Logistics and Technology).	Senior Advisor (Acquisition, Logistics and Technology).	DW150055	8/26/2015
DEPARTMENT OF EDUCATION	Office of the Under Secretary	Special Assistant	DB150113	8/5/2015
	Office of Legislation and Congressional Affairs.	Confidential Assistant	DB150114	8/5/2015
	Office of the Deputy Secretary	Confidential Assistant	DB150115	8/10/2015
	Office of Communications and Outreach.	Deputy Chief of Staff	DB150117	8/19/2015
		Senior Writer	DB150119	8/24/2015
	Office of Planning, Evaluation and Policy Development.	Deputy Assistant Secretary for P–12 Education.	DB150121	8/27/2015
DEPARTMENT OF ENERGY	Office of the Secretary of Energy Advisory Board.	Principal Deputy Director	DE150112	8/5/2015
	Office of the Assistant Secretary for Nuclear Energy.	Senior Advisor	DE150129	8/5/2015
		Senior Communications Advisor	DE150126	8/20/2015
	Office of the Deputy Secretary	Special Assistant (2)	DE150124	8/17/2015
			DE150125	8/17/2015
	Loan Programs Office	Director of Strategic Initiatives	DE150108	8/20/2015

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of Energy Policy and Systems Analysis.	Special Advisor	DE150127	8/20/2015
	Office of Management	Senior Advisor	DE150136	8/20/2015
ENVIRONMENTAL PROTECTION AGENCY.	Office of Public Affairs	Deputy Press Secretary	EP150048	8/11/2015
EXPORT-IMPORT BANK	Office of Communications	Director of Media Relations	EB150005	8/26/2015
FEDERAL TRADE COMMISSION	Office of Public Affairs	Public Affairs Specialist	FT150009	8/13/2015
GENERAL SERVICES ADMINISTRATION.	Office of the Regional Administrators.	Special Assistant (National Capital Region).	GS150047	8/4/2015
	Great Lakes Region	Special Assistant	GS150048	8/10/2015
	Mid-Atlantic Region	Special Assistant	GS150050	8/14/2015
	Office of the Administrator	Special Assistant	GS150051	8/21/2015
	Office of Congressional and Intergovernmental Affairs.	Deputy Associate Administrator for Policy.	GS150052	8/21/2015
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Secretary	Senior Advisor	DH150175	8/7/2015
		Confidential Assistant	DH150179	8/7/2015
	Office of the Assistant Secretary for Public Affairs.	Confidential Assistant	DH150178	8/25/2015
		Press Secretary	DH150184	8/26/2015
	Office of the Assistant Secretary for Health.	Speechwriter	DH150185	8/26/2015
DEPARTMENT OF HOMELAND SECURITY.	Office of the Assistant Secretary for Public Affairs.	Press Assistant	DM150223	8/3/2015
		Deputy Press Secretary	DM150222	8/4/2015
		Press Secretary	DM150225	8/11/2015
		Communications Director	DM150244	8/21/2015
	Office of the Chief of Staff	Special Assistant	DM150229	8/4/2015
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Public Affairs	Deputy Assistant Secretary for Public Affairs.	DU150072	8/12/2015
		Special Advisor for Public Engagement.	DU150071	8/20/2015
		Director of Strategic Communications.	DU150073	8/28/2015
	Office of the Secretary	Senior Policy Advisor	DU150069	8/27/2015
DEPARTMENT OF JUSTICE	Office of Legal Policy	Counsel	DJ150101	8/5/2015
	Office of the Deputy Attorney General.	Senior Counsel	DJ150100	8/14/2015
		Special Assistant	DJ150126	8/27/2015
	Antitrust Division	Chief of Staff	DJ150112	8/14/2015
DEPARTMENT OF LABOR	Office of the Secretary	Advisor for Private Sector Engagement.	DL150078	8/4/2015
		Special Assistant	DL150080	8/13/2015
	Office of Public Affairs	Special Assistant	DL150079	8/27/2015
	Employment and Training Administration.	Senior Policy Advisor	DL150084	8/27/2015
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	Office of Legislative and Intergovernmental Affairs.	Legislative Affairs Specialist	NN150068	8/3/2015
	Office of the Administrator	White House Liaison	NN150073	8/25/2015
NATIONAL ENDOWMENT FOR THE ARTS.	Office of the Chief of Staff	Special Assistant for Congressional Affairs/Council Operations.	NA150006	8/17/2015
NATIONAL TRANSPORTATION SAFETY BOARD.	Office of the Managing Director	Confidential Assistant	TB150007	8/12/2015
OFFICE OF MANAGEMENT AND BUDGET.	Health Division	Confidential Assistant	BO150037	8/20/2015
SMALL BUSINESS ADMINISTRATION.	Office of the Ombudsman	Senior Advisor	SB150048	8/3/2015
	Office of Capital Access	Special Advisor	SB150051	8/5/2015
DEPARTMENT OF STATE	Office of the Under Secretary for Economic Growth, Energy, and the Environment.	Special Envoy and Coordinator for International Energy Affairs.	DS150116	8/14/2015
	Bureau of Arms Control, Verification, and Compliance.	Public Affairs Specialist	DS150117	8/21/2015
	Office of the Global Women's Issues.	Staff Assistant	DS150114	8/26/2015
	Bureau of Western Hemisphere Affairs.	Deputy Assistant Secretary	DS150120	8/26/2015
DEPARTMENT OF TRANSPORTATION.	Office of Public Affairs	Press Secretary	DT150076	8/3/2015
	Office of the Chief Information Officer.	Special Advisor	DT150077	8/17/2015
	Office of the Assistant Secretary for Governmental Affairs.	Deputy Assistant Secretary for Governmental Affairs.	DT150078	8/17/2015
	Office of the Secretary	Deputy White House Liaison	DT150081	8/24/2015
DEPARTMENT OF THE TREASURY.	Office of the Secretary of the Treasury.	Deputy Executive Secretary	DY150133	8/20/2015

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of the Assistant Secretary (Public Affairs).	Confidential Assistant	DY150134	8/27/2015
UNITED STATES INTERNATIONAL TRADE COMMISSION.	Office of the Chairman	Confidential Assistant	TC150005	8/25/2015
		Staff Assistant (Economics)	TC150006	8/25/2015

The following Schedule C appointing authorities were revoked during August 2015.

Agency name	Organization name	Position title	Authorization No.	Vacate date
DEPARTMENT OF COMMERCE	Office of Scheduling and Advance	Director of Scheduling	DC150031	8/18/2015
	Office of Director General of the United States and Foreign Commercial Service and Assistant Secretary for Global Markets.	Special Assistant	DC150011	8/22/2015
	Office of Executive Secretariat	Deputy Director, Executive Secretariat.	DC140016	8/22/2015
	Office of the Under Secretary	Senior Advisor	DC140021	8/29/2015
OFFICE OF THE SECRETARY OF DEFENSE.	Office of Assistant Secretary of Defense (Reserve Affairs).	Special Assistant to the Assistant Secretary of Defense (Reserve Affairs).	DD130022	8/8/2015
	Office of the Assistant Secretary of Defense (Legislative Affairs).	Special Assistant	DD140065	8/8/2015
	Office of the Secretary	Confidential Assistant	DD140142	8/8/2015
		Protocol Officer	DD120017	8/8/2015
DEPARTMENT OF ENERGY	Office of Public Affairs	Deputy Press Secretary	DE140043	8/22/2015
ENVIRONMENTAL PROTECTION AGENCY.	Office of Public Affairs	Deputy Press Secretary	EP140023	8/15/2015
GENERAL SERVICES ADMINISTRATION.	Office of Congressional and Intergovernmental Affairs.	Deputy Associate Administrator for Policy.	GS130002	8/9/2015
	Office of the Regional Administrators.	Special Assistant to the Regional Administrator.	GS140049	8/9/2015
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Public Affairs.	Director of Public Health Initiatives.	DH130060	8/7/2015
	Office of the Assistant Secretary for Legislation.	Special Assistant and Director of Special Projects.	DH140123	8/8/2015
	Office of the Secretary	Special Advisor to the Secretary	DH140072	8/8/2015
DEPARTMENT OF HOMELAND SECURITY.	Office of the Under Secretary for National Protection and Programs Directorate.	Special Assistant	DM120155	8/7/2015
	Office of the Assistant Secretary for Public Affairs.	Press Assistant	DM140137	8/8/2015
		Press Secretary	DM140231	8/22/2015
		Strategic Planning and Coordination Advisor.	DM140193	8/22/2015
	Office of the Executive Secretariat.	Special Assistant	DM140140	8/8/2015
	Office of the Secretary	Special Assistant to the Senior Counselor.	DM150181	8/8/2015
	Office of the Chief of Staff	Special Assistant to the White House Liaison.	DM150158	8/22/2015
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Public Affairs	Press Secretary	DU140021	8/22/2015
DEPARTMENT OF JUSTICE	Antitrust Division	Chief of Staff	DJ140114	8/22/2015
	Office of the Deputy Attorney General.	Counsel	DJ130044	8/22/2015
DEPARTMENT OF STATE	Foreign Policy Planning Staff	Speechwriter (2)	DS130094	8/8/2015
			DS130096	8/9/2015
DEPARTMENT OF TRANSPORTATION.	Office of the Assistant Secretary for Budget and Programs.	Deputy Assistant Secretary for Finance and Budget.	DT140006	8/22/2015
	Office of the Assistant Secretary for Governmental Affairs.	Director of Governmental Affairs	DT150010	8/22/2015

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–28567 Filed 11–9–15; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from September 1, 2015, to September 30, 2015.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, (202) 606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

11. Department of Homeland Security (Sch. A, 213.3111)

(d) General—

(1) Not to exceed 1,000 positions to perform cyber risk and strategic analysis, incident handling and malware/vulnerability analysis, program management, distributed control systems security, cyber incident response, cyber exercise facilitation and management, cyber vulnerability detection and assessment, network and systems engineering, enterprise architecture, intelligence analysis, investigation, investigative analysis and cyber-related infrastructure interdependency analysis requiring unique qualifications currently not established by OPM. Positions will be at the General Schedule (GS) grade levels 09–15. Appointments may be made under this authority until the regulations implementing Border Patrol Agency Pay Reform Act of 2014 become effective or until June 30, 2016, whichever comes first.

Schedule B

No Schedule B Authorities to report during September 2015.

Schedule C

The following Schedule C appointing authorities were approved during September 2015.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Office of the Assistant Secretary for Congressional Relations.	Legislative Analyst	DA150185	9/4/2015
	Rural Utilities Service	Policy Advisor	DA150190	9/17/2015
	Office of the Under Secretary for Rural Development.	Special Advisor	DA150192	9/22/2015
	Office of the Assistant Secretary for Congressional Relations.	Senior Legislative Analyst	DA150196	9/30/2015
DEPARTMENT OF COMMERCE	Office of Assistant Secretary for Economic Development.	Policy Advisor	DC150154	9/4/2015
	Office of Policy and Strategic Planning.	Confidential Assistant	DC150164	9/4/2015
	Office of Scheduling and Advance.	Special Assistant	DC150165	9/4/2015
	Economics and Statistics Administration.	Press Secretary	DC150171	9/10/2015
	Office of Director General of the U.S. and Foreign Commercial Service and Assistant Secretary for Global Markets.	Special Advisor	DC150167	9/11/2015
	Immediate Office of the Secretary.	Executive Assistant	DC150168	9/11/2015
COMMODITY FUTURES TRADING COMMISSION.	Office of the Commissioner	Policy Advisor	CT150003	9/10/2015
CONSUMER PRODUCT SAFETY COMMISSION.	Office of Commissioners	Special Assistant	PS150006	9/15/2015
DEPARTMENT OF DEFENSE	Office of the Deputy Chief Management Officer.	Special Assistant	DD150185	9/3/2015
	Office of Under Secretary of Defense (Intelligence).	Special Assistant (Intelligence)	DD150189	9/11/2015
	Office of the Under Secretary of Defense (Policy).	Special Assistant for Afghanistan, Pakistan, and Central Asia.	DD150179	9/16/2015
	Office of the Assistant Secretary of Defense (International Security Affairs).	Senior Advisor for Russia, Ukraine and Eurasia Policy.	DD150184	9/16/2015
DEPARTMENT OF EDUCATION	Office of the Secretary	Special Assistant	DB150122	9/4/2015
		Deputy Director of Advance	DB150124	9/29/2015
	Office of Elementary and Secondary Education.	Confidential Assistant	DB150125	9/28/2015
DEPARTMENT OF ENERGY	Office of Scheduling and Advance.	Director, Office of Scheduling and Advance.	DE150140	9/3/2015

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of Assistant Secretary for Energy Efficiency and Renewable Energy.	Senior Advisor	DE150143	9/10/2015
	Office of Public Affairs	Press Secretary	DE150141	9/29/2015
ENVIRONMENTAL PROTECTION AGENCY.	Office of Public Engagement and Environmental Education.	Deputy Director for Public Engagement and Public Health Based Initiatives.	EP150052	9/14/2015
	Office of the Administrator	Special Advisor	EP150056	9/15/2015
FEDERAL ENERGY REGULATORY COMMISSION.	Office of the Chairman	Program Analyst	DR150019	9/3/2015
DEPARTMENT OF HOMELAND SECURITY.	Office of the Chief of Staff	Special Assistant	DM150251	9/3/2015
	Office of the Assistant Secretary for Public Affairs.	Assistant Press Secretary	DM150221	9/9/2015
		Director of Strategic Communications.	DM150262	9/16/2015
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Public and Indian Housing.	Senior Policy Advisor	DU150074	9/3/2015
DEPARTMENT OF THE INTERIOR.	Office of Assistant Secretary—Insular Areas.	Advisor	DI150122	9/29/2015
DEPARTMENT OF JUSTICE	Office of the Attorney General	Director of Advance	DJ150129	9/18/2015
DEPARTMENT OF LABOR	Office of Federal Contract Compliance Programs.	Special Assistant	DL150085	9/2/2015
	Office of the Secretary	Advisor for Private Sector Engagement.	DL150086	9/11/2015
	Bureau of International Labor Affairs.	Special Assistant	DL150089	9/17/2015
NATIONAL TRANSPORTATION SAFETY BOARD.	Office of Board Members	Confidential Assistant	TB150008	9/25/2015
OFFICE OF MANAGEMENT AND BUDGET.	Office of Communications	Deputy Associate Director for Communications.	BO150038	9/4/2015
		Press Assistant	BO150040	9/15/2015
	Office of the Director	Senior Advisor	BO150042	9/25/2015
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of State, Local and Tribal Affairs.	Policy Specialist (2)	QQ150005	9/2/2015
			QQ150004	9/4/2015
SECURITIES AND EXCHANGE COMMISSION.	Office of the Chairman	Executive Correspondence Coordinator.	SE150005	9/10/2015
SMALL BUSINESS ADMINISTRATION.	Office of Capital Access	Senior Advisor	SB150053	9/3/2015
	Office of Native American Affairs	Assistant Administrator for Native American Affairs.	SB150054	9/3/2015
	Office of the Administrator	Senior Advisor	SB150055	9/4/2015
	Office of Government Contracting and Business Development.	Senior Advisor	SB150057	9/17/2015
	Office of Investment and Innovation.	Special Advisor	SB150059	9/29/2015
DEPARTMENT OF STATE	Bureau of Legislative Affairs	Deputy Assistant Secretary	DS150113	9/2/2015
	Office of International Information Programs.	Information Technology Specialist.	DS150112	9/10/2015
	Bureau for Education and Cultural Affairs.	Special Assistant	DS150123	9/25/2015
		Supervisory Public Affairs Specialist.	DS150129	9/25/2015
	Bureau of Democracy, Human Rights and Labor.	Senior Advisor	DS150124	9/25/2015
	Bureau of Legislative Affairs	Legislative Management Officer	DS150125	9/25/2015
	Bureau of Economic and Business Affairs.	Senior Advisor	DS150130	9/25/2015
	Office of the Secretary	Special Assistant	DS150091	9/29/2015
	Office of the United States Aids Coordinator.	Senior Advisor	DS150121	9/29/2015
DEPARTMENT OF TRANSPORTATION.	Office of the Secretary	Special Assistant (Scheduling and Advance) (2).	DT150083	9/15/2015
			DT150084	9/15/2015
DEPARTMENT OF THE TREASURY.	Office of the Assistant Secretary (Legislative Affairs).	Special Advisor	DY150136	9/2/2015
	Office of the Assistant Secretary (Public Affairs).	Senior Advisor	DY150137	9/3/2015
	Office of the Secretary	Deputy Executive Secretary	DY150144	9/16/2015
		Special Advisor	DY150147	9/30/2015
DEPARTMENT OF VETERANS AFFAIRS.	Office of the Assistant Secretary for Policy and Planning.	Director Insight and Design	DV150056	9/4/2015
		Director Special Programs	DV150057	9/4/2015

The following Schedule C appointing authorities were revoked during September 2015.

Agency name	Organization name	Position title	Authorization No.	Vacate date
COMMODITY FUTURES TRADING COMMISSION.	Office of the Chairman	Policy Advisor	CT150001	9/19/15
DEPARTMENT OF COMMERCE	Office of Assistant Secretary for Industry and Analysis.	Special Advisor	DC150057	9/5/15
	Office of Public Affairs	Deputy Speechwriter	DC140165	9/5/15
	Office of the Chief of Staff	Scheduling Assistant	DC140142	9/5/15
	Office of the General Counsel	Special Assistant	DC130091	9/5/15
	Immediate Office of the Secretary.	Executive Assistant to the Secretary.	DC150056	9/11/15
OFFICE OF THE SECRETARY OF DEFENSE.	Washington Headquarters Services.	Defense Fellow	DD120089	9/5/15
DEPARTMENT OF ENERGY	Loan Programs Office	Senior Advisor	DE140109	9/5/15
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Center for Consumer Information and Insurance Oversight.	State Exchange Group Director	DH140101	9/11/15
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Congressional and Intergovernmental Relations.	Senior Advisor	DU140008	9/5/15
	Office of the Secretary	Senior Policy Advisor	DU140042	9/5/15
	Office of Field Policy and Management.	Senior Advisor for Housing Policy and Programs.	DU130007	9/19/15
DEPARTMENT OF JUSTICE	Office of the Attorney General	Director of Scheduling and Advance.	DJ150095	9/4/15
	Office of the Deputy Attorney General.	Senior Counsel	DJ100172	9/5/15
DEPARTMENT OF LABOR	Office of Public Affairs	Special Assistant	DL120023	9/13/15
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	Office of Legislative and Intergovernmental Affairs.	Senior Advisor	NN140066	9/19/15
OFFICE OF MANAGEMENT AND BUDGET.	Office of Communications	Press Secretary	BO150001	9/5/15
OFFICE OF PERSONNEL MANAGEMENT.	Office of the Director	Senior Advisor to the Director	PM150004	9/25/15

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–28566 Filed 11–9–15; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76348; File No. SR–NSCC–2015–007]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Provide Mechanism for Sub-Account Settlement With Respect to the Alternative Investment Product Services

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 30, 2015, National Securities Clearing Corporation (''NSCC'' or the ''Corporation'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to NSCC's Rules & Procedures (''Rules'') [3] in connection with creating a mechanism for certain users of the Alternative Investment Product Services (''AIP'') to settle at the sub-account level, and to make certain technical changes and corrections, as more fully described below. The text of the proposed rule change is available on NSCC's Web site at *http://www.dtcc.com/legal/sec-rule-filings,* at the principal office of NSCC, and at the Commission's Public Reference Room.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Statement of Purpose

Background. In 2008, the Commission approved NSCC's proposed rule change to establish AIP, a non-guaranteed processing platform for alternative investment products such as hedge funds, funds of hedge funds, commodities pools, managed futures, and real estate investment trusts.[4] AIP facilitates, among other things,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NSCC's Rules may be found at: *http://www.dtcc.com/legal/rules-and-procedures.*

[4] Securities Exchange Act Release No. 57813 (May 12, 2008), 73 FR 28539 (May 16, 2008) (SR–NSCC–2007–12).

processing activities such as subscriptions and redemptions, distributions, position reporting, and account maintenance relating to alternative investment products and settles related payments (''AIP Payments'').

Settlement of AIP Payments is done on a prefunded basis. On each date for which settlement will occur (''Settlement Date''), an AIP participant (''AIP Member'') that is in a debit position for such day must satisfy its full debit balance before NSCC will settle any contra-side credit positions with respect to such AIP Member. NSCC simply passes AIP Payments from one AIP Member to the contra-side AIP Member without netting and without guaranteeing payment, and settlement of AIP Payments is segregated from all other money settlement at NSCC.

Participation in AIP is governed by Rule 53 of NSCC's Rules. A party seeking to be an AIP Member is required to enter into a separate AIP membership agreement with NSCC, even if it is otherwise a participant of other NSCC services.

AIP Members are divided into two categories—''AIP Manufacturers'' and ''AIP Distributors''. AIP Manufacturers act on behalf of, or under authority of, the sponsor, general partner, or other party responsible for the creation or manufacturing of an eligible alternative investment product (''Eligible AIP Product''). AIP Manufacturers are generally the fund entities themselves (''Funds''). AIP Distributors act on behalf of, or under authority of, a customer or other investor in an Eligible AIP Product. AIP Distributors are generally the broker/dealers whose clients invest in Eligible AIP Products.

Fund Administrators. Within the alternative investments industry, there are parties on the creation/manufacturing side of transactions known as ''fund administrators''. Fund administrators are not the Funds themselves, but rather, agents for the Funds. Where a Fund engages a fund administrator to act on the Fund's behalf, it is typically the fund administrator that handles all of the transaction processing for that Fund.

Within AIP, a fund administrator is a party engaged under contract to provide administrative services with respect to one or more Eligible AIP Products and is eligible to be an AIP Member as an AIP Manufacturer (''AIP Fund Administrator''). In general, AIP Fund Administrators process AIP transactions with respect to their various Fund clients by creating separate sub-accounts within AIP, each of which is attributable to a specific Fund client. In this structure, the Fund client generally would not be an AIP Member.

Under the current AIP Rules, AIP Fund Administrators are responsible for all activities related to their sub-accounts. These activities include, for example, submitting, reviewing, and confirming order instructions, reviewing and confirming settlement statements, and making AIP Payments. With respect to making AIP Payments, the Rules provide that on Settlement Date all sub-account obligations roll up to the AIP Fund Administrator's primary AIP account. These obligations are then presented to the AIP Fund Administrator's settlement bank for gross debit settlement and gross credit settlement.

Because AIP Fund Administrators are responsible for settlement of AIP Payments, an AIP Fund Administrator in a debit position on Settlement Date must assure that each applicable Fund client has timely delivered payment to such AIP Fund Administrator's settlement bank. To the extent that a single Fund client fails to deliver its payment on Settlement Date (and the AIP Fund Administrator is not otherwise able to cover such Fund's shortfall), NSCC is required to reverse all of the AIP Fund Administrator's contra-side credit positions for the day, including the contra-side credit positions attributable to Funds that actually did pay.

In recent months, NSCC has learned from several fund administrators interested in becoming AIP Members that the responsibility to make AIP Payments at NSCC is a responsibility that fund administrators generally do not undertake outside of AIP. In the current processing environment outside of AIP, fund administrators perform all transaction processing functions for their Funds, but they generally do not control money settlement.

As explained by certain fund administrators to NSCC, the current AIP Payment structure as applied to AIP Fund Administrators has slowed adoption of AIP by the fund administrator community.

Proposed Rule Change. To address this matter, NSCC is proposing to permit AIP Fund Administrators, at their discretion, to create sub-accounts that settle separately from their primary AIP accounts, as well as from their other AIP sub-accounts, (''AIP Settling Sub-Accounts'').

An AIP Fund Administrator choosing to create an AIP Settling Sub-Account would designate to NSCC the applicable Fund client with responsibility for settlement of AIP Payments with respect to such AIP Settling Sub-Account. Such designated Fund would not be an AIP Member (''AIP Non-Member Fund''). Each such AIP Non-Member Fund would enter into a standard agreement pursuant to which an NSCC-approved AIP Settling Bank would perform settlement services directly for the AIP Non-Member Fund (''Appointment of AIP Settling Bank and AIP Settling Bank Agreement'').

Under the proposal, AIP Fund Administrators would remain responsible for all activities with respect to their AIP Settling Sub-Accounts, except that AIP Fund Administrators would not be responsible for settling AIP Payments. For example, AIP Fund Administrators would remain responsible for order processing applicable to their AIP Settling Sub-Accounts, including submitting, reviewing, and confirming order instructions. In addition, AIP Fund Administrators would be responsible for informing their AIP Non-Member Funds of their respective daily AIP Payment obligations. All reporting, liability, and indemnification obligations to NSCC under NSCC's Rules would remain with the AIP Fund Administrator.

As is the case today, settlement of all AIP Payments would be done on a prefunded basis. NSCC would not net or guarantee any AIP Payments with respect to AIP Settling Sub-Accounts, and all settlement of AIP Payments (including those of AIP Non-Member Funds) would continue to be segregated from all other money settlement at NSCC.

Prior to NSCC approving any AIP Settling Sub-Account, NSCC would require the applicable AIP Fund Administrator to enter into documentation and/or agreements, or otherwise procure documentation and/or agreements, in such form as required by NSCC from time to time, which would contain:

- The AIP Fund Administrator's acknowledgement and agreement that it will be responsible for all matters, activities, liabilities, and obligations applicable to AIP Members under the Rules with respect to such AIP Settling Sub-Account, except for settlement of AIP Payments;
- the AIP Fund Administrator's agreement to indemnify NSCC for any loss, liability, or expense sustained by NSCC in connection with, arising from, or related to such AIP Settling Sub-Account, including with respect to the Foreign Account Tax Compliance Act (''FATCA'');[5]
- the AIP Fund Administrator's agreement that it will be responsible for

[5] 26 U.S.C. 1471 *et seq.*

(A) all charges incurred and payments due under Rule 26 (Bills Rendered) for the processing of AIP Settling Sub-Account transactions through AIP and (B) any other charges that may be incurred with respect to such AIP Settling Sub-Account under Rule 24 (Charges for Services Rendered);

- the AIP Fund Administrator's designation of the AIP Non-Member Fund with responsibility for making AIP Payments with respect to such AIP Settling Sub-Account;
- the AIP Non-Member Fund's consent and approval with respect to such designation;
- the AIP Fund Administrator's agreement of its obligation to notify NSCC of changes in condition to the AIP Non-Member Fund that would otherwise require notice to NSCC under Rule 2B (Ongoing Membership Requirements and Monitoring) or Rule 20 (Insolvency);
- the AIP Fund Administrator's agreement of its obligation to notify the applicable AIP Non-Member Fund of such AIP Non-Member Fund's daily AIP Payment balance; and
- the AIP Non-Member Fund's appointment of an AIP Settling Bank, and such AIP Settling Bank's agreement to act as AIP Settling Bank for such AIP Non-Member Fund.

In addition, the applicable AIP Fund Administrator would need to obtain from the applicable AIP Non-Member Fund tax documentation in such form as required by NSCC from time to time, and with respect to any AIP Non-Member Fund that is treated as a non-U.S. entity for U.S. federal income tax purposes, the AIP Fund Administrator would need to provide NSCC with an executed FATCA certification from such AIP Non-Member Fund in the form approved by NSCC.

On a going-forward basis with respect to FATCA, AIP Fund Administrators would need to obtain from their AIP Non-Member Funds periodic tax documentation, including FATCA certifications to the extent applicable, and provide such documentation to NSCC. Failure to provide such tax documentation, including FATCA certifications, in the manner and timeframes set forth by NSCC from time to time would result in revocation of NSCC's approval, in NSCC's sole and absolute discretion, of such AIP Settling Sub-Account.

Under the proposal, AIP Fund Administrators would be required to indemnify NSCC for any loss, liability, or expense sustained by NSCC in connection with, arising from, or related to FATCA in respect of their AIP Settling Sub-Accounts. The proposed FATCA-related provisions in this proposed rule change are substantially similar to the current provisions in the Rules governing how NSCC monitors and treats its non-U.S. members with respect to FATCA.

In connection with this proposal, NSCC would amend the following Rules:

- Rule 1. Definitions

- The following new defined terms would be created: ''AIP Fund Administrator'', ''AIP Non-Member Fund'', and ''AIP Settling Sub-Account'', each of which would be defined or further described in Rule 53 (Alternative Investment Product Services and Members).
- The defined term ''AIP Settling Bank'' would be amended to: provide that AIP Settling Banks undertake to perform settlement services for AIP Members, as well as for AIP Non-Member Funds; and correct an incorrect Rule citation within the defined term.

- Rule 2. Members and Limited Members

The description of ''AIP Settling Bank Only Member'' as a type of NSCC Limited Member would be amended to provide that AIP Settling Bank Only Members undertake to perform settlement services with respect to AIP on behalf of AIP Members, as well as AIP Non-Member Funds.

- Rule 53. Alternative Investment Product Services and Members

The Rule would be amended to: permit AIP Fund Administrators to create AIP Settling Sub-Accounts and address the agreements and documents that NSCC would require prior to approving any such AIP Settling Sub-Account; describe the tax and FATCA-related requirements in connection with creating and maintaining such AIP Settling Sub-Accounts; describe the settlement process with respect to AIP Settling Sub-Accounts; state that NSCC will not notify any AIP Non-Member Fund of any debit or credit balance and identify that it is the AIP Fund Administrator's obligation to notify each such AIP Non-Member Fund of its applicable debit or credit balance; state that NSCC will not guarantee AIP Payments to any AIP Non-Member Fund; specify that NSCC will not be liable for the acts, delays, omissions, bankruptcy, or insolvency of any AIP Non-Member Fund unless the Corporation was grossly negligent, engaged in willful misconduct, or in violation of federal securities laws for which there is a private right of action; and address applicable technical changes in connection with the foregoing.

- Rule 55. Settling Banks and AIP Settling Banks

The Rule would be amended to provide that AIP Settling Banks may undertake to: perform settlement services on behalf of AIP Non-Member Funds; describe the settlement process with respect to AIP Settling Sub-Accounts; and make certain technical corrections.

- Rule 58. Limitation on Liability

The Rule would be amended to specify that NSCC will not be liable for the acts, delays, omissions, bankruptcy, or insolvency of any AIP Non-Member Fund unless the Corporation was grossly negligent, engaged in willful misconduct, or in violation of federal securities laws for which there is a private right of action; and make clear that NSCC will not be responsible for the completeness or accuracy of any AIP data received from or transmitted to an AIP Member (including an AIP Fund Administrator with respect to any AIP Settling Sub-Account thereof), nor for any errors, omissions, or delays which may occur in the transmission of such AIP data to or from an AIP Member (including an AIP Fund Administrator with respect to any AIP Settling Sub-Account thereof).

- Addendum D (Statement of Policy; Envelope Settlement Service, Mutual Fund Services, Insurance and Retirement Processing Services and other Services Offered by the Corporation)

The Rule would be amended to make clear that settlement with respect to AIP Settling Sub-Accounts is not guaranteed and that NSCC will reverse any credit previously given to any AIP Member (including any AIP Settling Sub-Account) that is the contra-side to an AIP Member (including a contra-side AIP Settling Sub-Account) whose payment was not received by NSCC.

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with the requirements of the Act, in particular Section 17A(b)(3)(F) of the Act.[6] Section 17A(b)(3)(F) of the Act, among other items, requires that NSCC's Rules be designed (i) to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and (ii) to remove impediments to and perfect the mechanism of a national system for the

[6] 15 U.S.C. 78q–1(b)(3)(F).

prompt and accurate clearance and settlement of securities transactions. In recent months, NSCC has learned from fund administrators interested in becoming AIP Members that fund administrators generally do not control money settlement for their Fund clients. Within AIP, settlement of AIP Payments is the responsibility of AIP Members, including AIP Fund Administrators. This disconnect has impeded the adoption of AIP by the fund administrator community. The proposed rule change would allow AIP Payments to settle at the sub-account level, which would redirect responsibility for settlement of AIP Payments to the AIP Fund Administrator's designated Fund clients. Under the proposal, if an AIP Non-Member Fund fails to make its AIP Payment on Settlement Date, only the credit positions on the contra-side of the applicable AIP Settling Sub-Account would be reversed. The current AIP Rules require NSCC to reverse all of an AIP Fund Administrator's contra-side credit positions to the extent the AIP Fund Administrator fails to meet any portion of its daily AIP Payment balance. In allowing settlement at the sub-account level, NSCC would be fostering cooperation and coordination with fund administrators and Funds engaged in the clearance and settlement of alternative investment securities transactions and would be removing an impediment to the prompt and accurate clearance and settlement of alternative investment securities transactions. Therefore, NSCC believes that the proposed rule change is consistent with the Act, in particular, Section 17A(b)(3)(F) [7] of the Act.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any impact, or impose any burden, on competition because the ability to settle at the sub-account level is optional and available to all AIP Fund Administrators.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. NSCC will notify the Commission of any written comments when received by NSCC.

[7] *Id.*

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NSCC–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2015–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://www.dtcc.com/legal/sec-rule-filings.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–2015–007 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28512 Filed 11–9–15; 8:45 am]

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[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76349; File No. SR–NYSEARCA–2015–97]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Requiring OTP Holders To Participate in Business Continuity and Disaster Recovery Plans Testing in Connection With Regulation Systems Compliance and Integrity

November 4, 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 October 26, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to require certain OTP Holders [4] to participate in

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Pursuant to Rule 1.1(q), an ''OTP Holder'' refers to a natural person, in good standing, who has been issued an OTP. An OTP Holder must be a registered broker or dealer pursuant to Section 15 of the Act. Rule 1.1(p) defines ''OTP'' as an Options Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange.

business continuity and disaster recovery plans (''BC/DR Plans'') testing in connection with Regulation Systems Compliance and Integrity (''Regulation SCI'').[5] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

As adopted by the Commission, Regulation SCI applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and will require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. Among the requirements of Regulation SCI is Rule 1001(a)(2)(v), which requires the Exchange and other SCI entities to maintain ''[b]usiness continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.''[6] As a matter of course, the Exchange has put extensive time and resources toward planning for system failures and already maintains robust BC/DR plans consistent with the proposed rule. As set forth below, in connection with Regulation SCI, the Exchange is proposing to require certain OTP Holders to participate in testing of the operation of the Exchange's BC/DR plans.

With respect to an SCI entity's BC/DR plans, including its backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to: ''[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.''[7] Paragraph (b) of Rule 1004 further requires each SCI entity to ''[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months.''[8]

To comply with Rule 1004 of Regulation SCI, the Exchange proposes to adopt Rule 2.26, governing mandatory testing of Exchange backup systems as described below. The requirements of proposed Rule 2.26 would apply to OTP Holders that transact on the Exchange's options market.

First, in paragraph (a) of proposed Rule 2.26, the Exchange proposes to establish standards for the designation of OTP Holders that the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of the Exchange's business continuity and disaster recovery plans.

Second, in paragraph (b) of proposed Rule 2.26, the Exchange proposes to specify that OTP Holders that are designated pursuant to paragraph (a) of proposed Rule 2.26 would be required to participate in scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, which shall not be less than once every 12 months.

Third, in paragraph (c) of proposed Rule 2.26, the Exchange proposes to make clear that Lead Market Makers[9] that have been determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume, measured on a quarterly or monthly basis, will be required to participate in scheduled functional and performance testing. The Exchange further proposes that it may also consider other factors in determining the OTP Holders that will be required to participate in scheduled functional and performance testing, including average daily volume traded on the Exchange measured on a quarterly or monthly basis, or OTP Holders who collectively account for a certain percentage of market share on the Exchange.

Fourth, in paragraph (d) of proposed Rule 2.26, the Exchange proposes that at least three (3) months prior to a scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, the Exchange will publish the criteria to be used by the Exchange to determine which OTP Holders will be required to participate in such testing and notify those OTP Holders that are required to participate based on such criteria.[10] The Exchange believes that the proposed notice requirements are necessary to provide OTP Holders with proper advance notice in the event they become subject to the proposed rule. The proposed timeframes would also provide OTP Holders with adequate time to prepare for the testing, including any systems changes needed, to connect to the Exchange's backup systems.

Finally, in paragraph (e) of proposed Rule 2.26, the Exchange proposes to make clear that OTP Holders not designated pursuant to standards established in paragraph (a) of proposed Rule 2.26 are permitted to connect to the Exchange's backup systems and may participate in testing of such systems. Proposed paragraph (e) is consistent with Regulation SCI, which encourages ''SCI entities to permit non-designated members or participants to participate in the testing of the SCE entity's BC/DR plans if they request to do so.''[11]

The Exchange notes that it encourages all OTP Holders to connect to the Exchange's backup systems and to participate in testing of such systems. However, in adopting the requirements in proposed Rule 2.26, the rule will subject only those OTP Holders to mandatory testing that the Exchange believes are, taken as a whole, the minimum necessary to maintain fair and orderly markets. The Exchange believes that designating OTP Holders to participate in mandatory testing because

[5] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[6] 17 CFR 242.1001(a)(2)(v).

[7] 17 CFR 242.1004(a).

[8] 17 CFR 242.1004(b).

[9] The term ''Lead Market Maker'' or ''LMM'' means an individual or entity that has been deemed qualified by the Exchange for the purpose of making transactions on the Exchange in accordance with Rule 6.82. Each LMM must be registered with the Exchange as a Market Maker. *See* Rule 6.1A(a)(5).

[10] The Exchange will publish the initial notice to OTP Holders no later than November 3, 2015.

[11] *See* SCI Adopting Release, *supra* note 5 at 72350.

they, for example, account for a significant portion of the Exchange's overall volume or maintain exclusive responsibilities with respect to Exchange-listed securities is a reasonable means to ensure the maintenance of a fair and orderly market on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal will ensure that the OTP Holders necessary to ensure the maintenance of a fair and orderly market are properly designated consistent with Rule 1004 of Regulation SCI. Specifically, as proposed, the Exchange will adopt clear and objective criteria with respect to the designation of OTP Holders that are required to participate in the testing of the Exchange's BC/DR plans, as well as appropriate notification regarding such designation. As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [14] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is not a competitive proposal but rather is necessary for the Exchange's compliance with Regulation SCI.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder. A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to incorporate changes required under Regulation SCI, such as establishing standards for designating BCP/DR participants, prior to the November 3, 2015 compliance date. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2015–97 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–2015–97. 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

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* SCI Adopting Release, *supra* note 5 at 72350.

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See,* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(2)(B).

provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090. 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–2015–97 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28513 Filed 11–9–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76351; File No. SR–CHX–2015–09]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Business and Disaster Recovery Plans Testing Requirements for Certain Participants in Connection With Regulation Systems Compliance and Integrity

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1], and Rule 19b–4 [2] thereunder, notice is hereby given that on October 29, 2015, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by 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

CHX proposes to adopt business continuity and disaster recovery plans (''BC/DR plans'') testing requirements for certain Participants [3] in connection with Regulation Systems Compliance and Integrity (''Regulation SCI'').[4] CHX has designated this proposed rule change as non-controversial pursuant to Section 19(b)(3)(A) [5] of the Act and Rule 19b–4(f)(6) [6] thereunder and has provided the Commission with the notice required by Rule 19b–4(f)(6)(iii).[7]

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX 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

As adopted by the Commission, Regulation SCI applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and will require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. Among the requirements of Regulation SCI is Rule 1001(a)(2)(v), which requires the Exchange and other SCI entities to maintain ''[b]usiness continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.'' [8] The Exchange has put extensive time and resources toward planning for system failures and already maintains robust BC/DR plans consistent with the Rule.[9] As set forth below, in connection with Regulation SCI, the Exchange is proposing to require certain Participants to participate in testing of the operation of the Exchange's BC/DR plans.

With respect to an SCI entity's BC/DR plans, including its backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to: ''[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.'' [10] Paragraph (b) of Rule 1004 further requires each SCI entity to ''[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months.'' [11] In order to comply with Rule 1004 of Regulation SCI, the Exchange proposes to adopt Article 3, Rule 21 (Mandatory Participation Testing of Backup Systems) requiring mandatory participation in testing of Exchange backup systems, as described below.

First, in paragraph (a) of Rule 21, the Exchange proposes to include language from paragraph (a) of Rule 1004 of Regulation SCI to summarize the Exchange's obligation pursuant to such rule. Specifically, the Exchange proposes to state that ''[p]ursuant to Regulation SCI and with respect to the Exchange's business continuity and disaster recovery plans, including its backup systems, the Exchange is required to establish standards for the designation of Participants that the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the

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[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Pursuant to CHX Article 1, Rule 1(s), a Participant is considered a ''member'' of the Exchange for the purposes of the Act.

[4] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 240.19b–4(f)(6)(iii).

[8] 17 CFR 242.1001(a)(2)(v).

[9] The Exchange notes that it permits the trading of securities at two separate data centers; one in Secaucus, New Jersey (NY4) and the other in Chicago (CH2). Each location serves as the primary matching location for a security traded on the Exchange and no single security is simultaneously traded at both locations, as the Exchange maintains only one book. In the event trading cannot occur at one location, the Exchange may move trading in affected securities to the other location, pursuant to its BC/DR plans.

[10] 17 CFR 242.1004(a).

[11] 17 CFR 242.1004(b).

activation of such plans.'' The Exchange further proposes that paragraph (a) indicate that the ''Exchange has established standards and will designate Participants according to those standards'' as set forth in the proposed Rule. In addition, the Exchange proposes to make clear that all Participants are permitted to connect to the Exchange's backup systems as well as to participate in testing of such systems. Proposed paragraph (a) is consistent with the Commission's adoption of Regulation SCI, which encouraged ''SCI entities to permit non-designated members or participants to participate in the testing of the SCI entity's BC/DR plans if they request to do so.'' [12]

Second, in paragraph (b) of Rule 21, the Exchange proposes to specify the criteria that will result in a Participant receiving a designation requiring it to connect to the Exchange's backup systems and to participate in functional and performance testing as announced by the Exchange, which shall occur at least once every 12 months. Specifically, proposed paragraph (b)(1) would require all Participants that account for a meaningful percentage of the Exchange's overall trades or volume to connect to the Exchange's backup systems and to participate in functional and performance testing.

The Exchange notes that it encourages all Participants to connect to the Exchange's backup systems and to participate in testing of such systems. In fact, if a Participant executes an average daily volume of 1 million or more provide shares in the Matching System during the month, CHX will impose a cap on logical port charges equal to the greatest number of ports attributable to that Participant in either of CHX's data centers which helps reduce the economic burden of maintaining connectivity to Exchange's data centers.[13] However, in adopting the requirements of proposed Rule 21(b), including both the requirement to maintain connectivity to Exchange backup systems and to participate in mandatory testing of such systems, the Exchange intends to subject to the Rule only those Participants that the Exchange believes are necessary to maintain fair and orderly markets at the Exchange. The Exchange believes that designating Participants to participate in mandatory testing because they account for a meaningful percentage of the Exchange's overall trades or volume is a reasonable means to ensure the maintenance of a fair and orderly market on the Exchange.

In addition to paragraphs (a) and (b) described above, the Exchange also proposes to adopt Interpretation and Policy .01, which would provide additional detail regarding the notice that will be provided to Participants that have been designated pursuant to subparagraph (b) of the Rule as well as the Exchange's method for measuring the trades and volume thresholds. As proposed, Interpretation and Policy .01 would state that for purposes of identifying Participants that account for a meaningful percentage of the Exchange's overall trades or volume, the Exchange will measure trades and volume executed on the Exchange on a quarterly basis. The percentage of trades and volume that the Exchange considers to be meaningful for purposes of this Interpretation and Policy .01 will be determined by the Exchange and will be published in a circular distributed to Participants. The Exchange will publish the first circular consistent with this proposal prior to the Regulation SCI compliance date of November 3, 2015. The proposed Interpretation and Policy would also require the Exchange to notify individual Participants quarterly that are subject to proposed paragraph (b) based on the prior calendar quarter's trades and volume. Finally, as proposed, if a Participant has not previously been subject to the requirements of proposed paragraph (b), then such Participant would have until the next calendar quarter before such requirements are applicable. The Exchange believes the proposed notice requirements are necessary to provide Participants with proper advance notice in the event they become subject to proposed Rule 21(b). The proposed timeframes would also provide Participants with adequate time to become compliant with such Rule due to the necessary infrastructure changes it may take to connect to the Exchange's backup systems for a Participant that is not already connected.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(5) of the Act [15] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The proposal will ensure that the Participants necessary to ensure the maintenance of a fair an orderly market are properly designated consistent with Rule 1004 of Regulation SCI. Specifically, the proposal will adopt criteria with respect to the designation of Participants that are required to participate in the testing of the Exchange's BC/DR plans, as well as appropriate notification regarding such designation. As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [16] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is not a competitive proposal but rather is necessary for the Exchange's compliance with Regulation SCI.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Changes Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A)

[12] *See* SCI Adopting Release, *supra* note 4 at 72350.

[13] *See* Section D.1 of the CHX Fee Schedule.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* SCI Adopting Release, *supra* note 4 at 72350.

of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii) [20] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to incorporate changes required under Regulation SCI, such as establishing standards for designating business continuity and disaster recovery plan participants, prior to the November 3, 2015 compliance date. Therefore, the Commission designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CHX–2015–09 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.

All submissions should refer to File No. SR–CHX–2015–09. 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 principal office of the CHX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File No. SR–CHX–2015–09 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28514 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Inelco Corp., and Teliphone Corp.; Order of Suspension of Trading

November 6, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Inelco Corp. (CIK No. 1427352), a revoked Nevada corporation with its principal place of business listed as Coral Springs, Florida with stock quoted on OTC Link under the ticker symbol INLC, because it has not filed any periodic reports since the period ended June 30, 2013. On January 14, 2015, a delinquency letter was sent by the Division of Corporation Finance to Inelco requesting compliance with their periodic filing obligations, but Inelco did not receive the delinquency letter due to its failure to maintain a valid address on file with the Commission as required by Commission Rules (Rule 301 of Regulation S–T, 17 CFR 232.301 and Section 5.4 of EDGAR Filer Manual).

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Teliphone Corp. (CIK No. 1101783), a Nevada corporation with its principal place of business listed as Vancouver, British Columbia, Canada with stock quoted on OTC Link under the ticker symbol TLPH, because it has not filed any periodic reports since the period ended March 31, 2013. On January 14, 2015, a delinquency letter was sent by the Division of Corporation Finance to Teliphone requesting compliance with their periodic filing obligations, and Teliphone received the delinquency letter on February 6, 2015, but failed to cure its delinquencies.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on November 6, 2015, through 11:59 p.m. EST on November 19, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–28706 Filed 11–6–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76339; File No. SR–NYSE–2015–51]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 19 To Specify in Exchange Rules the Exchange's Use of Data Feeds From National Stock Exchange, Inc. for Order Handling and Execution, Order Routing, and Regulatory Compliance

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 20, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 19 to specify in Exchange rules the Exchange's use of data feeds from National Stock Exchange, Inc. for order handling and execution, order routing, and regulatory compliance. 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] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 19 to specify in Exchange rules which data feeds from National Stock Exchange, Inc. (''NSX'') that the Exchange would use for order handling and execution, order routing, and regulatory compliance.

On July 18, 2014, the Exchange filed a proposed rule change that clarified the Exchange's use of certain data feeds for order handling and execution, order routing, and regulatory compliance.[3] As noted in that filing, the data feeds available for the purposes of order handling and execution, order routing, and regulatory compliance at the Exchange include the exclusive securities information processor (''SIP'') data feeds.[4] On February 24, 2015, the Exchange adopted Supplementary Material .01 to Rule 19 to specify which data feeds that the Exchange uses for the handling, execution, and routing of orders, as well as for regulatory compliance.[5]

To reflect that, subject to regulatory approval, NSX intends to reopen trading and has reactivated its connections to the SIPs, the Exchange proposes to amend Supplementary Material .01 to Rule 19, to specify which data feeds the Exchange would use for NSX. As proposed, the Exchange would use the SIP Data Feed for NSX and would not have a secondary source.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[6] in general, and furthers the objectives of Section 6(b)(5),[7] 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 the proposed rule change removes impediments to and perfects the mechanism of a free and open market because it provides enhanced transparency to better assess the quality of an exchange's execution and routing services.

[3] *See* Securities Exchange Act Release No. 72710 (July 29, 2014), 79 FR 45511 (Aug. 5, 2014) (SR–NYSE–2014–38) (''July 2014 Data Feed Filing'').

[4] The SIP feeds are disseminated pursuant to effective joint-industry plans as required by Rule 603(b) of Regulation NMS. 17 CFR 242.603(b). The three joint-industry plans are: (1) The CTA Plan, which is operated by the Consolidated Tape Association and disseminates transaction information for securities with the primary listing market on exchanges other than NASDAQ Stock Market LLC (''Nasdaq''): (2) The CQ Plan, which disseminates consolidated quotation information for securities with their primary listing on exchanges other than Nasdaq; and (3) the Nasdaq UTP Plan, which disseminates consolidated transaction and quotation information for securities with their primary listing on Nasdaq.

[5] *See* Securities Exchange Act Release No. 74410 (March 2, 2015), 80 FR 12240 (March 6, 2015) (SR–NYSE–2015–09).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

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 would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[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 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.

of the Act and Rule 19b–4(f)(6)(iii) thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has stated that it is requesting this waiver because NSX intends to reactivate its status as an operating Participant of the SIPs, subject to regulatory approval, and that the proposed rule change would permit the Exchange to immediately provide the enhanced transparency in Exchange rules regarding which data feeds the Exchange would use for NSX. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because this waiver will enable the Exchange to disclose in a timely manner that it will be using NSX SIP data for purpose of fulfilling its order handling and execution, order routing, and regulatory compliance obligations, if and when NSX receives the necessary regulatory approval to recommence trading.[10] For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–51, and should be submitted on or before December 1, 2015.[13]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2015–28505 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[10] In granting this waiver, the Commission does not express an opinion on whether or not NSX will receive regulatory approval to recommence trading.

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76343; File No. SR–NYSEMKT–2015–82]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Requiring Certain Member Organizations To Participate in Business Continuity and Disaster Recovery Plans Testing in Connection With Regulation Systems Compliance and Integrity

November 4, 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 October 26, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to require certain Exchange member organizations[4] (''Members'') to participate in business continuity and disaster recovery plans (''BC/DR Plans'')

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The term ''member organization'' is defined in Rule 24 (Office Rules) as ''a partnership, corporation or such other entity as the Exchange may, by Rule, permit to become a member organization, and which meets the qualifications specified in the Rules.'' The term ''member organization'' is defined in Rule 2(b)(i) (Equities Rules) as a registered broker or dealer (unless exempt pursuant to the Securities Exchange Act of 1934) (the ''Act'') that is a member of the Financial Industry Regulatory Authority, Inc. (''FINRA'') or another registered securities exchange. Member organizations that transact business with public customers or conduct business on the Floor of the Exchange shall at all times be members of FINRA. A registered broker or dealer must also be approved by the Exchange and authorized to designate an associated natural person to effect transactions on the floor of the Exchange or any facility thereof. This term shall include a natural person so registered, approved and licensed who directly effects transactions on the floor of the Exchange or any facility thereof.'' The term ''member organization'' also includes any registered broker or dealer that is a member of FINRA or a registered securities exchange, consistent with the requirements of section 2(b)(i) of this Rule, which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate.'' *See* Rule 2(b)(ii)—Equities.

testing in connection with Regulation Systems Compliance and Integrity (''Regulation SCI'').[5] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

As adopted by the Commission, Regulation SCI applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and will require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. Among the requirements of Regulation SCI is Rule 1001(a)(2)(v), which requires the Exchange and other SCI entities to maintain ''[b]usiness continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.''[6] As a matter of course, the Exchange has put extensive time and resources toward planning for system failures and already maintains robust BC/DR plans consistent with the proposed rule. As set forth below, in connection with Regulation SCI, the Exchange is proposing to require certain Members to participate in testing of the operation of the Exchange's BC/DR plans.

With respect to an SCI entity's BC/DR plans, including its backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to: ''[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.''[7] Paragraph (b) of Rule 1004 further requires each SCI entity to ''[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months.''[8]

To comply with Rule 1004 of Regulation SCI, the Exchange proposes to amend current Rule 431,[9] governing mandatory testing of Exchange backup systems as described below. The requirements of revised Rule 431 would apply to Members of the Exchange's equities and options markets.[10]

First, in paragraph (a) of revised Rule 431, the Exchange proposes to establish standards for the designation of Members that the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of the Exchange's business continuity and disaster recovery plans.

Second, in paragraph (b) of revised Rule 431, the Exchange proposes to specify that Members that are designated pursuant to paragraph (a) of revised Rule 431 would be required to participate in scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, which shall not be less than once every 12 months.

Third, in paragraph (c) of revised Rule 431, the Exchange proposes to make clear that Designated Market Makers,[11] Specialists and e-Specialists[12] that have been determined by the Exchange to contribute a meaningful percentage of volume in securities they trade, measured on a quarterly or monthly basis, will be required to participate in scheduled functional and performance testing. The Exchange further proposes that it may also consider other factors in determining the Members that will be required to participate in scheduled functional and performance testing, including average daily volume traded on the Exchange measured on a quarterly or monthly basis, or Members who collectively account for a certain percentage of market share on the Exchange.

Fourth, in paragraph (d) of revised Rule 431, the Exchange proposes that at least three (3) months prior to a scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, the Exchange will publish the criteria to be used by the Exchange to determine which Members will be required to participate in such testing and notify those Members that are required to participate based on such criteria.[13] The Exchange believes that proposed notice requirements are necessary to provide Members with proper advance notice when they become subject to the proposed rule. The proposed timeframes would also provide Members with adequate time to prepare for the testing, including any systems changes needed, to connect to the Exchange's backup systems.

Finally, in paragraph (e) of revised Rule 431, the Exchange proposes to make clear that Members not designated pursuant to standards established in paragraph (a) of revised Rule 431 are permitted to connect to the Exchange's backup systems and may participate in testing of such systems. Proposed paragraph (e) is consistent with Regulation SCI, which encourages ''SCI

[5] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[6] 17 CFR 242.1001(a)(2)(v).

[7] 17 CFR 242.1004(a).

[8] 17 CFR 242.1004(b).

[9] Current Rule 431 requires each member or member organization to participate in the testing of their computer systems to ascertain decimal pricing conversion compatibility of such systems. The Exchange proposes to delete the text of the current rule as it is obsolete and no longer applicable.

[10] A rule reference has been added to Rule 0—Equities to make clear that the proposed rule applies to Members that conduct equities transactions on the Exchange.

[11] The term ''Designated Market Maker'' (''DMM'') shall mean an individual member, officer, partner, employee or associated person of a Designated Market Maker Unit who is approved by the Exchange to act in the capacity of a DMM. *See* Rule 2(i)—Equities.

[12] The term ''Specialist'' means an individual or entity that has been deemed qualified by the Exchange for the purpose of making transactions on the Exchange in accordance with the provisions of Rule 920NY, and who meets the qualification requirements of Rule 927NY(b). Each Specialist must be registered with the Exchange as a Market Maker. Any ATP Holder registered as a Market Maker with the Exchange is eligible to be qualified as a Specialist. *See* Rule 900.2NY(76). E-Specialists are Members designated by the Exchange in an options class to fulfill certain obligations required of Specialists. *See* Rule 927.4NY.

[13] The Exchange will publish the initial notice to Members no later than November 3, 2015.

entities to permit non-designated members or participants to participate in the testing of the SCE entity's BC/DR plans if they request to do so.''[14]

The Exchange notes that it encourages all Members to connect to the Exchange's backup systems and to participate in testing of such systems. However, in adopting the requirements of revised Rule 431, the rule will subject only those Members to mandatory testing that the Exchange believes are, taken as a whole, the minimum necessary to maintain fair and orderly markets. The Exchange believes that designating Members to participate in mandatory testing because they, for example, account for a significant portion of the Exchange's overall volume or maintain exclusive responsibilities with respect to Exchange-listed securities is a reasonable means to ensure the maintenance of a fair and orderly market on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[16] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal would ensure that the Members necessary to ensure the maintenance of a fair and orderly market are properly designated consistent with Rule 1004 of Regulation SCI. Specifically, as proposed, the Exchange would adopt clear and objective criteria with respect to the designation of Members that are required to participate in the testing of the Exchange's BC/DR plans, as well as appropriate notification regarding such designation. As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [17] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is not a competitive proposal but rather is necessary for the Exchange's compliance with Regulation SCI.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder. A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to incorporate changes required under Regulation SCI, such as establishing standards for designating BCP/DR participants, prior to the November 3, 2015 compliance date. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[22]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–82 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–82. This file number should be included on the subject line if email is used. To help the

[14] *See* SCI Adopting Release, *supra* note 5 at 72350.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* SCI Adopting Release, *supra* note 5 at 72350.

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78s(b)(2)(B).

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 Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–82 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28521 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[24] 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, Pub. L. 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, November 12, 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), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, 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: November 5, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–28699 Filed 11–6–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76354; File No. SR–CBOE–2015–099]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To List and Trade Options That Overlie a Reduced Value of the FTSE China 50 Index

November 4, 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 October 30, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its rules to list and trade options that overlie a reduced value of the FTSE China 50 Index.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to permit the Exchange to list and trade options that overlie a reduced value of the FTSE China 50 Index (''China 50 options''). China 50 options would be A.M., cash-settled contracts with European-style exercise.

FTSE China 50 Index Design, Methodology and Dissemination

The FTSE China 50 Index is a free float-adjusted market capitalization index that is designed to measure the performance of 50 of the largest and most liquid Chinese stocks (H Shares,[3] Red Chips[4] and P Chips[5]) listed and trading on the Stock Exchange of Hong Kong (SEHK).[6]

The FTSE China 50 Index was launched on April 19, 2001 and is

[3] H Shares are securities of companies incorporated in the People's Republic of China (PRC) and listed on SEHK. They can only be traded by Chinese investors under the Qualified Domestic Institutional Investors Scheme (QDII). There are no restrictions for international investors.

[4] Red Chip companies are incorporated outside the PRC and traded on SEHK. A Red Chip company has at least 30 percent of its shares in aggregate held directly or indirectly by mainland state entities, and at least 50 percent of its revenue or assets derived from mainland China.

[5] P Chip companies are incorporated outside the PRC that trade on SEHK. A P Chip is a company that is controlled by Mainland China individuals, with the establishment and origin of the company in Mainland China and at least 50 percent of its revenue or assets derived from mainland China.

[6] *See* FTSE China 50 Index fact sheet (dated August 31, 2015) located at: *http://www.ftse.com/Analytics/FactSheets/temp/a5b0d638-068e-41d9-b169-be9838d8227a.pdf.*

calculated by FTSE International Limited (''FTSE''), which is a provider of investment support tools. The FTSE China 50 Index is calculated and published on a real-time basis in Hong Kong dollars during Hong Kong trading hours. The methodology used to calculate the FTSE China 50 Index is similar to the methodology used to calculate the value of other benchmark market-capitalization weighted indexes. Specifically, the FTSE China 50 Index is governed by the FTSE Ground Rules for the FTSE China 50 Index.[7] The level of the FTSE China 50 Index reflects the free float-adjusted market value of the component stocks relative to a particular base date and is computed by dividing the total market value of the companies in the FTSE China 50 Index by the index divisor.

The FTSE China 50 Index is monitored and maintained by FTSE. Adjustments to the FTSE China 50 Index could be made on a daily basis with respect to corporate events and dividends. FTSE reviews the FTSE China 50 Index quarterly (March, June, September and December) according to rules for inserting and deleting companies that ''are designed to provide stability in the selection of constituents of the FTSE China 50 Index while ensuring that the [FTSE China 50] Index continues to be representative of the market by including or excluding those companies which have risen or fallen significantly.'' [8]

Real-time data is distributed at least every 15 seconds while the index is being calculated using FTSE's real-time calculation engine to Bloomberg L.P. (''Bloomberg''), Thomson Reuters (''Reuters'') and other major vendors. End of day data is distributed daily to clients through FTSE as well as through major quotation vendors, including Bloomberg and Reuters.

The Exchange proposes to base trading in options on a fraction of the full size FTSE China 50 Index. In particular, the Exchange proposes to list FTSE China 50 options that are based on one one-hundredth of the value of the FTSE China 50 Index. The Exchange believes that listing options on the reduced value of the index will attract a greater source of customer business than if options were based on the full value of the FTSE China 50 Index. The Exchange further believes that listing options on a reduced value of the FTSE China 50 Index will provide an opportunity for investors to hedge, or speculate on, the market risk associated with the stocks comprising the FTSE China 50 Index. Additionally, by reducing the value of the FTSE China 50 Index, investors will be able to use this trading vehicle while extending a smaller outlay of capital. The Exchange believes this should attract additional investors, and, in turn, create a more active and liquid trading environment.

Initial and Maintenance Listing Criteria

The FTSE China 50 Index meets the definition of a broad-based index as set forth in Rule 24.1(i)(1).[9] In addition, the Exchange proposes to create specific initial and maintenance listing criteria for options on the reduced value of the FTSE China 50 Index. Specifically, the Exchange proposes to add new Interpretation and Policy .02(a) to Rule 24.2, *Designation of the Index,* to provide that the Exchange may trade China 50 options if each of the following conditions is satisfied: (1) The index is broad-based, as defined in Rule 24.1(i)(1); (2) Options on the index are designated as A.M.-settled index options; (3) The index is capitalization-weighted, price-weighted, modified capitalization-weighted or equal dollar-weighted; (4) The index consists of 45 or more component securities; (5) Each of the component securities of the index will have a market capitalization of greater than $100 million; (6) No single component security accounts for more than fifteen percent (15%) of the weight of the index, and the five highest weighted component securities in the index do not, in the aggregate, account for more than fifty percent (50%) of the weight of the index; (7) Non-U.S. component securities (stocks or ADRs) that are not subject to comprehensive surveillance agreements do not, in the aggregate, represent more than twenty percent (20%) of the weight of the Index; (8) The Exchange may continue to trade China 50 options after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that China 50 futures contracts are trading and prices for those contracts may be used as a proxy for the current index value; (9) The Exchange reasonably believes it has adequate system capacity to support the trading of options on the index, based on a calculation of the Exchange's current Independent System Capacity Advisor (ISCA) allocation and the number of new messages per second expected to be generated by options on such index; and (10) The Exchange has written surveillance procedures in place with respect to surveillance of trading of options on the index.

Additionally, the Exchange proposes to add new Interpretation and Policy .02(b) to Rule 24.2, *Designation of the Index,* to set forth the following maintenance listing standards for China 50 Options: (1) The conditions set forth in subparagraphs .02(a) (1), (2), (3), (4), (7), (8), (9) and (10) must continue to be satisfied. The conditions set forth in subparagraphs .02(a)(5) and (6) must be satisfied only as of the first day of January and July in each year; and (2) The total number of component securities in the index may not increase or decrease by more than ten percent (10%) from the number of component securities in the index at the time of its initial listing. In the event a class of index options listed on the Exchange fails to satisfy the maintenance listing standards set forth herein, the Exchange shall not open for trading any additional series of options of that class unless the continued listing of that class of index options has been approved by the Commission under Section 19(b)(2) of the Exchange Act.

The Exchange believes that A.M. settlement is appropriate for China 50 options due to the nature of the index that encompasses the Chinese market. The components of the FTSE China 50 Index open with the start of trading on the SEHK at approximately 8:30 p.m. (Chicago time) (prior day) and close with the end of trading on the SEHK at approximately 3:00 a.m. (Chicago time) (next day). The closing FTSE China 50 Index level is distributed by FTSE between approximately 3:00 a.m. and 4:00 a.m. (Chicago time) each trading day. Thus, between 8:30 a.m. and 3:15 p.m. (Chicago time) the FTSE China 50 Index level is a static value that market participants can access via data vendors.

As a result, there will not be a current FTSE China 50 Index level calculated and disseminated while China 50 options would be traded.[10] However, the E-Mini FTSE China 50 Index future contracts based on the FTSE China 50 Index that trades on CME will be trading during this time period.[11] The Exchange

[7] Summary and comprehensive information about the FTSE China 50 Index methodology may be reviewed at: *http://www.ftse.com/products/downloads/FTSE_China_50_Index_English_.pdf?154*).

[8] *See id.*

[9] Rule 24.1(i)(1) defines a broad-based index to mean an index designed to be representative of a stock market as a whole or of a range of companies in unrelated industries.

[10] The trading hours for China 50 options are from 8:30 a.m. (Chicago time) to 3:15 p.m. (Chicago time).

[11] The trading hours for E-Mini FTSE China 50 Index Futures are from 5:00 p.m. (Chicago time) to 4:00 p.m. (Chicago time) the following day, Sunday through Friday. *See* E-Mini FTSE China 50 Index Future Contract specifications located at: *http://*

believes that the E-Mini FTSE China 50 Index futures prices would be a proxy for the current FTSE China 50 Index level. Therefore, the Exchange believes that China 50 options should be permitted to trade after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that E-Mini FTSE China 50 Index future contracts are trading and prices for those contracts may be used as a proxy for the current index value.

Because the FTSE China 50 Index is comprised of 50 of the largest and most liquid Chinese stocks traded on the SEHK, the Exchange believes that the initial listing requirements are appropriate to trade options on this index. In addition, similar to other broad based indexes, the Exchange proposes various maintenance requirements, which require continual compliance and periodic compliance.

Options Trading

Exhibit 3 presents contract specifications for China 50 options.

The contract multiplier for China 50 options would be $100. China 50 options would be quoted in index points and one point would equal $100. The minimum tick size for series trading below $3 would be 0.05 ($5.00) and at or above $3 will be 0.10 ($10.00).

Initially, the Exchange would list in-, at- and out-of-the-money strike prices. Additional series may be opened for trading as the underlying index level moves up or down.[12] The minimum strike price interval for China 50 options series would be 2.5 points if the strike price is less than 200. When the strike price is 200 or above, strike price intervals would be no less than 5 points.[13] New series would be permitted to be added up to the fifth business day prior to expiration.[14]

The Exchange would be permitted to list up to twelve near-term expiration months.[15] The Exchange would also be permitted to list up to ten expirations in Long-Term Index Option Series (''LEAPS'') on the reduced value of the FTSE China 50 index and the index would be eligible for all other expirations permitted for other broad-based index options, *e.g.,* End of Week/End of Month Expirations, Short Term Option Series and Quarterly Option Series.[16]

The trading hours for China 50 options would be from 8:30 a.m. (Chicago time) to 3:15 p.m. (Chicago time).[17]

Exercise and Settlement

The proposed China 50 options would expire on the third Friday of the expiring month.[18] Trading in expiring China 50 options would cease at 3:15 p.m. (Chicago time) one business day prior (usually a Thursday) to the day on which the exercise-settlement value is calculated (usually a Friday). When the last trading day/expiration date is moved because of an Exchange holiday or closure, the last trading day/expiration date for expiring options would be the immediately preceding business day.

Exercise would result in delivery of cash on the business day following expiration. China 50 options would be A.M.-settled, in that the expiring contract would cease trading on the business day (usually a Thursday) before the expiration date (generally a Friday).[19] The exercise settlement value would be one-hundredth (1/100th) of the official closing value of the FTSE China 50 Index as reported by FTSE on the last trading day of the expiring contract, which occurs between approximately 3:00 a.m. and 4:00 a.m. (Chicago time).[20]

The exercise settlement amount would be equal to the difference between the exercise-settlement value and the exercise price of the option, multiplied by the contract multiplier ($100).

If the exercise settlement value is not available or the normal settlement procedure cannot be utilized due to a trading disruption or other unusual circumstance, the settlement value would be determined in accordance with the rules and bylaws of The Options Clearing Corporation (''OCC'').[21]

Position and Exercise Limits

The Exchange proposes to apply the default position limits for broad-based index options to China 50 options. Specifically, the chart set forth in Rule 24.4(a), *Position Limits for Broad-Based Index Options,* provides that the positions limits applicable to ''other broad-based indexes'' is 25,000 contracts (standard limit/on the same side of the market) and 15,000 contracts (near-term limit). Pursuant to Rule 24.5, *Exercise Limits,* the exercise limits for China 50 options would be equivalent to the position limits for China 50 options. All position limit hedge exemptions would apply.

Margin

The Exchange proposes that China 50 options be margined as ''broad-based index'' options, and under CBOE rules, especially, Rule 12.3(c)(5)(A), the margin requirement for a short put or call shall be 100% of the current market value of the contract plus 15% of the ''product of the current index group value and the applicable index multiplier,'' reduced by any out-of-the-money amount. There would be a minimum margin requirement of 100% of the current market value of the contract plus: 10% of the aggregate put exercise price amount in the case of puts, and 10% of the product of the current index group value and the applicable index multiplier in the case of calls. Additional margin may be required pursuant to Rules 12.3(h) and 12.10 (Margin Required is Minimum).

The Exchange believes that FTSE China 50 Index options are an eligible product for portfolio margining under CBOE Rule 12.4. Accordingly, the

www.cmegroup.com/education/files/e-mini-ftse-china-50-index-futures.pdf. The Exchange believes E-Mini FTSE China 50 Index Futures are an appropriate proxy for China 50 options.

[12] *See* Rules 24.9(d) and 24.9.04. These rules set forth the criteria for listing additional series of the same class as the current value of the underlying index moves. Generally, additional series must be ''reasonably related'' to the current index value, which means that strike prices must be within 30% of the current index value. Series exceeding the 30% range may be listed based on demonstrated customer interest.

[13] *See* proposed amendments to Rule 24.9.01(a) adding China 50 options as a class eligible for 2.5 point minimum strike intervals if the strike price is below 200.

[14] *See* Rule 24.9.01(c).

[15] *See* proposed amendments to Rule 24.9(a)(2). The Exchange is proposing to allow the listing of up to twelve expiration months at any one time for China 50 options.

[16] *See e.g.,* Rules 24.9(b) (LEAPS), 24.9(e) (End of Week/End of Month Expirations), 24.9(a)(2)(A) (Short Term Option Series) and 24.9(a)(2)(B) (Quarterly Option Series). *See also,* proposed Rule 24.9(b)(2)(A)(lxxxvi) (listing LEAPS on the reduced value of the FTSE China 50 Index).

[17] *See* Rule 24.6.

[18] *See* proposed Rule 24.9(a)(3) (listing the reduced value FTSE China 50 Index as a European-style index option approved for trading on the Exchange).

[19] *See* proposed amendment to Rule 24.1.01 to identify FTSE International Limited as the Reporting Authority for the FTSE China 50 Index. As the designated Reporting Authority for the index, the disclaimers set forth in Rule 24.14 (Disclaimers) would apply to FTSE International Limited.

[20] *See* proposed amendment to Rule 24.9(a)(4) to specify that for China 50 options the current index value at expiration is based on the closing prices of the underlying securities on the last trading day. The last day of trading continues to be the business day preceding the last day of trading in the underlying securities prior to expiration because the business day preceding the last day of trading in the underlying securities is (generally) Thursday Chicago time and the last day of trading in the underlying securities is (generally) Friday Chicago time.

[21] *See* Rule 24.7.

Exchange proposes that FTSE China 50 Index options be allowed in portfolio margin accounts. In the portfolio margining construct, a Class Group for the FTSE China 50 Index already exists and it is contained within the China Indexes Product Group. This Product Group is a non-high capitalization, broad-based index Product Group. In portfolio margin accounts, the assumed market moves currently utilized in the China Indexes Product Group (which would not be changing) are −10%/+10%, with a 100% offset of gains and losses between all products in the same Class Group. There is a 90% offset of gains and losses between Class Groups.[22]

Exchange Rules Applicable

Except as modified herein, the rules in Chapters I through XIX, XXIV, XXIVA, and XXIVB would equally apply to China 50 options. China 50 options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules,[23], margin requirements [24] and trading rules.[25]

The Exchange hereby designates China 50 options as eligible for trading as Flexible Exchange Options as provided for in Chapters XXIVA (Flexible Exchange Options) and XXIVB (FLEX Hybrid Trading System).[26]

Surveillance and Capacity

The Exchange represents that it has an adequate surveillance program in place for China 50 options and intends to use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in China 50 options.

The Exchange is a member of the Intermarket Surveillance Group (''ISG''), which ''is comprised of an international group of exchanges, market centers, and market regulators.'' [27] The purpose of the ISG is to provide a framework for the sharing of information and the coordination of regulatory efforts among exchanges trading securities and related products to address potential intermarket manipulations and trading abuses. The ISG plays a crucial role in information sharing among markets that trade securities, options on securities, security futures products, and futures and options on broad-based security indexes. A list identifying the current ISG members is available at: *https://www.isgportal.org/home.html.*

The Exchange is also an affiliate member of the International Organization of Securities Commissions (''IOSCO''), which has members from over 100 different countries. The Hong Kong Securities and Futures Commission, the regulator of the market on which the constituent securities trade, is also a member of IOSCO.[28] A list identifying the current ordinary IOSCO members is available at: *http://www.iosco.org/about/?subsection=membership&memid=1.* Finally, the Exchange has entered into various comprehensive surveillance agreements (''CSAs'') and/or Memoranda of Understanding with various stock exchanges, including the Stock Exchange of Hong Kong. Given the capitalization of the FTSE China 50 Index and the deep and liquid markets for the securities underlying the Index, the concerns for market manipulation and/or disruption in the underlying markets are greatly reduced.

The Exchange notes that FTSE China 50 ETFs, such as the iShares China Large-Cap ETF (FXI), are actively traded products. CBOE also lists options overlying those ETFs (FXI options) and those options are actively traded as well.

CBOE has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from the introduction of China 50 options. Because the proposal is limited to one new class, the Exchange believes that the additional traffic that would be generated from the introduction of China 50 options would be manageable.

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.[29] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [30] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change will further the Exchange's goal of introducing new and innovative products to the marketplace. Currently, the Exchange believes that there is unmet market demand for exchange-listed options listed on this popular cash index. As described above, the iShares China Large-Cap ETF is an actively traded product, as are the options on that ETF. E-Mini FTSE China 50 Index Futures are listed for trading on CME. As a result, CBOE believes that China 50 options are designed to provide different and additional opportunities for investors to hedge or speculate on the market risk on the FTSE China 50 Index by listing an option directly on the FTSE China 50 Index.

The Exchanges believes that the FTSE China 50 Index is not easily susceptible to manipulation. The index is a broad-based index and has high market capitalization. The FTSE China 50 Index is comprised of 50 of the largest and most liquid Chinese stocks traded on the SEHK and no single component comprises more than 15% of the index, making it not easily subject to market manipulation.

Additionally, the iShares China Large-Cap ETF is an actively traded product, as are options on that ETF. Because the index has 50 of the largest and most liquid Chinese stocks that trade on the

[22] A table detailing the currently existing portfolio margining Product Groups and their component class groups can be found at *http://www.optionsclearing.com/components/docs/risk-management/cpm/cpm_parameters.pdf.*

[23] *See* Chapter IX (Doing Business with the Public).

[24] *See* Chapter XII (Margins).

[25] *See e.g.,* Chapters IV (Business Conduct), VI (Doing Business on the Exchange Floor), Chapter VIII (Market-Makers, Trading Crowds and Modified Trading Systems) and Chapter XXIV (Index Options).

[26] *See* proposed amendments to Rules 24A.7, *Position Limits and Reporting Requirements,* and 24B.7, *Position Limits and Reporting Requirements,* providing that the position limits for FLEX Index options on the FTSE China 50 Index would be equal to the position limits for Non-FLEX options on the Index. Per existing Rules 24A.8, *Exercise Limits,* and 24B.8, *Exercise Limits,* the exercise limits for FLEX China 50 options would be equivalent to the position limits for FLEX China 50 options.

[27] *See* Intermarket Surveillance Group Web site, available at *https://www.isgportal.org/home.html.*

[28] There are three categories of IOSCO members: Ordinary, associate and affiliate. In general, the ordinary members (124) are the national securities commissions in their respective jurisdictions. Associate members (17) are usually agencies or branches of government, other than the principal national securities regulator in their respective jurisdictions that have some regulatory competence over securities markets, or intergovernmental international organizations and other international standard-setting bodies, such as the IMF and the World Bank, with a mission related to either the development or the regulation of securities markets. Affiliate members (64) are self-regulatory organizations, stock exchanges, financial market infrastructures, investor protection funds and compensation funds, and other bodies with an appropriate interest in securities regulation. *See* IOSCO Fact Sheet located at: *http://www.iosco.org/about/pdf/IOSCO-Fact-Sheet.pdf.*

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

SEHK and trade a large volume with respect to ETFs and options on those ETFs, the Exchange believes that the initial listing requirements are appropriate to trade options on the index. In addition, similar to other broad-based indexes, the Exchange proposes to adopt various maintenance criteria, which would require continual compliance and periodic compliance.

China 50 options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules,[31] margin requirements [32] and trading rules.[33] The Exchange would apply the same default position limits for broad-based index options to China 50 options. Specifically, the applicable position limits would be 25,000 contracts (standard limit/on the same side of the market) and 15,000 contracts (near-term limit). The exercise limit for China 50 options would be equivalent to the position limit for China 50 options. These same position and exercise limits would apply to FLEX trading. All position limit hedge exemptions would apply. The Exchange would apply existing index option margin requirements for the purchase and sale of China 50 options.

The Exchange represents that it has an adequate surveillance program in place for China 50 options. The Exchange also represents that it has the necessary systems capacity to support the new option series.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, CBOE believes that the introduction of new cash index options will enhance competition among market participants and will provide a new type of options to compete with domestic products such as FXI options, E-Mini FTSE China 50 Index Future and European-traded derivatives on the FTSE China 50 Index to the benefit of investors and the marketplace.

[31] *See* Chapter IX (Doing Business with the Public).

[32] *See* Chapter XII (Margins).

[33] *See e.g.,* Chapters IV (Business Conduct), VI (Doing Business on the Exchange Floor), Chapter VIII (Market-Makers, Trading Crowds and Modified Trading Systems) and Chapter XXIV (Index Options).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–099 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–099. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–099 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28504 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76342; File No. SR–NYSEARCA–2015–96]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Requiring Certain ETP Holders To Participate in Business Continuity and Disaster Recovery Plans Testing in Connection With Regulation Systems Compliance and Integrity

November 4, 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 October 26, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[34] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to require certain ETP Holders§[4] to participate in business continuity and disaster recovery plans (''BC/DR Plans'') testing in connection with Regulation Systems Compliance and Integrity (''Regulation SCI'').[5] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

As adopted by the Commission, Regulation SCI applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and will require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. Among the requirements of Regulation SCI is Rule 1001(a)(2)(v), which requires the Exchange and other SCI entities to maintain ''[b]usiness continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.''[6] As a matter of course, the Exchange has put extensive time and resources toward planning for system failures and already maintains robust BC/DR plans consistent with the proposed rule. As set forth below, in connection with Regulation SCI, the Exchange is proposing to require certain ETP Holders to participate in testing of the operation of the Exchange's BC/DR plans.

With respect to an SCI entity's BC/DR plans, including its backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to: ''[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.''[7] Paragraph (b) of Rule 1004 further requires each SCI entity to ''[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months.''[8]

To comply with Rule 1004 of Regulation SCI, the Exchange proposes to amend current Rule 2.2,[9] governing mandatory testing of Exchange backup systems as described below. The requirements of revised Rule 2.2 would apply to ETP Holders that transact on the Exchange's equities market.

First, in paragraph (a) of revised Rule 2.2, the Exchange proposes to establish standards for the designation of ETP Holders that the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of the Exchange's business continuity and disaster recovery plans.

Second, in paragraph (b) of revised Rule 2.2, the Exchange proposes to specify that ETP Holders that are designated pursuant to paragraph (a) of revised Rule 2.2 would be required to participate in scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, which shall not be less than once every 12 months.

Third, in paragraph (c) of revised Rule 2.2, the Exchange proposes to make clear that Lead Market Makers[10] that have been determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume, measured on a quarterly or monthly basis, will be required to participate in scheduled functional and performance testing. The Exchange further proposes that it may also consider other factors in determining the ETP Holders that will be required to participate in scheduled functional and performance testing, including average daily volume traded on the Exchange measured on a quarterly or monthly basis, or ETP Holders who collectively account for a certain percentage of market share on the Exchange.

Fourth, in paragraph (d) of revised Rule 2.2, the Exchange proposes that at least three (3) months prior to a scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, the Exchange will publish the criteria to be used by the Exchange to determine which ETP Holders will be required to participate in such testing and notify those ETP Holders that are required to participate based on such criteria.[11] The Exchange believes that the proposed notice requirements are necessary to provide ETP Holders with proper advance notice in the event they become subject to the proposed rule. The proposed timeframes would also provide ETP Holders with adequate time to prepare for the testing, including any systems changes needed, to connect to the Exchange's backup systems.

Finally, in paragraph (e) of revised Rule 2.2, the Exchange proposes to make clear that ETP Holders not designated pursuant to standards established in paragraph (a) of revised Rule 2.2 are permitted to connect to the Exchange's backup systems and may participate in testing of such systems. Proposed paragraph (e) is consistent with Regulation SCI, which encourages

[4] Pursuant to NYSE Arca Equities Rule 1.1(n), the term ''ETP Holder'' refers to a sole proprietorship, partnership, corporation, limited liability company or other organization in good standing that has been issued an ETP. An ETP Holder must be a registered broker or dealer pursuant to Section 15 of the Act. NYSE Arca Equities Rule 1.1(m) defines ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange.

[5] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[6] 17 CFR 242.1001(a)(2)(v).

[7] 17 CFR 242.1004(a).

[8] 17 CFR 242.1004(b).

[9] Current Rule 2.2 requires each ETP Holder that has an electronic interface with the Exchange to participate in industry testing of computer systems designed to ascertain decimal pricing conversion compatibility of such computer systems for the implementation of decimal trading. The Exchange proposes to delete the text of the current rule as it is obsolete and no longer applicable.

[10] The term ''Lead Market Maker'' means a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Corporation is the primary market. *See* Rule 1.1(ccc).

[11] The Exchange will publish the initial notice to OTP Holders no later than November 3, 2015.

''SCI entities to permit non-designated members or participants to participate in the testing of the SCE entity's BC/DR plans if they request to do so.'' [12]

The Exchange notes that it encourages all ETP Holders to connect to the Exchange's backup systems and to participate in testing of such systems. However, in adopting the requirements in revised Rule 2.2, the rule will subject only those ETP Holders to mandatory testing that the Exchange believes are, taken as a whole, the minimum necessary to maintain fair and orderly markets. The Exchange believes that designating ETP Holders to participate in mandatory testing because they, for example, account for a significant portion of the Exchange's overall volume or maintain exclusive responsibilities with respect to Exchange-listed securities is a reasonable means to ensure the maintenance of a fair and orderly market on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[14] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal will ensure that the ETP Holders necessary to ensure the maintenance of a fair and orderly market are properly designated consistent with Rule 1004 of Regulation SCI. Specifically, as proposed, the Exchange will adopt clear and objective criteria with respect to the designation of ETP Holders that are required to participate in the testing of the Exchange's BC/DR plans, as well as appropriate notification regarding such designation. As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [15] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is not a competitive proposal but rather is necessary for the Exchange's compliance with Regulation SCI.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to incorporate changes required under Regulation SCI, such as establishing standards for designating BCP/DR participants, prior to the November 3, 2015 compliance date. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[20]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [21] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2015–96 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–2015–96. This file number should be included on the

[12] *See* SCI Adopting Release, *supra* note 5 at 72350.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* SCI Adopting Release, *supra* note 5 at 72350.

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78s(b)(2)(B).

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 Section, 100 F Street NE., Washington, DC 20549–1090. 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–2015–96 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

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[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76347; File No. SR–NYSEARCA–2015–98]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Specifying in Exchange Rules the Exchange's Use of Data Feeds From National Stock Exchange, Inc. for Order Handling and Execution, Order Routing, and Regulatory Compliance

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 20, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to specify in Exchange rules the Exchange's use of data feeds from National Stock Exchange, Inc. for order handling and execution, order routing, and regulatory compliance. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Equities Rule 7.37 (''Rule 7.37'') and NYSE Arca Equities Rule 7.37P (''Rule 7.37'') to specify in Exchange rules which data feeds from National Stock Exchange, Inc. (''NSX'') that the Exchange would use for order handling and execution, order routing, and regulatory compliance.

On July 18, 2014, the Exchange filed a proposed rule change that clarified the Exchange's use of certain data feeds for order handling and execution, order routing, and regulatory compliance.[3] As noted in that filing, the data feeds available for the purposes of order handling and execution, order routing, and regulatory compliance at the Exchange include the exclusive securities information processor (''SIP'') data feeds[4] or proprietary data feeds from individual market centers (''Direct Feed''). On February 24, 2015, the Exchange adopted Commentary .01 to Rule 7.37 to specify which data feeds that the Exchange uses for the handling, execution, and routing of orders, as well as for regulatory compliance.[5]

To reflect that, subject to regulatory approval, NSX intends to reopen trading and has reactivated its connections to the SIPs, the Exchange proposes to amend Commentary .01 to Rule 7.37 and Rule 7.37P(d) to specify which data feeds the Exchange would use for NSX. As proposed, the Exchange would use the SIP Data Feed for NSX and would not have a secondary source.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[6] in general, and furthers the objectives of Section 6(b)(5),[7] 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 the proposed rule change removes impediments to and perfects the mechanism of a free and open market because it provides enhanced transparency to better assess the quality

[3] *See* Securities Exchange Act Release No. 72708 (July 29, 2014), 79 FR 45572 (Aug. 5, 2014) (SR–NYSEArca-2014–82) (''July 2014 Data Feed Filing'').

[4] The SIP feeds are disseminated pursuant to effective joint-industry plans as required by Rule 603(b) of Regulation NMS. 17 CFR 242.603(b). The three joint-industry plans are: (1) The CTA Plan, which is operated by the Consolidated Tape Association and disseminates transaction information for securities with the primary listing market on exchanges other than NASDAQ Stock Market LLC (''Nasdaq''): (2) The CQ Plan, which disseminates consolidated quotation information for securities with their primary listing on exchanges other than Nasdaq; and (3) the Nasdaq UTP Plan, which disseminates consolidated transaction and quotation information for securities with their primary listing on Nasdaq.

[5] *See* Securities Exchange Act Release No. 74409 (March 2, 2015), 80 FR 12221 (March 6, 2015) (SR–NYSEArca-2015–11). Rule 7.37P, which is based on Rule 7.37, specifies order execution, including use of data feeds, on the Exchange's Pillar trading platform. *See* Securities Exchange Release No. 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

of an exchange's execution and routing services.

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 would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has stated that it is requesting this waiver because NSX intends to reactivate its status as an operating Participant of the SIPs, subject to regulatory approval, and that the proposed rule change would permit the Exchange to immediately provide the enhanced transparency in Exchange rules regarding which data feeds the Exchange would use for NSX. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because this waiver will enable the Exchange to disclose in a timely manner that it will be using NSX SIP data for purpose of fulfilling its order handling and execution, order routing, and regulatory compliance obligations, if and when NSX receives the necessary regulatory approval to recommence trading.[10] For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2015–98 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2015–98. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2015–98, and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

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BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[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 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.

[10] In granting this waiver, the Commission does not express an opinion on whether or not NSX will receive regulatory approval to recommence trading.

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76345; File No. SR–NYSEMKT–2015–84]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE MKT Rule 19—Equities To Specify in Exchange Rules the Exchange's Use of Data Feeds From National Stock Exchange, Inc. for Order Handling and Execution, Order Routing, and Regulatory Compliance

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 20, 2015, NYSE MKT LLC (the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE MKT Rule 19—Equities to specify in Exchange rules the Exchange's use of data feeds from National Stock Exchange, Inc. for order handling and execution, order routing, and regulatory compliance. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE MKT Rule 19—Equities (''Rule 19'') to specify in Exchange rules which data feeds from National Stock Exchange, Inc. (''NSX'') that the Exchange would use for order handling and execution, order routing, and regulatory compliance.

On July 18, 2014, the Exchange filed a proposed rule change that clarified the Exchange's use of certain data feeds for order handling and execution, order routing, and regulatory compliance.[3] As noted in that filing, the data feeds available for the purposes of order handling and execution, order routing, and regulatory compliance at the Exchange include the exclusive securities information processor (''SIP'') data feeds.[4] On February 24, 2015, the Exchange adopted Supplementary Material .01 to Rule 19 to specify which data feeds that the Exchange uses for the handling, execution, and routing of orders, as well as for regulatory compliance.[5]

To reflect that, subject to regulatory approval, NSX intends to reopen trading and has reactivated its connections to the SIPs, the Exchange proposes to amend Supplementary Material .01 to Rule 19, to specify which data feeds the Exchange would use for NSX. As proposed, the Exchange would use the SIP Data Feed for NSX and would not have a secondary source.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[6] in general, and furthers the objectives of Section 6(b)(5),[7] 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 the proposed rule change removes impediments to and perfects the mechanism of a free and open market because it provides enhanced transparency to better assess the quality of an exchange's execution and routing services.

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 would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange has stated that it is requesting this waiver because NSX intends to reactivate its status as an operating Participant of the SIPs, subject to regulatory approval, and that the proposed rule change would permit the Exchange to immediately provide the enhanced transparency in Exchange rules regarding which data feeds the Exchange would use for NSX. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because this waiver will enable the Exchange to disclose in a timely manner that it will be using NSX SIP data for purpose of fulfilling its

[3] *See* Securities Exchange Act Release No. 72709 (July 29, 2014), 79 FR 45513 (Aug. 5, 2014) (SR–NYSEMKT–2014–62) (''July 2014 Data Feed Filing'').

[4] The SIP feeds are disseminated pursuant to effective joint-industry plans as required by Rule 603(b) of Regulation NMS. 17 CFR 242.603(b). The three joint-industry plans are: (1) The CTA Plan, which is operated by the Consolidated Tape Association and disseminates transaction information for securities with the primary listing market on exchanges other than NASDAQ Stock Market LLC (''Nasdaq''): (2) The CQ Plan, which disseminates consolidated quotation information for securities with their primary listing on exchanges other than Nasdaq; and (3) the Nasdaq UTP Plan, which disseminates consolidated transaction and quotation information for securities with their primary listing on Nasdaq.

[5] *See* Securities Exchange Act Release No. 74408 (March 2, 2015), 80 FR (March 6, 2015) (SR–NYSEMKT–2015–11).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[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 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.

order handling and execution, order routing, and regulatory compliance obligations, if and when NSX receives the necessary regulatory approval to recommence trading.[10] For this reason, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–84 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–84. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–84, and should be submitted on or before December 1, 2015.[13]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2015–28509 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[10] In granting this waiver, the Commission does not express an opinion on whether or not NSX will receive regulatory approval to recommence trading.

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76353; File No. SR–CBOE–2015–100]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To List and Trade Options That Overlie a Reduced Value of the FTSE 100 Index

November 4, 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 October 30, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its rules to list and trade options that overlie a reduced value of the FTSE 100 Index.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to permit the Exchange to list and trade options that overlie the FTSE 100 Index (''FTSE 100 options''). FTSE 100 options would be A.M., cash-settled contracts with European-style exercise.

FTSE 100 Index Design, Methodology and Dissemination

The FTSE 100 Index is a free float-adjusted market capitalization index that is designed to measure the performance of the 100 largest companies traded on the London Stock Exchange and valued in the British pound (''GBP'').[3] The Exchange notes that the Commission previously approved for the Exchange, International Securities Exchange (''ISE''), and NYSE Arca, Inc. (''NYSE

[3] The FTSE 100 Index is a market-capitalization weighted index of UK-listed blue chip companies which is valued on the British pound. The index is part of the FTSE UK Series and is designed to measure the performance of the 100 largest companies traded on the London Stock Exchange that pass screening for size and liquidity. FTSE 100 constituents are all traded on the London Stock Exchange's SETS trading system. *See* FTSE 100 Index fact sheet (dated August 31, 2015) located at: *http://www.ftse.com/Analytics/FactSheets/Home/DownloadSingleIssue?issueName=UKX.*

Arca'') to list reduced value index options on the FTSE 100 Index.[4] Although the Exchange previously received approval to list FTSE 100 Index options, the Exchange is taking the opportunity to amend its rules to, among other things, specifically identify the listing criteria applicable to FTSE 100 options.

The FTSE 100 Index was launched on January 3, 1984, and is calculated by FTSE International Limited (''FTSE''), which is a provider of investment support tools. The FTSE 100 Index is calculated and published on a real-time basis in British pounds during U.K. and U.S. trading hours: from 2:00–10:30 a.m. (Chicago time) the real-time index is calculated using real time prices of the securities. At 10:30 a.m. (Chicago time) the real time index closes using the closing prices from the London Stock Exchange. Thus, between 10:30 a.m. and 3:15 p.m. (Chicago time) the FTSE 100 Index level is a static value that market participants can access via data vendors.

The methodology used to calculate the FTSE 100 Index is similar to the methodology used to calculate the value of other benchmark market-capitalization weighted indexes. Specifically, the FTSE 100 Index is governed by the Ground Rules for the FTSE UK Index Series.[5] The level of the FTSE 100 Index reflects the free float-adjusted market value of the component stocks relative to a particular base date and is computed by dividing the total market value of the companies in the FTSE 100 Index by the index divisor.

The FTSE 100 Index is monitored and maintained by FTSE. Adjustments to the FTSE 100 Index could be made on a daily basis with respect to corporate events and dividends. FTSE reviews the FTSE 100 Index quarterly (March, June, September and December) according to rules for inserting and deleting companies that ''are designed to provide stability in the selection of constituents of the FTSE UK Index Series while ensuring that the Indexes continue to be representative of the market by including or excluding those companies which have risen or fallen significantly.''[6]

Real-time data is distributed at least every 15 seconds while the index is being calculated using FTSE's real-time calculation engine to Bloomberg L.P. (''Bloomberg''), Thomson Reuters (''Reuters'') and other major vendors. End of day data is distributed daily to clients through FTSE as well as through major quotation vendors, including Bloomberg and Reuters.

The Exchange proposes to base trading in options on a fraction of the full size of the FTSE 100 Index. In particular, the Exchange proposes to list FTSE 100 options that are based on one one-tenth of the value of the FTSE 100 Index. The Exchange believes that listing options on the reduced value of the index will attract a greater source of customer business than if options were based on the full value of the FTSE 100 Index. The Exchange further believes that listing options on a reduced value of the index will provide an opportunity for investors to hedge, or speculate on, the market risk associated with the stocks comprising the FTSE 100 Index. Additionally, by reducing the value of the FTSE 100 Index, investors will be able to use this trading vehicle while extending a smaller outlay of capital. The Exchange believes this should attract additional investors, and, in turn, create a more active and liquid trading environment.

Initial and Maintenance Listing Criteria

The FTSE 100 Index meets the definition of a broad-based index as set forth in Rule 24.1(i)(1).[7] In addition, the Exchange proposes to create specific initial and maintenance listing criteria for options on the FTSE 100 Index. Specifically, the Exchange proposes to add new Interpretation and Policy .02(a) to Rule 24.2, *Designation of the Index,* to provide that the Exchange may trade FTSE 100 options if each of the following conditions is satisfied: (1) The index is broad-based, as defined in Rule 24.1(i)(1); (2) Options on the index are designated as A.M.-settled index options; (3) The index is capitalization-weighted, price-weighted, modified capitalization-weighted or equal dollar-weighted; (4) The index consists of 90 or more component securities; (5) Each of the component securities of the index will have a market capitalization of greater than $100 million; (6) No single component security accounts for more than fifteen percent (15%) of the weight of the index, and the five highest weighted component securities in the index do not, in the aggregate, account for more than fifty percent (50%) of the weight of the index; (7) Non-U.S. component securities (stocks or ADRs) that are not subject to comprehensive surveillance agreements do not, in the aggregate, represent more than twenty percent (20%) of the weight of the FTSE 100 Index; (8) During the time options on the index are traded on the Exchange, the current index value is widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors. However, the Exchange may continue to trade FTSE 100 options after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that FTSE 100 futures contracts are trading and prices for those contracts may be used as a proxy for the current index value; (9) The Exchange reasonably believes it has adequate system capacity to support the trading of options on the index, based on a calculation of the Exchange's current Independent System Capacity Advisor (ISCA) allocation and the number of new messages per second expected to be generated by options on such index; and (10) The Exchange has written surveillance procedures in place with respect to surveillance of trading of options on the index.

Additionally, the Exchange proposes to add new Interpretation and Policy .02(b) to Rule 24.2, *Designation of the Index,* to set forth the following maintenance listing standards for options on the FTSE 100 Index: (1) The conditions set forth in subparagraphs .02(a) (1), (2), (3), (4), (7), (8), (9) and (10) must continue to be satisfied. The conditions set forth in subparagraphs .02(a)(5) and (6) must be satisfied only as of the first day of January and July in each year; and (2) The total number of component securities in the index may not increase or decrease by more than ten percent (10%) from the number of component securities in the index at the time of its initial listing. In the event a class of index options listed on the Exchange fails to satisfy the maintenance listing standards set forth herein, the Exchange shall not open for trading any additional series of options of that class unless the continued listing of that class of index options has been approved by the Commission under Section 19(b)(2) of the Exchange Act.

The Exchange believes that A.M. settlement is appropriate for FTSE 100 options due to the nature of the index that encompasses the U.K. market. The components of the FTSE 100 Index open

[4] *See* Securities Exchange Act Release No. 29722 (September 23, 1991), 56 FR 49807 (October 1, 1991) (order approving SR–CBOE–91–07); Securities Exchange Act Release No. 53484 (March 14, 2006) 71 FR 14268 (March 21, 2006) (order approving SR–ISE–2005–25); and Securities Exchange Act Release No. 58008 (June 24, 2008) 73 FR 36945 (June 30, 2008) (order approving SR–NYSEArca-2008–61).

[5] Summary and comprehensive information about the FTSE 100 Index methodology may be reviewed at: *http://www.ftse.com/products/downloads/FTSE_UK_Index_Series.pdf?78.*

[6] *See id.*

[7] Rule 24.1(i)(1) defines a broad-based index to mean an index designed to be representative of a stock market as a whole or of a range of companies in unrelated industries.

with the start of trading on the London Stock Exchange at approximately 2:00 a.m. (Chicago time) and close with the end of trading on the London Stock Exchange at approximately 10:30 a.m. (Chicago time). As noted above, from 2:00–10:30 a.m. (Chicago time) the FTSE 100 Index level is calculated using real time prices of the securities. At 10:30 a.m. (Chicago time) the real time index closes using the closing prices from the London Stock Exchange. Thus, between 10:30 a.m. and 3:15 p.m. (Chicago time) the FTSE 100 Index level is a static value that market participants can access via data vendors.

As a result, the FTSE 100 Index level will not be calculated using real time prices of the constituent securities during a portion of the day when options are trading, specifically between 10:30 a.m. and 3:15 p.m. (Chicago time).[8] However, the futures contracts based on the FTSE 100 Index that trade on CME will be trading during this time period.[9] The Exchange believes that the FTSE 100 futures prices would be a proxy for the current FTSE 100 Index level. Therefore, the Exchange believes that FTSE 100 options should be permitted to trade after trading in all component securities has closed for the day and the index level is no longer widely disseminated at least once every fifteen (15) seconds by one or more major market data vendors, provided that FTSE 100 futures contracts are trading and prices for those contracts may be used as a proxy for the current index value.

Because the FTSE 100 Index is comprised of 100 of the largest companies traded on the London Stock Exchange, the Exchange believes that the initial listing requirements are appropriate to trade options on this index. In addition, similar to other broad based indexes, the Exchange proposes various maintenance requirements, which require continual compliance and periodic compliance.

Options Trading

Exhibit 3 presents contract specifications for FTSE 100 options.

The contract multiplier for FTSE 100 options would be $100. FTSE 100 options would be quoted in index points and one point would equal $100. The minimum tick size for series trading below $3 would be 0.05 ($5.00) and at or above $3 will be 0.10 ($10.00).

Initially, the Exchange would list in-, at- and out-of-the-money strike prices. Additional series may be opened for trading as the underlying index level moves up or down.[10] The minimum strike price interval for FTSE 100 options series would be 2.5 points if the strike price is less than 200. When the strike price is 200 or above, strike price intervals would be no less than 5 points.[11] New series would be permitted to be added up to the fifth business day prior to expiration.[12]

The Exchange would be permitted to list up to twelve near-term expiration months.[13] The Exchange would also be permitted to list up to ten expirations in Long-Term Index Option Series (''LEAPS'') on the FTSE 100 Index and the index would be eligible for all other expirations permitted for other broad-based index options, *e.g.,* End of Week/End of Month Expirations, Short Term Option Series and Quarterly Option Series.[14]

The trading hours for FTSE 100 options would be from 8:30 a.m. (Chicago time) to 3:15 p.m. (Chicago time).[15]

Exercise and Settlement

The proposed FTSE 100 options would expire on the third Friday of the expiring month.[16] Trading in expiring FTSE 100 options would cease at 3:15 p.m. (Chicago time) one business day prior (usually a Thursday) to the day on which the exercise-settlement value is calculated (usually a Friday). When the last trading day/expiration date is moved because of an Exchange holiday or closure, the last trading day/expiration date for expiring options would be the immediately preceding business day.

Exercise would result in delivery of cash on the business day following expiration. FTSE 100 options would be A.M.-settled, in that the expiring contract would cease trading on the business day (usually a Thursday) before the expiration date (generally a Friday).[17] The exercise settlement value would be one-tenth (1/10th) of the FTSE 100 Index calculated via an intra-day auction on the London Stock Exchange that is held on the morning of the expiration date (generally a Friday).[18]

The exercise settlement amount would be equal to the difference between the exercise-settlement value and the exercise price of the option, multiplied by the contract multiplier ($100).

If the exercise settlement value is not available or the normal settlement procedure cannot be utilized due to a trading disruption or other unusual circumstance, the settlement value would be determined in accordance with the rules and bylaws of The Options Clearing Corporation (''OCC'').[19]

Position and Exercise Limits

The Exchange proposes to apply the default position limits for broad-based index options to FTSE 100 options. Specifically, the chart set forth in Rule 24.4(a), *Position Limits for Broad-Based Index Options,* provides that the positions limits applicable to ''other broad-based indexes'' is 25,000 contracts (standard limit/on the same side of the market) and 15,000 contracts (near-term limit). Pursuant to Rule 24.5, *Exercise Limits,* the exercise limits for FTSE 100 options would be equivalent to the position limits for FTSE 100 options. All position limit hedge exemptions would apply.

[8] The trading hours for FTSE 100 options are from 8:30 a.m. (Chicago time) to 3:15 p.m. (Chicago time).

[9] The trading hours for E-Mini FTSE 100 Index futures are from 5:00 p.m. (Chicago time) to 4:00 p.m. (Chicago time) the following day, Sunday through Friday. *See* E-Mini FTSE 100 Index Future Contract specifications located at: *http://www.cmegroup.com/education/files/e-mini-ftse-100-index-futures.pdf.* CME lists E-mini FTSE 100 Index futures denominated in GBP and USD. The Exchange believes that either futures contract—GBP or USD—would be a sufficient proxy for FTSE 100 options.

[10] *See* Rules 24.9(d) and 24.9.04. These rules set forth the criteria for listing additional series of the same class as the current value of the underlying index moves. Generally, additional series must be ''reasonably related'' to the current index value, which means that strike prices must be within 30% of the current index value. Series exceeding the 30% range may be listed based on demonstrated customer interest.

[11] *See* proposed amendments to Rule 24.9.01(a) adding FTSE 100 options as a class eligible for 2.5 point minimum strike intervals if the strike price is below 200.

[12] *See* Rule 24.9.01(c).

[13] *See* proposed amendments to Rule 24.9(a)(2). The Exchange is proposing to allow the listing of up to twelve expiration months at any one time for FTSE 100 options.

[14] *See e.g.,* Rules 24.9(b) (LEAPS), 24.9(e) (End of Week/End of Month Expirations), 24.9(a)(2)(A) (Short Term Option Series) and 24.9(a)(2)(B) (Quarterly Option Series).

[15] *See* Rule 24.6.

[16] *See* proposed Rule 24.9(a)(3)(listing the reduced value FTSE 100 Index as a European-style index option approved for trading on the Exchange).

[17] *See* proposed amendment to Rule 24.1.01 to identify FTSE International Limited as the Reporting Authority for the FTSE 100 Index. As the designated Reporting Authority for the index, the disclaimers set forth in Rule 24.14 (Disclaimers) would apply to FTSE International Limited.

[18] *See* proposed amendment to Rule 24.9(a)(4) to specify that for FTSE 100 options the current index value at expiration is based on intra-day auction prices of the underlying securities on the last trading day. The last day of trading continues to be the business day preceding the last day of trading in the underlying securities prior to expiration because the business day preceding the last day of trading in the underlying securities is (generally) Thursday Chicago time and the last day of trading in the underlying securities is (generally) Friday Chicago time.

[19] *See* Rule 24.7.

Margin

The Exchange proposes that FTSE 100 options be margined as ''broad-based index'' options, and under CBOE rules, especially, Rule 12.3(c)(5)(A), the margin requirement for a short put or call shall be 100% of the current market value of the contract plus 15% of the ''product of the current index group value and the applicable index multiplier,'' reduced by any out-of-the-money amount. There would be a minimum margin requirement of 100% of the current market value of the contract plus: 10% of the aggregate put exercise price amount in the case of puts, and 10% of the product of the current index group value and the applicable index multiplier in the case of calls. Additional margin may be required pursuant to Rules 12.3(h) and 12.10 (Margin Required is Minimum).

The Exchange believes that FTSE 100 options are an eligible product for portfolio margining under CBOE Rule 12.4. Accordingly, the Exchange proposes that FTSE 100 options be allowed in portfolio margin accounts. CBOE proposes that the FTSE 100 Index be treated as a high-capitalization, broad-based index and that a new Product Group be established in which to house a FTSE 100 Index Class Group. This new Product Group would be referred to as the ''United Kingdom Indexes Product Group. The assumed market moves utilized for the new Product Group would be −8%/+6%, with a 100% offset of gains and losses between products in the same Class Group. With respect to a percentage offset between Class Groups within the United Kingdom Indexes Product Group, none would be specified at this time given that the FTSE 100 Index would be the only Class Group.[20]

Exchange Rules Applicable

Except as modified herein, the rules in Chapters I through XIX, XXIV, XXIVA, and XXIVB would equally apply to FTSE 100 options. FTSE 100 options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules,[21] margin requirements [22] and trading rules.[23]

The Exchange hereby designates FTSE 100 options as eligible for trading as Flexible Exchange Options as provided for in Chapters XXIVA (Flexible Exchange Options) and XXIVB (FLEX Hybrid Trading System).[24]

Surveillance and Capacity

The Exchange represents that is has an adequate surveillance program in place for FTSE 100 options and intends to use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in FTSE 100 options.

The Exchange is a member of the Intermarket Surveillance Group (''ISG''), which ''is comprised of an international group of exchanges, market centers, and market regulators.'' [25] The purpose of the ISG is to provide a framework for the sharing of information and the coordination of regulatory efforts among exchanges trading securities and related products to address potential intermarket manipulations and trading abuses. The ISG plays a crucial role in information sharing among markets that trade securities, options on securities, security futures products, and futures and options on broad-based security indexes. A list identifying the current ISG members is available at: *https://www.isgportal.org/home.html.*

The Exchange is also an affiliate member of the International Organization of Securities Commissions (''IOSCO''), which has members from over 100 different countries. The United Kingdom's Financial Conduct Authority, the regulator of the market on which the constituent securities trade, is also a member of IOSCO.[26] A list identifying the current ordinary IOSCO members is available at: *http://www.iosco.org/about/?subsection=membership&memid=1.* Finally, the Exchange has entered into various comprehensive surveillance agreements (''CSAs'') and/or Memoranda of Understanding with various stock exchanges, including the London Stock Exchange. Given the capitalization of the FTSE 100 Index and the deep and liquid markets for the securities underlying this Index, the concerns for market manipulation and/or disruption in the underlying markets are greatly reduced.

CBOE has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from the introduction of FTSE 100 options. Because the proposal is limited to one new class, the Exchange believes that the additional traffic that would be generated from the introduction of FTSE 100 options would be manageable.

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.[27] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [28] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change will further the Exchange's goal of introducing new and innovative products to the marketplace. Currently, the Exchange believes that there is unmet market demand for exchange-listed security options listed on this popular cash index. As described above, E-Mini FTSE 100 Index futures are listed for trading on CME. In addition, other derivatives contracts on the FTSE 100 Index are listed for trading in Europe (*e.g.,* Borsa Italiana).[29] As a result, CBOE believes

[20] A table detailing the currently existing portfolio margining Product Groups and their component class groups can be found at *http://www.optionsclearing.com/components/docs/risk-management/cpm/cpm_parameters.pd.*

[21] *See* Chapter IX (Doing Business with the Public).

[22] *See* Chapter XII (Margins).

[23] *See e.g.,* Chapters IV (Business Conduct), VI (Doing Business on the Exchange Floor), Chapter VIII (Market-Makers, Trading Crowds and Modified Trading Systems) and Chapter XXIV (Index Options).

[24] *See* proposed amendments to Rules 24A.7, *Position Limits and Reporting Requirements,* and 24B.7, *Position Limits and Reporting Requirements,* providing that the position limits for FLEX Index options on the FTSE 100 Index would be equal to the position limits for Non-FLEX options on the index. Per existing Rules 24A.8, *Exercise Limits,* and 24B.8, *Exercise Limits,* the exercise limits for FLEX FTSE 100 options would be equivalent to the position limits for FLEX FTSE 100 options.

[25] *See* Intermarket Surveillance Group Web site, available at *https://www.isgportal.org/home.html.*

[26] There are three categories of IOSCO members: Ordinary, associate and affiliate. In general, the ordinary members (124) are the national securities commissions in their respective jurisdictions. Associate members (17) are usually agencies or branches of government, other than the principal national securities regulator in their respective jurisdictions that have some regulatory competence over securities markets, or intergovernmental international organizations and other international standard-setting bodies, such as the IMF and the World Bank, with a mission related to either the development or the regulation of securities markets. Affiliate members (64) are self-regulatory organizations, stock exchanges, financial market infrastructures, investor protection funds and compensation funds, and other bodies with an appropriate interest in securities regulation. *See* IOSCO Fact Sheet located at: *http://www.iosco.org/about/pdf/IOSCO-Fact-Sheet.pdf.*

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

[29] *See* Fact Sheet for FTSE 100 Mini-Futures traded on the Borsa Italiana, available at *https://*

that FTSE 100 options are designed to provide different and additional opportunities for investors to hedge or speculate on the market risk on the FTSE 100 Index by listing an option directly on the FTSE 100 Index.

The Exchanges believes that the FTSE 100 Index is not easily susceptible to manipulation. The index is a broad-based index and has high market capitalizations. The FTSE 100 Index is comprised of 100 of the largest companies traded on the London Stock Exchange and no single component comprises more than 10% of the index, making it not easily subject to market manipulation.

Additionally, because the index has 100 of the largest and most liquid stocks listed on the London Stock Exchange, the Exchange believes that the initial listing requirements are appropriate to trade options on the index. In addition, similar to other broad-based indexes, the Exchange proposes to adopt various maintenance criteria, which would require continual compliance and periodic compliance.

FTSE 100 options would be subject to the same rules that currently govern other CBOE index options, including sales practice rules,[30] margin requirements [31] and trading rules.[32] The Exchange would apply the same default position limits for broad-based index options to FTSE 100 options. Specifically, the applicable position limits would be 25,000 contracts (standard limit/on the same side of the market) and 15,000 contracts (near-term limit). The exercise limit for FTSE 100 options would be equivalent to the position limit for FTSE 100 options. These same position and exercise limits would apply to FLEX trading. All position limit hedge exemptions would apply. The Exchange would apply existing index option margin requirements for the purchase and sale of FTSE 100 options.

The Exchange represents that it has an adequate surveillance program in place for FTSE 100 options. The Exchange also represents that it has the necessary systems capacity to support the new option series.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, CBOE believes that the introduction of new cash index options will enhance competition among market participants and will provide a new type of options to compete with FTSE 100 futures and European-traded derivatives on the FTSE 100 Index to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–100 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–*2015–100.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–100 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28516 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76344; File No. SR–NASDAQ–2015–115]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Chapter XV, Entitled ''Options Pricing,'' at Section 2 Governing Pricing for NASDAQ Members

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 22, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange

www.lseg.com/sites/default/files/content/documents/%E2%80%A2LSEG_ITA_Products_Factsheet_v10.pdf.

[30] *See* Chapter IX (Doing Business with the Public).

[31] *See* Chapter XII (Margins).

[32] *See e.g.,* Chapters IV (Business Conduct), VI (Doing Business on the Exchange Floor), Chapter VIII (Market-Makers, Trading Crowds and Modified Trading Systems) and Chapter XXIV (Index Options).

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XV, entitled ''Options Pricing,'' at Section 2, which governs pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options, to amend the Customer [3] and Professional [4] Penny Pilot [5] Options Rebates to Add Liquidity. The proposed amendments apply to volume from October 22, 2015 through October 30, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Chapter XV, Section 2, entitled ''NASDAQ Options Market—Fees and Rebates'' to amend the Customer and Professional Penny Pilot Options Rebates to Add Liquidity. Each of the proposed rule changes will be detailed below.

Customer and Professional Penny Pilot Options Rebates To Add Liquidity

Today, the Exchange offers tiered Penny Pilot Options Rebates to Add Liquidity to Customers and Professionals based on various criteria with rebates ranging from $0.20 to $0.48 per contract. Participants may qualify for Customer and Professional Penny Pilot Options Rebates to Add Liquidity by adding a certain amount of liquidity as specified by each tier.[6]

Note ''e'' of Chapter XV, Section 2(1)

The Exchange proposes to amend current note ''e'' to permit Participants that qualify for the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity [7] to achieve a higher rebate. Currently, note ''e'' states: ''[P]articipants that add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non- Penny Pilot Options of 1.15% or more of total industry customer equity and ETF option ADV contracts per day in a month will receive an additional $0.02 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month. Participants that add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.40% or more of total industry customer equity and ETF option ADV contracts per day in a month will receive an additional $0.05 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month.'' The Exchange is amending note ''e'' to clearly denote that there will now be three ways to earn an additional rebate for Participants that qualify for the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity. The first two additional rebates currently apply today, and will be demarcated as ''1'' and ''2.'' The Exchange proposes to pay a new additional $0.05 per contract rebate to Participants that qualify for the Tier 8 rebate of $0.48 per contract, from October 22, 2015 through October 30, 2015, for a total of $0.53 per contract,

[3] The term ''Customer'' applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

[4] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants.

[5] *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); 60874 (October 23, 2009), 74 FR 56682 (November 2, 2009)(SR–NASDAQ–2009–091) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 60965 (November 9, 2009), 74 FR 59292 (November 17, 2009)(SR–NASDAQ–2009–097) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 61455 (February 1, 2010), 75 FR 6239 (February 8, 2010) (SR–NASDAQ–2010–013) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 62029 (May 4, 2010), 75 FR 25895 (May 10, 2010) (SR–NASDAQ–2010–053) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 65969 (December 15, 2011), 76 FR 79268 (December 21, 2011) (SR–NASDAQ–2011–169) (notice of filing and immediate effectiveness extension and replacement of Penny Pilot); 67325 (June 29, 2012), 77 FR 40127 (July 6, 2012) (SR–NASDAQ–2012–075) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2012); 68519 (December 21, 2012), 78 FR 136 (January 2, 2013) (SR–NASDAQ–2012–143) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2013); 69787 (June 18, 2013), 78 FR 37858 (June 24, 2013) (SR–NASDAQ–2013–082) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2013); 71105 (December 17, 2013), 78 FR 77530 (December 23, 2013) (SR–NASDAQ–2013–154) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2014); 79 FR 31151 (May 23, 2014), 79 FR 31151 (May 30, 2014) (SR–NASDAQ–2014–056) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2014); 73686 (December 2, 2014), 79 FR 71477 (November 25, 2014) (SR–NASDAQ–2014–115) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2015) and 75283 (June 24, 2015), 80 FR 37347 (June 30, 2015) (SR–NASDAQ–2015–063) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program and Replacement of Penny Pilot Issues That Have Been Delisted.) *See also* NOM Rules, Chapter VI, Section 5.

[6] Tiers 6 and 7 are calculated based on Total Volume. Total Volume is defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options which either adds or removes liquidity on NOM. *See* note ''b'' in Section 2(1) of Chapter XV. The Exchange utilizes data from OCC to determine the total industry customer equity and ETF options ADV figure. OCC classifies equity and ETF options volume under the equity options category. Also, both customer and professional orders that are transacted on options exchanges clear in the customer range at OCC and therefore both customer and professional volume would be included in the total industry figure to calculate rebate tiers.

[7] Tier 8 of the Customer and Professional Rebate to Add Liquidity Tiers pays a $0.48 per contract rebate to Participants that add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.75% or more of total industry customer equity and ETF option ADV contracts per day in a month or Participant adds (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 30,000 or more contracts per day in a month, (2) the Participant has certified for the Investor Support Program set forth in Rule 7014, and/or (3) the Participant qualifies for rebates under the Qualified Market Maker Program set forth in Rule 7014.

provide the Participant meets the requisite criteria. The new incentive would require the Participant to: (a) Add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.85% of total industry customer equity and ETF option ADV contracts per day from October 22, 2015 through October 30, 2015 in a month and (b) add liquidity in all securities through one or more of its Nasdaq Market Center MPIDs [8] that represent 1.00% or more of Consolidated Volume from October 22, 2015 through October 30, 2015. Consolidated Volume shall mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month [9] in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of an equity member's trading activity, expressed as a percentage of or ratio to Consolidated Volume, the date of the annual reconstitution of the Russell Investments Indexes shall be excluded from both total Consolidated Volume and the member's trading activity.

The Exchange believes that this new added incentive will encourage Participants to add even more liquidity on NOM to earn a higher rebate. Also, the Exchange is not only providing Participants another manner in which to earn a higher options rebate by participating in the options market, but is also permitting equities volume to qualify for the options rebate, thereby benefitting the Nasdaq Market Center as well as the NOM market, by incentivizing order flow to these markets.

Note ''d'' of Chapter XV, Section 2(1)

Currently, note ''d'' of Chapter XV, Section 2(1) states that Participants that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 [10] or 8 in a given month will be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.50 per contract. Currently, the Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options is $0.54 per contract for these Participants.[11]

The Exchange proposes to remove the incentive to obtain a lower Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options for Participants that qualify for Tier 7 of the Customer and Professional Penny Pilot Options Rebate to Add Liquidity as of October 22, 2015. This incentive will remain for Participants that qualify for Tier 8, as is the case today. The Exchange desires to incentivize market participants to add liquidity in the highest tier in order to obtain the lower Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options. Note ''d'' will be amended to remove Tier 7. Additionally, from October 1, 2015 through the date of this filing, no member has qualified for the lower Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.50 per contract with Tier 7.

Typographical Correction

The Exchange proposes to remove the period at the end of Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 8 to conform the rule text.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[12] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Customer volume is important because it continues to attract liquidity to the Exchange, which benefits all market participants. Further, with respect to Professional liquidity, the Exchange initially established Professional pricing in order to ''. . . bring additional revenue to the Exchange.'' [14] The Exchange noted in the Professional Filing that it believes ''. . . that the increased revenue from the proposal would assist the Exchange to recoup fixed costs.'' [15] Further, the Exchange noted in that filing that it believes that establishing separate pricing for a Professional, which ranges between that of a Customer and market maker, accomplishes this objective.[16]

Customer and Professional Penny Pilot Options Rebates to Add Liquidity

Note ''e'' of Chapter XV, Section 2(1)

The Exchange's proposal to amend note ''e'' to provide for an additional means to earn a higher rebate for Participants that qualify for the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity is reasonable because the opportunity to earn a higher rebate of $0.53 [17] per contract, provided the qualifications are met, will incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume, which liquidity will benefit other market participants by providing them the opportunity to interact with that liquidity. The Exchange's proposal to permit Participants to obtain a higher rebate of $0.53 per contract, provided they qualify for the Tier 8 rebate and the new criteria [18] by adding volume from October 22, 2015 through October 30,

[8] MPIDS are four character alpha code market participant identifiers used to report trades.

[9] For purposes of this filing, the Consolidated Volume shall only apply to volume from October 22, 2015 through October 30, 2015.

[10] Customer and Professional Rebate to Add Liquidity Tier 7 pays a $0.47 per contract rebate to Participants that have Total Volume of 150,000 or more contracts per day in a month, of which 50,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options. ''Total Volume'' is defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options which either adds or removes liquidity on NOM.

[11] SPY transactions are assessed a $0.50 per contract Fee for Removing Liquidity in Penny Pilot Options for all Participants except Customer.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* Securities Exchange Act Release No. 64494 (May 13, 2011), 76 FR 29014 (May 19, 2011) (SR–NASDAQ–2011–066) (''Professional Filing''). In this filing, the Exchange addressed the perceived favorable pricing of Professionals who were assessed fees and paid rebates like a Customer prior to the filing. The Exchange noted in that filing that a Professional, unlike a retail Customer, has access to sophisticated trading systems that contain functionality not available to retail Customers.

[15] *See* Professional Filing.

[16] *See* Professional Filing. The Exchange also in the Professional Filing that it believes the role of the retail Customer in the marketplace is distinct from that of the Professional and the Exchange's fee proposal at that time accounted for this distinction by pricing each market participant according to their roles and obligations.

[17] Tier 8 pays a rebate of $0.48 per contract and the additional rebate proposed for note ''e'' would be a $0.05 per contract rebate for a total of $0.53 per contract.

[18] New note ''e'' requires Participants to (a) add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.85% of total industry customer equity and ETF option ADV contracts per day from October 22, 2015 through October 30, 2015 and (b) add liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.00% or more of Consolidated Volume from October 22, 2015 through October 30, 2015 in order to receive an additional $0.05 per contract Penny Pilot Options Customer Rebate to Add Liquidity.

2015,[19] which criteria includes the addition of options and equity volume, is reasonable because the Exchange is encouraging market participants to send order flow to both the options and equity markets to receive the rebate. Incentivizing Participants to add options liquidity through the payment of an additional rebate is not novel and exists today.[20] Today, the Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 8 includes, as part of the qualifying criteria, a certification for the Investor Support Program [21] as set forth in Rule 7014 and qualification in the QMM Program.[22] These two programs are equity programs which require participation in the form of adding liquidity. The concept of participating in the equities market as a means to qualify for an options rebate exists today. The Exchange's proposal would require Participants to add liquidity in all securities through one or more of its Nasdaq Market Center MPIDS that represent 1.00% or more of Consolidated Volume during the month.[23] Consolidated Volume shall mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month [24] in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of an equity member's trading activity, expressed as a percentage of or ratio to Consolidated Volume, the date of the annual reconstitution of the Russell Investments Indexes shall be excluded from both total Consolidated Volume and the member's trading activity.

The Exchange is not only providing Participants with a manner in which to earn an additional options rebate, but also expanding the qualifications to permit participation in the equities market to qualify for the additional rebate. This participation benefits the Nasdaq Market Center as well as the NOM market by incentivizing order flow to these markets. As with existing tiers that require participation in both the Nasdaq Market Center and NOM, this additional rebate recognizes the prevalence of trading in which members simultaneously trade different asset classes within the same strategy. Because cash equities and options markets are linked, with liquidity and trading patterns on one market affecting those on the other, the Exchange believes that pricing incentives that encourage market participant activity in NOM also support price discovery and liquidity provision in the Nasdaq Market Center. Further, because the proposed incentive which is being added in note ''e'' require significant levels of liquidity provision, which benefits all market participants, and because activity in NOM also supports price discovery and liquidity provision in the Nasdaq Market Center due to the increasing propensity of market participants to be active in both markets and the influence of each market on the pricing of securities in the other, this proposal is reasonable. Moreover, the incentive has the potential to make the applicable higher rebate available to a wider range of market participants by introducing an additional means of qualification. Finally, other options exchanges today pay rebates to participants that add order both options and equity order flow.[25]

The Exchange's proposal to amend note ''e'' to provide for an additional means to earn a higher rebate for Participants that qualify for the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity is equitable and not unfairly discriminatory because all Participants may qualify for Tier 8 and the additional incentive. Qualifying Participants will be uniformly paid the rebate provided the requirements are met for the time period from October 22, 2015 through October 30, 2015. The Exchange's proposal to permit Participants to receive an additional $0.05 per contract rebate in addition to the Tier 8 rebate of $0.48 per contract, provided they qualify for Tier 8 and add options and equity volume as specified in the new note ''e'' criteria,[26] is equitable and not unfairly discriminatory because market participants today may qualify for a comparable or a higher rebate through alternative means that does not require participation in NOM.

Note ''d'' of Chapter XV, Section 2(1)

The Exchange's proposal to remove the incentive in note ''d'' for Participants that qualify for Tier 7 and continue to apply the incentive for Participants that qualify for Tier 8 is reasonable because the Exchange desires to incentivize market participants to add liquidity in the highest tier in order to obtain the lower Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options.[27] This proposal will shift the applicability of note ''d'' to the highest rebate tier only.

The Exchange's proposal to remove the incentive in note ''d'' for Participants that qualify for Tier 7 and continue to apply the incentive for Participants that qualify for Tier 8 is equitable and not unfairly discriminatory because the Exchange will uniformly apply the incentive to all Participants that qualify for Tier 8.[28] No

[19] Monthly volume prior to October 22, 2015 will not count toward the calculation of this rebate incentive.

[20] Today, note ''e'' provides two opportunities to earn a higher rebate. Participants that add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non- Penny Pilot Options of 1.15% or more of total industry customer equity and ETF option ADV contracts per day in a month receive an additional $0.02 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month; or Participants may add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.40% or more of total industry customer equity and ETF option ADV contracts per day in a month to receive an additional $0.05 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month.

[21] For a detailed description of the Investor Support Program or ISP, *see* Securities Exchange Act Release No. 63270 (November 8, 2010), 75 FR 69489 (November 12, 2010) (NASDAQ–2010–141) (notice of filing and immediate effectiveness) (the ''ISP Filing''). *See also* Securities Exchange Act Release Nos. 63414 (December 2, 2010), 75 FR 76505 (December 8, 2010) (NASDAQ–2010–153) (notice of filing and immediate effectiveness); and 63628 (January 3, 2011), 76 FR 1201 (January 7, 2011) (NASDAQ–2010–154) (notice of filing and immediate effectiveness).

[22] A QMM is a NASDAQ member that makes a significant contribution to market quality by providing liquidity at the national best bid and offer (''NBBO'') in a large number of stocks for a significant portion of the day. In addition, the NASDAQ equity member must avoid imposing the burdens on NASDAQ and its market participants that may be associated with excessive rates of entry of orders away from the inside and/or order cancellation. The designation ''QMM'' reflects the QMM's commitment to provide meaningful and consistent support to market quality and price discovery by extensive quoting at the NBBO in a large number of securities. In return for its contributions, certain financial benefits are provided to a QMM with respect to a particular MPID (a ''QMM MPID''), as described under Rule 7014(e).

[23] For purposes of this filing, the Consolidated Volume shall only apply to volume from October 22, 2015 through October 30, 2015.

[24] *Id.*

[25] BATS Exchange Inc. (''BATS'') and NYSE Arca, Inc. (NYSE Arca'') offer Cross-Asset Step-Up Tiers on its equity market. *See* BATS BZX Exchange Fee Schedule. *See also* NYSE Arca Equities Schedule of Fees and Charges for Exchange Services and NYSE Arca Options Fees and Charges.

[26] *See* note 20.

[27] Currently, the Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options is $0.54 per contract for these Participants, except in SPY where it is $0.50 per contract for these Participants.

[28] To date for the month of October 2015, no member has qualified for the lower Professional,

Participant will receive the incentive in note ''d'' for qualification in Tier 7 as of October 22, 2015 and all Participants that have met the Customer and Professional Penny Pilot Options Rebate to Add Liquidity in Tier 8 would continue to receive the note ''d'' incentive.

Typographical Correction

The Exchange's proposal to remove the period at the end of Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 8 for consistency is reasonable, equitable and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Customer and Professional Penny Pilot Options Rebates to Add Liquidity

New Note ''e'' of Chapter XV, Section 2(1)

The Exchange's proposal to adopt a new note ''e'' incentive does not impose an undue burden on intra-market competition because all Participants are eligible to qualify for the Tier 8 Customer or Professional Rebate to Add Liquidity Tier, provided they meet the qualifications for that tier, and additionally all Participants may qualify for the additional requirements in new note ''e''.[29] Further, this new additional note ''e'' rebate will be uniformly paid to those Participants that are eligible for the rebate.

Furthermore, incentivizing Participants to add not only options, but equities volume does not impose an undue burden on intra-market competition because cash equities and options markets are linked, with liquidity and trading patterns on one market affecting those on the other, the Exchange believes that pricing incentives that encourage market participant activity in NOM also support price discovery and liquidity provision in the Nasdaq Market Center. Further, the pricing incentives require significant levels of liquidity provision, which benefits all market participants on NOM and the Nasdaq Market Center. Moreover, the changes have the potential to make the applicable incentives available to a wider range of market participants by introducing an additional means of qualification.

Note ''d'' of Chapter XV, Section 2(1)

The Exchange's proposal to remove the incentive in note ''d'' from Participants that qualify for Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 7 and continue to apply the incentive to Participants that qualify for Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 8 does not impose an undue burden on intra-market competition because the Exchange will uniformly apply the incentive to all Participants. No Participant will receive the incentive in note ''d'' for Tier 7 qualification as of October 22, 2015 and all Participants that have met the criteria for Customer and Professional rebate Tier 8 would continue to receive the note ''d'' incentive. Further, there are no Participants that qualified for the Tier 7 incentive from October 1, 2015 through the date of this filing.

The Exchange's proposal addressed herein does not impose an inter-market burden on competition because the Exchange operates in a highly competitive market in which many sophisticated and knowledgeable market participants can readily and do send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. These market forces support the Exchange belief that the proposed rebate structure and tiers proposed herein are competitive with rebates and tiers in place on other exchanges. The Exchange believes that this competitive marketplace continues to impact the rebates present on the Exchange today and substantially influences the proposals set forth above. Other options markets offer similar rebates to incentive market participants to direct order flow to their markets. The Exchange believes that continuing to offer rebates and increasing those rebates and providing opportunities to earn higher rebates will benefit the marketplace by continuing to reward liquidity providers and thereby offering other market participants an opportunity to interact with this order flow.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[30]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–115 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–115. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE.,

Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.50 per contract with Tier 7.

[29] *See* note 20.

[30] 15 U.S.C. 78s(b)(3)(A)(ii).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–115, and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28508 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76352; File No. SR–CBOE–2015–093]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

November 4, 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 October 30, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the Fees Schedule relating to Continuing Education Fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fees Schedule.[3] Specifically, the Exchange proposes to make changes to the Continuing Education Fees section of the Fees Schedule to provide that continuing education for all registration except the Series 56 will be $55 if conducted via Web-delivery. Continuing education for all registration except the Series 56 will remain $100 if conducted at a testing center.

On August 8, 2015, the Securities and Exchange Commission approved SR–FINRA–2015–015 relating proposed changes to FINRA Rule 1250 to provide a Web-based delivery method for completing the Regulatory Element of the continuing education requirements.[4] Pursuant to the rule change, effective October 1, 2015, the Regulatory Element of the Continuing Education Programs for the S106 for Investment Company and Variable Contracts Representatives, the S201 for Registered Principals and Supervisors, and the S901 for Operations Professionals will be administered through Web-based delivery or such other technological manner and format as specified by FINRA. The Regulatory Element of these Continuing Education Programs will continue to be offered at testing centers until no later than six months after January 4, 2016.[5] Pursuant to the Approval Order to SR–FINRA–2015–015, the fee for test-center delivery of the Regulatory Element of the S106, S201, and S901 Continuing Education Programs will continue to be $100 per session through no later than six months after January 4, 2016 when the programs will no longer be offered at testing centers. The fee for Web-based delivery of the Regulatory Elements of the S106, S201, and S901 Continuing Education Programs, however, will be $55.

The Exchange currently utilizes FINRA's Continuing Education Programs for its own continuing education requirements. Consistent with SR–FINRA–2015–015, the Exchange recently filed SR–CBOE–2015–084[6] relating to continuing education. In that filing, the Exchange proposed to follow the changes set forth in SR–FINRA–2015–015 with respect to Web-based delivery of the Regulatory Element of the Continuing Education Programs for the S106 for Investment Company and Variable Contracts Representatives, the S201 for Registered Principals and Supervisors, and the S901 for Operations Professionals. Consistent with SR–CBOE–2015–084, this proposed rule change, proposes to amend the Fees Schedule to provide that effective immediately, the fee for Web-based delivery of the Regulatory Elements of the S106, S201, and S901 Continuing Education Programs will be $55. The fee for test-center delivery of the Regulatory Element of the S106, S201, and S901 Continuing Education Programs will continue to be $100 per session until test-center delivery of the Regulatory Element is phased out and the programs are no longer offered at testing centers. At that time, the Exchange will file another fee filing to remove the test center option for delivery of the Regulatory Element from the Fees Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section

[31] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee change on October 2, 2015 (SR–CBOE–2015–086). On October 9, 2015, the Exchange withdrew SR–CBOE–2015–086.

[4] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[5] Test-center delivery of the Regulatory Element will be phased out by no later than six months after January 4, 2016. *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education) (SR–FINRA–2015–015).

[6] *Available at http://www.cboe.com/publish/RuleFilingsSEC/SR-CBOE-2015-084.pdf*

[7] 15 U.S.C. 78f(b).

6(b)(5)[8] 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)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Web-based delivery method for continuing education is in the interest of investors and free and open markets. In general, Web-based delivery will remove time parameters that exist with respect to taking continuing education at testing centers. Having additional time to take continuing education may result in better learning outcomes, which should enhance investor protection. In addition, the option to have Web-based delivery of the Regulatory Element of the S106, S201, and S901 Continuing Education Programs at a reduced cost lowers barriers to entry and removes impediments to a free and open market and national market system by making it easier and less costly for Trading Permit Holders to participate in the market. Accordingly, the Exchange believes that Web-based delivery of the Regulatory Element of the S106, S201, and S901 Continuing Education Programs and reducing the costs of continuing education in general are goals that are consistent with the Act.

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. As FINRA has stated, the proposed rule change is specifically intended to reduce the burdens of continuing education on market participants while preserving the integrity of the S106, S201, and S901 Continuing Education Programs. In general, reduction in cost and removal of barriers to entry encourages competition among market participants, particularly in situations where such rules are employed universally across the markets. By bringing the Exchange's fees structure in line with that of FINRA, the Exchange believes it is removing impediments to free and open markets and encouraging competition between the Exchange and other markets that use the S106, S201, and S901 Continuing Education Programs. Accordingly, the Exchange further believes that the proposed rule change will relieve burdens on, and otherwise promote competition.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and paragraph (f) of Rule 19b–4[11] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–093 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–093. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–093, and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

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[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76340; File No. SR–NASDAQ–2015–135]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the LIST Routing Option

November 4, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 2, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 4758(a)(1)(A)(x), concerning LIST Orders.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

Nasdaq is proposing to amend Rule 4758(a)(1)(A)(x) to allow an Order [3] with a LIST routing option [4] (''LIST Order'') to be designated with a Time-in-Force [5] (''TIF'') of MGTC [6] or SGTC.[7] The LIST routing option allows a Participant [8] to participate in the opening and closing processes of the primary listing market of the particular security, while also taking advantage of the Exchange's liquidity during the remainder of the trading day.[9] Under LIST, the Order will sent [*sic*] by Nasdaq to participate in the primary listing market's opening process.[10] Where Nasdaq is the primary listing market for a LIST Order security, rather than route out for the opening process, the Order will first participate in Nasdaq's Opening Cross, then it will post on the Nasdaq book if it is not executed in full.[11]

When Nasdaq determines that the primary market is ''open'',[12] any unexecuted shares that are returned to Nasdaq will execute against interest on the Nasdaq book if marketable, and remaining shares that do not execute on Nasdaq are routed to Regulation NMS protected market centers in accordance with the LIST System routing table.[13] After routing to such destinations, any remaining unexecuted shares are returned to Nasdaq and posted on the Nasdaq book.[14] Similarly, LIST Orders entered after the primary listing market's opening process but prior to two minutes prior to market close [15] will check the Nasdaq book, route in accordance with the LIST System routing table, and then post to the Nasdaq book if there are shares remaining. Should a primary listing market initiate a stock halt during system hours and that market continues to accept orders, the Exchange will send all open LIST Orders on the book to the primary listing market, and upon the conclusion of the primary listing market halt resumption process any remaining unexecuted shares that return to Nasdaq will execute against interest on the Nasdaq book if marketable, with remaining shares routing to Regulation NMS protected market centers in accordance with the LIST System routing table. After routing to such destinations, any remaining unexecuted shares are returned to Nasdaq and posted on the Nasdaq book.

Two minutes prior to market close, any LIST Orders on the Nasdaq book are sent to their respective primary listing markets to post on those markets' books until market close or the Order's cancellation, whichever is earlier. LIST Orders entered at or after two minutes prior to the end of regular market hours, but before the conclusion of regular market hours trading, are also sent to the primary listing market for

[3] As defined by Rule 4701(e).

[4] The System provides a variety of routing options. Generally, routing options may be combined with all available Order Types and Times-in-Force, with the exception of LIST Orders with a Time-in-Force of GTC and Order Types and Times-in-Force whose terms are inconsistent with the terms of a particular routing option. As discussed below, although not inconsistent, providing Participants the option to designate a LIST Orders [*sic*] with a GTC Time-in-Force has been unavailable due to a technological limitation. With respect to LIST Orders, there are no Times-in-Force that are inconsistent with its terms. Certain attributes that are inconsistent are also mutually exclusive and thus are never received. For example, a LIST order cannot also be submitted as a SCAN order. There are other instances where the attributes on a LIST order will not result in the order exercising the LIST functionality that sends an order to the primary listing exchange. For example, a LIST order with a TIF of IOC received during regular market hours, would check the system for available shares and route as per the LIST routing strategy, but would not be sent to the primary listing exchange because of the order's immediacy. After attempting to execute within its limit price at destinations in the System Routing Table, the order will expire as per the IOC TIF and be returned to the customer.

[5] The Time-in-Force assigned to an Order means the period of time that the Nasdaq Market Center will hold the Order for potential execution. Participants specify an Order's Time-in-Force by designating a time at which the Order will become active and a time at which the Order will cease to be active. *See* Rule 4703(a).

[6] An Order that is designated to deactivate one year after entry may be referred to as a ''Good-till-Cancelled'' or ''GTC'' Order. If a GTC Order is designated as eligible for execution during Market Hours only, it may be referred to as having a Time in Force of ''Market Hours Good-till-Cancelled'' or ''MGTC''. If a GTC is designated as eligible for execution during System Hours, it may be referred to as having a Time in Force of ''System Hours Good-till-Cancelled'' or ''SGTC''. *See* Rule 4703(a)(3).

[7] *Id.*

[8] As defined by Rule 4701(c).

[9] If a member firm designates a LIST Order as only eligible to participate in the opening or closing processes of the primary listing market, then Nasdaq will route it immediately to that exchange if it is accepting Orders. The Exchange notes that such an Order cannot have a GTC TIF. Orders designated for participation in the opening process only expire after completion thereof if not fully executed and thus cannot be GTC. An Order's designation as eligible to participate in the opening process only is mutually exclusive of the GTC TIF. Likewise, an Order designated for participation in the closing process only may not have a GTC TIF, since the Order is designated to expire after completion thereof. Accordingly, designation of an Order as eligible to participate in the closing process only is mutually exclusive of the GTC TIF.

[10] The Exchange notes that other primary listing exchanges do not all open at the same time as Nasdaq. Therefore, the Exchange system will hold orders that would otherwise be sent to an away exchange until that exchange begins accepting orders. Prior to being sent to the away exchange, the orders are not available for execution. For example, Nasdaq holds LIST Orders in NYSE-listed securities until NYSE begins to accept them starting at 7:45 a.m. ET, at which time Nasdaq sends all such held Orders to NYSE. By contrast, for NYSEArca-listed securities, starting at 4 a.m. ET Nasdaq sends LIST Orders to NYSEArca when received.

[11] *See* Rule 4752.

[12] Nasdaq currently uses various triggers to determine that the primary listing market opening process has completed, including its posting of a firm quote, a regular way order print, Nasdaq receives open-eligible orders back from the primary listing market, or if none of the prior conditions occur then at 9:45 a.m. ET.

[13] As provided, in Rule 4758(a)(1)(A), the term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes Orders and the order in which it routes them. Nasdaq reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice.

[14] Pursuant to Rule 4758(a)(1)(B), if a routed Order is returned, in whole or in part, that Order will receive a new time stamp reflecting the time of its return to the System.

[15] This period begins at 3:58 p.m. ET, unless the primary market closes earlier.

participation in the closing process,[16] after first checking the Nasdaq book for potential execution against interest on the Nasdaq book if marketable and then routing in accordance with the LIST System routing table.[17] Shares unexecuted in the closing process or that are received after the primary listing market's close with a valid TIF for after hours trading [18] will be posted to the Nasdaq book. Where Nasdaq is the primary listing market for a LIST Order security, rather than route out for the closing process, the Order will remain posted on the Nasdaq book [19] and be eligible for the Nasdaq Closing Cross. Thereafter, the Order will stay on the book to the extent it has a TIF that allows it to do so.[20]

Proposal

The Exchange is proposing to allow the use of Good-til-Canceled TIF with a LIST routing option.[21] A Participant must designate a time at which a given Order will become active and a time at which the Order will cease to be active, which is the Order's TIF. The following times are available to Nasdaq Participants for deactivating an Order: Immediate (*i.e.,* immediately after determining whether the Order is marketable); the end of Market Hours; the end of System Hours; one year after entry; [22] or a specific time identified by the Participant, provided, however, that an Order specifying an expire time beyond the current trading day will be canceled at the end of the current trading day.[23] The ''Good-til-Canceled'' or ''GTC'' TIF will cause an Order to deactivate one year after entry if it is not canceled or executed in full. If a GTC Order is designated as eligible for execution during Market Hours only, it may be referred to as having a TIF of ''Market Hours Good-till-Canceled'' or ''MGTC''. If a Participant designates a GTC Order as eligible for execution during System Hours, it may be referred to as having a TIF of ''System Hours Good-till-Canceled'' or ''SGTC''.

Nasdaq does not currently make MGTC or SGTC available to Participants entering LIST orders because it has not programmed the System to accept such Orders due to technological challenges. Consequently, under the current functionality if the LIST Order is not executed in full then it will be canceled when it expires based on the TIF assigned to the Order, which could be immediately (after determining whether the Order is marketable) or up to the end of the current trading day at which time the LIST Order would be canceled. The Exchange is now technologically able to allow a LIST Order to have a TIF of MGTC or SGTC, so it is proposing to eliminate the current limitation and allow Participants to designate a LIST Order with a GTC attribute. Nasdaq notes that the operation of the LIST Order will remain unchanged, with only the time that the Order remains active affected. For example, a Participant entering a LIST Order that would only be available for execution during Market Hours would, under the current rules, designate the Order with a TIF of MDAY.[24] If such a LIST Order is not executed in full at the end of Market Hours, the Order would be canceled and thereafter the Participant would need to enter a new LIST Order with a TIF of MDAY for potential execution the following day. Nasdaq is proposing to allow a Participant to instead apply a TIF of MGTC or SGTC, which would allow the Order to remain active up to a year after entry, unless canceled or executed in full. Accordingly, Nasdaq is providing Participants with additional flexibility and control over the execution of their LIST Orders, which is currently available for other Order types on Nasdaq, and is providing efficiency and reducing cost and message traffic for Participants that currently replicate the proposed functionality using other TIFs.

By way of example, at 6 a.m. a Participant enters a LIST MGTC order to buy 1,000 shares of IBM, a NYSE-listed security. The Order is held by Nasdaq until 7:45 a.m. and then sent by the System to NYSE to participate in the NYSE opening. In the NYSE opening process 500 shares of the Order are executed. The remaining 500 shares of the Order are sent back to Nasdaq, where it checks the Nasdaq book and receives an execution of 100 shares against a resting sell Order. The remaining 400 shares of the Order are then routed to away markets, where the Order receives an execution on ARCA of 100 shares. The remaining 300 shares are then posted to the Nasdaq book. At 2 p.m., a market participant enters a sell Order that executes against the resting Order for 100 shares. At 3:58 p.m. the remaining 200 shares are sent to NYSE to participate in the NYSE closing process. In the NYSE closing process, 100 shares are executed with the remaining 100 returning to Nasdaq to be held until 7:45 a.m. the next day,[25] at which time the Order [26] is again sent away to NYSE and would follow the process described above.

The scenario described above would be slightly different if the Order was received for a security listed on Nasdaq. For example, at 6 a.m. a Participant enters a LIST MGTC order to buy 1,000 shares of AAPL, a Nasdaq-listed security. The Order is placed into the Nasdaq opening and in the Nasdaq opening process 500 shares of the Order are executed. The remaining 500 shares would then be transferred to the Nasdaq continuous book. At 2 p.m., a market participant enters a sell Order that executes against the resting Order for 100 shares, leaving 400 shares resting on the continuous book. At 3:58 p.m. the remaining 400 shares would continue to rest on the Nasdaq continuous book until the closing cross. When the closing cross occurs, 100 shares are executed in the cross. The remaining 300 shares would be held by Nasdaq until the next day, at which time the Order would participate in the Nasdaq opening process.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the

[16] As noted in the rule, if a LIST order in a NYSE or NYSE MKT security has been designated to participate in the closing only and is entered at 3:45 p.m. ET or later (or in the case of an early closing, is entered 15 minutes prior to the close or later), the order will be rejected.

[17] Due to the possibility that Orders received very near the 4:00 p.m. ET deadline (*e.g.,* 3:59:59:999 p.m. ET) will be routed to the primary listing market but arrive after the security has closed, customers are encouraged to submit their LIST Orders prior to 3:58 p.m. ET.

[18] Specifically, System Hours and System Hours Expire Time TIFs.

[19] Such an Order may execute at any time prior to the completion of the Closing Cross should it become marketable. If an Order in a non-Nasdaq security that is sent to participate in the primary listing market's closing process subsequently becomes marketable on Nasdaq, the Order will nonetheless remain at the primary listing market. Nonetheless, it may become marketable at the away exchange and execute prior to the exchange's closing process.

[20] *See* Rule 4754. Because regular trading hours have concluded, the trade-through protections of Regulation NMS Rule 611 do not apply. Nasdaq, nonetheless, routes to venues displaying the best price in an effort to gain the best execution of a member firm's Order.

[21] The Exchange notes that the current functionality of LIST will not change other than with respect to timing of the expiration of an order designated as MGTC or SGTC.

[22] An Order that may be active up to one year after entry may nonetheless be returned to the customer in certain circumstances, such as excessive messaging, corporate actions, or because it is canceled by the participant.

[23] *See* Rule 4703(a).

[24] *See* Rule 4703(a)(5).

[25] By contrast, if the LIST Order was entered with a TIF of SGTC, instead of being held upon arrival at NASDAQ (because Market Hours have concluded), the Order would be posted on the NASDAQ book until 8 p.m. and thereafter held until 7:45 a.m. the next day.

[26] The Order retains all of its original attributes, including information concerning the Order as it was initially entered by the Participant.

provisions of Section 6 of the Act,[27] in general, and with Section 6(b)(5) of the Act,[28] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the change Nasdaq is making to Rule 4758(a)(1)(A)(x) will provide Participants with additional flexibility and control over the execution of their Orders. Specifically, the Exchange is providing Participants with the option to designate a LIST Order to remain active for up to one year, unless canceled or executed in full. The Exchange notes that other Order routing options offered by the Exchange allow TIFs of MGTC and SGTC.[29] Moreover, Participants are currently able to achieve the same outcome as a TIF of MGTC or SGTC with their LIST Orders by entering such orders with a TIF of MDAY or SDAY, respectively, for every trading day. As such, the proposed change will make this process more efficient and less costly to Participants by eliminating the need to reenter the Order for every trading day. Lastly, the Exchange is now technologically able to process LIST Orders with TIFs of MGTC and SGTC, and believes that allowing Participants to apply these TIFs to LIST Orders will benefit Participants by providing additional flexibility and control over their executions, in the same way that Participants have with other Order routing options. For these reasons, the Exchange believes that the proposed change further perfects the market and raises no investor protection concerns.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[30] The Exchange notes that the proposed two optional LIST TIFs will benefit Nasdaq Participants by providing them with greater flexibility and control over their LIST Orders, and will save Participants time and reduce their costs to the extent they replicate the proposed functionality using MDAY and SDAY TIFs. As such, the proposed change may make Nasdaq a more attractive venue to market participants. If the proposed change does make Nasdaq a more attractive venue, it will likely promote competition among exchanges and other market venues to the benefit of all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–135 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–135. 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–NASDAQ–2015–135, and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28518 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[27] 15 U.S.C. 78f.

[28] 15 U.S.C. 78f(b)(5).

[29] *See, e.g.,* STGY and SCAN routing options under Rules 4758(a)(1)(A)(iii) and (iv), respectively.

[30] 15 U.S.C. 78f(b)(8).

[31] 15 U.S.C. 78s(b)(3)(a)(iii).

[32] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, 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.

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76346; File No. SR–NYSE–2015–50]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Requiring Certain Member Organizations To Participate in Business Continuity and Disaster Recovery Plans Testing in Connection With Regulation Systems Compliance and Integrity

November 4, 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 October 26, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to require certain member organizations [4] (''Members'') to participate in business continuity and disaster recovery plans (''BC/DR Plans'') testing in connection with Regulation Systems Compliance and Integrity (''Regulation SCI'').[5] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

As adopted by the Commission, Regulation SCI applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''), and will require these SCI entities to comply with requirements with respect to the automated systems central to the performance of their regulated activities. Among the requirements of Regulation SCI is Rule 1001(a)(2)(v), which requires the Exchange and other SCI entities to maintain ''[b]usiness continuity and disaster recovery plans that include maintaining backup and recovery capabilities sufficiently resilient and geographically diverse and that are reasonably designed to achieve next business day resumption of trading and two-hour resumption of critical SCI systems following a wide-scale disruption.'' [6] As a matter of course, the Exchange has put extensive time and resources toward planning for system failures and already maintains robust BC/DR plans consistent with the proposed rule. As set forth below, in connection with Regulation SCI, the Exchange is proposing to require certain Members to participate in testing of the operation of the Exchange's BC/DR plans.

With respect to an SCI entity's BC/DR plans, including its backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to: ''[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.'' [7] Paragraph (b) of Rule 1004 further requires each SCI entity to ''[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months.'' [8]

To comply with Rule 1004 of Regulation SCI, the Exchange proposes to amend current Rule 438,[9] governing mandatory testing of Exchange backup systems as described below. The requirements of revised Rule 438 would apply to Members of the Exchange's equities market and to Users [10] of NYSE Bonds.[11]

First, in paragraph (a) of revised Rule 438, the Exchange proposes to establish standards for the designation of Members that the Exchange reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of the Exchange's business continuity and disaster recovery plans.

Second, in paragraph (b) of revised Rule 438, the Exchange proposes to specify that Members that are designated pursuant to paragraph (a) of revised Rule 438 would be required to participate in scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, which shall not be less than once every 12 months.

Third, in paragraph (c) of revised Rule 438, the Exchange proposes to make

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The term ''member organization'' means a ''registered broker or dealer (unless exempt pursuant to the Securities Exchange Act of 1934) (the ''Act'') that is a member of the Financial Industry Regulatory Authority, Inc. (''FINRA'') or another registered securities exchange. Member organizations that transact business with public customers or conduct business on the Floor of the Exchange shall at all times be members of FINRA. A registered broker or dealer must also be approved by the Exchange and authorized to designate an associated natural person to effect transactions on the floor of the Exchange or any facility thereof. This term shall include a natural person so registered, approved and licensed who directly effects transactions on the floor of the Exchange or any facility thereof. *See* Rule 2(b)(i). The term ''member organization'' also includes any registered broker or dealer that is a member of FINRA or a registered securities exchange, consistent with the requirements of section 2(b)(i) of this Rule, which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate. *See* Rule 2(b)(ii).

[5] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[6] 17 CFR 242.1001(a)(2)(v).

[7] 17 CFR 242.1004(a).

[8] 17 CFR 242.1004(b).

[9] Current Rule 438 generally requires each member and member organization to participate in industry testing of electronic systems designed to prepare for the implementation of decimal trading. The Exchange proposes to delete the text of the current rule as it is obsolete and no longer applicable.

[10] A User means any Member or Member Organization, Sponsored Participant, or Authorized Trader that is authorized to access NYSE Bonds. *See* Rule 86(a)(2)(M).

[11] NYSE Bonds is the Exchange's electronic system for receiving, processing, executing and reporting bids, offers and executions in bonds. *See* Rule 86(b)(2)(A).

clear that Designated Market Makers [12] and Supplemental Liquidity Providers [13] that have been determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume, measured on a quarterly or monthly basis, will be required to participate in scheduled functional and performance testing. The Exchange further proposes that it may also consider other factors in determining the Members that will be required to participate in scheduled functional and performance testing, including average daily volume traded on the Exchange measured on a quarterly or monthly basis, or Members who collectively account for a certain percentage of market share on the Exchange.

Fourth, in paragraph (d) of revised Rule 438, the Exchange proposes that at least three (3) months prior to a scheduled functional and performance testing of the Exchange's business continuity and disaster recovery plans, the Exchange will publish the criteria to be used by the Exchange to determine which Members will be required to participate in such testing and notify those Members that are required to participate based on such criteria.[14] The Exchange believes that the proposed notice requirements are necessary to provide Members with proper advance notice in the event they become subject to the proposed rule. The proposed timeframes would also provide Members with adequate time to prepare for the testing, including any systems changes needed, to connect to the Exchange's backup systems.

Finally, in paragraph (e) of revised Rule 438, the Exchange proposes to make clear that Members not designated pursuant to standards established in paragraph (a) of revised Rule 438 are permitted to connect to the Exchange's backup systems and may participate in testing of such systems. Proposed paragraph (e) is consistent with Regulation SCI, which encourages ''SCI entities to permit non-designated members or participants to participate in the testing of the SCE entity's BC/DR plans if they request to do so.'' [15]

The Exchange notes that it encourages all Members to connect to the Exchange's backup systems and to participate in testing of such systems. However, in adopting the requirements in revised Rule 438, the rule will subject only those Members to mandatory testing that the Exchange believes are, taken as a whole, the minimum necessary to maintain fair and orderly markets. The Exchange believes that designating Members to participate in mandatory testing because they, for example, account for a significant portion of the Exchange's overall volume or maintain exclusive responsibilities with respect to Exchange-listed securities is a reasonable means to ensure the maintenance of a fair and orderly market on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[17] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal will ensure that the Members necessary to ensure the maintenance of a fair and orderly market are properly designated consistent with Rule 1004 of Regulation SCI. Specifically, as proposed, the Exchange will adopt clear and objective criteria with respect to the designation of Members that are required to participate in the testing of the Exchange's BC/DR plans, as well as appropriate notification regarding such designation. As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [18] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is not a competitive proposal but rather is necessary for the Exchange's compliance with Regulation SCI.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder. A proposed rule change filed under Rule 19b–4(f)(6) [21] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[22] the Commission may

[12] The term ''Designated Market Maker'' (''DMM'') means an individual member, officer, partner, employee or associated person of a Designated Market Maker Unit who is approved by the Exchange to act in the capacity of a DMM. *See* Rule 2(i).

[13] The term ''Supplemental Liquidity Provider'' means a member organization that electronically enters proprietary orders or quotes from off the Floor of the Exchange into the systems and facilities of the Exchange and is obligated to maintain two-sided quotes in each assigned security for some part of a trading day. *See* Rule 107B.

[14] The Exchange will publish the initial notice to Members no later than November 3, 2015.

[15] *See* SCI Adopting Release, *supra* note 5 at 72350.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* SCI Adopting Release, *supra* note 5 at 72350.

[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 240.19b–4(f)(6)(iii).

designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to incorporate changes required under Regulation SCI, such as establishing standards for designating BCP/DR participants, prior to the November 3, 2015 compliance date. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[23]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–50 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–50. 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 Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–50 and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28510 Filed 11–9–15; 8:45 am]

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[23] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76341; File No. SR–CBOE–2015–098]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Mini Options

November 4, 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 October 22, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

CBOE proposes to replace the reference to ''Google, Inc.'' with ''Alphabet, Inc.'' in Interpretation and Policy .22 to Rule 5.5.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to update Interpretation and Policy .22 to Rule 5.5 in order to reflect the new name for a class that is eligible for Mini-option contracts. Specifically, Rule 5.5.22 permits the Exchange to list Mini-option contracts on five option classes, including Google, Inc. (''Google''). Google recently reorganized and created a new public holding company called Alphabet, Inc. (''Alphabet''). The symbol ''GOOGL'' remains unchanged. As a result, the Exchange proposes to amend Rule 5.5.22 by replacing the name ''Google, Inc.'' with ''Alphabet, Inc.'' No other changes are being proposed by this filing.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[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 current filing proposes to change the name ''Google, Inc.'' to ''Alphabet, Inc.'' in order to reflect the new ownership structure and is consistent with the Act because Rule 5.5.22 will now accurately reflect the name of this class that is eligible for Mini-options trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change does not impose any burden on intramarket competition because it applies to all Trading Permit Holders. There is no burden on intermarket competition as the proposed change would update Rule 5.5.22 to reflect the new name for a class that is eligible for Mini-options trading. As a result, there would be no substantive changes to the Exchange's operations or its rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–098 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–098. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–098, and should be submitted on or before December 1, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2015–28519 Filed 11–9–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9342]

Notice of Issuance of a Presidential Permit to Kinder Morgan Cochin, LLC To Connect, Operate, and Maintain Existing Pipeline Facilities at the International Boundary Between the United States and Canada

AGENCY: Department of State.

SUMMARY: The Department of State issued a Presidential Permit to Kinder-Morgan Cochin, LLC on November 3, 2015 to connect, operate, and maintain existing pipeline facilities at the U.S.-Canadian border in Detroit, Michigan acquired by that company for the transport of liquid hydrocarbons between the United States and Canada. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State followed the procedures established under Executive Order 13337, and provided public notice and opportunity for comment. This permit replaces the 1972 Presidential Permit for these pipeline facilities, but authorizes no new

construction or change in the scope of operations.

FOR FURTHER INFORMATION CONTACT: Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA). 2201 C St. NW., Ste. 4843, Washington DC 20520. Attn: Deputy Director. Tel: 202–647–2041.

Dated: November 3, 2015.

Chris Davy,

Deputy Director, Energy Resources Bureau, Energy Diplomacy, (ENR/EDP/EWA), Bureau of Energy Resources, U.S. Department of State.

SUPPLEMENTARY INFORMATION: Additional information concerning the Kinder-Morgan Cochin, LLC pipeline facilities and documents related to the Department of State's review of the application for a Presidential Permit can be found at *http://www.state.gov/e/enr/applicant/applicants/c55085.htm.* Following is the text of the issued permit:

PRESIDENTIAL PERMIT

AUTHORIZING KINDER MORGAN COCHIN, LLC TO CONNECT, OPERATE, AND MAINTAIN EXISTING PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 13337, 69 FR 25299 (2004), and Department of State Delegation of Authority 118–2 of January 26, 2006; having requested and received the views of members of the public and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to Kinder Morgan Cochin, LLC (hereinafter referred to as the ''permittee''), incorporated in the State of Delaware, to connect, operate, and maintain existing pipeline facilities at the border of the United States and Canada in Detroit, Michigan for the transport of liquid hydrocarbons between the United States and Canada.

The term ''facilities'' as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of a ten-inch diameter pipeline in existence at the time of this permit's issuance extending from the international border between the United States and Canada underneath the Detroit River to the first block valve in the United States, located at a point onshore in Detroit, Michigan. The United States facilities also include certain appurtenant facilities.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee's October 2, 2014 application for a Presidential Permit (the ''Application'').

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any change of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the new owner or controlling entity. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall hold harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on, or disruption of, the human environment in connection with connection, operation and maintenance of the United States facilities. Such measures will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal or state agencies, and any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith as are now, or may hereafter, be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the U.S. facilities.

IN WITNESS WHEREOF, I, the Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 3rd day of November 2015 in the City of Washington, District of Columbia.

Catherine A. Novelli,

Under Secretary of State for Economic, Growth, Energy, and the Environment.

[FR Doc. 2015–28579 Filed 11–9–15; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Operating Requirements: Domestic, Flag and Supplemental Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. 14 CFR part 121 prescribes the requirements governing air carrier operations. The information collected is used to determine air operators' compliance with the minimum safety standards and the applicants' eligibility for air operations certification.

DATES: Written comments should be submitted by December 10, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0008.

Title: Operating Requirements: Domestic, Flag and Supplemental Operations.

Form Numbers: There are no FAA forms associated with this collection of information.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 12, 2015 (80 FR 48390). Under the authority of Title 49 CFR, Section 44701, Federal Aviation Regulations Part 121, prescribe the terms, conditions, and limitations as are necessary to ensure safety in air transportation. Each operator which seeks to obtain, or is in possession of, an air carrier operating certificate must comply with the requirements of FAR Part 121 in order to maintain data which is used to determine if the air carrier is operating in accordance with minimum safety standards.

Respondents: Approximately 75 air operators/applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 27.52 hours.

Estimated Total Annual Burden: 1,430,987 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch (ASP–110).

[FR Doc. 2015–28612 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2016, Through December 31, 2016

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2016, through December 31, 2016, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM–820), Federal Aviation Administration, 800 Independence Avenue SW., Room 806,

Washington, DC 20591; Telephone (202) 267–8442.

Discussion: Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2014, the random drug test positive rate was 0.534%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2016.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2014, the random alcohol test violation rate was 0.106%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2016.

SUPPLEMENTARY INFORMATION: If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC, on October 29, 2015.

James R. Fraser,

Federal Air Surgeon.

[FR Doc. 2015–28647 Filed 11–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Airport Master Record

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Aeronautical information is required by the FAA in order to carry out agency missions such as those related to aviation flying safety, flight planning, airport engineering and federal grants analysis, aeronautical chart and flight information publications, and the promotion of air commerce as required by statute.

DATES: Written comments should be submitted by January 11, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0015.

Title: FAA Airport Master record.

Form Numbers: FAA Forms 5010–1, 5010–2, 5010–3, 5010–5.

Type of Review: Renewal of an information collection.

Background: 49 U.S.C. 329(b) empowers and directs the Secretary of Transportation to collect and disseminate information on civil aeronautics. Aeronautical information is required by the FAA in order to carry out agency missions such as those related to aviation flying safety, flight planning, airport engineering and federal grants analysis, aeronautical chart and flight information publications, and the promotion of air commerce as required by statute. The safety information collected includes, but is not limited to, the following: Airport name, associated city, airport owner and airport manager, airport latitude, longitude, elevation, runway description, services available, runway approach light systems, communications frequency, airport use, number of operations and based aircraft, obstruction data, and pertinent general remarks.

Respondents: Approximately 19,800 Airport owners/managers and state inspectors.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden: 8,870 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2015–28618 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Commercial Air Tour Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The commercial air tour operational data provided to the FAA and NPS will be used by the agencies as background information useful in the development of air tour management plans and voluntary agreements for purposes of meeting the mandate of the National Parks Air Tour Management Act (NPATMA) of 2000.

DATES: Written comments should be submitted by December 10, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov*, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be

minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0750.

Title: Commercial Air Tour Operator Reports.

Form Numbers: There are no FAA forms associated with this collection of information.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 13, 2015 (80 FR 48620). The FAA Modernization and Reform Act of 2012 included amendments to the National Parks Air Tour Management Act (NPATMA) of 2000. One of these amendments requires commercial air tour operators conducting tours over national park units to report on the number of operations they conduct and any such other information prescribed by the FAA Administrator and the Director of the National Park Service (NPS).

Respondents: Approximately 75 air tour operators.

Frequency: Information is collected quarterly or annually for park units with fewer than 50 tours per year.

Estimated Average Burden per Response: 11.66 hours.

Estimated Total Annual Burden: 3,200 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2015–28611 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. To obtain type certification of a rotorcraft, an applicant must show that the rotorcraft complies with specific certification requirements. To show compliance, the applicant must submit substantiating data.

DATES: Written comments should be submitted by January 11, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0753.

Title: Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures.

Form Numbers: There are no forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The ''Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures'' final rule (76 FR 74655) revised parts 27 and 29 of Title 14 of the Code of Federal Regulations to add new certification standards for normal and transport category rotorcraft to address advances in structural damage tolerance and fatigue substantiation technology for composite rotorcraft structures. To obtain type certification of a rotorcraft, an applicant must show that the rotorcraft complies with specific certification requirements. To show compliance, the applicant must submit substantiating data. FAA engineers or designated engineer representatives from industry review the required data submittals to determine if the rotorcraft complies with the applicable minimum safety requirements for damage tolerance and fatigue evaluation of composite structures and that the rotorcraft has no unsafe features in the composite structures.

Respondents: Approximately 6 applicants for certification for 10.5 part 27 rotorcraft and 6 part 29 rotorcraft.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 178 hours.

Estimated Total Annual Burden: 109 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2015–28622 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Changes in Permissible Stage 2 Airplane Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This information will be used to issue special flight authorizations for non-revenue transports and non-transport jet operations of Stage 2 airplanes at U.S. airports. Only a minimal amount of data is requested to identify the affected parties and determine whether the purpose for the flight is one of those enumerated by law.

DATES: Written comments should be submitted by January 11, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to

enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0652.

Title: Changes in Permissible Stage 2 Airplane Operations.

Form Numbers: FAA Form 1050–8.

Type of Review: Renewal of an information collection.

Background: This collection is required under the Airport Noise and Capacity Act of 1990 (as amended by Pub. L. 106–113) and the FAA Modernization and Reform Act of 2012. This information is used by the FAA to issue special flight authorizations for nonrevenue operations of transports and non-transport jet Stage 2 airplanes at U.S. airports. Only minimal amount of data is requested to identify the affected parties and determine whether the purpose for the flight is one of the ones enumerated in the law.

Respondents: Approximately 50 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 12.5 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2015–28621 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Acquisition Management System (FAAAMS) Including ARRA Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The FAA Acquisition Management System establishes policies and internal procedures for FAA acquisition. The information collection is necessary to solicit, award, and administer contracts for supplies, equipment, services, facilities, and real property to fulfill FAA's mission.

DATES: Written comments should be submitted by January 11, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267-1416, or by email at: *Ronda.Thompson@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120-0595.

Title: FAA Acquisition Management System (FAAAMS) Including ARRA Requirements.

Form Numbers: There are no forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: Section 348 of Public Law 104-50 directed FAA to establish an acquisition system. The information collection is carried out as an integral part of FAA's acquisition process. Various portions of the AMS describe information needed from vendors seeking or already doing business with FAA. FAA contracting offices collect the information to plan, solicit, award, administer and close individual contracts. The FAA small business office collects information to promote and increase small business participation in FAA contracts.

Respondents: Approximately 15,298 vendors.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 7.5 hours.

Estimated Total Annual Burden: 2,000,719 hours.

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

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2015–28620 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Unified Carrier Registration Plan Board of Directors meeting.

TIME AND DATE: The meeting will be held on December 9, 2015, from 8 a.m. to 1 p.m. Pacific Standard Time.

PLACE: The meetings will be open to the public at the Courtyard Marriott- San Diego Downtown, 530 Broadway, San Diego, CA 92101 and via conference call. Those not attending the meetings in person may call 1–877–422–1931, passcode 2855443940, to listen and participate in the meetings.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: October 30, 2015.

Larry W. Minor,

Associate Administrator, Office of Policy, Federal Motor Carrier Safety Administration.

[FR Doc. 2015–28713 Filed 11–6–15; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0120]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ENCHANTED; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0120. 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 ENCHANTED is:

Intended Commercial Use Of Vessel: ''Sailboat Charters with six paying passengers''.

Geographic Region: ''Florida, Georgia, South Carolina, North Carolina, Maryland, New Jersey, New York, Connecticut, Alabama, Louisiana, Mississippi, Texas''.

The complete application is given in DOT docket MARAD–2015–0120 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).

By Order of the Maritime Administrator.

Dated: November 3, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28605 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0127]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EASTER B; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0127. 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 EASTER B is:

Intended Commercial Use of Vessel: ''Six pack harbor tours and noncommercial fishing.''

Geographic Region: ''California.''

The complete application is given in DOT docket MARAD–2015–0127 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).

By Order of the Maritime Administrator.

Dated: November 3, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28610 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0125]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GUNGHO; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0125. 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 GUNGHO is:

Intended Commercial Use of Vessel: ''Sailing school.''

Geographic Region: ''Hawaii.''

The complete application is given in DOT docket MARAD–2015–0125 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).

By Order of the Maritime Administrator.
Dated: October 26, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28608 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0121]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SAMBA; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2014–0121. 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 SAMBA is:

Intended Commercial Use Of Vessel: ''Week long charters teaching navigation, boat handling, boat systems, particularly for future owners of Nordhavn Yachts.''

Geographic Region: ''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]). Operating primarily in Kodiak.''

The complete application is given in DOT docket MARAD–2014–0121 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).

By Order of the Maritime Administrator.

Dated: November 3, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28606 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0122]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLUE MOON; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0122. 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 BLUE MOON is:

Intended Commercial Use of Vessel: ''Blue Moon is a US flagged, 56 foot, luxury sailing catamaran based in the Caribbean. We do pleasure charters with no more than 6 passengers, on a term basis only. We would be soliciting for pleasure charters in US waters every other year beginning in 2016. See Web site at *www.catamaranbluemoon560.com* for more information if needed.''

Geographic Region: ''Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine.''

The complete application is given in DOT docket MARAD–2015–0122 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: October 26, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28609 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0123]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BELLA LUNA; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0123. 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 BELLA LUNA is:

Intended Commercial Use of Vessel: ''Sightseeing''.

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2015–0123 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: October 26, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28604 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0124]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TIERRA LYNN; 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 December 10, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0124. 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 TIERRA LYNN is:

Intended Commercial Use of Vessel: ''Sailing Charters''.

Geographic Region: California, Hawaii, Oregon, Washington State.

The complete application is given in DOT docket MARAD–2015–0124 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: October 26, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–28603 Filed 11–9–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Fiscal Service

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Notice of rate to be used for Federal debt collection, and discount and rebate evaluation.

SUMMARY: The Secretary of the Treasury is responsible for computing and publishing the percentage rate that is used in assessing interest charges for outstanding debts owed to the Government (The Debt Collection Act of 1982, as amended (codified at 31 U.S.C. Section 3717)). This rate is also used by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. In addition, this rate is used in determining when agencies should pay purchase card invoices when the card issuer offers a rebate (5 CFR 1315.8). Notice is hereby given that the applicable rate for calendar year 2016 is 1.00 percent.

DATES: January 1, 2016 through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: E-Commerce Division, Bureau of the Fiscal Service, Department of the Treasury, 401 14th Street SW., Washington, DC 20227 (Telephone: 202–874–9428).

SUPPLEMENTARY INFORMATION: The rate reflects the current value of funds to the Treasury for use in connection with Federal Cash Management systems and is based on investment rates set for purposes of Public Law 95–147, 91 Stat. 1227 (October 28, 1977). Computed each year by averaging Treasury Tax and Loan (TT&L) investment rates for the 12-month period ending every September 30, rounded to the nearest whole percentage, for applicability effective each January 1. Quarterly revisions are made if the annual average, on a moving basis, changes by 2 percentage points. The rate for calendar year 2016 reflects the average investment rates for the 12-month period that ended September 30, 2015.

Dated: November 3, 2015.

John B. Hill,

Assistant Commissioner, Payment Management and Chief Disbursing Officer.

[FR Doc. 2015–28555 Filed 11–9–15; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–36

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2003–36, Industry Issue Resolution Program.

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael A. Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this 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: Industry Issue Resolution Program.

OMB Number: 1545–1837.

Revenue Procedure Number: Revenue Procedure 2003–36.

Abstract: Revenue Procedure 2003–36 describes the procedures for business taxpayers, industry associations, and others representing business taxpayers to submit issues for resolution under the IRS's Industry Issues Resolution Program.

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: Business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Average Time per Respondent: 40 hours.

Estimated Total Annual Reporting Burden: 2,000 hours.

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: October 27, 2015.

Michael A. Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2015–28490 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Distributions of Stock and Stock Rights.

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael A. Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Distributions of Stock and Stock Rights.

OMB Number: 1545–1438.

Regulation Project Number: TD 8643.

Abstract: The requested information is required to notify the Service that a holder of preferred stock callable at a premium by the issuer has made a determination regarding the likelihood of exercise of the right to call that is different from the issuer's determination.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 333.

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: October 27, 2015.

Michael A. Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2015–28488 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 14411

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 14411, Systemic Advocacy Issue Submission form.

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Systemic Advocacy Issue Submission.

OMB Number: 1545–1832.

Form Number: 14411.

Abstract: Systemic Advocacy Issue Submission Form, is an optional use form for taxpayers (individual and business), tax professionals, trade and business associations, etc. to submit systemic problems. These problems may pertain to experiences with the Internal Revenue Service's processes procedures or make legislative recommendations.

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: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, Federal, State, Local or Tribal governments.

Estimated Number of Respondents: 420.

Estimated Number of Response: 48 minutes.

Estimated Total Annual Burden Hours: 336.

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: November 4, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28493 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activity; Proposed Collection

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)).

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or regulations should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Basis Reduction Due to Discharge of Indebtedness.

OMB Number: 1545–1539.

Regulation Project Number: REG–208172–91 (TD 8787–final).

Abstract: This regulation provides ordering rules for the reduction of bases of property under Internal Revenue Code sections 108 and 1017.

The regulation affects taxpayers that exclude discharge of indebtedness from gross income under Code section 108. The collection of information is required for a taxpayer to elect to reduce the adjusted bases of depreciable property under section 108(b)(5), to elect to treat section 1221(l) real property as either depreciable property or depreciable real property, and to account for a partnership interest as either depreciable property or depreciable real property.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Responses: 10,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 4, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28497 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for RP 2006–30

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 RP 2006–30, Restaurant Tips—Attributed Tip Income Program (ATIP).

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Restaurant Tips—Attributed Tip Income Program (ATIP).

OMB Number: 1545–2005.

Form Number: RP 2006–30.

Abstract: This revenue procedure sets forth the requirements for participating in the Attributed Tip Income Program (ATIP). ATIP provides benefits to employers and employees similar to those offered under previous tip reporting agreements without requiring one-on-one meetings with the Service to determine tip rates or eligibility.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 610.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 6,100.

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: November 4, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28492 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning required distributions from retirement plans (§ 1.403(b)-3).

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Required Distributions from Retirement Plans.

OMB Number: 1545–0996. *Regulation Project Number:* REG–130477–00; REG–130481–00.

Abstract: These regulations relates to the required minimum distributions from qualified plans, individual retirement plans, deferred compensation plans under section 457, and section 403(b) annuity contracts, custodial accounts, and retirement income accounts.

Current Actions: There are no changes to these existing regulations.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit institutions, and state, local, or tribal governments.

Estimated Number of Respondents: 8,400.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 8,400.

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: November 4, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28500 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning limitations on corporate net operating loss carryforwards.

DATES: Written comments should be received on or January 11, 2016to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Final Regulations under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1260.

Regulation Project Number: CO–62–89 (Final).

Abstract: Internal Revenue Code section 382(l)(5) provides relief from the application of the section 382 limitation for bankruptcy reorganizations in which the pre-change shareholders and qualified creditors maintain a substantial continuing interest in the loss corporation. These regulations concern the election a taxpayer may make to treat as the change date the effective date of a plan of reorganization in a title 11 or similar case rather than the confirmation date of a plan.

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

Estimated Number of Respondents: 10.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1 hour.

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: November 4, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28499 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5754

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 5754, Statement by Person(s) Receiving Gambling Winnings.

DATES: Written comments should be received on or before January 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Statement by Person(s) Receiving Gambling Winnings.

OMB Number: 1545–0239.

Form Number: 5754.

Abstract: Section 3402(q)(6) of the Internal Revenue Code requires that a statement be given to the payer of certain gambling winnings by the person receiving the winnings when that person is not the winner or is one of a group of winners. It enables the payer to prepare Form W–2G, Certain Gambling Winnings, for each winner to show the wings taxable to each and the amount withheld. IRS uses the information on Form W–2G to ensure that recipients are properly reporting their income.

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: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Responses: 204,000.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 40,800.

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: October 30, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–28501 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Commissioner of Internal Revenue; Renewal of Charter

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Charter for the Information Reporting Program Advisory Committee (IRPAC), has been renewed for a two-year period beginning October 28, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant, National Public Liaison, at *PublicLiaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), and with the approval of the Secretary of the Treasury to announce the renewal of the Information Reporting Program Advisory Committee (IRPAC). The purpose of the IRPAC is to provide an organized public forum for discussion of relevant information reporting issues of mutual concern as between Internal Revenue Service (''IRS'') officials and representatives of the public. Advisory committee members convey the public's perception of IRS activities, advise with respect to specific information reporting administration issues, provide constructive observations regarding current or proposed IRS policies, programs, and procedures, and propose improvements to information reporting operations and the Information Reporting Program. Membership is balanced to include stakeholder segmentation, geographic location, industry representation and influence in channel communication and preferences, technology adaptation, life cycle data reporting, economics and specific product/service usage.

Dated: November 3, 2015.

Candice Cromling,

Director, National Public Liaison.

[FR Doc. 2015–28485 Filed 11–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nomination for Appointment to the VA Geriatrics and Gerontology Advisory Committee

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is seeking nominees to be considered for membership on the VA Geriatrics and Gerontology Advisory Committee (Committee).

SUPPLEMENTARY INFORMATION:

The VA Geriatrics and Gerontology Advisory Committee (Committee) is authorized by statute, title 38 U.S.C. 7315, to: (1) Advise the Secretary on all matters pertaining to geriatrics and gerontology; (2) assess (through an evaluation process that includes a site visit conducted no later than 3 years after its establishment) each new VA Geriatric Research, Education, and Clinical Center (GRECC), on its ability to achieve its established mission; (3) assess the capability of VA to provide high-quality geriatric, extended, and other health care services to eligible Veterans, taking into consideration the likely demand for such services from such Veterans; (4) assess the current and projected needs of eligible Veterans for geriatric, extended care, and other health care services from VA and its activities and plans designed to meet such needs; and (5) perform such additional functions as the Secretary or

Under Secretary for Health may direct. The Committee provides, not later than December 1 of each year, an annual report summarizing its activities for the preceding year. The Committee reports to the Secretary through the Under Secretary for Health.

In accordance with the statute, the members of the Committee are non-Federal employees appointed by the Secretary from the general public, and should have demonstrated interest and expertise in research, education, and clinical activities related to aging. Members serve as Special Government Employees. The Committee meets at least once annually. Subgroups of the Committee, consisting of the Chair and at least two other self-selected members and staff, conduct up to a total of five site visits each year to new and existing GRECCs and the VA medical centers that host them. In accordance with Federal Travel Regulations, VA will cover travel expenses—to include per diem—for all members of the Committee, for any travel associated with official Committee duties.

The Secretary appoints each Committee member for a period of up to 4 years. The Secretary may reappoint each member for one additional term. A term of service for any member may not exceed 8 years. Self-nominations and nominations of Veterans and non-Veterans will be accepted. In accordance with OMB guidance, federally-registered lobbyists may not serve on Federal advisory committees in their individual capacity. Additional information regarding this issue can be found at: *www.federalregister.gov/articles/2014/08/13/2014–19140/revised-guidance-on-appointment-of-lobbyists-to-federal-advisory-committees-boards-and-commissions.*

The Department makes every effort to ensure that the membership of its advisory committees is fairly balanced in terms of points of view represented. The Department also strives for balanced membership regarding regional representation, race/ethnicity representation, professional expertise, war era service, gender, former enlisted or officer status, and branch of service. Other considerations include longevity of military service, ability to handle complex issues, and ability to contribute to the assessment of health care and benefits needs of aging Veterans.

Nomination Package Requirements

Nomination packages must be typed (12 point font) and include: (1) A cover letter from the nominee, and (2) a current resume that is no more than four pages in length. The cover letter must summarize: The nominees' interest in serving on the committee and contributions she/he can make to the work of the committee; expertise in aging-related research, clinical care, and education; the military branch affiliation and timeframe of military service, if any; and any relevant Veterans service activities s/he is currently engaged in. Finally, please include in the cover letter the nominee's complete contact information (name, address, email address, and phone number); and a statement confirming that s/he is not a Federal employee or a Federally-registered lobbyist. The resume should show professional work experience. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted.

Nominations for membership on the Committee must be received by November 30, 2015, no later than 4:00 p.m., Eastern Standard Time. All nomination packages should be sent to: Ms. Marcia Holt-Delaney, Veterans Health Administration (10P4G), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, 20420.

For additional information, including a copy of the Committee's most recent charter and a list of the current membership, contact Dr. Kenneth Shay, Designated Federal Officer for the Committee, at *Kenneth.shay@va.gov* or by phone at (734) 222–4325 (**Note:** This is not a toll-free number.) The nomination package should be submitted to Dr. Shay at the email address above; or faxed to Ms. Holt-Delaney at (202) 461–6769. NOTE: Social Security numbers or military Service Numbers should not be included in the package.

Dated: November 5, 2015.

Rebecca Schiller,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–28542 Filed 11–9–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0730]

Agency Information Collection (Deployment Risk and Resilience Inventory) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 10, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0730 (Deployment Risk and Resilience Inventory)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to OMB Control No. 2900–0730 (Deployment Risk and Resilience Inventory) in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles: Development of the Deployment Risk and Resilience Inventory (DRRI).

OMB Control Number: 2900–0730.

Type of Review: Revision of an approved collection.

Abstract: The need to validate measures for use with the newest deployment cohort, including Veterans of the wars in Iraq and Afghanistan, has been identified as a critical need by both VA and DoD. The current request for a revision to OMB 2900–0730 is responsive to this identified need by proposing additional data collection with a sample of Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) Veterans for the purpose of validating updated scales for assessing deployment-related risk and resilience factors that have documented implications for PTSD and other mental health problems. The originally approved OMB project (VA Form 10–21087) involved collecting data from Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) veterans to further refine and validate updated Deployment Risk and Resilience Inventory (DRRI) scales with respect to mental health outcomes. The purpose of the present request for a revision to this OMB-approved project is to conduct additional data collections with OEF/OIF Veterans who participated in the original survey for the purpose of further exploring the construct validity of these scales. Specifically, the goal of this follow-up study is to examine deployment-related factors assessed in the DRRI as they relate to subsequently assessed occupational and family outcomes, as well as VA service use. The long-term goal of this project is to provide a suite of scales that will be optimally useful to researchers and clinicians interested in studying factors that increase or reduce risk for PTSD and other health problems among Veteran and military samples.

Legal authority for this data collection is found under 38 U.S.C., Part I, Chapter 5, Section 527 that authorizes the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is improved health care for veterans.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 80 FR 44200 on July 24, 2015.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,383 burden hours.

Estimated Average Burden per Respondent: 50 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,000.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–28573 Filed 11–9–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Cancellation of Meeting; National Research Advisory Council; Notice of Meeting Cancellation

AGENCY: Department of Veterans Affairs.

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that a meeting of the National Research Advisory Council, previously scheduled to be held in Room 730, on December 9, 2015, at the Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, is hereby postponed. The Notice of Meeting appeared in the **Federal Register** on October 30, 2015, on page May 22, 2015, on page 66979. The meeting will be rescheduled.

If you have any questions, please contact Pauline Cilladi-Rehrer, Designated Federal Officer, at *Pauline.Cilladi-Rehrer@va.gov,* or on (202) 443–5607.

Dated: November 5, 2015.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2015–28577 Filed 11–9–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Securities and Exchange Commission

17 CFR Part 230

Exemptions To Facilitate Intrastate and Regional Securities Offerings; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release Nos. 33–9973; 34–76319; File No. S7–22–15]

RIN 3235–AL80

Exemptions To Facilitate Intrastate and Regional Securities Offerings

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: We are proposing amendments to Rule 147 under the Securities Act of 1933, which currently provides a safe harbor for compliance with the Section 3(a)(11) exemption from registration for intrastate securities offerings. Our proposal would modernize the rule and establish a new exemption to facilitate capital formation, including through offerings relying upon recently adopted intrastate crowdfunding provisions under state securities laws. The proposed amendments to the rule would eliminate the restriction on offers and ease the issuer eligibility requirements, while limiting the availability of the exemption at the federal level to issuers that comply with certain requirements of state securities laws.

We further propose rule amendments to Rule 504 of Regulation D under the Securities Act to facilitate issuers' capital raising efforts and provide additional investor protections. The proposed amendments to Rule 504 would increase the aggregate amount of securities that may be offered and sold in any twelve-month period from $1 million to $5 million and disqualify certain bad actors from participation in Rule 504 offerings.

DATES: Comments should be received by January 11, 2016.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment forms (*http://www.sec.gov/rules/proposed.shtml*);
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–22–15 on the subject line; or
- Use the Federal Rulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–22–15. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/proposed.shtml*). Comments also are available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Studies, memoranda or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the SEC's Web site. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Anthony G. Barone, Special Counsel, or Zachary O. Fallon, Special Counsel, Office of Small Business Policy, Division of Corporation Finance, at (202) 551–3460, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: We propose to amend Rule 147 [1] and Rule 504 [2] of Regulation D [3] under the Securities Act of 1933 (the ''Securities Act'') [4] and to make technical amendments to Rules 504 and 505 [5] of Regulation D.

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I. Introduction and Background

Today's proposals are part of the Commission's efforts to assist smaller companies with capital formation consistent with other public policy goals, including investor protection. These proposals also complement recent efforts by the U.S. Congress,[6] state

[1] 17 CFR 230.147.

[2] 17 CFR 230.504.

[3] 17 CFR 230.500 through 230.508.

[4] 15 U.S.C. 77a *et seq.*

[5] 17 CFR 230.505.

[6] Congress enacted the Jumpstart Our Business Startups Act of 2012 (the ''JOBS Act''), which was signed into law by President Obama on April 5, 2012. Pub. L. 112–106, 126 Stat. 306. Pursuant to Title II of the JOBS Act, the Commission adopted new paragraph (c) of Rule 506 of Regulation D, removing the prohibition on general solicitation or general advertising for securities offerings relying on Rule 506. *See* SEC Rel. No. 33–9415 (July 10,

legislatures,[7] and state securities regulators[8] to modernize existing federal and state securities laws and regulations to assist smaller companies with capital formation. We believe that the proposed amendments to Rule 147 and the amendment to increase the offering amount limitation in Rule 504 will help to facilitate capital formation by smaller companies by increasing the utility of these rules while maintaining appropriate protections for investors who purchase securities in these offerings. We believe that the proposed disqualification of certain bad actors from participation in Rule 504 offerings will provide for greater consistency across Regulation D and increase investor protection in such offerings.

We propose to modernize and expand Rule 147 under the Securities Act, a safe harbor for intrastate offerings exempt from registration pursuant to Securities Act Section 3(a)(11).[9] Consistent with the suggestions of market participants and state securities regulators,[10] the proposal would expand upon the statutory exemption in order to modify certain regulatory requirements of the rule that no longer comport with modern business practices or communications technology, thereby limiting the utility of the safe harbor for intrastate offerings, particularly in offerings by issuers seeking to raise capital pursuant to recently adopted crowdfunding provisions under state securities laws. The proposed amendments would eliminate the current restriction on offers, while continuing to require that sales be made only to residents of the issuer's state or territory. The proposed amendments also would redefine what it means to be an ''intrastate offering'' and ease some of the issuer eligibility requirements in the current rule, making the rule available to a greater number of businesses seeking intrastate financing. We also propose to limit the availability of the exemption to offerings that are either registered in the state in which all of the purchasers are resident or conducted pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and imposes an investment limitation on investors.

We also propose to amend Rule 504 of Regulation D under the Securities Act to increase the aggregate amount of securities that may be offered and sold pursuant to Rule 504 in any twelve-month period from $1 million to $5 million and to disqualify certain bad actors from participation in Rule 504 offerings. The proposed increase would facilitate capital formation by increasing the flexibility that state securities regulators have to implement coordinated review programs to facilitate regional offerings.[11] The proposed bad actor disqualification provisions would provide for greater consistency across Regulation D. If adopted, the amendments to Rule 504 could result in the diminished utility of Rule 505, which historically has been little utilized in comparison to Rule 506[12] of Regulation D. We therefore seek comment on whether Rule 505 should be retained in its current or a modified form as an exemption from registration, or repealed.

II. Proposed Amendments To Rule 147

A. Rationale for Proposed Amendments to Rule 147

The proposed amendments to Rule 147 would establish a new Securities Act exemption for intrastate offerings of securities by companies doing business in-state, including offerings relying upon newly adopted and proposed crowdfunding provisions under state securities laws. The proposed amendments seek to modernize Rule 147, while retaining the underlying intrastate character of Rule 147 that permits companies to raise money from investors within their state pursuant to state securities laws without concurrently registering the offers and sales at the federal level.

Securities Act Section 3(a)(11) provides an exemption from registration under the Securities Act for, ''[a]ny security which is part of an issue offered and sold only to persons resident within a single State or Territory, where the issuer of such security is a person resident and doing business within, or, if a corporation, incorporated by and doing business within, such State or Territory.''[13] In 1974, the Commission adopted Rule 147 under the Securities Act to provide objective standards for local businesses seeking to rely on Section 3(a)(11).[14] The Rule 147 safe harbor was intended to provide assurances that the intrastate offering exemption would be used for the purpose Congress intended in enacting Section 3(a)(11), namely the local financing of companies by investors within the company's state or territory.[15] Nothing in Rule 147 obviates

2013). Pursuant to Title IV of the JOBS Act, the Commission amended Regulation A in order to permit issuers to raise up to $50 million annually. SEC Rel. No. 33–9741 (March 25, 2015) (''2015 Regulation A Release''). Pursuant to Title III of the JOBS Act, the Commission adopted rules permitting companies to use the Internet to offer and sell securities through crowdfunding (''Regulation Crowdfunding''). *See* SEC Rel. No. 33–9974 (Oct. 30, 2015) (''Regulation Crowdfunding Adopting Release'').

[7] *See, e.g.,* Ala. Code § 8–6–11 (2014); Ariz. Rev. Stat. Ann. § 44–1844 (2015); Colo. Rev. Stat. § 11–51–304(6) (2014); Fla. Stat. § 571.021, 517.061, 517.0611, 517.12, 517.121, 517.161, 626.9911; Ind. Code § 6–3.1–24–14 (2014); Ky. Rev. Stat. Ann. § 292.410–292.415 (2015); Me. Rev. Stat. Ann. tit. 32, § 16304, sub-§ 6-a (2014).

[8] *See, e.g.,* DC Mun. Regs. tit. 26–B, § 250 (2014); Ga. Comp. R. & Regs. 590–4–2-.08 (2011); Idaho Code Ann. § 30–14–203 (providing an exemption by order on a case-by-case basis); Kan. Admin. Regs. § 81–5–21 (2011).

[9] 15 U.S.C. 77c(a)(11) (exempting ''any security which is a part of an issue offered and sold only to persons resident within a single state or territory, where the issuer of such security is a person residing and doing business within, or, if a corporation, incorporated by and doing business within such state or territory.'').

[10] *See, e.g.,* Transcript of Record at 78, SEC Advisory Committee on Small and Emerging Companies (June 3, 2015), *available at http://www.sec.gov/info/smallbus/acsec/acsec-minutes-060315.pdf;* State Based Crowdfunding, presentation by Michael S. Pieciak, NASAA Corporate Finance Chair, SEC Advisory Committee on Small and Emerging Companies (June 3, 2015), *available at http://www.sec.gov/info/smallbus/acsec/state-based-crowdfunding.pdf;* Letter from Stanley Keller, Fed. Regulation of Sec. Comm. of the Bus. Law Section of the American Bar Assoc., to Linda C. Quinn and Mary E.T. Beach of the SEC Div. of Corp. Fin. (''ABA Letter''), submitted as appendix to letter from Stanley Keller to the SEC Advisory Committee on Small and Emerging Companies (June 1, 2015), *available at http://www.sec.gov/comments/265-27/26527-50.pdf.*

[11] The state registration of securities offerings under coordinated review programs are examples of efforts undertaken by states to streamline the state registration process for issuers seeking to undertake multi-state registrations. These programs establish uniform review standards and are designed to expedite the registration process, thereby potentially saving issuers time and money. Participation in such programs is voluntary and imposes no additional costs on issuers. The states have created coordinated review protocols for equity, small company and franchise offerings; direct participation program securities; and for certain offerings of securities pursuant to Regulation A. For more information on coordinated review programs, *see http://www.nasaa.org/industry-resources/corporation-finance/coordinated-review/.*

[12] For the period 2009 through 2014, 109,237 Forms D were filed, of which 1,409 reported an offering made in reliance upon Rule 505 of Regulation D, representing 1% of all offerings made in reliance upon Regulation D during this time period and 2% of all Regulation D offerings raising less than $5 million. During this same time period, 3,789 filings reported an offering made in reliance upon Rule 504, representing 3% of all offerings made in reliance upon Regulation D during this time period and 10% of all Regulation D offerings raising less than $1 million. The vast majority of Form D filings during this period reported an offering made in reliance on Rule 506.

[13] 15 U.S.C. 77c(a)(11).

[14] SEC Rel. No. 33–5450 (Jan. 7, 1974) [39 FR 2353 (Jan. 21, 1974)] (''Rule 147 Adopting Release''); SEC Rel. No. 33–5349 (Jan. 8, 1973) [38 FR 2468 (Jan. 26, 1973)] (''Rule 147 Proposing Release'').

[15] *See* Rule 147 Adopting Release. *See also* H.R. Rep. No. 73–85, at 6–7 (1933), H.R. Rep. No. 73–

Continued

the need for compliance with any state law relating to the offer and sale of the securities[16] and nothing in our proposed amendments would affect continued compliance with such laws.

Section 3(a)(11) and the Commission's Rule 147 safe harbor limit both *offers* and *sales* to residents of the same state or territory in which the issuer is resident and doing business. Rule 147 also includes prescriptive threshold requirements that an issuer must satisfy in order to be considered ''doing business'' in-state. To satisfy these requirements, an issuer must, among other things:

- Derive at least 80% of its consolidated gross revenues in-state;
- have at least 80% of its consolidated assets in-state; and
- intend to use and use at least 80% of the net proceeds from an offering conducted pursuant to Rule 147 in connection with the operation on an in-state business or real property.[17]

Market participants and commenters have indicated that the combined effect of Section 3(a)(11)'s statutory limitation on offers and the prescriptive threshold requirements of Rule 147 unduly limit the availability of the exemption for local companies that would otherwise conduct intrastate offerings.[18] For example, market participants and commenters have noted that the use of the Internet for offerings makes it difficult for issuers to limit offers to in-state residents.[19] These concerns, in addition to developments in communication technologies and the increasing interstate nature of small business activities that have occurred since Section 3(a)(11) was enacted and Rule 147 was originally adopted, suggest that the current limitations are in need of modernization.[20]

A number of states have adopted and/or enacted crowdfunding[21] provisions in their rules or statutes, which may serve as another valuable tool small companies can use to raise capital.[22] Other states have similar forms of state-based crowdfunding bills pending.[23] State-based crowdfunding provisions generally require that an issuer, in addition to complying with various state-specific requirements to qualify for the exemption,[24] also comply with Section 3(a)(11) and Rule 147.[25] The Commission has received feedback from state securities regulators and market participants, however, who have indicated that the current statutory requirements in Section 3(a)(11) and regulatory requirements in Rule 147 make it difficult for issuers to take advantage of these new state crowdfunding provisions.[26]

The most common concerns expressed about Rule 147 are:

- The limitation of offers to in-state residents only, which raises questions about the proper use of the Internet for these offerings;
- The limitation of eligible issuers only to those that are incorporated or organized in-state, which excludes local issuers with local operations that incorporate or organize in a different state for business reasons; and
- The limitation of eligible issuers only to those that can satisfy each of the three 80% thresholds concerning their revenues, assets and use of net proceeds in order for the issuers to be deemed ''doing business'' within a state or territory, which unduly restricts the local businesses that may rely upon the exemption for local financings in their home state or territory.[27]

The proposed amendments to Rule 147 would amend these requirements and revise the rule to allow an issuer to engage in any form of general solicitation or general advertising, including the use of publicly accessible Internet Web sites, to offer and sell its securities, so long as all sales occur within the same state or territory in which the issuer's principal place of business is located, and the offering is registered in the state in which all of the purchasers are resident or is conducted pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and imposes an investment limitation on investors. The proposed amendments would define an issuer's principal place of business as the location in which the officers, partners, or managers of the issuer primarily direct, control and coordinate the activities of the issuer and further require the issuer to satisfy at least one of four threshold requirements that would help ensure the in-state nature of the issuer's business.[28] As proposed, certain provisions of existing Rule 147 regarding legends and mandatory disclosures to purchasers and prospective purchasers would continue to apply to offerings conducted pursuant to the exemption.[29] In addition, any offer or sale under the proposed amendments to Rule 147 would need to comply with state securities laws.

B. Explanation of Proposed Amendments to Rule 147

As noted above, Rule 147 was adopted as a safe harbor for compliance with Section 3(a)(11). Our proposed amendments to the rule, however, would allow an issuer to make offers accessible to out-of-state residents and to be incorporated out-of-state, so long as sales are made only to in-state residents and the issuer's principal place of business is in-state and it satisfies at least one additional requirement that would further demonstrate the in-state nature of the issuer's business. As proposed, an issuer would only be able to avail itself of the

1838, at 40–41 (1934) (Conf. Rep.) and SEC Rel. No. 33–4434, at 4 (Dec. 6, 1961) [26 FR 11896 (Dec. 13, 1961)] (''1961 Release'').

[16] *See* 17 CFR 230.147 (Preliminary Note 2).

[17] 17 CFR 230.147(c)(2)(i)–(iii).

[18] *See* note 10 above.

[19] *See, e.g.,* Transcript of Record at 84, SEC Advisory Committee on Small and Emerging Companies (June 3, 2015).

[20] Rule 147 has not been substantively changed since it was adopted in 1974.

[21] As the Commission noted in its proposing release for the rules implementing Title III of the JOBS Act, crowdfunding is a relatively new and evolving method to raise money using the Internet. Crowdfunding serves as an alternative source of capital to support a wide range of ideas and ventures. An entity or individual raising funds through crowdfunding typically seeks small individual contributions from a large number of people. *See* SEC Rel. No. 33–9470 (Oct. 23, 2013) [79 FR 66428 (Nov. 5, 2013)].

[22] As of the date of this proposal, data from the North American Securities Administrators Association (''NASAA'') indicates that 29 states and the District of Columbia have enacted some form of a state-based crowdfunding exemption to state registration either through legislation, regulation or administrative orders. *See* notes 7–8 above; *see also* Intrastate Crowdfunding Directory, NASAA, *http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/intrastate-crowdfunding-directory/.*

[23] *See, e.g.,* Intrastate Crowdfunding Legislation, prepared by NASAA, *available at http://nasaa.cdn.s3.amazonaws.com/wp-content/uploads/2014/12/NASAA-Crowdfunding-Index_8-1-2015a1.pdf* (summarizing the latest developments in intrastate crowdfunding, including the status of proposed state intrastate crowdfunding legislation and regulations).

[24] *See, e.g.,* Ala. Code § 8–6–11 (2014) (aggregate offering limits); Ariz. Rev. Stat. Ann. § 44–1844 (2015) (investor limits); Fla. Stat. §§ 571.021, 517.061, 517.0611, 517.12, 517.121, 517.161, 626.9911 (2015) (audited financial statement requirements); Ind. Code § 6–3.1–24–14 (2014) (state filing requirements); Ky. Rev. Stat. Ann. §§ 292.410–292.415 (2015) (delivery of a disclosure document).

[25] Of the 29 states and the District of Columbia that have adopted intrastate crowdfunding provisions, only Maine allows an issuer to rely upon a federal exemption other than a combination of Securities Act Section 3(a)(11) and Rule 147, namely the exemption provided by Rule 504 of Regulation D. *See* Me. Rev. Stat. tit. 32, § 16304(6–A)(D) (2013).

[26] *See* note 18 above. *See also* Recommendation to the Commission by the Advisory Committee on Small and Emerging Companies (Sept. 23, 2015), *available at http://www.sec.gov/info/smallbus/acsec/acsec-recommendation-modernize-rule-147.pdf.*

[27] *Id.*

[28] *See* proposed Rule 147(c).

[29] *See* proposed Rule 147(f).

proposed exemption if the offering is registered in the state in which all of the purchasers are resident or is conducted pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and imposes an investment limitation on investors. Rule 147, as proposed to be amended, would no longer fall within the statutory parameters of Section 3(a)(11).[30] Accordingly, we propose to amend Rule 147 to create an exemption pursuant to our general exemptive authority under Section 28 of the Securities Act.[31] As amended, Rule 147 would function as a separate exemption from Securities Act registration rather than as a safe harbor under Section 3(a)(11).[32] The proposed amendments, if adopted, would not alter the fact that the Section 3(a)(11) statutory exemption continues to be a capital raising alternative for issuers with local operations seeking local financing.

1. Elimination of Limitation on Manner of Offering

To satisfy Section 3(a)(11) and the current Rule 147 safe harbor, all of the securities in an offering must be both offered *and* sold exclusively to residents of the state or territory in which the issuer is resident and doing business. While the language limiting offers and sales to in-state residents in the statute and rule is clear, the legislative history of Section 3(a)(11), its subsequent amendments, and prior Commission guidance have created some uncertainty as to the scope of permissible offers that may be made pursuant to the exemption.

When Congress enacted Section 3(a)(11) in 1934, the legislative history stated, among other things, that ''a person who comes within the purpose of the exemption, but happens to use a newspaper for the circulation of his advertising literature, which newspaper is transmitted in interstate commerce, does not thereby lose the benefits of the exemption.'' [33] Consistent with this statement, the Commission in 1937 released staff guidance on the nature of the Section 3(a)(11) exemption in the form of a letter from the Commission's General Counsel.[34] In this letter, the General Counsel stated that, ''the so-called 'intrastate exemption' is not in any way dependent upon absence of use of the mails or instruments of transportation or communication in interstate commerce in the distribution.'' [35] Rather, the letter explained that, so long as all the statutory requirements of the exemption are satisfied, such securities may be offered and sold through the mails and may even be delivered in interstate commerce to purchasers, if such purchasers, though resident, are temporarily out of the state. In this context, the letter further noted that securities exempt from registration pursuant to Section 3(a)(11) ''may be made the subject of general newspaper advertisement (provided the advertisement is appropriately limited to indicate that offers to purchase are solicited only from, and sales will be made only to, residents of the particular state involved).'' [36]

The Commission released further guidance on Section 3(a)(11) in 1961 that restated the staff guidance in the 1937 Letter of General Counsel.[37] In its 1961 Release, the Commission explained that in order ''[t]o give effect to the fundamental purpose of the exemption, it is necessary that the entire issue of securities shall be offered and sold to, and come to rest only in the hands of residents within the state. If any part of the issue is offered or sold to a non-resident, the exemption is unavailable not only for the securities so sold, but for all securities forming a part of the issue, including those sold to residents.'' [38]

As noted above, however, market participants and commenters have indicated that Section 3(a)(11)'s statutory limitation on offers unduly limits the availability of the exemption, for example, by limiting the manner in which issuers may communicate with or locate potential in-state investors over the Internet.[39] Rule 147, as proposed to be amended, would require issuers to limit sales to in-state residents, but would no longer limit offers by the issuer to in-state residents.[40] Accordingly, amended Rule 147 would permit issuers to engage in general solicitation and general advertising that could reach out-of-state residents in order to locate potential in-state investors using any form of mass media, including unrestricted, publicly available Web sites, to advertise their offerings, so long as all sales of securities so offered are made to residents of the state or territory in which the issuer has its principal place of business.

Given that amended Rule 147 would allow offers to be accessible by out-of-state residents, the proposed amendments would require an issuer to include a prominent disclosure on all offering materials used in connection with a Rule 147 offering, stating that sales will be made only to residents of the same state or territory as the issuer.[41] This proposed disclosure requirement is intended to advise investors who are not residents of the state in which sales are being made that the intrastate offering would be unavailable to them.

Request for Comment

1. Should we amend Rule 147 to eliminate the limitation on offers to in-state residents, as proposed? Why or why not? Please explain.

2. Should we retain the existing safe harbor and create a new rule pursuant to our authority under Section 28 to reflect our proposed revisions? Why or why not? How would our proposed revisions interact with other recent rules adopted pursuant to the JOBS Act, if at all?

3. Should we adopt the proposed disclosure requirement for all offering materials used in reliance on this rule? Why or why not? Should we require additional or different disclosure? If so, what language would be appropriate?

2. Elimination of Residence Requirement for Issuers

Rule 147 currently requires issuers to be incorporated or organized under the laws of the state or territory in which

[30] Issuers that seek guidance on how to comply with Section 3(a)(11) after the adoption of any final rules amending Rule 147, as proposed, would continue to be able to rely on judicial and administrative interpretive positions on Rule 147 issued prior to the effectiveness of any such final rules.

[31] 15 U.S.C. 77z–3.

[32] As noted above, our proposed amendments to Rule 147 are intended, in part, to facilitate the use of state-based crowdfunding statutes. Because many state statutes and rules require issuers to comply with the requirements of both Section 3(a)(11) and Rule 147, states should consider whether our proposed amendments to Rule 147 would require additional amendments to their respective statutes or rules to allow issuers to comply with requirements at both the state and federal level.

[33] *See* H.R. Rep. No. 73–1838, at 40–41 (1934) (Conf. Rep.). Section 3(a)(11) initially was enacted as Securities Act Section 5(c). When Congress enacted the Securities Exchange Act of 1934, it also amended the Securities Act, including revising and re-designating Section 5(c) as Section 3(a)(11).

[34] *See* SEC Rel. No. 33–1459 (May 29, 1937) [11 FR 10958 (Sept. 27, 1946)] (''1937 Letter of General Counsel'').

[35] *Id.*

[36] *Id.*

[37] *See* 1961 Release at 4.

[38] *Id.; see also* 1937 Letter of General Counsel (stating that Section 3(a)(11) is ''limited to case in which the entire issue of securities is offered and sold exclusively to residents of the state in question.'').

[39] *See, e.g.,* notes 10 and 19 above.

[40] *See* proposed Rule 147(d).

[41] *See* proposed Rule 147(f)(3).

the intrastate offering is conducted.[42] This requirement, while based on the language of Section 3(a)(11), is at odds with modern business practice in which issuers incorporate or organize in states other than the state or territory of their principal place of business, for example, to take advantage of well-established bodies of corporate or partnership law.[43] We do not believe that locus of entity formation should affect the ability of an issuer to be considered ''resident'' for purposes of an intrastate offering exemption at the federal level. Given modern business practices, the current requirement may be unnecessarily restrictive and may limit the usefulness of the exemption.

Therefore, for corporations, limited partnerships, trusts, or other forms of business organizations, we propose to eliminate the current requirement of Rule 147 that limits the availability of the rule to issuers organized in the state in which an offering takes place.[44] Our proposed amendments would expand the universe of eligible issuers by eliminating the current ''residence'' requirement, while continuing to require that an issuer have a sufficient in-state presence determined by the location of the issuer's principal place of business.[45] In conjunction with the proposed requirement that all purchasers be in-state residents,[46] we believe that requiring an issuer to have an in-state principal place of business and to satisfy at least one additional requirement that demonstrates the in-state nature of the issuer's business should adequately ensure the intrastate nature of the offering, such that state authorities can effectively regulate an issuer's activities and enforce states' securities laws for the protection of resident investors.

The proposed amendments also would replace the current rule's ''principal office'' requirement for an issuer, such as a general partnership or other form of business organization that is not organized under any state or territorial law,[47] with the proposed ''principal place of business'' requirement.[48]

Request for Comment

4. Should we amend Rule 147 to eliminate the requirement that entities be incorporated or organized under the laws of the state in which the offering takes place, as proposed? Additionally, should we limit availability of the exemption to issuers organized or incorporated in the United States or one of its territories? Why or why not? Please explain.

5. Should we amend Rule 147, as proposed, to eliminate the current issuer residence requirement, while continuing to require an issuer to have a principal place of business in the state in which an intrastate offer and sale takes place? Would this requirement, in conjunction with the additional proposed requirements for an issuer to demonstrate the in-state nature of its business[49] and the requirement that all purchasers be in-state residents,[50] adequately ensure the intrastate nature of the offering such that a state can effectively regulate an issuer's activities?

6. In addition to requiring that an issuer have its principal place of business in the state where the offer and sale occurs, should we also require that the issuer be registered in-state as an out-of-state entity and/or that the issuer have obtained all licenses and registrations necessary to lawfully conduct business in-state? Why or why not?

3. Requirements for Issuers ''Doing Business'' In-State

The Section 3(a)(11) intrastate offering exemption allows businesses to raise money within the state from investors who are more likely than those outside the state to be familiar with the issuer and its management. Accordingly, the doing business requirement of Section 3(a)(11) has traditionally been viewed strictly.[51] In adopting Rule 147, the Commission adhered to the concepts in existing court and Commission interpretations of Section 3(a)(11) that not only should the issuer's business be physically located within the state, but the principal or predominant business must be carried on there[52] and substantially all of the proceeds of the offering must be put to use within the state.[53]

Rule 147 followed these concepts by setting forth three 80% threshold tests for the issuer to be deemed ''doing business'' in-state. Specifically, Rule 147(c)(2) deems an issuer to be doing business in-state if its principal office is located within the state and at least:

- 80% of its consolidated gross revenues are derived from the operation of a business or of real property located in or from the rendering of services within such state or territory;
- 80% of its consolidated assets are located within such state or territory; and
- 80% of the net proceeds from the offering are intended to be used by the issuer, and are in fact used, in connection with the operation of a business or of real property, the purchase of real property located in, or the rendering of services within such state or territory.[54]

We propose to simplify the doing business in-state determination by amending the current rule requirements so that an issuer's ability to rely on the rule would be based on the location of the issuer's principal place of business, as opposed to its ''principal office.''[55] For purposes of the rule, we propose to define the term ''principal place of business'' to mean the location from which the officers, partners, or managers of the issuer primarily direct, control and coordinate the activities of the issuer.[56] As defined, an issuer

[42] *See* Rule 147(c)(1)(i) [17 CFR 230.147(c)(1)(i)]. For issuers such as general partnerships or other forms of business organizations that are not organized under any state or territorial law, Rule 147(c)(1)(ii) considers such issuers residents of the state or territory where the issuers' principal offices are located.

[43] For example, data provided by issuers in Form D filings with the Commission indicates that approximately 30% of issuers conducting Rule 504 offerings and 62% of issuers conducting either Rule 505 or Rule 506 offerings have a principal place of business in a state other than the issuer's state of incorporation or organization. *See* discussion in Section V below.

[44] Rule 147(c)(1)(i).

[45] *See* proposed Rule 147(c)(1). *See also* discussion on principal place of business in Section II.B.3. below, and the related discussion of the proposed requirement that an issuer satisfy at least one of four threshold requirements in order to help ensure the in-state nature of its business.

[46] *See* discussion in Section II.B.1.

[47] Rule 147(c)(1)(ii).

[48] *See* proposed Rule 147(c)(1).

[49] *See* discussion in Section II.B.3 (Requirements for Issuers ''Doing Business'' In-State) below.

[50] *See* note 46 above.

[51] Rule 147 Adopting Release at 3.

[52] *Id.* at 3, n. 4, *citing,* Chapman v. Dunn, 414 F.2d 153 (6th Cir. 1969). *See also* 1961 Release at 2 (''In view of the local character of the Section 3(a)(11) exemption, the requirement that the issuer be doing business in the state can only be satisfied by the performance of substantial operational activities in the state of incorporation. The doing business requirement is not met by functions in the particular state such as bookkeeping, stock record and similar activities or by offering securities in the state.'').

[53] *Id.* at 3, n.5, *citing,* SEC v. Truckee Showboat, Inc., 157 F.Supp. 824 (S.D. Cal. 1957). See also 1961 Release at 2 (''If the proceeds of the offering are to be used primarily for the purpose of a new business conducted outside of the state of incorporation and unrelated to some incidental business locally conducted, the exemption should not be relied upon.'').

[54] 17 CFR 230.147(c)(2).

[55] *See* 17 CFR 230.147(c)(2)(iv). We note that the issuer's ''principal place of business'' is conceptually consistent with the current rule's requirement that the ''principal office'' of the issuer be located within the state or territory of the offering. *See* proposed Rule 147(c)(1). *See also* related discussion on issuer residency requirements in Section II.B.2 and note 47 above.

[56] Proposed Rule 147(c)(1). The proposed principal place of business definition is consistent with the use of that term in Exchange Act Rule 3a71–3, 17 CFR 240.3a71–3, for cross-border security based swap dealing activity and the use of

would only be able to have a ''principal place of business'' within a single state or territory and would therefore only be able to conduct an offering pursuant to amended Rule 147 within that state or territory. Issuers also would be required to register the offering in the state in which all of the purchasers are resident, or rely on an exemption from registration that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and imposes an investment limitation on investors.[57]

As discussed more fully in Section II.B.4.c below, we believe that our rules should continue to require that the securities sold in an intrastate offering in one state should have to come to rest within such state before sales are permitted to out-of-state residents.[58] Consistent with this view, we propose to limit the ability of an issuer that has changed its principal place of business to conduct an intrastate offering in a different state until such time as the securities sold in reliance on the proposed exemption in the prior state have come to rest in that state.[59] For these purposes, we propose that issuers that have changed their principal place of business after making sales in an intrastate offering pursuant to proposed Rule 147 would not be able to conduct an intrastate offering pursuant to proposed Rule 147 in another state for a period of nine months from the date of the last sale in the prior state, which is consistent with the duration of the resale limitation period specified in proposed Rule 147(e).[60]

Additionally, we propose to require issuers to satisfy an additional criterion that we believe would provide further assurance of the in-state nature of the issuer's business within the state in which the offering takes place. For these purposes, we propose to retain the 80% threshold tests of the current rule in modified form with the addition of an alternative test based on the location of a majority of the issuer's employees.[61] While the substance of the 80% threshold requirements of current Rule 147(c)(2) would be retained in the proposed rules, we propose to make compliance with any one of the 80% threshold requirements sufficient to demonstrate the in-state nature of the issuer's business. This would be a change to the current test, which requires issuers to meet all three conditions. We further propose to make certain technical revisions to the existing 80% thresholds that would simplify the structure, and clarify the application, of the rules.[62] In light of our proposal to require issuers to satisfy only one of the threshold tests, we propose to eliminate the current provision in Rule 147(c)(2)(i)(B), which does not apply the revenue test to issuers with less than $5,000 in revenue during the prior fiscal year.[63] While this accommodation may be reasonable in the context of the current conjunctive 80% threshold requirements of Rule 147(c)(2), we do not believe it would be necessary under the proposed rule. We further propose to add an alternative requirement to the three modified 80% threshold requirements that relates to the location of a majority of the issuer's employees. This proposed requirement would provide an additional method by which an issuer could demonstrate that it conducts in-state business sufficient to justify reliance on Rule 147, as proposed to be amended. For these purposes, we propose to permit an issuer to satisfy the requirement of proposed Rule 147(c)(2) by having a majority of its employees based in such state or territory.[64] We believe that these proposed requirements would not only provide important indicia of the in-state nature of the issuer's business, but also would provide issuers with additional flexibility to satisfy the proposed requirements, especially in light of the different roles employees play within smaller companies and the different locations at which such roles are carried out.

As proposed, and in addition to the requirement that an issuer have its principal place of business in-state, an issuer would be required to meet at least one of the following requirements:

- The issuer derived at least 80% of its consolidated gross revenues from the operation of a business or of real property located in or from the rendering of services within such state or territory;[65]
- The issuer had at the end of its most recent semi-annual fiscal period prior to the first offer of securities pursuant to the exemption, at least 80% of its consolidated assets located within such state or territory;[66]
- The issuer intends to use and uses at least 80% of the net proceeds to the issuer from sales made pursuant to the exemption in connection with the operation of a business or of real property, the purchase of real property located in, or the rendering of services within such state or territory;[67] or
- A majority of the issuer's employees are based in such state or territory.[68]

We believe the proposed amendments would expand capital raising opportunities for companies while continuing to require them to have an in-state presence sufficient to justify reliance on the exemption. Given the increasing ''interstate'' nature of small business activities, it has become increasingly difficult for companies, even smaller companies that are physically located within a single state or territory, to satisfy all of the residence requirements of current Rule 147(c)(2).[69] The proposed modification of these requirements would facilitate the use of the exemption for capital raising by providing issuers with greater flexibility to comply with the requirements and would help to eliminate potential uncertainty about the availability of the exemption.[70] If we were to adopt a final rule, we expect the staff would undertake to study and submit a report to the Commission no later than three years following the effective date of the amendments on whether this framework appropriately provides assurances that an issuer is doing business in the state in which the offering takes place. The Commission

the term ''principal office and place of business'' in Investment Advisers Act Rule 203A–3(c), 17 CFR 275.203A–3(c).

[57] *See* discussion in Section II.B.f (State Law Requirements) below.

[58] *See* 1961 Release at 4.

[59] *See* proposed Rule 147(e) (proposing to limit resales of a given security purchased in an offering pursuant to Rule 147 to out-of-state residents for a nine-month period from the date such security is sold by the issuer).

[60] *See* Note 1 to proposed Rule 147(c)(1), specifying that an issuer that has previously conducted an intrastate offering pursuant to proposed Rule 147 may not conduct another intrastate offering pursuant to the exemption, based upon satisfaction of the principal place of business definition in a different state or territory, until the expiration of the time period specified in proposed Rule 147(e), calculated on the basis of the date of the last sale in such offering.

[61] *See* proposed Rule 147(c)(2).

[62] For example, in order to streamline the presentation of proposed Rule 147(c)(2), we propose to redesignate current Rule 147(c)(2)(i)(A)–(B), 17 CFR 230.147(c)(2)(i)(A)–(B), which includes instructions on how to calculate revenue under Rule 147(c)(2)(i), as a note to the rule.

[63] 17 CFR 230.147(c)(2)(i)(B).

[64] *See* proposed Rule 147(c)(2)(iv).

[65] *See* proposed Rule 147(c)(2)(i) and related notes to the rule indicating how and when an issuer would calculate its revenue for purposes of compliance with the proposed rule, based on when the first offer of securities is made pursuant to the exemption.

[66] *See* proposed Rule 147(c)(2)(ii).

[67] *See* proposed Rule 147(c)(2)(iii).

[68] *See* proposed Rule 147(c)(2)(iv).

[69] *See* discussion in Section V below.

[70] *See, e.g.,* Transcript of Record 82–91, SEC Advisory Committee on Small and Emerging Companies (June 3, 2015); *see also Exempted Transactions Under the Securities Act of 1933,* J. William Hicks, Thomas Reuters/West (2009), Ch. 4 (Intrastate Offerings Under Section 3(a)(11)) at § 4:66 (noting confusion and uncertainty in the application of Rule 147's objective standards to specific factual situations).

could also independently decide to engage in a retrospective review of the rule at any time.

In addition, states could decide whether to adopt specific additional requirements not specifically contemplated in this proposal that are consistent with their respective interests in facilitating capital formation and protecting their resident investors in intrastate securities offerings within their jurisdiction.[71] If we were to adopt a rule in substantially the form proposed today, we believe that states that currently have statutes and/or rules that require compliance with Securities Act Section 3(a)(11) and Rule 147 would need to amend their provisions in order for issuers to fully avail themselves of the new rule.[72] We further believe that, in connection with any such amendment to their statutes and/or rules, states could consider whether any additional requirements should be adopted at the state level to regulate local offerings within their jurisdiction and provide additional investor protections.

Request for Comment

7. Should we amend Rule 147 as proposed to require an issuer to have an in-state principal place of business and satisfy at least one of four alternative requirements that demonstrate the in-state nature of the issuer's business? Why or why not?

8. As proposed, should we limit the ability of issuers that have previously conducted an intrastate offering in reliance on proposed Rule 147, but that have since changed their principal place of business, to conduct an offering in reliance on the proposed rule in a different state until all of the securities sold in a prior intrastate offering have come to rest in the state in which the previous offering took place? Why or why not? Or, would the integration provisions of proposed Rule 147(g) sufficiently prevent an issuer from conducting two intrastate offerings pursuant to proposed Rule 147 within a short period of time, such that the proposed limitation would not be necessary? Should the proposed limitation be longer (*e.g.,* 12 months)? Why or why not?

9. Should we modify, as proposed, the current 80% threshold requirements of Rule 147(c)(2)(i)–(iii) to no longer require an issuer to satisfy all of the thresholds and include an alternative requirement based on the location of a majority of the issuer's employees? Why or why not? If not, should we retain the current threshold requirements for an issuer to be deemed ''doing business'' within a state or territory, but at lower percentage thresholds? If so, please specify the appropriate percentage thresholds. Or should we use different alternative threshold tests than under the current or proposed rules? Please explain.

10. As proposed, if we retain the threshold requirements in modified form, should issuers only be required to meet one or more of the requirements? Should they be required to meet two or more of the requirements? Please explain.

11. Do the proposed 80% threshold requirements provide sufficient guidance to issuers as to how to comply with such requirements? If not, what additional guidance, rules or revisions to the proposed rules should the Commission provide to clarify compliance with the proposed requirements?

12. Is the proposed alternative requirement that an issuer have derived at least 80% of its consolidated gross revenues in-state an appropriate indicator of in-state business activities for purposes of an issuer's eligibility for the proposed exemption? Does this alternative requirement provide sufficient clarity for issuers that would seek to comply with it? As proposed, should this requirement continue to require an issuer to calculate gross revenue on a consolidated basis? Please explain.

13. Is the proposed alternative requirement that the issuer had, at the end of its most recent semi-annual fiscal period prior to an initial offer of securities in any offering or subsequent offering pursuant to the exemption, at least 80% of its consolidated assets located in-state an appropriate indicator of in-state business activities for purposes of an issuer's eligibility for the proposed exemption? Does this alternative requirement provide sufficient clarity for issuers that would seek to comply with it? As proposed, should this requirement continue to require an issuer to calculate assets by including the assets of its subsidiaries on a consolidated basis? Please explain.

14. Is the proposed alternative requirement that the issuer intend to use and use at least 80% of the net proceeds from sales made pursuant to the exemption in connection with the operation of a business or of real property, the purchase of real property located in, or the rendering of services within such state or territory an appropriate indicator of in-state business activities for purposes of an issuer's eligibility for the proposed exemption? Does this alternative requirement provide sufficient clarity for issuers that would seek to comply with it? Please explain.

15. As proposed, and in addition to the proposed alternative 80% threshold requirements, should we add an alternative threshold requirement based on the location of a majority of an issuer's employees? Why or why not?

16. In addition to the requirement in proposed Rule 147(c)(1) that an issuer have a principal place of business in-state, does the proposed requirement that an issuer be able to satisfy the requirements of proposed Rule 147(c)(2) by having a majority of its employees based in such state or territory provide a sufficient basis to determine the in-state nature of the issuer's business? Why or why not? If not, what additional or alternative criteria could we add to the proposed requirement to provide a sufficient basis?

17. As proposed, should we limit availability of the exemption to those issuers that can satisfy the proposed ''principal place of business'' definition and at least one of the additional requirements of proposed Rule 147(c)(2) that would demonstrate the in-state nature of the issuer's business? Why or why not? Please explain.

18. Is our proposed definition of ''principal place of business'' appropriate? Why or why not? Would the proposed definition of ''principal place of business'' alone adequately establish in-state status for purposes of determining eligibility to conduct an offering pursuant to the exemption at the federal level? Are there any additional or alternative requirements that should be included in the rule to establish in-state status?

4. Additional Amendments to Rule 147

a. Reasonable Belief as to Purchaser Residency Status

Current Rule 147(d) requires that offers and sales of securities pursuant to the rule be made only to persons resident within the state or territory of which the issuer is a resident.[73] Regardless of the efforts an issuer takes to determine that potential investors are residents of the state in which the issuer is a resident, the exemption would be

[71] States currently employ this approach to varying degrees in their respective state crowdfunding statutes. *See, e.g.,* DC Mun. Regs. tit. 26–B, § 250 (2014) (escrow required until minimum offering amount satisfied), Ind. Code § 6–3.1–24–14 (2014) (funding portal required). *See* discussion in Section II.B.f below for specific state law requirements for reliance on the proposed exemption.

[72] *See* note 25 and related discussions in Section II.A above and Section II.B.f below.

[73] 17 CFR 230.147(d).

lost for the entire offering if securities are offered or sold to one investor that was not in fact a resident of the state. We believe that this requirement in the current rule is unnecessarily restrictive and gives rise to uncertainty for issuers. We therefore believe it should be changed in the amended rule.

Consistent with the requirements in Regulation D,[74] we propose to add a reasonable belief standard to the issuer's determination as to the residence of the purchaser at the time of the sale of the securities.[75] As proposed, an issuer would satisfy the requirement that the purchaser in the offering be a resident of the same state or territory as the issuer's principal place of business by either the existence of the fact that the purchaser is a resident of the applicable state or territory, or by establishing that the issuer had a reasonable belief that the purchaser of the securities in the offering was a resident of such state or territory.[76] We believe that permitting issuers to sell on the basis of a reasonable belief of a purchaser's in-state residency status will increase the utility of the exemption by providing issuers with additional certainty about the availability of the exemption.

Consistent with our proposal to permit issuers to satisfy the purchaser residency requirement by establishing a reasonable belief that such purchasers are in-state residents, we propose to eliminate the current requirement in Rule 147 that issuers obtain a written representation from each purchaser as to his or her residence.[77] We believe that this requirement is unnecessary in light of the proposed reasonable belief standard. In the context of the current intrastate exemption, the Commission has previously indicated that ''[t]he mere obtaining of formal representations of residence . . . should not be relied upon without more as establishing the availability of the exemption.'' [78] Whether an issuer has formed a reasonable belief that the prospective purchaser is an in-state resident would need to be determined on the basis of all facts and circumstances. Such facts and circumstances could include, but would not be limited to, for example, a pre-existing relationship between the issuer and the prospective purchaser that provides the issuer with sufficient insight and knowledge as to the prospective purchaser's primary residence so as to enable the issuer to establish a reasonable basis to believe that the prospective purchaser is an in-state resident. An issuer may also consider other facts and circumstances establishing the residency of a prospective purchaser, such as evidence of the home address of the prospective purchaser as documented by a recently dated utility bill, pay-stub, information contained in state or federal tax returns, or any state-issued documentation, such as a driver's license or identification card.

Additionally, we are concerned that maintaining the current requirement for an issuer to obtain a written representation from purchasers of in-state residency status may cause confusion with the proposed reasonable belief standard. Issuers, particularly smaller issuers likely to conduct intrastate offerings, may mistakenly believe that obtaining a written representation from purchasers of in-state residency status would, without more, be sufficient to establish a reasonable belief that such purchasers are in-state residents, which, as noted above, would not be the case. For these reasons, we propose to eliminate the requirement that issuers obtain a written representation from purchasers as to their in-state residency. We are, however, seeking comment on whether this requirement should be retained.

Request for Comment

19. Should we add a reasonable belief standard to the issuer's determination as to the residence of the purchaser at the time of the sale of the securities, as proposed? Why or why not?

20. Should we eliminate the requirement to obtain a written representation from the purchaser, as proposed? Why or why not? Alternatively, should we retain the requirement to obtain a written representation but supplement it with a reasonable belief standard? Why or why not? What additional benefit, if any, would be provided by supplementing the current written representation requirement with a reasonable belief standard?

21. Should the rules provide a safe harbor for determining an individual purchaser's residence, based upon certain objective criteria, such as: (1) The jurisdiction in which a person owns or leases its primary home, (2) the jurisdiction in which a person maintains certain other indicia of residence (such as a driver's license, voting registration, tax situs), or (3) the jurisdiction in which a person's principal occupation is based? Why or why not? Are there other criteria that should be used to establish such a safe harbor?

b. Residence of Entity Purchasers

The proposed amendments also would define the residence of a purchaser that is a legal entity, such as a corporation, partnership, trust or other form of business organization, as the location where, at the time of the sale, the entity has its principal place of business.[79] The proposed amendments define a purchaser's ''principal place of business,'' consistent with the proposed definition for issuer eligibility purposes, as the location in which the officers, partners, or managers of the entity primarily direct, control and coordinate the activities of the issuer.[80]

Request for Comment

22. Should we define the residence of a purchaser that is a legal entity, such as a corporation, partnership, trust or other form of business organization, as the location where, at the time of the sale, the entity has its principal place of business? Why or why not? Should we define principal place of business differently for this purpose? If so, how should we define it?

23. Current Rule 147(d)(3) provides that an entity organized for the specific purpose of acquiring the securities offered pursuant to the rule is not treated as a resident of the state or territory unless all of the beneficial owners of such organization are also residents of such state or territory.[81] Should we revise the rule to base the test upon the location of the principal place of business of the specific purpose entity, as opposed to the residency of all of its beneficial owners? Why or why not?

c. Limitation on Resales

Under current Rule 147(e), ''during the period in which securities that are part of an issue are being offered and sold by the issuer, and for a period of nine months from the date of the last sale by the issuer of such securities, all resales of any part of the issue, by any person, shall be made only to persons resident within such state or territory.'' [82] The limitation on resales in Rule 147(e), which is also a condition that must be satisfied in order for the

[74] Rule 501(a) of Regulation D includes in the definition of ''accredited investor,'' persons who come within the enumerated categories of the rule, or who the issuer reasonably believes come within any of such categories, at the time of sale to such person. [17 CFR 230.501(a)].

[75] *See* proposed Rule 147(d).

[76] *Id.*

[77] 17 CFR 230.147(f)(1)(iii).

[78] *See* 1961 Release at 3.

[79] *See* proposed Rule 147(d). Under the current rule, an entity is a resident of the state or territory where the entity has its ''principal office.'' We have not defined ''principal office.'' Rule 147(c)(2)(iv) [17 CFR 230.147(c)(2)(iv)].

[80] *See* proposed Rule 147(c)(1).

[81] 17 CFR 230.147(d)(3).

[82] 17 CFR 230.147(e).

issuer to be able to rely on the safe harbor,[83] is designed to help ensure that the securities issued in an intrastate offering have come to rest in the state of the offering before any potential redistribution out-of-state.[84] While this requirement may be appropriate for purposes of compliance with a safe harbor under Section 3(a)(11), we believe it is unduly restrictive[85] and that its application in Rule 147 can give rise to uncertainty for issuers in the offering process by conditioning the availability of the safe harbor on circumstances beyond the issuer's control. We therefore propose to amend both the substance and application of Rule 147(e).

As the Commission previously noted when discussing resales pursuant to Section 3(a)(11), the requirement that the entire distribution of securities pursuant to the intrastate exemption be offered and sold to in-state residents should not be read to suggest ''that securities which have actually come to rest in the hands of resident investors, such as persons purchasing without a view to further distribution or resale to non-residents, may not in due course be resold by such persons, whether directly or through dealers or brokers, to non-residents without in any way affecting the exemption.''[86]

The Commission's approach in the 1961 Release reflects the view that the determination as to when a given purchase of securities in an intrastate offering has come to rest in-state depends less on a defined period of time after the final sale by the issuer in such offering than it does on whether a resident purchaser—that seeks to resell any securities purchased in such an offering—has taken the securities ''without a view to further distribution or resale to non-residents.''[87] In this regard, we believe that a time-based limitation on potential resales to non-residents of securities purchased in an intrastate offering that relates back to the date of the initial purchase by a resident investor from the issuer would more precisely address the concern regarding out-of-state resales.[88]

For these reasons, we propose to amend the limitation on resales in Rule 147(e) to provide that ''for a period of nine months from the date of the sale by the issuer of a security sold pursuant to this rule, any resale of such security by a purchaser shall be made only to persons resident within such state or territory, as determined pursuant to paragraph (d) of this rule.''[89] We believe that a nine-month limitation on resales by resident purchasers to non-residents would adequately ensure that the securities purchased by such residents were purchased without a view to further distribution to non-residents.[90]

Additionally, as mentioned above, the application of Rule 147(e) in the context of the Section 3(a)(11) safe harbor may give rise to uncertainty in the offering process that we propose to address in the amended rules. Currently, Rule 147(a) requires issuers to comply with all of the terms and conditions of the rule in order for an offering to come within the safe harbor.[91] This provision makes the safe harbor unavailable to an issuer for the entire offering if, regardless of the efforts the issuer takes to ensure that secondary sales comply with the resale limitations,[92] securities are sold in the secondary market before the expiration of the resale period to a person that is not in fact an in-state resident. The application of Rule 147(e) in the overall scheme of the safe harbor can therefore cause uncertainty for issuers during, and for a period of nine months after the completion of, the offering about whether the safe harbor is or continues to be available based on circumstances outside of the issuer's control.[93]

While we propose to maintain the resale limitations in Rule 147(e), in the modified form discussed above, we also propose to amend Rule 147(b) so that an issuer's ability to rely on Rule 147 would no longer be conditioned on a purchaser's compliance with Rule 147(e).[94] We believe that this proposed amendment to the application of Rule 147(e), as it relates to Rule 147(b), would increase the utility of the exemption by eliminating the uncertainty created in the offering process for issuers under the current rules. Additionally, we do not believe that eliminating this uncertainty would result in an increased risk of issuer non-compliance with the rules because, as proposed, issuers would remain subject to requirements relating to, for example, in-state sales limitations, and legend, stop transfer instructions for transfer agents, and offeree and purchaser disclosures, in order to satisfy the exemption at the federal level. In addition, issuers would continue to be subject to the antifraud and civil liability provisions of the federal securities laws, as well as state securities law requirements.

Request for Comment

24. Should we amend the rule, as proposed, to impose a limitation on resales by resident purchasers to non-residents based on the date of sale by the issuer to the relevant purchaser rather than based on the date when the offering terminates? Why or why not?

25. Is the proposed nine-month period appropriate? Should it be longer or shorter? If so, what would be the appropriate amount of time (*e.g.,* six months, one year, etc.)?

26. Instead of adopting the limitation on resales proposed in Rule 147(e), should securities issued under amended Rule 147 be considered ''restricted securities'' under Rule 144(a)(3)?[95] Or is the purpose underlying the limitation on resales in Rule 147 (*i.e.,* that the securities must come to rest in-state before sales to out-of-state residents are permitted) sufficiently distinct from the purpose underlying the limitation on resales of restricted securities such that securities issued in a Rule 147 transaction should not be considered restricted securities? Why or why not?

27. As proposed, should we no longer condition an issuer's ability to satisfy Rule 147 on investor compliance with Rule 147(e)? Why or why not? Are there any risks to investors posed by the proposed revisions to Rule 147(b) that would no longer condition the

[83] *See* Rule 147(a), 17 CFR 230.147(a).

[84] *See* 1961 Release at 3.

[85] For example, in an offering of securities that takes an issuer one year to complete, a purchaser of securities on day one of the offering must wait twenty-one months before it is able to resell to an investor out-of-state, while the last purchaser in such offering would only be required to wait for a period of nine months before similarly being able to sell to out-of-state purchasers.

[86] 1961 Release, at 4.

[87] *Id.*

[88] *Id.* (''[i]f the securities are resold but a short time after their acquisition to a non-resident this fact, although not conclusive, might support an inference that the original offering had not come to rest in the state . . .''). The Commission previously has taken a time-based holding period approach, for example, in Securities Act Rule 144, regarding resales of restricted securities issued in private offerings in order to help ensure that resellers of the securities are not engaged in a distribution of securities and, therefore, not considered underwriters of the securities issued under the definition of such term in Securities Act Section 2(a)(11).

[89] Proposed Rule 147(e).

[90] In such circumstances, resales of securities that were initially purchased in an intrastate offering must themselves be registered or exempt from registration in any state in which such resale takes place.

[91] Rule 147(a), 17 CFR 230.147(a).

[92] *See, e.g.,* Rule 147(f) (requiring legends and stop transfer instructions to the issuer's transfer agent).

[93] *See, e.g., Exempted Transactions Under the Securities Act of 1933,* at § 4:52. *See also* Section II.B.3 above, discussing related concerns regarding the uncertainty interjected into the offering process by the current 80% requirement as to the issuer's in-state use of proceeds in Rule 147(c)(2)(iii).

[94] *See* proposed Rule 147(b). As proposed, current Rule 147(a) would be re-designated as Rule 147(b).

[95] 17 CFR 230.144(a)(3).

availability of the rule on an issuer's compliance with Rule 147(e)?

d. Integration

The integration safe harbor of current Rule 147(b)(2) provides that offers or sales of securities that take place either prior to the six-month period immediately preceding, or after the six-month period immediately following, any Rule 147 offering will not be integrated with any offers or sales of securities by the issuer made in reliance on the safe harbor.[96] For offers or sales of securities occurring within the six-month period immediately before or after any offers or sales pursuant to a Rule 147 offering, Preliminary Note 3 to the rule states that the determination of whether offers and sales of securities are deemed part of the same issue, or should be deemed ''integrated,'' is a question of fact that will depend on the particular circumstances.[97]

Integration safe harbors provide issuers, particularly smaller issuers whose capital needs often change, with valuable certainty about their eligibility to comply with an exemption from Securities Act registration.[98] We believe that, while the existing Rule 147 safe harbor provides issuers with some certainty with respect to the integration of offers or sales of securities within the six-month period immediately preceding and following a Rule 147 offering, amended Rule 147 should reflect the Commission's most recent statements on the subject.[99]

The concept of integration has evolved since the adoption of Rule 147 in 1974,[100] particularly as it relates to the integration of potential offers and sales that occur concurrently with, or close in time with the particular exempt offering being considered.[101] We therefore propose to update the rule's integration provisions by expanding the scope of the current provision in a manner that is consistent with the Commission's most recently adopted integration safe harbor, Rule 251(c) of Regulation A.[102] We believe that this approach to integration would not only benefit issuers, particularly smaller issuers, by providing valuable certainty as to the availability of an exemption for a given offering, but that such issuers would also benefit from increased consistency in the application of the integration doctrine among the exemptive rules available to smaller issuers.[103]

The proposed Rule 147 safe harbor would include any prior offers or sales of securities by the issuer, as well as certain subsequent offers or sales of securities by the issuer occurring within six months after the completion of an offering exempted by Rule 147. As proposed, offers and sales made pursuant to Rule 147 would not be integrated with:

- Prior offers or sales of securities; or
- Subsequent offers or sales of securities that are:
- Registered under the Act, except as provided in Rule 147(h);
- Exempt from registration under Regulation A (17 CFR 230.251 *et seq.*);
- Exempt from registration under Rule 701 (17 CFR 230.701);
- Made pursuant to an employee benefit plan;
- Exempt from registration under Regulation S (17 CFR 230.901 through 230.905);
- Exempt from registration under section 4(a)(6) of the Act (15 U.S.C. 77d(a)(6)); or
- Made more than six months after the completion of an offering conducted pursuant to this rule.[104]

As with Rule 251(c) of Regulation A, the proposed safe harbor from integration provided by proposed Rule 147(g) would expressly provide that any offer or sale made in reliance on the rule would not be integrated with any other offer or sale made either before the commencement of, or more than six months after, the completion of the Rule 147 offering. In other words, for transactions that fall within the scope of the safe harbor, issuers would not have to conduct an independent integration analysis of the terms of any offering being conducted under the provisions of another rule-based exemption in order to determine whether the two offerings would be treated as one for purposes of qualifying for either exemption. This bright-line rule would assist issuers, particularly smaller issuers, in analyzing certain transactions, but would not address the issue of potential offers or sales that occur concurrently with, or close in time after, a Rule 147 offering.

Consistent with the current integration guidance in Preliminary Note 3 to Rule 147, our proposed amendments would clarify that, if the safe harbor does not apply, whether subsequent offers and sales of securities would be integrated with any securities offered or sold pursuant to this rule would depend on the particular facts and circumstances. There would be no presumption that offerings outside the integration safe harbors should be integrated.

An offering made in reliance on Rule 147 would not be integrated with another exempt offering made concurrently by the issuer, provided that each offering complies with the requirements of the exemption that is being relied upon for the particular offering.[105] For example, an issuer conducting a concurrent exempt offering for which general solicitation is not permitted would need to be satisfied that purchasers in that offering were not solicited by means of the offering made in reliance on amended Rule 147.[106]

[96] 17 CFR 230.147(b)(2); *see also* Rule 147 Adopting Release at 3.

[97] *See* 17 CFR 230.147 (Preliminary Note 3). Preliminary Note 3 cites to the guidance provided in Release. No. 33–4552, at 3 (Nov. 6, 1962) [27 FR 11316 (Nov. 16, 1962)], in which the Commission describes the traditional five-factor test for integration, and explains that ''any one or more of the following factors may be determinative of the question of integration:

1. are the offerings part of a single plan of financing;
2. do the offerings involve issuance of the same class of security;
3. are the offerings made at or about the same time;
4. is the same type of consideration to be received; and
5. are the offerings made for the same general purpose.''

[98] *See* 2015 Regulation A Release at Section II.B.5. (Integration).

[99] *Id.*

[100] At the time the Commission adopted Rule 147, the Commission generally deemed intrastate offerings to be ''integrated'' with those registered or private offerings of the same class of securities made by the issuer at or about the same time. Paragraph (b) of Rule 147 was intended to create greater certainty and to eliminate in certain situations the need for a case-by-case determination of when certain intrastate offerings should be integrated with other offerings, such as those registered under the Act or made pursuant to the exemption provided by Section 3 or 4(a)(2) of the Act. *See* Rule 147 Adopting Release at 3.

[101] *See e.g.,* Rule 251(c) of Regulation A [17 CFR 230.251(c)]; 2015 Regulation A Release, at Section II.B.5.; SEC Rel. No. 33–8828, Section II.C.1 (Aug. 3, 2007) [72 FR 45116 (Aug. 10, 2007)]; Rule 701 [17 CFR 230.701].

[102] *See* 17 CFR 230.251(c). Rule 251(c) was originally adopted as an integration safe harbor in 1992. *See* SEC Rel. No. 33–6949 (July 30, 1992) [57 FR 36442 (Aug. 13, 1992)]. The 2015 Regulation A Release did not substantively change Rule 251(c), except for the addition to the safe harbor list of subsequent offers or sales of securities issued pursuant to Securities Act Section 4(a)(6). *See* Rule 251(c)(2)(vi).

[103] *See* Rule 251(c) of Regulation A [17 CFR 230.251(c)]; Rule 701 [17 CFR 230.701].

[104] *See* proposed Rule 147(g).

[105] We adopted a similar approach to integration in the context of offerings under Regulation A. *See* 2015 Regulation A Release at Section II.B.5.

[106] For a concurrent offering under Rule 506(b), an issuer would need to conclude that purchasers in the Rule 506(b) offering were not solicited by means of a general solicitation under amended Rule 147. For example, the issuer may have had a preexisting substantive relationship with such purchasers. Otherwise, the solicitation conducted in connection with the Rule 147 offering may preclude reliance on Rule 506(b). *See also* SEC Rel.

Continued

Alternatively, an issuer conducting a concurrent exempt offering for which general solicitation is permitted would need to comply with the legend and disclosure requirements of proposed Rule 147(f).[107] If the concurrent exempt offering for which general solicitation is permitted imposes additional restrictions on the general solicitation, such as, for example, the limitations imposed on advertising pursuant to Rule 204 of Regulation Crowdfunding, the issuer's general solicitation would not be able to go beyond the more restrictive requirements. Also, an issuer conducting a concurrent Rule 506(c) offering could not include in its Rule 506(c) general solicitation materials an advertisement of a concurrent Rule 147 offering, unless that advertisement also included the necessary disclosure for, and otherwise complied with, Rule 147(f).[108]

Consistent with our approach to integration in Rule 251(c), we are proposing that offers or sales made in reliance on Rule 147 should not be integrated with subsequent offers or sales that are registered under the Securities Act, except as provided under our proposed paragraph (h) to Rule 147, or qualified by the Commission pursuant to Regulation A. While prior offers or sales of securities made in reliance on Rule 147 are currently not integrated with subsequent Regulation A offerings,[109] we believe that expressly adding subsequent offers or sales of securities made in reliance on Regulation A to the Rule 147 integration safe harbor would provide issuers with clarity and additional certainty about their eligibility to conduct a Rule 147 offering before commencing an offering pursuant to Regulation A. Additionally, we believe that issuers that seek to register offerings under the Securities Act should be encouraged to do so without the risk that prior offers or sales pursuant to Rule 147 could be integrated with such offerings. We are mindful, however, of the risk that offers made pursuant to Rule 147 shortly before a registration statement is filed could be viewed as conditioning the market for that registered offering. Accordingly, proposed Rule 147 would address this risk by excluding from the safe harbor any such offer made to persons other than qualified institutional buyers and institutional accredited investors within the 30-day period before a registration statement is filed with the Commission.[110]

Additionally, subsequent offers or sales pursuant to Securities Act Rule 701 or an employee benefit plan would be included in the proposed Rule 147(g) integration safe harbor. While these types of offerings to employees and to persons that provide similar functions for the issuer may provide the issuer with capital, they are primarily compensatory in nature and benefit the issuer and its employees in a manner that is distinct from other types of securities offerings, such as by aligning employee and company interests. For these reasons, we believe that these types of compensatory employee benefit offerings should be included in the safe harbor, if they occur subsequent to a Rule 147 offering.

We also propose to include subsequent offers or sales made pursuant to Regulation S[111] in proposed Rule 147(g), as this exemption is only available for offers and sales of securities that are made outside the United States.[112] Given their offshore character, we do not believe that offerings conducted pursuant to Regulation S should be integrated with previous Rule 147 intrastate offerings.

Additionally, we propose to include in the list of transactions covered by the Rule 147 safe harbor subsequent offers or sales of securities made pursuant to rules we are concurrently adopting today in a companion release for securities-based crowdfunding transactions under Title III of the JOBS Act.[113] Given the unique capital formation method available to issuers and investors in the crowdfunding rules we are adopting and the small dollar amounts involved, we do not propose to integrate offers or sales of such securities issued in federal crowdfunding transactions that occur subsequent to the completion of any offering conducted pursuant to Rule 147.[114]

Request for Comment

28. As proposed, should we include any prior offers or sales of securities made by the issuer before the start of a Rule 147 offering in the Rule 147(g) integration safe harbor? Why or why not?

29. Should the Rule 147(g) integration safe harbor include, as proposed, the list of subsequent offers or sales of securities by the issuer that may be made within six months after the termination of the Rule 147 offering without being subject to integration? Why or why not?

30. Should we expand the list of subsequent offers or sales of securities by the issuer that may be made within six months after the termination of the Rule 147 offering without being subject to integration to include other types of offers and sales of securities by the issuer? Alternatively, should we narrow the list of subsequent offers or sales of securities included in the integration safe harbor? Why or why not? Please explain.

31. Should we include language in the rule text expressly stating that an offering made in reliance on Rule 147 would not be integrated with another exempt offering made concurrently by the issuer, provided that each offering complies with the requirements of the exemption that is being relied upon for the particular offering? Why or why not?

32. Should we include a new paragraph (h) to Rule 147, as proposed, concerning offers to investors other than qualified institutional investors and institutional accredited investors within 30 calendar days prior to a registered offering? Why or why not?

e. Other Considerations

Currently, Rule 147(f)(3) requires issuers, in connection with any offers or sales pursuant to the rule, to disclose, in writing, the limitations on resale contained in Rule 147(e)[115] and the requirements for stop transfer instructions for the issuer's transfer agent set forth in Rule 147(f)(1)(i)–(ii).[116] The same requirements apply in connection with the issuance of new certificates for any of the securities that are part of the same issue that are presented for transfer during the period specified in Rule 147(e). We believe that these disclosure requirements provide important protections to investors and issuers alike by helping to ensure that investors understand the limitations and restrictions associated with a purchase of securities pursuant to the rule.

No. 33–8828 (Aug. 3, 2007) [72 FR 45116 (Aug. 10, 2007)].

[107] *See* proposed Rule 147(f).

[108] *See id.; see also* discussion in Section II.B.1 above.

[109] *See* Rule 251(c)(1) of Regulation A, 17 CFR 230.251(c)(1).

[110] In such circumstances, whether an offer made within the thirty-day period before the filing of a registration statement would constitute an impermissible offer for purpose of Securities Act Section 5(c) would be based on the facts and circumstances of such offer.

[111] 17 CFR 230.900 through 905.

[112] *See* Preliminary Note 6 of Regulation S.

[113] *See* Regulation Crowdfunding Adopting Release.

[114] *See id.* An issuer contemplating a securities-based crowdfunding transaction pursuant to Section 4(a)(6) subsequent to any offers or sales conducted in reliance on Rule 147, as proposed to be amended, should look to the rules for securities-based crowdfunding transactions to ensure compliance with the advertising provisions of the exemption.

[115] 17 CFR 230.147(e). *See also* discussion in Section II.B.4.c above.

[116] 17 CFR 230.147(f)(1)(i)–(ii).

Currently, however, the rule does not specifically identify to whom or when such disclosure should be provided.[117] We propose to retain the substance of these requirements, in modified form, in the amended rules, while clarifying the application of the disclosure requirements.[118]

Specifically, we propose to clarify in the text of the amended rule the specific language of the required disclosure and that such disclosure should be prominently provided to each offeree and purchaser at the time any offer or sale is made by the issuer to such person pursuant to the exemption.[119] The rule, however, would no longer require that such disclosure be made in writing in all instances. We propose to amend the current requirement to provide issuers with flexibility by permitting them to provide the required disclosure to offerees in the same manner in which an offer is communicated,[120] while continuing to require written disclosure to all purchasers. We believe that this approach would reduce the compliance obligations of issuers, particularly smaller companies likely to conduct offerings pursuant to the exemption, by no longer requiring disclosure to offerees in writing when offers are communicated orally. As the proposed requirement would apply to every offer of securities by the issuer pursuant to the exemption, including subsequent offers to the same offeree, and in light of the continuing requirement to provide written disclosure to all purchasers of the securities, we do not believe that the easing of the current requirement as it relates to oral offers would result in an increase in risks to investors.

As noted above, we propose to retain the substance of the disclosure requirements of current Rule 147(f)(3), in modified form, in the amended rules. As proposed, Rule 147(f)(3) would require issuers to make specified disclosures to offerees and purchasers about the limitations on resale contained in proposed Rule 147(e) and the legend requirement of proposed Rule 147(f)(1)(i), but would no longer require issuers to disclose to offerees and purchasers the stop transfer instructions provided by an issuer to its transfer agent[121] and the provisions of Rule 147(f)(2) regarding the issuance of new certificates during the Rule 147(e) resale period.[122] Although issuers would have to continue to comply with these requirements,[123] we believe that requiring issuers to disclose that information to offerees and purchasers does not add anything to the existing disclosures under Rules 147(e) and (f)(1), and we therefore propose to eliminate this disclosure requirement from the rule.[124]

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33. As proposed, should we modify the requirements of current Rule 147(f)(3) to require issuers to disclose to offerees and purchasers the resale limitations of Rule 147(e) and the legend requirement of Rule 147(f)(1)(i) at the time any such offer or sale is made, but no longer require an issuer to disclose to such persons the stop transfer instructions to its transfer agent, if any, and the provisions of Rule 147(f)(2) regarding the issuance of new certificates during the Rule 147(e) resale period?[125] Or should we preserve the existing rule requirements? Why or why not?

34. As proposed, should we permit the disclosures required by Rule 147(f)(3) to be provided orally? Should we instead require these disclosures to be made in writing, as under the current rule? Alternatively, should we no longer require these disclosures to be provided to offerees, while continuing to require that they be provided to purchasers? Or, prior to making any sales, should we require issuers that only make oral offers to provide, in addition to the required oral disclosure, written disclosure to offerees a reasonable time before any sales are made to such persons? Why or why not?

35. Should the amendments to Rule 147 include a substantial compliance provision, similar to the provision in Rule 508 of Regulation D,[126] or otherwise account for insignificant deviations in a manner that is similar to Rule 260 of Regulation A?[127] In light of the proposal to permit issuers to sell securities pursuant to Rule 147 on the basis of a reasonable belief as to a purchaser's residency status, what additional situations, if any, could a substantial compliance or insignificant deviation rule address? Please explain.

36. Should we amend Rule 147 to make the exemption available for secondary distributions? Why or why not?

f. State Law Requirements

We believe the proposed amendments to Rule 147 would facilitate capital formation by smaller companies seeking to raise capital in-state by increasing the utility of the rule while maintaining appropriate protections for resident investors. Consistent with the policy underlying the adoption of objective standards for determining compliance with Section 3(a)(11) in current Rule 147, we believe that the protections afforded to resident investors in an intrastate offering primarily flow from the requirements of state securities law.[128] For example, as with the federal securities laws, states generally require an issuer to register an offering with appropriate state authorities when offers or sales of securities are made to their residents, unless the state has adopted, by rule or statute, an exemption from registration.

As discussed above,[129] in recent years a number of states have adopted and/or enacted provisions in their rules or statutes that generally require an issuer, in addition to complying with various state-specific requirements to qualify for an exemption from registration,[130] to comply with Section 3(a)(11) and Rule 147.[131] Of the states that have adopted and/or enacted provisions that require an issuer to comply with Rule 147, either alone or in conjunction with Section 3(a)(11), no state has adopted and/or enacted a provision with an aggregate offering amount that exceeds $4 million.[132] Additionally, almost all

[117] *See* 17 CFR 230.147(f)(3).

[118] Proposed Rule 147(f)(1)(i) would retain the existing legend requirement for stock certificates but specify the exact language to be provided.

[119] Currently, Rule 147(f)(3) requires issuers to disclose the required information ''in connection with'' any offers or sales of securities but does not specify the time at which such disclosure must be provided to offerees or purchasers. Proposed Rule 147(f)(3) would require issuers to provide the required disclosure to offerees and purchasers at the time of any offers or sales of securities, thereby eliminating the risk that an issuer could, for example, make an offer of securities at one point in time and provide the required disclosures at a later date. *See* proposed Rule 147(f)(3).

[120] This proposed approach would be consistent with the treatment of the ''testing the waters'' legend requirements in Rule 255(b) of Regulation A. *See* 17 CFR 230.255(b).

[121] Rule 147(f)(1)(ii), 17 CFR 230.147(f)(1)(ii).

[122] Rule 147(f)(2), 17 CFR 230.147(f)(2). Additionally, as discussed in Section II.B.1 above, we propose to require issuers in offerings conducted pursuant to Rule 147 to disclose to each offeree in the manner in which any offer is communicated and to each purchaser of a security in writing that sales will be made only to residents of the same state or territory as the issuer. *See* proposed Rule 147(f)(3).

[123] *See* proposed Rule 147(f)(1)(ii) and proposed Rule 147(f)(2).

[124] *See* proposed Rule 147(f)(3).

[125] *See also* Request for Comment 3 above regarding proposed Rule 147(f)(3) and the requirement that issuers disclose to offerees and purchasers that sales will be made only to residents of the same state or territory as the issuer.

[126] 17 CFR 230.508.

[127] 17 CFR 230.260.

[128] *See* note 14 above.

[129] *See* Section II.A above.

[130] *See* note 24 above.

[131] *See* note 25 above.

[132] *See http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-*

Continued

of these states have adopted provisions that impose investment limitations on investors.

Rule 147 does not currently have an offering amount limitation and does not currently limit the amount of securities an investor can purchase in an offering pursuant to the rule. Preliminarily, however, we believe that, in light of the proposed changes to Rule 147, which, as noted above, would no longer be a safe harbor for compliance with Section 3(a)(11), a maximum offering amount limitation and investor investment limitations in the rule would provide investors with additional protection and would be consistent with existing state law crowdfunding provisions.[133] As such, we are proposing to limit the availability of Rule 147, as proposed to be amended,[134] to issuers that have registered an offering in the state in which all of the purchasers are resident or that conduct the offering pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and that limits the amount of securities an investor can purchase in any such offering.[135] We are particularly interested in getting feedback from the states and market participants, however, and are seeking comment on this issue, including whether additional or alternative requirements should be imposed on offerings conducted pursuant to the proposed rule at the federal level.

State crowdfunding laws allow, and in some states mandate, the use of an intermediary. The intermediary may be a federally registered broker-dealer, or an intrastate broker-dealer that is exempt from federal registration requirements. Section 15(a)(1) of the Exchange Act provides an exemption for a broker-dealer whose business is ''exclusively intrastate and who does not make use of any facility of a national securities exchange.'' In the state crowdfunding context, some intermediaries may be small broker-dealers seeking to only operate intrastate. To the extent that information posted on the Internet in connection with a state crowdfunding offering by an intermediary would be considered an interstate offer of securities, such business would be ineligible for the intrastate broker-dealer exemption. We are seeking comment on these issues, including whether the proposed rule should require issuers to use the services of any such intermediary at the federal level.

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37. Should we limit the availability of Rule 147, as proposed to be amended, to issuers that have registered an offering in the state in which all of the purchasers are resident or that conduct the offering pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and the amount of securities an investor can purchase in any such offering? Why or why not?

38. Would the proposed requirements that an issuer conduct the offering pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelvemonth period and that limits the amount of securities an investor can purchase in any such offering provide adequate investor protections at the federal level? Why or why not? Or, are the proposed maximum offering amount and/or investor investment limitations unnecessary at the federal level, in light of the local character of the intrastate offerings that would be conducted pursuant to the proposed rule and the presence of state oversight in such offerings? Please explain.

39. Should Rule 147, as proposed to be amended, specify the maximum offering amount limitation that must be included in a state exemption from registration? Why or why not? Should the proposed $5 million maximum offering amount limitation be adopted at a lower or higher dollar amount? If so, what amount and why? If not, why not?

40. Should Rule 147, as proposed to be amended, itself specify a maximum offering amount limitation for purposes of compliance with the proposed rule at the federal level and, in a change from the proposed rule, no longer require that a maximum offering amount limitation be included in any exemptive provision adopted at the state level? What benefit, if any, is derived from the proposed inclusion of a specified maximum offering amount limitation of not more than $5 million of securities in a twelve-month period at both the state and federal level? Please explain.

41. Should the proposed requirement that a state law exemption from registration impose investment limitations on investors, when the offering is conducted pursuant to proposed Rule 147 at the federal level, include specific maximum dollar amounts that an investor must be subject to or other specific criteria, such as criteria based on an investor's net worth and/or annual income? Why or why not? Please explain.

42. Should Rule 147, as proposed to be amended, include the proposed requirement that a state law exemption include investment limitations in order for the issuer to be able to conduct an intrastate offering pursuant to Rule 147, as proposed to be amended? Why or why not? Please explain.

43. Should we limit the application of the proposed requirement that a state law exemption include investment limitations, in order for the issuer to be able to conduct an intrastate offering pursuant to Rule 147, as proposed to be amended, to non-accredited investors only, while not requiring an accredited investor, as that term is defined in Rule 501(a) of Regulation D,[136] to be subject to an investment limitation? Why or why not?

44. Should the provisions at the federal level allow states to have greater flexibility in drafting exemptive provisions that in their judgment provide sufficient investor protections at the state level, whether or not such state law provisions include a maximum offering amount limitation or investor investment limitations? Why or why not?

45. As an additional or alternative requirement to the current requirements in proposed Rule 147, should we limit the availability of the exemption to issuers that have registered an offering in the state in which all of the purchasers are resident or that conduct the offering pursuant to an exemption from state law registration in such state that requires the use of an intermediary? Why or why not?

46. Should we provide guidance about the operation of the intrastate broker-dealer exemption under the

resource-center/intrastate-crowdfunding-directory/. Illinois is the only state with a crowdfunding provision allowing for a maximum aggregate offering amount up to $4 million in a twelve-month period. All other states that have adopted some form of a state-based crowdfunding provision limit the aggregate offering amount to between $1 million and $2.5 million. *See* Illinois House Bill 3429, § 4.T. (2015), *available at: https://legiscan.com/IL/text/HB3429/id/1257029*.

[133] States may have non-crowdfunding exemptions for larger offerings and issuers seeking to rely on any such state exemption could continue to conduct the offering pursuant to Section 3(a)(11) or find an alternate federal exemption. *See, e.g.,* Section 202(14) of the Uniform Securities Act of 2002 (exempting transactions to not more than 25 purchasers, other than institutional investors and federal covered investment advisers, that do not utilize a general solicitation or general advertising).

[134] *See* discussions in Section II.B.1 through II.B.2.e above for additional limitations and requirements that would apply to offerings conducted pursuant to proposed Rule 147.

[135] *See* proposed Rule 147(a).

[136] *See* 17 CFR 230.501(a).

Exchange Act, including with respect to the use of the Internet in connection with offers and sales of securities? Why or why not? Should we permit intrastate broker-dealers to use the Internet to make interstate offers so long as all sales are limited to intrastate purchasers? Why or why not?

47. Should we adopt any minimum disclosure or delivery requirements for offerings that are conducted pursuant to the proposed rule that are offered pursuant to an exemption from state registration, such as narrative and/or financial statement disclosure and delivery requirements similar to the requirements of Rule 502(b) of Regulation D? [137] Should any potential disclosure or delivery requirements be limited to sales only to non-accredited investors? Why or why not?

48. Whether we adopt the proposed revisions to Rule 147 as amended Rule 147 or as a new rule, should we require a notice filing with the exemption? For example, if we repeal Rule 505 and adopt the exemption as new Rule 505, should we require issuers that conduct offerings pursuant to the new exemption to file offering related information with the Commission on a Form D? Why or why not? Should we instead adopt a new form to file offering related information that is similar to the information disclosed on Form D? If so, what information should that new form elicit?

C. Preservation of Section 3(a)(11) Statutory Intrastate Offering Exemption

The proposed amendments, if adopted, would not alter the fact that the Section 3(a)(11) statutory exemption continues to be a capital raising alternative for issuers with local operations seeking local financing. We believe, however, that it is possible that issuers will find it easier to satisfy the requirements of proposed Rule 147 than Section 3(a)(11).

The proposed amendments to Rule 147 would operate prospectively only. If adopted as proposed, Rule 147 would no longer be a safe harbor for conducting a valid intrastate exempt offering under Section 3(a)(11). An issuer that attempts to comply with amended Rule 147, but fails to do so, may claim any other exemption that is available. Failure to satisfy the requirements of amended Rule 147, however, would also likely result in a failure to satisfy the statutory requirements for the intrastate offering exemption under Section 3(a)(11) since the requirements of Section 3(a)(11) are more restrictive.

We recognize that none of the existing state crowdfunding provisions contemplate reliance upon the proposed amendments to Rule 147 and that states that have crowdfunding provisions based on compliance with Section 3(a)(11), or compliance with both Section 3(a)(11) and Rule 147, would need to amend these provisions in order for issuers to take full advantage of these amendments.[138] States that have adopted crowdfunding provisions based on current Rule 147 may need to consider the import of any final rule amendments at the federal level. We are seeking comment on how the amendments to Rule 147 would impact these provisions and whether it would be better if the proposed amendments to Rule 147 were adopted as a new exemption from registration, rather than as amendments to current Rule 147.

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49. Should we leave existing Rule 147 in place and unchanged as a safe harbor for compliance with Section 3(a)(11) while adopting the proposed revisions to Rule 147 as a new rule instead? For example, if we were to repeal Rule 505 of Regulation D,[139] should the Commission adopt the proposed revisions to Rule 147 as new Rule 505 of Regulation D? If so, are there any additional changes to the proposed rule that should be made if it were to be adopted instead as a new rule? If so, please explain what changes are needed and why.

50. States that have adopted crowdfunding provisions based on current Rule 147 may need to consider the import of any final rule amendments at the federal level. How would the proposed amendments to Rule 147 impact these provisions? Would the Commission's rulemaking process, which in this case provides for a 60-day comment period, and the additional time before any final rules potentially would be adopted and thereafter become effective, provide sufficient time for states to consider and address the impact of the proposed amendments on their state law provisions? Why or why not? Please explain.

III. Proposed Amendments to Rules 504 and 505 of Regulation D

A. Overview of Rules 504 and 505

Rule 504 [140] of Regulation D provides issuers with an exemption from registration for offers and sales of up to $1 million of securities in a twelve-month period, provided that the issuer is not:

- Subject to reporting pursuant to Section 13 or 15(d) of the Exchange Act; [141]
- an investment company; [142] or
- a development stage company that either has no specific business plan or purpose or that has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies (''blank check company'').[143]

Additionally, Rule 504 imposes certain conditions, including limitations on the use of general solicitation or general advertising in the offering and the restricted status of securities issued pursuant to the exemption, with limited exceptions in this regard for offers and sales made:

- Exclusively in one or more states that provide for the registration of the securities, and require the public filing and delivery to investors of a substantive disclosure document before sale that are made in accordance with state law requirements;
- in one or more states that have no provision for the registration of the securities or the public filing or delivery of a disclosure document before sale, if the securities have been registered in at least one state that provides for such registration, public filing and delivery before sale, offers and sales are made in that state in accordance with such provisions, and the disclosure document is delivered before sale to all purchasers (including those in the states that have no such procedure); or
- exclusively according to state law exemptions from registration that permit general solicitation and general advertising so long as sales are made only to ''accredited investors'' as defined in Rule 501(a) of Regulation D.[144]

Rule 504, together with Rules 505 and 506, comprise the Securities Act exemptions of Regulation D.[145] Adopted

[137] 17 CFR 230.502(b).

[138] *See* note 25 and related discussion in Section II.A above.

[139] 17 CFR 230.505. *See* discussion in Section III.C below.

[140] 17 CFR 230.504.

[141] 17 CFR 230.504(a)(1).

[142] 17 CFR 230.504(a)(2). Investment companies are companies that are registered or required to be registered under the Investment Company Act of 1940. 15 U.S.C. 80a–1 *et seq.*

[143] 17 CFR 230.504(a)(3).

[144] 17 CFR 230.504(b)(1).

[145] 17 CFR 230.500 through 508. Rules 501 through 503 contain definitions, conditions, and other provisions that apply generally throughout Regulation D. Rules 504, 505 and 506(c) are exemptions from registration under the Securities Act, while Rule 506(b) is a ''safe harbor'' for compliance for the non-public offering exemption in Section 4(a)(2) of the Securities Act. Rule 507 disqualifies issuers from relying on Regulation D, under certain circumstances, for failure to file a

Continued

by the Commission in 1982,[146] Regulation D replaced three previously existing exemptions with a cohesive set of rules designed to:

- Simplify existing rules and regulations;
- eliminate any unnecessary restrictions that those rules and regulations placed on issuers, particularly small businesses; and
- achieve uniformity between state and federal exemptions in order to facilitate capital formation consistent with the protection of investors.[147]

Regulation D offerings are exempt from the registration requirements of the Securities Act. Offerings conducted pursuant to Rule 504 or Rule 505, however, must be registered in each state in which they are offered or sold unless an exemption to state registration is available under state securities laws.[148] The vast majority of states require registration of Rule 504 offerings.[149] One state, however, recently adopted a form of state-based crowdfunding that permits the use of general solicitation, but still exempts the issuances of securities from state registration where, in addition to following various state-specific requirements to qualify for the exemption, an issuer also complies with Rule 504 of Regulation D.[150] Additionally, offerings conducted pursuant to Rules 505 and 506 are subject to bad actor disqualification provisions, while offerings conducted pursuant to Rule 504 are not subject to such provisions.[151]

B. Proposed Amendments to Rules 504 and 505

We propose to increase the aggregate amount of securities that may be offered and sold in any twelve-month period pursuant to Rule 504 from $1 million to $5 million and to disqualify certain bad actors from participation in Rule 504 offerings. We believe these amendments to Rule 504 will facilitate capital formation, result in increased efficiencies (and potentially lower costs) to issuers and increase investor protection. We also understand that state securities regulators have sought to expedite the state securities law registration process by developing coordinated review programs.[152] We believe these amendments could give state securities regulators greater flexibility to develop regional coordinated review programs that would rely on Rule 504 at the federal level by increasing the maximum amount of capital that can be raised by issuers under such programs and by providing states with assurance that certain bad actors would be excluded from the exemptive regime at the federal level. We further propose a technical amendment to Rules 504 and 505 to account for the re-designation of Securities Act Section 3(b) as Section 3(b)(1) that occurred as a result of the enactment of the JOBS Act in 2012.[153] Additionally, in order to account for the proposed increase in the Rule 504 aggregate offering amount limitation, we propose technical amendments to the notes to Rule 504(b)(2) that would update the current illustrations in the rule regarding how the aggregate offering limitation is calculated in the event that an issuer sells securities pursuant to Rule 504 and Rule 505 within the same twelve-month period.[154] We also are seeking comment on whether any additional changes to Rule 504 should be made at this time that would further increase issuer capital formation options without any increase in risks to investors.

In light of the proposed changes to Rule 504, we also seek comment on the continued utility of Rule 505 as an exemption from registration. Rule 505 is used far less frequently than Rule 506, and an increase in the Rule 504 offering ceiling from $1 million to $5 million could diminish its utility.

The proposed amendments to Rule 504 would raise the aggregate amount of securities an issuer may offer and sell in any twelve-month period from $1 million to $5 million, which is the maximum statutorily allowed under Section 3(b)(1).[155] The Commission has not raised the 12-month aggregate offering limit in Rule 504 since 1988, when the Commission increased the original Rule 504 offering limit of $500,000 to $1 million.[156] We believe that raising the aggregate offering limitation to the maximum statutorily allowed under Section 3(b)(1) would facilitate issuers' ability to raise capital. The proposed offering limitation would increase the flexibility of state securities regulators to set their own state offering limitations and to consider whether any additional requirements should be implemented at the state level. In addition, it would facilitate state efforts to increase the efficiencies associated with the registration of securities offerings in multiple jurisdictions through regional coordinated review programs.

Much like the deference that Congress provided to the states in the intrastate offering exemption under Section 3(a)(11), in adopting Rule 504, the Commission placed substantial reliance upon state securities laws and regulations.[157] As the Commission has stated previously, we believe that the size and local nature of the smaller offerings that are typically conducted by smaller issuers pursuant to Rule 504 does not warrant imposing extensive regulation at the federal level.[158]

The purpose of Rule 504 is to aid small businesses raising ''seed capital.'' [159] Rule 504 permits eligible

Form D notice. Rule 508 provides a safe harbor for certain insignificant deviations from a term, condition, or requirement of Regulation D.

[146] *See* SEC Rel. No. 33–6389 (Mar. 8, 1982) [47 FR 11251 (Mar. 16, 1982)].

[147] *Id.* at 2.

[148] Section 18(b)(4)(D) of the Securities Act provides ''covered security'' status to all securities sold in transactions exempt under Commission rules promulgated under Section 4(a)(2), which includes Rule 506 of Regulation D. Covered security status under Section 18 provides for the preemption of state securities laws registration and qualification requirements for offerings of such securities. In comparison, securities issued pursuant to either Rules 504 or 505 are not covered securities as these two exemptions are adopted pursuant to the Commission's authority under Section 3(b)(1) of the Securities Act.

[149] New York and the District of Columbia do not require registration of Rule 504 offerings. *See* SEC Rel. No. 33–7644, 2 n.12 (Feb. 25, 1999) [64 FR 11090 (Mar. 8, 1999)] (''Seed Capital Release'').

[150] Of the 29 states and the District of Columbia that have adopted intrastate crowdfunding provisions, only Maine allows an issuer to rely upon Rule 504 of Regulation D. *See* Me. Rev. Stat. tit. 32, § 16304(6–A)(D) (2013).

[151] *See* Rule 505(b)(2)(iii), 17 CFR 230.505(b)(2)(iii), and Rule 506(d), 17 CFR 230.506(d), of Regulation D.

[152] For example, in order to address the potential inefficiencies associated with state law review and qualification of Regulation A offering statements, as highlighted by the GAO Report to Congress required under Title IV of the JOBS Act, state securities regulators and NASAA implemented a streamlined coordinated review program for Regulation A offerings that was designed to address many of the perceived concerns of market participants. *See* Factors that May Affect Trends in Regulation A Offerings, GAO–12–839 (July 2012) *available at: http://www.gao.gov/assets/600/592113.pdf* (''GAO Report''). *See also* note 11 above for a brief description of state coordinated review programs.

[153] Pub. L. 112–106, 126 Stat. 306.

[154] *See* Notes 1 and 2 to Rule 504(b)(2). [17 CFR 230.504(b)(2)].

[155] Rules 504 and 505 were adopted pursuant to the Commission's small issues exemptive authority under Section 3(b)(1) of the Securities Act, which gives the Commission authority to adopt an exemption for offerings not exceeding $5 million where the Commission believes registration under the Securities Act is not necessary by reason of the small amount involved or the limited character of the public offering.

[156] *See* SEC Rel. No. 33–6758 (Mar. 3, 1988) [53 FR 7870 (Mar. 10, 1988)]. *See also* discussion in Section V below.

[157] Seed Capital Release at 1; *see also* SEC Rel. No. 33–6389 (Mar. 8, 1982) [47 FR 11251 (Mar. 16, 1982)].

[158] Seed Capital Release, at 2.

[159] *Id.* ''Seed capital'' refers to the initial investments that are typically made in newly formed startup companies in order to assist such

issuers [160] to offer and sell securities to an unlimited number of persons without regard to their sophistication, wealth or experience and, in certain circumstances, without delivery of any specified information.[161] These offerings are, however, subject to federal antifraud provisions and civil liability provisions. [162] Securities issued under the exemption are restricted,[163] and the offering is subject to the prohibition against general solicitation and general advertising,[164] unless the rule's specified conditions permitting the issuance of freely tradable securities and a public offering are met.[165]

Similar to the rationale underlying our proposal to ease the eligibility requirements for issuers under Rule 147, increasing the Rule 504 offering limit to $5 million would create a larger federal exemptive framework for state regulators to tailor and coordinate among themselves state specific requirements for smaller offerings by smaller issuers that are consistent with their respective sovereign interests in facilitating capital formation and the protection of investors in intrastate and regional interstate securities offerings. Increasing the offering limit from $1 million to $5 million may also make the Rule 504 exemption more attractive to start-up companies seeking capital financing, as compared to alternative financing methods, as the legal and accounting expenses of the offering may be offset by the larger gross proceeds of the offering to the issuer.

In conjunction with our proposed increase to the Rule 504 aggregate offering amount limitation, we are proposing to adopt provisions that would disqualify certain bad actors from participation in offerings conducted pursuant to the exemption.[166] We believe that the proposed disqualification provisions, which are substantially similar to related provisions in Rule 506 of Regulation D,[167] would create a more consistent regulatory regime across Regulation D that would benefit investors in Rule 504 offerings with increased protections. We also believe that our proposed rule amendments may bolster efforts among the states to enter into, or revise existing, regional coordinated review programs that are designed to increase efficiencies associated with the registration of securities offerings in multiple jurisdictions without increasing risks to investors.

The proposed Rule 504 disqualification provisions would be implemented by reference to the disqualification provisions of Rule 506 of Regulation D.[168] We believe that creating a uniform set of bad actor triggering events across the various exemptions from Securities Act registration should simplify due diligence, particularly for issuers that may engage in different types of exempt offerings. As proposed, the bad actor triggering events for Rule 504 would be substantially similar to existing provisions in Regulation D,[169] Regulation A,[170] and those adopted today in Regulation Crowdfunding [171] and would apply to the issuer and other covered persons (such as underwriters, placement agents, and the directors, officers and significant shareholders of the issuer). Consistent with the Commission's treatment of disqualification in Rule 506(e), we propose that disqualification would only occur for triggering events that occur after effectiveness of any rule amendments,[172] but disclosure would be required for triggering events that pre-date effectiveness of any rule amendments.[173]

Issuers have overwhelmingly relied upon Rule 506 instead of Rule 504 for offerings of $1 million or less.[174] As discussed more fully in Section V below, data suggests that this may be due to the preemption of state registration requirements, which is available to Rule 506 offerings, but not Rule 504 or 505 offerings.[175] State regulators seeking to modernize and coordinate their regulatory regimes to facilitate early-stage capital financings may benefit from the proposed changes to Rule 504.

We also are seeking public comment on whether additional changes to Rule 504 should be adopted in the final amended rules. In particular, in conjunction with the proposed increase in the Rule 504 offering amount limitation, we are contemplating amending the calculation of the aggregate offering limitation in Rule 504(b)(2).[176] Currently, this rule requires issuers to aggregate all securities sold within the preceding 12 months in any transaction that is exempt under Section 3(b) or in violation of Section 5(a) of the Securities Act for purposes of computing the aggregate offering price under Rule 504.[177] This rule also includes illustrations of how the aggregate offering limitation is calculated in the event that an issuer sells securities pursuant to Rule 504 and Rule 505 within the same twelve-month period.[178]

When the current aggregation provisions in Rules 504 and 505 were originally adopted in Rule 505's predecessor Rule 242, the Commission noted that aggregating offering amounts across offerings conducted pursuant to Section 3(b) was intended to ''limit[] the potential for the issuer to raise large sums by circumventing the registration provisions of the Securities Act through

companies with the beginning of their operations. These investments are usually relatively small in total dollar amounts.

[160] *See* note 143 and related text in the discussion above.

[161] Rule 504 permits sales to an unlimited number of accredited and non-accredited investors. *See* note 105 and related text in the discussion above.

[162] Seed Capital Release, at 2. 15 U.S.C. 77*l*(a)(2).

[163] *See* Rule 504(b)(1) [17 CFR 230.504(b)(1)]; Rule 144(a)(3)(ii) [17 CFR 230.144(a)(3)(ii)].

[164] *See* Rule 504(b)(1) [17 CFR 230.504(b)(1)]; Rule 502(c) [17 CFR 230.502(c)].

[165] *See* note 144 and related text in the discussion above.

[166] *See* proposed Rule 504(b)(3).

[167] *See* 17 CFR 230.506(d). *See also* Rule 262 of Regulation A, 17 CFR 230.262, and Rule 505(b)(2)(iii) of Regulation D, 17 CFR 230,505(b)(2)(iii).

[168] *See* proposed Rule 504(b)(3), referencing the disqualification provisions of Rule 506(d), 17 CFR 230.506(d), and note to proposed Rule 504(b)(3), referencing the disclosure provisions of Rule 506(e), 17 CFR 230.506(e).

[169] *See* Rules 505(b)(2)(iii) and 506(d) of Regulation D, 17 CFR 230,505(b)(2)(iii), 230.506(d).

[170] *See* Rule 262 of Regulation A, 17 CFR 230.262.

[171] *See* Rule 503 of Regulation Crowdfunding.

[172] *See* proposed Rule 504(b)(3).

[173] *See id.*

[174] For the period 2009 through 2014, 34,705 Form D filings were made for offerings of less than $1 million, of which 3,719 reported an offering made in reliance upon Rule 504. This represented 11% of all Regulation D offerings raising less than $1 million. During this time period, 30,461 Form D filings reported an offering made in reliance upon Rule 506, representing 88% of all Regulation D offerings raising less than $1 million. Only 525 Form D filings reported reliance upon Rule 505, representing only 2% of all Regulation D offerings during this time period raising less than $1 million. *See* Scott Bauguess, Rachita Gullapalli and Vladimir Ivanov, ''Capital Raising in the U.S.: An Analysis of the Market for Unregistered Securities Offerings, 2009–2014'' (October 2015) (''Unregistered Offerings White Paper''), *available at http://www.sec.gov/dera/staff-papers/white-papers/unregistered-offering10-2015.pdf.*

[175] *Id.* The data on Regulation D offerings for the period from 2009 through 2014, suggests that the preemption of state securities laws registration and qualification requirements, which is unique to Rule 506 offerings in Regulation D, may be of greater value to issuers than the unique features of either Rules 504 or 505. Data suggests that Rule 506 is the dominant offering method even among those offerings eligible for Rules 504 or 505. Almost 50% of all Rule 506 offerings by non-funds issuers since 2009 were for $1 million or less and therefore may have qualified for the Rule 504 exemption based on offering size. An additional 20% of offerings were for between $1 million and $5 million and therefore could have claimed a Rule 505 exemption based on offering size.

[176] We seek comment below on whether, if Rule 505 is retained in the final rules, a corresponding change should be made to Rule 505(b)(2), 17 CFR 230.505(b)(2). *See* Request for Comment 63 below.

[177] 17 CFR 230.504(b)(2); *see also* 17 CFR 230.505(b)(2).

[178] *See* Notes 1 and 2 to Rule 504(b)(2). [17 CFR 230.504(b)(2)].

multiple offerings pursuant to Section 3(b).'' [179] In the intervening years, however, in implementing Congressional mandates,[180] the Commission has increased the potential for issuers, particularly smaller issuers, to raise large sums of capital in offerings that are exempt from registration in a more cost-effective manner, while continuing to provide appropriate safeguards for investors.[181] Therefore, we are seeking comment on whether the current requirements for Rule 504(b)(2), as they relate to the aggregation of offering proceeds across all offerings that are conducted pursuant to Securities Act Section 3(b), should be retained in the amended rules.

The Commission has brought a number of enforcement actions in recent years against persons that have sought to use the provision in Rule 504(b)(1)(iii) permitting conditional use of general solicitation and general advertising to engage in fraudulent offerings.[182] In light of the foregoing, we also are seeking comment on whether we should adopt additional changes to Rule 504 that could potentially increase investor protections in such offerings. In particular, we are considering, and seeking comment on, whether limitations on resale should be imposed on securities sold in reliance on Rule 504(b)(1)(iii) or whether Rule 504(b)(1)(iii) should be repealed.[183]

Lastly, we propose certain technical amendments to Rules 504 and 505. We propose a technical amendment to Rule 504(b)(2), and its related provision in Rule 505(b)(2), that would update the reference to Securities Act Section 3(b) to Section 3(b)(1). This technical revision is necessary in light of the re-designation of Section 3(b) as Section 3(b)(1) that occurred as a result of the Securities Act amendments in Title IV of the JOBS Act.[184] Additionally, we propose technical amendments to the notes to Rule 504(b)(2) that would update the current illustrations of how the aggregate offering amount limitation is calculated in the event that an issuer sells securities pursuant to Rule 504 and Rule 505 within the same twelve-month period.[185] This technical revision is necessary in order to account for the proposed increase to the Rule 504 aggregate offering amount limitation.

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As proposed, should we increase the Rule 504 offering limit from a maximum of $1 million of securities in a twelve-month period to a maximum of $5 million of securities in a twelve-month period? Why or why not? Should we adopt a higher or lower aggregate offering limit? If so, what should the aggregate offering limit be and why? For example, should we use our general exemptive authority to adopt a $20 million annual offering limit in Rule 504 that aligns with the maximum offering limit permitted under Tier 1 of Regulation A? 52.

52. Would the proposed increase in the Rule 504 aggregate offering amount limitation give state securities regulators greater flexibility to develop regional coordinated review programs that would rely on Rule 504 at the federal level? Why or why not? What additional changes, if any, could we make to Rule 504 in order to facilitate efforts by state securities regulators to develop robust coordinated review programs that include appropriate investor protections and encourage capital formation?

53. Should we amend Rule 504, as proposed, to include bad actor disqualification provisions that align with those included in Rule 506(d) of Regulation D? Why or why not?

54. As proposed, should issuers only be disqualified from reliance on Rule 504 for bad actor disqualifying events that occur after the effectiveness of any final rule amendments? Why or why not?

55. If we adopt bad actor disqualification provisions for Rule 504 offerings, should we require issuers to provide disclosure to purchasers of any bad actor disqualifying events that occur before effectiveness of any final rule amendments as proposed? Why or why not?

56. Should we amend the method by which an issuer calculates compliance with the Rule 504 aggregate offering amount limitation to remove the reference to other offerings conducted pursuant to Section 3(b)(1)? Or should we instead continue to require issuers to aggregate Rule 504 offerings with all offerings conducted within the prior twelve-month period pursuant to Section 3(b)(1) and/or in violation of Section 5(a) when calculating the offering amount limitation? Why or why not? Should offerings made in violation of Section 5(a) be aggregated in all instances?

57. Are there additional changes to Rule 504 that would increase the general utility of the exemption or provide additional investor protections? If so, please explain.

58. Should Rule 504 be available to Exchange Act reporting companies? Why or why not?

59. Should securities sold in reliance on Rule 504(b)(1)(iii) pursuant to a state law exemption that permits general solicitation and general advertising so long as sales are made only to accredited investors be subject to the limitations on resale in Rule 502(d) and, as such, be deemed ''restricted securities'' for purposes of Rule 144? Alternatively, should we adopt a requirement, similar to proposed Rule 147(e),[186] that would require the securities to come to rest within such state by only prohibiting resales to out of state residents for a period of nine months after such securities are purchased by an investor? Why or why not?

60. Are there other amendments we should make to Rule 504(b)(1)(iii) to address concerns about potential abuse of this provision? Please explain.

61. Should we repeal Rule 504(b)(1)(iii), in light of our proposed revisions to Rule 147? With the exception of the unrestricted status of securities sold pursuant to Rule 504(b)(1)(iii), what value would this rule continue to provide to issuers and investors?

C. Continued Utility of Rule 505 as an Exemption From Registration

As noted above, in light of the proposed changes to Rule 504, we also are seeking comment on the continued utility of Rule 505 as an exemption from registration. Rule 505 is used far less frequently than Rule 506, and an increase in the Rule 504 offering ceiling from $1 million to $5 million could diminish its utility. Rule 505 is available to both non-reporting and

[179] SEC Rel. No. 33–6180 (Jan. 17, 1980). This provision was subsequently carried over into Rule 505 and adopted into Rule 504 when Regulation D was adopted by the Commission in 1982. *See* SEC Rel. No. 33–6389 (March 8, 1982); SEC Rel. No. 33–6339 (Aug. 7, 1981).

[180] *See* JOBS Act, Pub. L. 112–106, 126 Stat. 306.

[181] *See, e.g.,* Regulation A, 17 CFR 230.251 *et seq.,* providing non-Exchange Act reporting companies with the option to raise up to $20 million annually pursuant to the requirements of Tier 1 and up to $50 million annually pursuant to the requirements of Tier 2.

[182] *See, e.g.,* SEC v. Stephen Czarnik, Case No. 10–cv–745 (S.D.N.Y.), Litigation Release No. 21401 (Feb. 2, 2010); SEC v. Yossef Kahlon, a/k/a Jossef Kahlon and TJ Management Group, LLC, Case No. 4:12–cv–517 (E. D. Tex.) (Aug. 14, 2012).

[183] Any such amendment would not affect the resale status of securities sold under the exemptions in Rules 504(b)(1)(i) and 504(b)(1)(ii), which exempt certain offerings of securities that are registered under a state securities law that requires the public filing and delivery of a disclosure document to investors before sale. As such, the resale limitations of Rule 502(d) would continue not to apply to securities sold in transactions that are exempted by those rules and those securities would not be ''restricted securities'' for purposes of Rule 144.

[184] Pub. L. 112–106, 126 Stat. 306, at Sec. 401.

[185] *See* Notes 1 and 2 to proposed Rule 504(b)(2).

[186] *See* proposed Rule 147(e) and related discussion in Section II.B.4.c above.

reporting issuers,[187] so long as the aggregate offering amount does not exceed $5 million in any twelve-month period.[188] An issuer relying upon Rule 505 may not engage in general solicitation or general advertising and securities issued under the exemption are restricted securities.[189]

Issuers relying upon Rule 505 are subject to additional conditions not required under Rule 504, such as the following:

- Sales to no more than 35 non-accredited investors and an unlimited number of accredited investors; [190]
- Delivery of a disclosure document to non-accredited investors [191] that generally contains the same information as included in a Securities Act registration statement.[192]
- Disqualification of felons and other ''bad actor'' from participating in the offering.[193]

With the exception of the offering limitation contained in Rule 505, the Rule 505 requirements are substantially similar to the requirements of Rule 506.[194] Nevertheless, issuers have overwhelmingly elected to rely upon Rule 506 instead of 505, including in offerings of up to $5 million.[195] As discussed more fully in Section V below, data from Forms D filed with the Commission suggest that the preemption of state securities law registration and qualification requirements available only to issuers relying upon Rule 506 may offset the unique features of Rule 504 or 505 offerings.[196]

Amending Rule 504 to allow for a larger aggregate offering amount of up to $5 million may reduce the incentives to use Rule 505 by issuers contemplating an exempt offering. Absent additional amendments to Regulation D, if we were to eliminate Rule 505, Regulation D would be limited to two offering exemptions, Rule 504 and Rule 506. Rule 504 would be available only to non-reporting issuers [197] that are not investment companies [198] or development stage companies [199] for offerings of up to $5 million in a twelve-month period and would permit general solicitation and the issuance of unrestricted securities in certain limited situations. Rule 506 would be available to all issuers without any aggregate offering limitations and would permit the issuance of only restricted securities, while allowing general solicitation under certain limited circumstances.[200] We are seeking comment on the utility of Rule 505 in light of the proposed changes.

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62. Should we repeal Rule 505? Why or why not?

63. If Rule 505 is retained, should it be modified in some manner? For example, if we amend the manner in which the aggregate offering amount limitation is calculated in Rule 504 offerings, should we make a corresponding change to the manner in which the Rule 505 aggregate offering amount limitation is calculated? [201] What additional changes, if any, should be made to the rule?

64. Should Rule 505 be replaced with a new Securities Act exemption having, any, or all, of the following features:

- Early-stage capital formation as its primary purpose;
- eligibility only for non-Exchange Act reporting issuers;
- subject to the anti-fraud provisions of the federal securities laws and the civil liability provisions of Section 12(a)(2) of the Securities Act;
- exempting holders of the securities from the registration requirements of Section 12(g) of the Exchange Act;
- a relatively low maximum aggregate offering amount over a 12-month period, such as $100,000;
- a limit on the maximum investment amount per investor, such as $2,000;
- a higher maximum investment amount for more sophisticated investors, based on criteria, such as net worth, net income or some other proxy for investment sophistication;
- ''covered security'' status under Section 18 of the Securities Act by either enacting a new ''safe harbor'' pursuant to Securities Act Section 4(a)(2) or by defining purchasers of securities issued in an offering pursuant to the exemption as ''qualified purchasers,'' pursuant to Securities Act Section 18(b)(3);
- additional or alternative criteria?

65. Alternatively, whether or not we repeal Rule 505 and if, as proposed, we increase the aggregate offering amount that may be raised pursuant to Rule 504 to $5 million of securities in a twelve-month period, should the amendments to Rule 504 include some of the provisions currently required by Rule 505? If so, which ones and why? Should any such requirement of current Rule 505 only be required if the Rule 504

[187] Rule 505 is available to any issuer that is not an investment company.

[188] As with Rule 504, the aggregate offering price includes proceeds from offers and sales under Section 3(b) or in violation of Section 5(a) of the Securities Act. *See* note 176 above.

[189] *See* Rule 505(b), 17 CFR 230.505(b).

[190] Rule 505(b)(2)(ii), 17 CFR 230.505(b)(2)(ii).

[191] Rule 505(b)(1), 17 CFR 230.505(b)(1). An issuer may decide what information to give to accredited investors, subject to the antifraud provisions of the federal securities laws. If the issuer provides information to accredited investors, it must make this information available to the non-accredited investors as well. As noted in Section III.B above, however, certain offerings conducted pursuant to Rule 504 also require the delivery of a disclosure document to investors, as required under state law.

[192] Financial statements required to be provided to non-accredited investors under Rule 502(b) must be audited by a certified public accountant. As indicated in the note to Rule 502(b)(1), ''issuers providing required information to non-accredited investors should also consider providing such information to accredited investors as well, in view of the antifraud provisions of the federal securities laws.''

[193] Rule 505(b)(2)(iii) refers to the disqualification provisions of Rule 262 of Regulation A. Issuers relying upon Rule 506 of Regulation D are also subject to similar disqualification provisions under Rule 506(d) of Regulation D. While not currently applicable to Rule 504 offerings, we propose to adopt bad actor disqualification provisions for Rule 504 that would be substantially similar to those applicable to Rule 506 offerings. *See* discussion Section III.B above.

[194] Unlike Rule 504, Rule 505 is available to companies that are subject to the requirements of Section 13 or 15(d) of the Exchange Act, as well as to development stage companies that either have no specific business plan or purpose or have indicated that their business plan is to engage in a merger or acquisition with an unidentified company or companies. Data suggests, however, that less the 4% of all issuers during the 2009–2014 period that conducted Rule 505 offerings were Exchange Act reporting companies (50 companies out of a total of 1337 companies).

[195] For the period 2009 through 2014, 65,514 offerings on Form D were filed for offerings raising less than $5 million, of which 1,368 filings reported an offering made in reliance upon Rule 505 of Regulation D, representing only 2% of all offerings made in reliance upon Regulation D during this time period, and 60,427 Form D filings reported an offering made in reliance upon Rule 506, representing approximately 92% of all offerings reporting reliance upon Regulation D during this time period. Variations in percentages are due to reporting errors and issuers ability to claim more than one exemption on the Form D. Issuers also overwhelmingly relied upon Rule 506 instead of Rule 504 when undertaking offerings for $1 million or less. *See* discussion on the use of Rule 504 in Section V.B.4 below.

[196] *See* note 175 and related text in the discussion above. For the period 2009 through 2014, $5.773 trillion was raised under Regulation D of which 0.1% was raised in reliance on Rule 504, 0.1% was raised in reliance on Rule 505, and at least 99.2% was raised in reliance on Rule 506 (we do not have data with respect to the remaining 0.6% of aggregate capital raised under Regulation D). During the same time period, there were 118,846 new and continuing offerings under Regulation D of which 3.3% were made in reliance on Rule 504, 1.2% were made in reliance on Rule 505, and at least 94.8% were made in reliance on Rule 506 (we do not have data with respect to the remaining 0.7% of new and continuing offerings made under Regulation D during this time period). In 2014, Rule 505 offerings represented 1.48% of all new Regulation D offerings and 0.04% of all aggregate capital raised under Regulation D.

[197] *See* 17 CFR 230.504(a)(1).

[198] *See* 17 CFR 230.504(a)(2).

[199] *See* 17 CFR 230.504(a)(3).

[200] In such scenario, Rule 505 of Regulation D would be repealed and reserved.

[201] *See* discussion in Section III.B and request for comment 0 above.

offering exceeds a certain aggregate offering amount of securities, such as the Rule 504 current annual offering limit of $1 million or some other amount?

IV. General Request for Comment

We solicit comment, both specific and general, on each component of the proposals. We request and encourage any interested person to submit comments regarding:

- the proposals that are the subject of this release;
- additional or different revisions to the rules discussed above; and
- other matters that may have an effect on the proposals contained in this release.

Comment is solicited from the point of view of both issuers and investors, as well as of capital formation facilitators, such as broker-dealers, and other regulatory bodies, such as state securities regulators. Any interested person wishing to submit written comments on any aspect of the proposal is requested to do so. With regard to any comments, we note that such comments are of particular assistance to us if accompanied by supporting data and analysis of the issues addressed in those comments. We urge commenters to be as specific as possible.

V. Economic Analysis

This section analyzes the expected economic effects of the proposed amendments relative to the current baseline, which is the regulatory framework and state of the market [202] in existence today, including current methods available to potential issuers to raise capital up to $5 million. We are mindful of the costs imposed by, and the benefits obtained from, our proposed amendments. Relative to this baseline, our analysis considers the anticipated benefits and costs for market participants affected by the proposed amendments as well as the impact of the proposed amendments on efficiency, competition, and capital formation.[203] We also analyze the potential benefits and costs stemming from alternatives to the proposed rule amendments that we considered. Many of the benefits and costs discussed below are difficult to quantify, especially when analyzing the likely effects of the proposed amendments on efficiency, competition, and capital formation. For example, it is difficult to precisely estimate the extent to which the proposed amendments to Rule 147 would promote future reliance by issuers on this exemption, or the extent to which future use of Rule 147 would affect the use of other offering methods. Similarly, it is difficult to quantify the effect of the proposed amendments on investor protection. Therefore, much of the discussion in this section is qualitative in nature. However, where possible, we have attempted to quantify the expected effects of the proposed amendments.

A. Baseline

The proposed amendments would primarily impact the financing market for startups and small businesses.[204] The baseline for our economic analysis of the proposed amendments to Rule 147 and Rule 504—including the baseline for our consideration of the effects of the proposed amendments on efficiency, competition and capital formation—is the regulatory framework and market structure in existence today, in which startups and small businesses seeking to raise capital through securities offerings must register the offer and sale of securities under the Securities Act, unless they can rely on an existing exemption from registration under the federal securities laws. In addition to a description of the type and number of issuers that currently offer and sell securities in reliance on the Rule 147 and Rule 504 exemptions, our analysis includes a description of investors who purchase or may consider purchasing such securities and a discussion of the role of intermediaries in such offerings.

1. Current Market Participants

As discussed above, existing Rule 147 is a safe harbor for complying with the intrastate offering exemption provided by Section 3(a)(11) of the Securities Act. Consistent with the statutory exemption, Rule 147 imposes no offering amount limit but requires that issuers offer and sell securities to residents of the same state or territory in which the issuer is resident. In addition, issuers seeking to rely on the safe harbor must satisfy certain prescriptive threshold requirements to be considered ''doing business'' in-state. Existing Rule 504 limits the offering amount to $1 million in a 12-month period and permits general solicitation under certain conditions, such as that offers and sales are made exclusively in one or more states that provide for securities registration and the public filing and delivery to investors of a substantive disclosure document before sale.[205] Table 1 summarizes the main characteristics of Rule 147 and Rule 504.

[202] The term ''market'' as used throughout this economic analysis refers to capital markets in general, and where discussed in the context of a specific rule, relates to the provisions of the relevant exemption or safe harbor. We refer, for example, to the Rule 147 and Rule 504 exemptions as the Rule 147 and Rule 504 markets because each of those rules' provisions prescribe requirements that determine who can participate and how the participants (issuers/investors/intermediaries) can engage in transactions under each exemption. Participants face different trade-offs when choosing between the markets created by each of the exemptions and safe harbors.

[203] Securities Act Section 2(b) requires us, when engaging in rulemaking that requires us to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. *See* 15 U.S.C. 77b(b).

[204] In 2013, there were more than 5 million small businesses defined by the U.S. Census Bureau as having fewer than 500 paid employees. *See* U.S. Department of Commerce, United States Census Bureau, *Business Dynamics Statistics, Data: Firm Characteristics* (2013), *available at http://www.census.gov/ces/dataproducts/bds/data_firm.html.*

[205] *See* Section III.A above.

TABLE 1—MAIN CHARACTERISTICS OF EXISTING RULE 147 AND RULE 504

Type of offering	Offering limit [206]	Solicitation	Issuer and investor requirements	Filing requirement	Restriction on resale	Blue sky law preemption
Rule 147	None	Only intrastate solicitation.	All issuers must be incorporated and "doing business" in state. All investors must be residents in state.	None	Interstate resales are restricted for nine months from the later of the last sale in, or the completion of, the offering.[207]	No.
Rule 504 Regulation D	$1 million	General solicitation permitted in certain cases.[208]	Excludes investment companies, blank-check companies, and Exchange Act reporting companies.	File Form D.[209]	Restricted in some cases.[210]	No.

The proposed amendments to Rule 147 and Rule 504 would primarily affect securities issuers, particularly startups and small businesses that rely on unregistered offerings under these and other exemptions to raise capital, and accredited and non-accredited investors in unregistered offerings.

a. Issuers

i. Rule 147 Issuers

Under current Rule 147, there are no restrictions on the type of issuers that can utilize the safe harbor, and there is no limit on the amount of capital that can be raised. However, there are in-state residency and eligibility requirements that an issuer must satisfy in order to rely on Rule 147. Eligible issuers are those that are incorporated or organized in-state, have their ''principal office'' in-state, and can satisfy three 80% thresholds concerning their revenues, assets and use of net proceeds.

While we do not have access to data on the number and size of offerings,[211] the amount of capital raised, and the type of issuers currently relying on the Rule 147 safe harbor, the nature of the eligibility requirements leads us to believe that the rule is currently being used by U.S. incorporated firms that are likely small businesses seeking to raise small amounts of capital without incurring the costs of registering with the Commission.

Currently, issuers that intend to conduct intrastate crowdfunding offerings are required to use Rule 147 by most of the states that have enacted crowdfunding provisions.[212] Based on information from NASAA,[213] as of September 2015, 29 states and the District of Columbia have enacted state crowdfunding provisions, and more states are expected to promulgate similar provisions in the near future. Since December 2011, when the first state (Kansas) enacted its crowdfunding provisions, 118 state crowdfunding offerings have been reported to be filed with the respective state regulator.[214] Of these offerings, 102 were reported to be approved or cleared, as of August 1, 2015. Most of the cleared offerings were in Georgia, Michigan, Oregon, Kansas and Indiana.

Given that almost all the enacted state crowdfunding provisions currently exclude reporting companies and entities defined as an investment company under the Investment Company Act of 1940, we expect that issuers that rely on Rule 147 are likely operating companies (''non-fund issuers''). While information on the size of these issuers is not available, data from NASAA shows that most issuers are from varied industries such as agriculture, manufacturing, business services, retail, entertainment, and technology.

We anticipate that many potential issuers of securities under proposed Rule 147, particularly those utilizing Rule 147 for intrastate crowdfunding, will continue to be small businesses, early stage firms and start-ups that are close to the ''idea'' stage of the business venture. Some of these issuers may lack business plans that are sufficiently developed to attract venture capitalists (VCs) or angel investors that invest in high risk ventures, or may not offer the profit potential or business model to attract such investors.[215]

ii. Rule 504 and Rule 505 Issuers

Rule 504 of Regulation D provides an exemption from registration under Section 3(b)(1) of the Securities Act for offerings that do not exceed $1 million during a 12-month period. An analysis of Form D filings indicates that reliance on Rule 504 exemptions has been declining over time. As shown in Figure 1, while offerings under Rule 506 of Regulation D grew significantly from 1993 to 2014, offerings under Rule 504 and Rule 505 in 2014 were one quarter of 1993 levels. In addition, while offering activity under Rule 504 has been higher than under the Rule 505 exemption, the number of new Rule 504 offerings peaked in 1999, with 3,402 new offerings initiated, and steeply declined afterward. Compared to the early 1990s when Rule 504 offerings constituted approximately 28% of all

[206] Aggregate offering limit on securities sold within a 12-month period.

[207] Rule 147(e), 17 CFR 230.147(e). Additional resale restrictions may apply under state securities laws, which typically restrict in-state resales for a period of one-year.

[208] No general solicitation or advertising is permitted unless the offering is registered in a state requiring the use of a substantive disclosure document or sold under a state exemption for sales to accredited investors with general solicitation.

[209] Filing is not a condition of the exemption, but it is required under Rule 503.

[210] Restricted unless the offering is registered in a state requiring the use of a substantive disclosure document or sold under a state exemption limiting sales only to accredited investors.

[211] Unlike Regulation D, which requires the filing of a Form D, Rule 147 does not require any filing with the Commission, and we thus have no source of reliable data about the prevalence and scope of Rule 147 offerings.

[212] *See http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/intrastate-crowdfunding-directory/.*

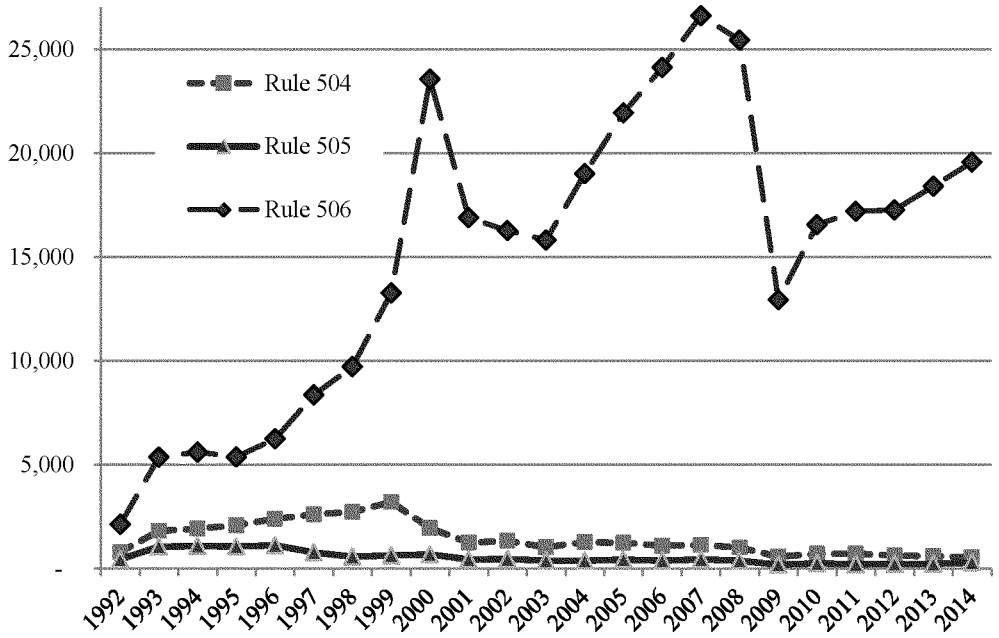
[213] *See* NASAA's Intrastate Crowdfunding Resource Center at *http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/. See also http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/intrastate-crowdfunding-directory/.*

[214] *Id.* The jurisdictions included in the estimate are Alabama, District of Columbia, Georgia, Idaho, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Oregon, Texas, Vermont, Washington and Wisconsin.

[215] In this regard, a study of one large crowdfunding platform revealed that relatively few companies on that platform operate in technology sectors that typically attract VC investment activity. *See* Ethan R. Mollick, *The Dynamics of Crowdfunding: An Exploratory Study* (Working Paper) (June 26, 2013), *available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2088298.*

new Regulation D offerings, the proportion of Rule 504 offerings between 2009 and 2014 ranged between 3% and 4% of all new Regulation D offerings.

Figure 1: Number of New Offerings under Regulation D Exemptions[216]



The current limited use of the Rule 504 exemption and the predominance of Rule 506 are also evident when we consider the total amount raised in offerings under each of these exemptions. Overall, capital formation in the Rule 504 market constituted approximately 0.1% of the capital raised in all Regulation D offerings initiated during 2009–2014.[217] Considering only Regulation D offerings of up to $1 million (the maximum amount that a Rule 504 offering can raise in a year) initiated by non-fund issuers, the share of Rule 504 offerings was slightly higher at 7%.

During the period 2009–2014, issuers relying on the Rule 504 exemption were predominantly non-fund issuers. As shown in Table 2, less than 3% of new Rule 504 offerings during 2009–2014 were initiated by fund issuers.[218] Similarly, between 2009 and 2014, the amounts raised by fund issuers in both new and continuing[219] Rule 504 offerings constituted a small proportion (1% to 6%) of amounts reported to be raised in all Rule 504 offerings.

TABLE 2—RULE 504 CAPITAL RAISING ACTIVITY, 2009–2014

	Number of offerings	Proportion by non-fund issuers %	Total amount raised ($ million)	Proportion by non-fund issuers %
2009	579	98	91	94
2010	714	99	131	99
2011	721	98	113	99
2012	632	98	109	96
2013	599	96	97	94
2014	544	97	94	96

Figure 2 shows the size of Rule 504 issuers during the period 2009–2014.[220] Of all the issuers that disclosed their size in their Form D filings (approximately 80% of all Rule 504 issuers), more than three quarters of

[216] Data is not readily available for the period 2002–2008 during which Form D was a paper-based filing. The form became available electronically in March 2009. Since the data for year 2009 is only for the period April to December, the number of new Regulation D offerings shown is underestimated for 2009.

[217] *See* Unregistered Offerings White Paper.

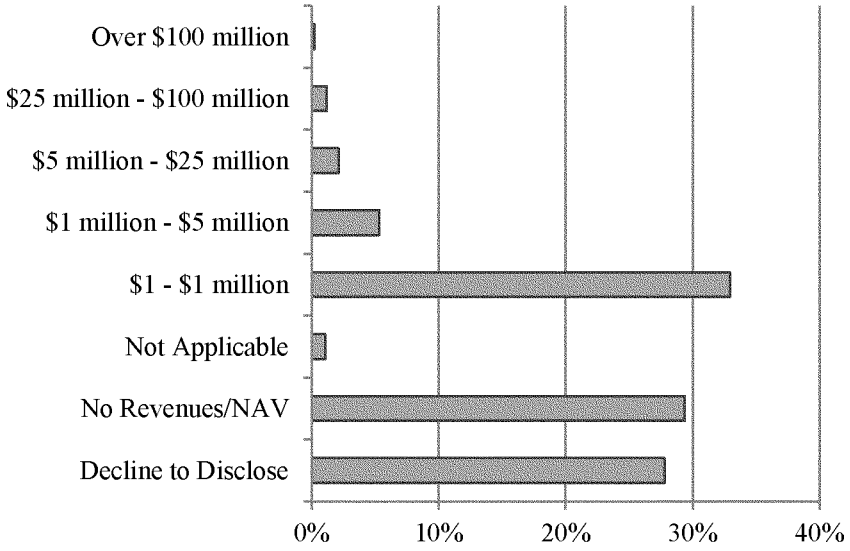
[218] Based on an analysis of Form D filings. Our analysis uses the same assumptions and methodologies described in Unregistered Offerings White Paper, note 174 above.

[219] These offerings were initiated in previous years and continued raising capital in subsequent years. In order to accurately capture the level of capital formation under the Rule 504 exemption, we consider capital raised during a year by new offerings as well as incremental capital raised during the year by continuing offerings.

[220] Based on an analysis of Form D filings.

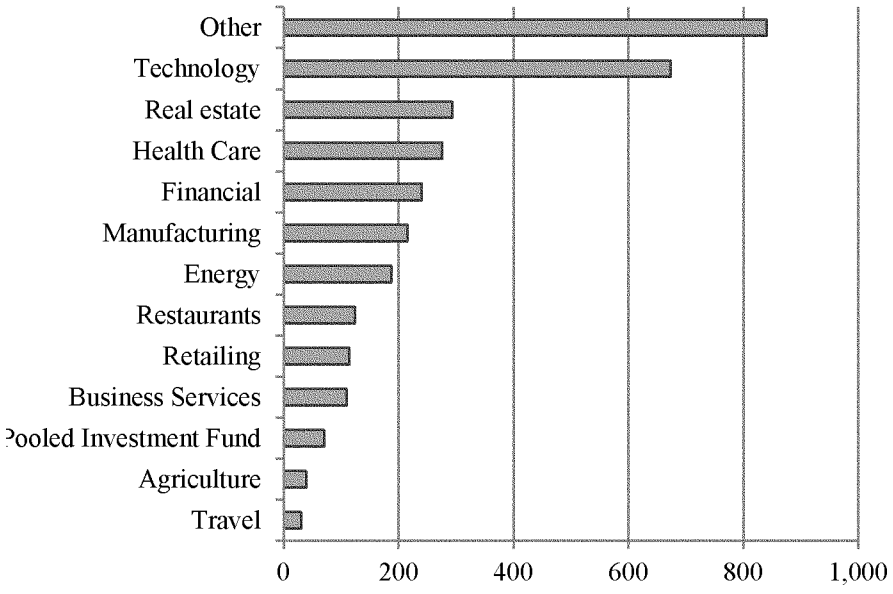
offerings were initiated by issuers that had no revenues, or had revenues or net asset values of less than $1 million. From this reported size, we believe that a vast majority of Rule 504 issuers likely consist of startups and small businesses. The small size of issuers is also reflected in the average age of issuers, as measured by years since incorporation. Based on Form D filings, 51% of Rule 504 issuers initiated their offerings during the year of their incorporation or in the subsequent year. Another 14% of issuers initiated their offerings between two and three years since incorporation.[221]

Figure 2: Size of Rule 504 Issuers, 2009–2014



Most Rule 504 issuers in the past five years reported to operate in the technology, real estate or other industry (Figure 3).[222]

Figure 3: Rule 504 Offerings by Industry, 2009-2014



As reported in Form D filings, during the period 2009–2014, Rule 504 issuers had their principal place of business in California (22%), followed by Texas, New York, Florida, Colorado and Illinois, though most were incorporated in Delaware (19%), California (14%) and Nevada (10%). In addition, approximately 32% of the Rule 504 offerings had separate states of incorporation and principal places of business. While only approximately 2%

[221] *Id.*

[222] *Id.*

of Rule 504 offerings were initiated by foreign-incorporated issuers, a larger number (5%) reported their principal place of business to be outside the United States. In addition, approximately 90% of issuers in the Rule 504 market initiated only one offering, and approximately 83% of such offerings were of equity securities during the period 2009–2014.

b. Investors

Currently, Rule 147 limits offers and sales to residents of the same state as the issuer. There are no other limitations on who can invest in Rule 147 and Rule 504 offerings. Although the Commission does not track data concerning investors participating in Rule 147 offerings, data from Form D filings provide some insights into the number and type of investors in Rule 504 offerings.

Table 3 below, shows that almost 31,000 investors participated in new Rule 504 offerings initiated during the period 2009–2014.[223] An analysis of Form D filings indicates that the average and median number of investors in Rule 504 was approximately 11 and 4, respectively.

TABLE 3—NUMBER AND TYPE OF INVESTORS IN RULE 504 OFFERINGS, 2009–2014

	Total investors	Average number of investors	% Offerings with non-accredited investors
2009	4,004	9	53
2010	5,427	10	54
2011	5,512	11	57
2012	6,295	13	58
2013	5,573	13	61
2014	3,996	10	60
2009–2014	30,807	11	57

Offerings that involved non-accredited investors between 2009 and 2014 were typically smaller and, on average, had fewer investors than those offerings that involved only accredited investors. The presence of non-accredited investors was larger in Rule 504 offerings, where the number of non-accredited investors is not limited, than in Rule 505 or Rule 506 offerings, where the number of non-accredited investors is limited to 35. Table 3 above shows that approximately 57% of Rule 504 offerings during 2009–2014 reported having sold, or intending to sell, to non-accredited investors.[224] These offerings, on average, had 16 investors, compared to 8 investors in Rule 504 offerings that reported not having sold or intending to sell to non-accredited investors.[225]

We believe, given investment limitations under state crowdfunding provisions, that many investors affected by the proposed amendments to Rule 147 would likely be individual retail investors whose broad access to potentially riskier investment opportunities in early-stage ventures is currently limited, either because they do not have the necessary accreditation or sophistication to invest in most private offerings or because they do not have sufficient funds to participate as angel investors. Intrastate crowdfunding offerings may provide retail investors with additional investment opportunities, although the extent to which they invest in such offerings will likely depend on their view of the potential return on investment as well as the potential risks, including fraud.

In contrast, larger, more sophisticated or well-funded investors may be less likely to invest in intrastate crowdfunding offerings. The relatively low offering amount limits, in-state investor residency requirements, and low investment limits for crowdfunding investors under state laws[226] may make these offerings less attractive for professional investors, including VCs and angel investors.[227] While an intrastate crowdfunding offering can bring an issuer to the attention of these investors, it is possible that professional investors would prefer to invest in offerings relying on Rule 506, which are not subject to the investment limitations applicable to crowdfunding.

c. Intermediaries

Issuers of private offerings may use broker-dealers to help them with various aspects of the offering and to help ensure compliance with the ban on general solicitation and advertising that exists for most private offerings. Private offerings can also involve finders and investment advisers who connect issuers with potential investors for a fee.[228] We do not have information on the extent of intermediary use in Rule 147 offerings; however, an analysis of Form D filings indicates that intermediaries are used less frequently in Rule 504 offerings than in registered offerings. Approximately 20% of Rule 504 offerings reported using an intermediary during the period 2009–2014. The average commissions and fees paid by Rule 504 issuers that reported using an intermediary was approximately 6% of the offer amount.

Although we are unable to predict the use of broker-dealers, transfer agents, investment advisers and finders in private offerings as a result of the proposed rules, data on the use of broker-dealers and finders in the Rule 506 market suggests that they may not currently play a large role in private offerings. Form D filings indicate that approximately 21% of Rule 506 offerings, including 15% of Rule 506 offerings initiated by non-fund issuers, used an intermediary during 2009–2014.[229] The use of a broker-dealer or a finder increased with offering size, while the average total fee declined with offering size.[230] We base these estimates, however, only on available data from the Regulation D market. It is

[223] Based on an analysis of Form D filings. *See also* Unregistered Offerings White Paper.

[224] *Id.*

[225] Based on an analysis of Form D filings.

[226] Most state crowdfunding provisions allow up to $2 million offering size, and a maximum investment of $10,000 by non-accredited investors.

[227] An observer suggests that, unlike angels, VCs may be less interested in crowdfunding because, if VCs rely on crowdfunding sites for their deal flow, it would be difficult to justify charging a 2% management fee and 20% carried interest to their limited partners. *See* Ryan Caldbeck, *Crowdfunding_Why Angels, Venture Capitalists And Private Equity Investors All May Benefit,* Forbes, Aug. 7, 2013.

[228] Depending on their activities, these persons may need to be registered as broker-dealers.

[229] *See* Section IV(c) in Unregistered Offerings White Paper.

[230] *Id.* Intermediaries participated in 16% of Rule 506 offerings of up to $1 million and 30% of offerings of more than $50 million. The average total fee (commission plus finder fee) paid by issuers conducting offerings of up to $1 million was 6.5% while the average total fee paid by issuers conducting offerings of more than $50 million was 1.9%.

possible that issuers engaging in other types of private offerings, for which data is not available to us, may use broker-dealers and finders more frequently.[231]

2. Alternative Methods of Raising up to $5 Million of Capital

The potential economic impact of the proposed amendments, including their effects on efficiency, competition and capital formation, will depend primarily on the extent of use of the amended Rule 147 and Rule 504 exemptions, and how these methods compare to alternative methods that startups and small businesses can use for raising capital.

As the proposed amendments to Rule 504 would permit offerings up to $5 million by all types of issuers, the analysis below discusses alternatives available for startups and small businesses to access up to $5 million in capital. Current state crowdfunding provisions, most of which require issuers to rely on Rule 147 for federal exemption, have offering limits up to $4 million and restrict private funds and investment companies from utilizing crowdfunding provisions. Our analysis below, therefore, also subsumes a discussion of alternative sources for non-fund issuers to raise capital up to $4 million.[232]

Startups and small businesses can potentially access a variety of external financing sources in the capital markets through, for example, registered or unregistered offerings of debt, equity or hybrid securities and bank loans. Issuers seeking to raise capital must register the offer and sale of securities under the Securities Act or qualify for an exemption from registration under the federal securities laws. Registered offerings, however, are generally too costly to be viable alternatives for startups and small businesses. Issuers conducting registered offerings must pay Commission registration fees, legal and accounting fees and expenses, transfer agent and registrar fees, costs associated with periodic reporting requirements and other regulatory requirements, and various other fees. Two surveys concluded that the average initial compliance cost associated with conducting an initial public offering is $2.5 million, followed by an ongoing compliance cost for issuers, once public, of $1.5 million per year.[233] Moreover, issuers conducting registered offerings usually pay underwriter fees, which average approximately 7% for initial public offerings, approximately 5% for follow-on equity offerings and approximately 1–1.5% for public bond issuances.[234] Hence, for an issuer seeking to raise less than $5 million, a registered offering typically may not be economically feasible.

a. Exempt Offerings

For startups and small businesses that can potentially access capital under the Rule 147 safe harbor and Rule 504 exemption, offerings under other existing exemptions from registration may represent alternative methods of raising capital. For example, startups and small businesses could rely on current exemptions and safe harbors, such as Section 3(a)(11), Section 4(a)(2),[235] Regulation A,[236] and Rule 506 of Regulation D.[237]

Each of these exemptions, however, includes restrictions that may limit its suitability for startups and small businesses seeking to raise capital up to $5 million. Table 4 below lists the main requirements of these exemptions.

TABLE 4—OTHER EXEMPTIONS CURRENTLY AVAILABLE FOR CAPITAL RAISING

Type of offering	Offering limit[238]	Solicitation	Issuer and investor requirements	Filing requirement	Restriction on resale	Blue sky law preemption
Section 3(a)(11)	None	All offerees must be resident in state.	All issuers and investors must be resident in state.	None	No[239]	No.
Section 4(a)(2)	None	No general solicitation.	Transactions by an issuer not involving any public offering[240].	None	Restricted securities.	No.

[231] A number of states that have enacted crowdfunding provisions require that the offer and sale of securities by means of intrastate crowdfunding be conducted through a funding portal or a broker-dealer. Some intrastate crowdfunding provisions require the offering portals to be registered generally with the state, or as a broker-dealer. Based on FOCUS Reports filed with the Commission, as of December 2014, there were 4,267 registered broker-dealers, with average total assets of approximately $1.1 billion per broker-dealer. The aggregate assets of these registered broker-dealers totaled approximately $4.9 trillion. *See* Crowdfunding Adopting Release for a more detailed discussion of intermediaries in crowdfunding offerings.

[232] While offerings greater than $5 million that are registered or exempt under state law, subject to certain conditions, could be raised under amended Rule 147, and fund issuers would not be excluded from using the exemption, we believe that the impact of the proposed amendments on larger offerings and fund offerings is not likely to be significant, given the local nature of offerings and also current state regulations for larger offerings. *See* Section V.B (discussing the impact of the proposed rule amendments is analyzed more in detail).

[233] *See* IPO Task Force, *Rebuilding the IPO On-Ramp,* at 9 (Oct. 20, 2011) for the two surveys, *available at http://www.sec.gov/info/smallbus/acsec/rebuilding_the_ipo_on-ramp.pdf* (''IPO Task Force''). The estimates should be interpreted with the caveat that most firms in the IPO Task Force surveys likely raised more than $1 million. The IPO Task Force surveys do not provide a breakdown of costs by offering size. However, compliance related costs of an initial public offering and subsequent compliance related costs of being a reporting company likely have a fixed cost component that would disproportionately affect small offerings.

Title I of the JOBS Act provided certain accommodations to issuers that qualify as emerging growth companies (EGCs). According to a recent working paper, the underwriting, legal and accounting fees of EGC and non-EGC initial public offerings were similar (based on a time period from April 5, 2012 to April 30, 2014). For a median EGC initial public offering, gross spread comprised 7% of proceeds and accounting and legal fees comprised 2.4% of proceeds. *See* Susan Chaplinsky, Kathleen W. Hanley, and S. Katie Moon, 2014, ''*The JOBS Act and the Costs of Going Public,*'' working paper, August 14, 2014, *available at http://ssrn.com/abstract_id=2492241.*

[234] *See, e.g.,* Hsuan-Chi Chen and Jay R. Ritter, ''*The Seven Percent Solution,*'' 55 J. Fin. 1105 – 1131 (2000); Mark Abrahamson, Tim Jenkinson, and Howard Jones, ''*Why Don't U.S. Issuers Demand European Fees for IPOs?*'' 66 J. Fin. 2055–2082 (2011); Shane A. Corwin, ''*The Determinants of Underpricing for Seasoned Equity Offers,*'' 58 J. Fin. 2249 – 2279 (2003); Lily Hua Fang, ''*Investment Bank Reputation and the Price and Quality of Underwriting Services,*'' 60 J. Fin. 2729 – 2761 (2005); Rongbing Huang and Donghang Zhang, ''*Managing Underwriters and the Marketing of Seasoned Equity Offerings,*'' 46 J. Fin. Quant. Analysis 141–170 (2011); Stephen J. Brown, Bruce D. Grundy, Craig M. Lewis and Patrick Verwijmeren, ''*Convertibles and Hedge Funds as Distributors of Equity Exposure,*'' 25 Rev. Fin. Stud. 3077–3112 (2012).

[235] Securities Act Section 4(a)(2) provides that the provisions of the Securities Act shall not apply to ''transactions by an issuer not involving a public offering.''

[236] Regulation A provides a conditional exemption from registration for certain small issuances. We recently adopted amendments to Regulation A, which became effective on June 19, 2015. *See* 2015 Regulation A Release.

[237] Rule 506(b) of Regulation D provides a nonexclusive safe harbor from registration for certain types of securities offerings. Rule 506(c) of Regulation D is a new exemption from registration that the Commission adopted to implement Section 201(a) of the JOBS Act.

TABLE 4—OTHER EXEMPTIONS CURRENTLY AVAILABLE FOR CAPITAL RAISING—Continued

Type of offering	Offering limit [238]	Solicitation	Issuer and investor requirements	Filing requirement	Restriction on resale	Blue sky law preemption
Regulation A	Tier 1: up to $20 million with $6 million limit on secondary sales by affiliates of the issuer; Tier 2: up to $50 million with $15 million limit on secondary sales by affiliates of the issuer.	Testing the waters permitted both before and after filing the offering statement.	U.S. or Canadian issuers, excluding investment companies, blank-check companies, reporting companies, and issuers of fractional undivided interests in oil or gas rights, or similar interests in other mineral rights [241].	File testing the waters materials, Form 1–A for Tiers 1 and 2 offerings; file annual, semi-annual, and current reports for Tier 2; file exit report for Tier 1 and to suspend or terminate reporting for Tier 2.	No.	Tier 1: No Tier 2: Yes
Rule 505 Regulation D.	$5 million	No general solicitation.	Unlimited accredited investors and up to 35 non-accredited investors.	File Form D [242]	Restricted securities.	No.
Rule 506(b) Regulation D.	None	No general solicitation.	Unlimited accredited investors and up to 35 non-accredited investors.	File Form D [243]	Restricted securities.	Yes.
Rule 506(c) Regulation D.	None	General solicitation is permitted, subject to certain conditions [244].	Unlimited accredited investors; no non-accredited investors.	File Form D [245]	Restricted securities.	Yes.

While we do not have complete data on offerings relying on an exemption under Section 3(a)(11) or Section 4(a)(2), certain data available from Regulation D and Regulation A filings allow us to gauge how frequently issuers seeking to raise up to $5 million use these exemptions. Based on Form D filings from 2009 to 2014, a substantial number of issuers chose to raise capital by relying on Rule 506(b), even though their offering size would qualify for an exemption under Rule 504 or Rule 505.[246] As shown below, in the upper part of Table 5 reporting the number of Regulation D offerings by all types of issuers, most of the issuers made offers for amounts of up to $1 million from 2009 to 2014. Most of the offerings up to $5 million rely on the Rule 506(b) exemption. The lower part of Table 5 shows a similar pattern for the number of offerings by non-fund issuers only. The overwhelming majority of non-fund issuers (approximately 78%) for offerings less than $5 million were five years or younger, and 68% of such issuers were two years or younger, with a median age of approximately one year. More than 93% of the non-fund issuers that made Regulation D offerings with offer sizes of $5 million or less during this period were organized as either a corporation or a limited liability company. Almost 23% reported no revenues, while approximately 21% had revenues of less than $5 million.[247]

TABLE 5—NUMBER OF REGULATION D AND REGULATION A OFFERINGS BY SIZE, 2009–2014

	Offering size				
	<=$1 million	$1–$2.5 million	$2.5–5 million	$5–50 million	>$50 million
All offerings:					
Rule 504	3,719				

[238] Aggregate offering limit on securities sold within a twelve-month period.

[239] Although Section 3(a)(11) does not have explicit resale restrictions, the Commission has explained that ''to give effect to the fundamental purpose of the exemption, it is necessary that the entire issue of securities shall be offered and sold to, and come to rest only in the hands of residents within the state.'' *See* 1961 Release. State securities laws, however, may have specific resale restrictions. Securities Act Rule 147, a safe harbor under Section 3(a)(11), limits resales to persons residing in-state for a period of 9 months after the last sale by the issuer. [17 CFR 230.147]

[240] Section 4(a)(2) of the Securities Act provides a statutory exemption for ''transactions by an issuer not involving any public offering.'' *See SEC* v. *Ralston Purina Co.,* 346 U.S. 119 (1953) (holding that an offering to those who are shown to be able to fend for themselves is a transaction ''not involving any public offering.'')

[241] The Regulation A exemption also is not available to companies that have been subject to any order of the Commission under Exchange Act Section 12(j) entered within the past five years; have not filed ongoing reports required by the regulation during the preceding two years, or are disqualified under the regulation's ''bad actor'' disqualification rules.

[242] Filing is not a condition of the exemption, but it is required under Rule 503.

[243] Filing is not a condition of the exemption, but it is required under Rule 503.

[244] General solicitation and general advertising is permitted under Rule 506(c). All purchasers must be accredited investors and the issuer must take reasonable steps to verify accredited investor status.

[245] Filing is not a condition of the exemption, but it is required under Rule 503.

[246] *See* Unregistered Offerings White Paper. This tendency could, in part, be attributed to two features of Rule 506: preemption from state registration (''blue sky'') requirements and an unlimited offering amount. *See also* GAO Report.

[247] These percentages could be higher because almost 45% of the Regulation D issuers declined to disclose their size.

TABLE 5—NUMBER OF REGULATION D AND REGULATION A OFFERINGS BY SIZE, 2009–2014—Continued

	Offering size				
	<=$1 million	$1–$2.5 million	$2.5–5 million	$5–50 million	>$50 million
Rule 505	525	450	393		
Rule 506(b)	29,751	15,805	13,562	26,847	11,942
Rule 506(c)	710	304	295	533	161
Total	34,705	16,559	14,250	27,380	12,103
Regulation A	5	4	29		
Non-fund offerings:					
Rule 504	3,643				
Rule 505	501	432	342		
Rule 506(b)	27,106	14,113	11,633	18,670	2,733
Rule 506(c)	588	261	270	419	89
Total	31,838	14,806	12,245	19,089	2,822

Note: Data based on Form D and Form 1–A filings from 2009 to 2014. We consider only new offerings and exclude offerings with amount sold reported as $0 on Form D. Data on Rule 506(c) offerings covers the period from September 23, 2013 (the day the rule became effective) to December 31, 2014. We also use the maximum amount indicated in Form 1–A to determine offering size for Regulation A offerings.

The table above also includes the number of Regulation A offerings by size. From 2009 to 2014, 38 issuers relied on Regulation A for offerings of up to $5 million.[248] This data does not reflect the recent amendments to Regulation A adopted by the Commission on March 25, 2015. The amendments allow issuers to raise up to $50 million over a 12-month period and preempt state registration requirements for certain Regulation A offerings (Tier 2 offerings). As these amendments became effective only recently, more time is needed to assess how the changes in Regulation A will affect capital raising by small issuers.[249]

b. Regulation Crowdfunding

The analysis above does not include securities-based crowdfunding transactions under the Regulation Crowdfunding exemption. Under these rules, which are not yet in effect, offerings pursuant to Regulation Crowdfunding are limited to a maximum amount of $1 million over a 12-month period and are subject to ongoing disclosure requirements. Securities issued pursuant to these rules can be sold to an unlimited number of investors (subject to certain investment limits), are freely tradable after one year, and can be offered and sold across states without state registration. In addition to the existing regulatory scheme of exemptions and safe harbors described above, Regulation Crowdfunding will provide a new exemption from the registration requirements of the Securities Act. Once effective, this exemption will provide startups and small businesses with an alternate source for raising up to $1 million in capital in a 12-month period through certain securities-based crowdfunding transactions. Unlike intrastate crowdfunding provisions enacted at the state level, the new federal crowdfunding exemption would allow interstate offerings. Table 6 below presents a comparison of the provisions of Regulation Crowdfunding and intrastate crowdfunding that rely on current Rule 147 for federal exemption.

TABLE 6—INTRASTATE CROWDFUNDING AND REGULATION CROWDFUNDING PROVISIONS

	State level crowdfunding + current rule 147[250]	Regulation crowdfunding[251]
Investor Base	All investors, resident in- state	All investors, all states.
State Registration	Exemption provided by state	Preemption.
Issuer Incorporation/Residency Limitations.	Issuer should be incorporated and "doing-business" in state.	Excludes foreign private issuers.
Excluded Issuers	Exchange Act reporting companies, investment companies and blank check companies (under most state provisions).	Exchange Act reporting companies, investment companies, pooled investment funds, and blank check companies.
Offering Size Limits	$250,000—$4 million, depending on state. Average (median) limit: $1.6 ($2) million.	Up to $1 million.
Security Type	Equity and debt in some states; equity only in other states; any security in some other states.	Any security.

[248] We only consider offerings with offering statements that have been qualified by the Commission. For purposes of counting filings, we exclude amendments or multiple 1–A filings by the same issuer in a given year. For purposes of determining the offering size for Regulation A offerings, we use the maximum amount indicated on the latest pre-qualification Form 1–A or amended Form 1–A. We reclassify two offerings that are dividend reinvestment plans with uncertain offering amounts as having the maximum permitted offering amount.

[249] *See* 2015 Regulation A Adopting Release.

TABLE 6—INTRASTATE CROWDFUNDING AND REGULATION CROWDFUNDING PROVISIONS—Continued

	State level crowdfunding + current rule 147 [250]	Regulation crowdfunding [251]
Audited Financials Requirement	Most states, if offer greater than $1 million	Required for offerings greater than $500,000 with the exception of first-time crowdfunding issuers offering more than $500,000 but not more than $1,000,000, who are permitted to provide financial statements reviewed by an independent accountant, unless the issuer has audited statements otherwise available. Reviewed financial statements are required for offerings greater than $100,000 but not more than $500,000, unless the issuer has audited statements otherwise available.
General Solicitation	Allowed but only to investors resident in state	Allowed with limitations on advertising.
Investment Limits	$2,500-$10,000, depending on state, for non-accredited investors. None, in most states, for accredited investors	(a) the greater of $2,000 or 5% of the lesser of the investor's annual income or net worth if either annual income or net worth is less than $100,000, or (b) 10% of the lesser of the investor's annual income or net worth if both annual income and net worth are $100,000 or more, subject to investment cap of $100,000.
Restrictions on Resale	Interstate resales restricted for nine months [252]	12-month resale limitation; resale within one year to issuer and certain investors.
Exemption from Section 12(g) Registration Requirements.	No exemption	Exempted, provided that the issuer is current in its ongoing annual reports required pursuant to Rule 202 of Regulation Crowdfunding, has total assets as of the end of its last fiscal year not in excess of $25 million, and has engaged the services of a transfer agent registered with the Commission pursuant to Section 17A of the Exchange Act.

c. Private Debt Financing

While equity-based financing, including principal owner equity, accounts for a significant proportion of the total capital of a typical small business, other sources of capital for startups and small businesses include loans from commercial banks, finance companies and other financial institutions, business credit cards and credit lines.[253]

For example, a 2014 study reports that startups frequently resort to bank financing early in their lifecycle.[254] The study finds that businesses rely heavily in the first year after formation on external debt sources such as bank financing, mostly in the form of personal and commercial bank loans, business credit cards, and credit lines. Another recent report, however, shows a decline in bank lending to small businesses, which fell by $100 billion from 2008 to 2011.[255] This report also shows that less than one-third of small businesses reported having a business bank loan by 2012. Similarly, an FDIC report shows that, as of June 2014, small business lending, specifically business loans of up to $1 million, by FDIC-insured depository institutions amounted to approximately $590 billion, which is 17% lower than the 2008 level.[256]

An earlier study by Federal Reserve Board staff covering the pre-recessionary period suggests that 60% of small businesses had outstanding credit in the form of a credit line, a loan or a capital lease.[257] These loans were borrowed from two types of financial institutions: Depositary and non-depositary institutions (*e.g.,* finance companies, factors or leasing companies).[258] Lines of credit were the most widely used type of credit.[259] Other types included mortgage loans, equipment loans, and motor vehicle loans.[260]

Small businesses may also receive funding from various loan guarantee programs of the Small Business Administration (''SBA''), which makes credit more accessible to small businesses by either lowering the interest rate of the loan or enabling a market-based loan that a lender would

[250] Information based on provisions reflective of most states that have enacted crowdfunding provisions. *See http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/intrastate-crowdfunding-directory/.*

[251] *See* Regulation Crowdfunding Adopting Release.

[252] Rule 147(e), 17 CFR 230.147(e). States may impose additional resale restrictions.

[253] Using data from the 1993 Survey of Small Business Finance, one study indicates that financial institutions account for approximately 27% of small firms' borrowings. *See* Allen N. Berger and Gregory F. Udell, *The Economics of Small Business Finance: The Roles of Private Equity and Debt Markets in the Financial Growth Cycle,* 22 J. Banking & Fin. 613 (1998). *See also* 1987, 1993, 1998 and 2003 Surveys of Small Business Finances, *available at http://www.federalreserve.gov/pubs/oss/oss3/nssbftoc.htm.* The Survey of Small Business Finances was discontinued after 2003. Using data from the Kauffman Foundation Firm Surveys, one study finds that 44% of startups use loans from financial institutions. *See* Rebel A. Cole and Tatyana Sokolyk, *How Do Start-Up Firms Finance Their Assets? Evidence from the Kauffman Firm Surveys* (2012), *available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2028176.*

[254] *See* Robb, A., and D. Robinson, 2014, *The Capital Structure Decisions of New Firms,* Review of Financial Studies 27(1), pp. 153–179 (''*Robb*'').

[255] *See* The Kauffman Foundation, *2013 State of Entrepreneurship Address* (Feb. 5, 2013), *available at http://www.kauffman.org/~/media/kauffman_org/research%20reports%20and%20covers/2013/02/soe%20report_2013pdf.pdf.* The report cautions against prematurely concluding that banks are not lending enough to small businesses as the sample period of the study includes the most recent recession.

[256] We define small business loans to include commercial and industrial loans of up to $1 million and loans secured by nonfarm nonresidential properties and commercial and industrial loans of up to $1 million to U.S. addressees. *See* Federal Deposit Insurance Corporation, *Statistics on Depository Institutions Report, available at http://www2.fdic.gov/SDI/SOB/* (''*FDI Statistics*'').

[257] *See* Federal Reserve Board, *Financial Services Used by Small Businesses: Evidence from the 2003 Survey of Small Business Finances* (October 2006), *available at http://www.federalreserve.gov/pubs/bulletin/2006/smallbusiness/smallbusiness.pdf* (''2003 Survey'').

[258] *See* Rebel Cole, *What Do We Know About the Capital Structure of Privately Held Firms? Evidence from the Surveys of Small Business Finance* (Working Paper) (Feb. 2013), *available at http://onlinelibrary.wiley.com/doi/10.1111/fima.12015/pdf*

[259] *See* 2003 Survey, note 257 (estimating that 34% of small businesses use lines of credit).

[260] *Id.*

not be willing to provide, absent a guarantee.[261] SBA loan programs include 7(a) loans,[262] and CDC/504 loans.[263] For example, in fiscal year 2014, the SBA supported approximately $28.7 billion in 7(a) and CDC/504 loans distributed to approximately 51,500 small businesses.[264] SBA guaranteed loans, however, currently account for a relatively small share (18%) of the balances of small business loans outstanding.[265]

Borrowing from financial institutions is, however, relatively costly for many early-stage issuers and small businesses as they may have low revenues, irregular cash-flow projections, insufficient assets to offer as collateral, and high external monitoring costs.[266] Many startups and small businesses may find loan requirements imposed by financial institutions difficult to meet and may not be able to rely on these institutions to secure funding. For example, financial institutions generally require a borrower to provide collateral and/or a guarantee,[267] which startups, small businesses and their owners may not be able to provide. Collateral may also be required for loans guaranteed by the SBA.

Other sources of debt financing for startups and small businesses include peer-to-peer and peer-to-business lending,[268] microfinance,[269] and other alternative online lending channels.[270] According to some industry estimates, the global volume of ''lending-based crowdfunding,'' which includes peer-to-peer lending to consumers and businesses, had risen to approximately $11.08 billion in 2014.[271] Technology has facilitated the growth of alternative models of small business lending. According to one academic study,[272] the outstanding portfolio balance of online alternative lenders has doubled every year, albeit this market represents less than $10 billion in outstanding loan capital. According to the 2014 Small Business Credit survey,[273] 18% of all small businesses surveyed applied for credit with an online lender.[274]

Family and friends are also sources through which startups and small businesses can raise capital. This source of capital is usually available early in the lifecycle of a small business, before the business engages arm's-length, more formal funding channels.[275] Among other things, family and friends may donate funds, loan funds or acquire an equity stake in the business. A recent study finds that most of the capital supplied to startups by friends and family is in the form of loans.[276] Family and friends, however, may be able to provide only a limited amount of capital compared to other sources. We do not have data available on these financing sources that could allow us to quantify their magnitude and compare them to other current sources of capital.

[261] Numerous states also offer a variety of small business financing programs, such as Capital Access Programs, collateral support programs and loan guarantee programs. These programs are eligible for support under the State Small Business Credit Initiative, *available at http://www.treasury.gov/resource-center/sb-programs/Pages/ssbci.aspx*.

[262] 15 U.S.C. 631 *et seq.* 7(a) loans provide small businesses with financing guarantees for a variety of general business purposes through participating lending institutions.

[263] 15 U.S.C. 695 *et seq.* The CDC/504 loans are made available through ''certified development companies'' or ''CDCs'', typically structured with the SBA providing 40% of the total project costs, a participating lender covering up to 50% of the total project costs and the borrower contributing 10% of the project costs.

[264] *See* U.S. Small Business Administration, *FY 2016 Congressional Budget Justification and FY 2014 Annual Performance Report,* available at *https://www.sba.gov/content/fiscal-year-2016-congressional-budget-justificationannual-performance-report* (''2014 Annual Performance Report''). SBA also offers the Microloan program, which provides funds to specially designated intermediary lenders that administer the program for eligible borrowers. The maximum loan amount is $50,000, but the average is about $13,000. *See* Microloan Program, U.S. Small Business Administration, *available at http://www.sba.gov/content/microloan-program*.

[265] As of the end of fiscal year 2014, the SBA guaranteed business loans outstanding (including 7(a) and 504 loans) equaled $107.5 billion. *See Small Business Administration Unpaid Loan Balances by Program, available at https://www.sba.gov/sites/default/files/files/WDS_Table1_UPB_Report.pdf.* This comprises approximately 18% of the approximately $590 billion in outstanding small business loans for commercial real estate and commercial and industrial loans discussed above. In 2014, the SBA expanded eligibility for loans under its business loan programs. *See* SBA *504 and 7(a) Loan Programs Updates* (Mar. 21, 2014) [79 FR 15641 (Apr. 21, 2014)]. In addition to loan guarantees, the SBA program portfolio also includes direct business loans, which are mainly microloans (outstanding direct business loans equaled $137.1 billion), and disaster loans.

[266] *See* Robb.

[267] Approximately 92% of all small business debt to financial institutions is secured, and owners of the firm guarantee about 52% of that debt. *See* Berger, A., and G. Udell, 1995, Relationship Lending and Lines of Credit in Small Firm Finance, Journal of Business 68(3), pp. 351–381. Some studies of small business lending also document the creation of local captive markets with higher borrowing costs for small, opaque firms as a result of strategic use of soft information by local lenders. S*ee* Agarwal, Sumit, and Robert Hauswald, 2010, Distance and Private Information in Lending, Review of Financial Studies 13(7), pp. 2757–2788.

[268] Such debt transactions are facilitated by online platforms that connect borrowers and lenders and potentially offer small businesses additional flexibility with regard to pricing, repayment schedules, collateral or guarantee requirements, and other terms. *See* Ian Galloway, *Peer-to-Peer Lending and Community Development Finance,* Federal Reserve Bank of San Francisco (Working Paper) (2009), *available at http://www.frbsf.org/publications/community/wpapers/2009/wp2009-06.pdf.*

[269] *See* Craig Churchill and Cheryl Frankiewicz, *Making Microfinance Work: Managing for Improved Performance,* Geneva International Labor Organization (2006). Microfinance consists of small, working capital loans provided by microfinance institutions that are invested in microenterprises or income-generating activities. According to one report, in fiscal year 2012, the U.S. microfinance industry was estimated to have disbursed $292.1 million across 36,936 microloans, and was estimated to have $427.6 million in outstanding microloans (across 45,744 in microloans). *See* FIELD at the Aspen Institute, *U.S. Microenterprise Census Highlights,* FY 2012, *available at http://fieldus.org/Publications/CensusHighlightsFY2012.pdf.*

[270] Several models of online small business lending have emerged: Online lenders raising capital from institutional investors and lending on their own account (for example, short-term loan products similar to a merchant cash advance); peer-to-peer platforms; and ''lender-agnostic'' online marketplaces that facilitate small business borrower access to various loan products, from term loans and lines of credit to merchant cash advances and factoring products, from traditional and alternative lenders. *See* Karen Gordon Mills and Brayden McCarthy, *The State of Small Business Lending: Credit Access during the Recovery and How Technology May Change the Game,* Harvard Business School Working Paper 15–004 (2014), *available at http://ssrn.com/abstract=2470523* (''Mills-McCarthy 2014).

[271] *See* Massolution, *2015CF Crowdfunding Industry Report: Market Trends, Composition and Crowdfunding Platforms, available at http://reports.crowdsourcing.org/index.php?route=product/product&product_id=54* (''Massolution 2015'') at 56. The Massolution 2015 report refers to peer-to-peer lending to consumers and peer-to-business lending to small businesses as ''lending based'' crowdfunding. Our discussion refers to peer-to-peer lending more broadly in a sense synonymous with ''lending-based'' crowdfunding.

[272] *See* Mills McCarthy 2014.

[273] The survey was conducted by the Federal Reserve Banks of New York, Atlanta, Cleveland, and Philadelphia between September and November of 2014. It focused on credit access among businesses with fewer than 500 employees in Alabama, Connecticut, Florida, Georgia, Louisiana, New Jersey, New York, Ohio, Pennsylvania, and Tennessee. The survey authors note that since the sample is not a random sample, results were reweighted for industry, age, size, and geography to reduce coverage bias. *See* Federal Reserve Banks of New York, Atlanta, Cleveland and Philadelphia, *Joint Small Business Credit Survey Report* (2014), *available at http://www.newyorkfed.org/smallbusiness/SBCS-2014-Report.pdf.*

[274] *Id.* The survey also showed differences in the use of online lenders by type of borrower: 22% of small businesses categorized in the survey as ''startups'' (*i.e.* businesses that have been in business for less than five years) applied for credit with online lenders. By comparison, 8% of small businesses categorized in the survey as ''growers'' (*i.e.* businesses that were profitable and experienced an increase in revenue) applied with online lenders, and 3% of small businesses categorized in the survey as ''mature firms'' (*i.e.* businesses that have been in business for more than five years, had over ten employees, and had prior debt), applied with an online lender. The latter two categories of small businesses were more likely to apply for credit with bank lenders than with online lenders.

[275] *See* Paul Gompers and Josh Lerner, The Venture Capital Cycle (MIT Press 2006).

[276] *See* Robb at 1219.

B. Analysis of Proposed Rules

1. Introduction

In general, the proposed amendments to Rule 147 and Rule 504 are intended to expand the capital raising options available to startups and small businesses, including through the use of intrastate and regional securities offering provisions that have been enacted or could be enacted by various states, and thereby promote capital formation within the larger economy.

Securities-based crowdfunding is a relatively new and evolving capital market which provides startups and small businesses an alternative mechanism of raising funds using the Internet, by selling small amounts of securities to a large number of investors. Title III of the JOBS Act directed the Commission to establish rules for an exemption that would facilitate this market at the federal level. Around the same time, some states began enacting intrastate crowdfunding statutes and rules that provide issuers with exemptions from state registration. Most state crowdfunding rules require issuers to comply with the requirements of Section 3(a)(11) and Rule 147, while one state currently provides issuers with the option of utilizing Rule 504 or another Regulation D exemption.

By modernizing the existing requirements under Rule 147, the proposed amendments would facilitate capital formation through intrastate crowdfunded offerings as well as through other state registered or state exempt offerings. By raising the offering amount limit under Rule 504 from $1 million to $5 million, the proposed amendments may facilitate offerings, including those registered or exempt in a state, or regional offerings made pursuant to the implementation of regional coordinated review programs.[277] Such programs, when implemented, may enable Rule 504 issuers to register their offering in any one of the several states where they make the offering, instead of registering in all the states of solicitation, thereby saving time and money for issuers.

As discussed below, the effects of the proposed amendments on capital formation would depend, first, on whether issuers that currently raise or plan to raise capital would choose to rely on securities offerings pursuant to amended Rules 147 and 504 in lieu of other methods of raising capital, such as Regulation Crowdfunding and Rule 506 of Regulation D. To assess the likely impact of the proposed amendments on capital formation, we consider the features of amended Rules 147 and 504 that potentially could increase the use of securities offerings by new issuers and by issuers that already rely on other private offering options.

Second, to the extent that securities offerings under amended Rule 147 and Rule 504 provide capital raising options for issuers that currently do not have access to capital, the proposed amendments could enhance the overall level of capital formation in the economy in addition to any reallocation of demand for capital amongst the various capital raising options that could arise from issuers changing their capital raising methods.

Third, to the extent that states currently have residency and eligibility requirements in addition to prescriptive threshold requirements that correspond to existing Rule 147 provisions, the impact of the proposed amendments to Rule 147 on capital formation would significantly depend on whether states choose to modernize their provisions to align with the amended Rule 147. Any changes to the intrastate and regional securities offering provisions that may be enacted would, in turn, affect the expected use of amended Rule 504. For instance, while current intrastate crowdfunding provisions in most states require issuers to rely on Rule 147 for the federal exemption, to the extent the amended state provisions require the offerings to comply with either Rule 147 or Rule 504 in the future, the choice between reliance on these two exemptions could depend on issuers' preferences with respect to general solicitation, target investor base, and investor location. For example, while Rule 147 offerings would be restricted to in-state investors, Rule 504 offerings would be available to investors in more than one state, thus making regional offerings feasible. At the same time, there is no limit on the maximum offering amount under proposed Rule 147 for an offering that is registered with a state, while the proposed amendments under Rule 504 limit the maximum amount that can be sold over a twelve-month period to $5 million.[278]

Finally, the impact of the proposed amendments on aggregate capital formation also would depend on whether new investors are attracted to the Rule 147 and Rule 504 markets or whether investors reallocate existing capital among various types of offering options. For example, if the amended exemptions allow issuers to reach a category of potential investors significantly different from those that they can reach through other offering methods, capital formation, in aggregate, could increase. However, if the amended exemptions are viewed by investors as substantially similar to alternate exemptions, investors may simply reallocate their capital from other markets to the Rule 147 or Rule 504 markets. Investor demand for securities offered under amended Rule 147 and Rule 504 could, in particular, depend on the extent to which expected risk, return and liquidity of the offered securities compare to what investors can obtain from securities in other exempt offerings and in registered offerings.

Investor demand also would depend on whether state offering reporting requirements are sufficient to enable investors to evaluate the aforementioned characteristics of Rule 147 and Rule 504 offerings. For example, investors may be less willing to participate in intrastate crowdfunding or regional offerings that are made in reliance on exemptions from both state registration under state crowdfunding provisions and registration with the Commission under Rule 147 and Rule 504 and that are subject to lower reporting requirements. Alternatively, the state registration requirement for using general solicitation in Rule 504 offerings, the proposed amendment to disqualify certain bad actors from participation in Rule 504 offerings, the maximum offering amount for state exempt offerings that rely on Rule 147, and the reporting requirements for larger intrastate crowdfunding offerings under state provisions may mitigate some of these investor protection concerns. For example, in a number of states, current intrastate crowdfunding provisions require issuers for offerings greater than $1 million to submit audited financial statements.[279]

The proposed amendments to Rule 147 and Rule 504 would remove or

[277] *See http://www.nasaa.org/industry-resources/corporation-finance/coordinated-review/. See also* the ''Reciprocal Crowdfunding Exemption'' proposed by the Massachusetts Securities Division *available at http://www.sec.state.ma.us/sct/crowdfundingreg/Reciprocal%20Crowdfunding%20Exemption%20-%20MA.PDF.*

[278] While the proposed amendments to Rule 147 would limit the availability of the federal exemption to offerings of $5 million or less that are conducted pursuant to an exemption under state law, we believe the impact of this provision may not be significant given that existing crowdfunding state exemptions do not permit offerings greater than $4 million. States may have non-crowdfunding exemptions for larger offerings and issuers seeking to rely on any such state exemption could continue to conduct the offering pursuant to Section 3(a)(11) or find an alternate federal exemption.

[279] *See* NASAA's Intrastate Crowdfunding Resource Center at *http://www.nasaa.org/industry-resources/corporation-finance/instrastate-crowdfunding-resource-center/*, retrieved in June 2015.

reduce certain burdens identified by market observers.[280] We believe that the potential use of amended Rule 147 and Rule 504 depends largely on how issuers perceive the trade-off between the costs of disclosure requirements, if any under state regulation, and the benefits of access to accredited and non-accredited investors. Some issuers may prefer to offer securities under amended Rule 147 or Rule 504 because of the potentially limiting features associated with other exemptions. For instance, relative to Regulation Crowdfunding, the use of amended Rule 147 and Rule 504 in intrastate crowdfunding offerings would depend on whether the benefits of a larger offering size and fewer reporting requirements outweigh the costs of a more geographically limited investor base, compliance with issuer residency provisions under state crowdfunding laws and the potential for registration under Section 12(g) of the Exchange Act. Compared to amended Rules 147 and 504, other exemptions could remain attractive to issuers. For example, securities sold pursuant to the exemptions from registration under Rule 506 of Regulation D, which account for a significant amount of exempt offerings,[281] are subject to limits on participation by non-accredited investors. In contrast, issuers relying on amended Rule 147 or amended Rule 504 could sell securities to an unlimited number of non-accredited investors at the federal level, which would allow for a more diffuse investor base. General solicitation is currently permitted under Rule 506(c) of Regulation D, and issuers relying on Rule 506(c) can more easily reach institutional and accredited investors, making it less necessary for them to seek capital from a broader non-accredited investor base, especially if trading platforms aimed at accredited investors in privately placed securities continue to develop.[282] In addition, offerings under Rule 506 that are limited only to accredited investors have no disclosure requirements, except for a notice filing. Finally, relative to the Regulation A exemption, amended Rules 147 and 504 would have fewer disclosure and other regulatory requirements at the federal level. However, unlike Regulation A securities, which are freely resalable, Rule 147 and Rule 504 securities could be less liquid due to their resale restrictions.

Overall, the proposed amendments to Rule 147 and Rule 504 could increase the aggregate amount of capital raised in the economy if used by issuers that have not previously conducted offerings using the provisions or other exemptions, or registered offerings. The impact of the proposed amendments on capital formation could also be redistributive in nature by encouraging issuers to shift from one to another capital raising method. This potential outcome may have a significant net positive effect on capital formation and allocative efficiency by providing issuers with access to capital at a lower cost than alternative capital raising methods and by providing investors with additional investment opportunities. The net effect also would depend on whether investors find the rules' disclosure requirements and investor protections to be sufficient to evaluate the expected return and risk of such offerings and to choose between offerings reliant on Rule 147, Rule 504 and other exempt offerings.

As these proposed amendments are not currently in effect, the data does not exist to estimate the effect of the proposed rules on the potential rate of substitution between alternative methods of raising capital and the overall expansion (or decline, if any) in capital raising by potential issuers affected by the proposed amendments. However, we anticipate that the proposed amendments would result in an increased use of the Rule 147 exemption for intrastate offerings, including for intrastate crowdfunding as more states enact provisions facilitating such offerings. Similarly, we expect the proposed amendments would increase the use of the Rule 504 exemption, especially by facilitating efforts among state securities regulators to implement regional coordinated review programs that would enable regional offerings. Although it is not possible to predict the extent of such increase or the type and size of the issuers that would conduct intrastate crowdfunding offerings, the current number of businesses pursuing similar levels of financing through alternative capital raising methods, as discussed in the baseline section, provide an upper bound for Rule 147 and Rule 504 usage.[283] Nevertheless, the baseline data show that the potential number of issuers that might seek to offer and sell securities in reliance on amended Rules 147 and 504 is large, particularly when compared to the current number of approximately 9,000 reporting companies.[284]

We recognize that the proposed amendments to Rules 147 and 504 could raise investor protection concerns. For instance, as we discuss in detail further in this section, allowing Rule 147 issuers to have more dispersed assets and revenues could reduce oversight of issuers by in-state securities regulators. However, we believe such concerns are mitigated by the continuing applicability of state regulatory requirements that may impose additional eligibility conditions, as well as the residency requirements for investors and issuers under the amended rule provisions.[285] As discussed above, in adopting Rules 147 and 504, the Commission placed substantial reliance upon state securities laws and regulations on the rationale that the size and local nature of smaller offerings conducted pursuant to these exemptions does not warrant imposing extensive regulation at the federal level.[286] State legislators and securities regulators could determine the specific additional rule requirements, if any, that should be required to regulate local offerings and provide additional investor protections.[287] In this regard, the proposed amendments could provide greater flexibility to states in designing regulations that would work best for issuers and investors in their state. We believe that such latitude

[280] *See* ABA Letter.

[281] *See* discussion in Section V.2 above.

[282] For example, ''NASDAQ Private Market's affiliated marketplace is an electronic network of Member Broker-Dealers who provide accredited institutions and individual clients with access to the market. Companies use a private portal to enable approved parties to access certain information and transact in its securities.'' *See* NASDAQ Private Market overview, *available at: https://www.nasdaqprivatemarket.com/market/overview*.

[283] We believe the numbers in the baseline provide an upper bound because unlike Rule 147 offerings, investors from multiple states are permitted to invest in Regulation D offerings, which attracts more issuers, especially those that want to raise larger amounts. Similarly, unlike Rule 504, Rule 506 provides state preemption and permits unlimited offer amounts, which appears to make Rule 506 offerings more attractive for issuers.

[284] *See* U.S. Securities and Exchange Commission, *FY 2016 Congressional Budget Justification, 2016 Annual Performance Plan, FY 2014 Annual Performance Report, available at http://www.sec.gov/about/reports/secfy16congbudgjust.pdf*.

[285] By requiring offerings to be sold only to residents of the state in which the issuer has its principal place of business, amended Rule 147 would help ensure that issuers and investors are sufficiently local in nature so as to allow effective oversight by state regulators. Further, most states require Rule 504 offerings to be registered under state securities laws, which enables states to regulate capital raising activity in this market.

[286] *See* Seed Capital Release, Executive Summary and Rule 147 Adopting Release. *See also* discussion in Sections II.A and III.B above.

[287] According to the NASAA Enforcement Report for 2013, securities violations related to unregistered securities sold by unlicensed individuals, including fraudulent offerings marketed through the Internet, remain an important enforcement concern. The report does not detail the number and category of violations by type of exemption from registration. *See* NASAA Enforcement Report, *available at: http://www.nasaa.org/wp-content/uploads/2011/08/2014-Enforcement-Report-on-2013-Data_110414.pdf*.

could improve the efficiency of local capital markets and could lead to competition between states for attracting issuers to locate in their jurisdictions.

In addition to state regulations, the proposed amendments that condition the availability of the amended Rule 147 exemption on states having an exemption that limits the maximum offering size and includes investment limits, and the proposed amendments to Rule 504 to disqualify certain bad actors from participation in Rule 504 offerings, could help to address such investor protection concerns. Finally, it should be noted that the Commission would retain authority under the antifraud provisions of the federal securities laws to pursue enforcement action against issuers and other persons involved in such offerings. Nevertheless, if investors demand higher returns because of a perceived increase in the risk of fraud as a result of less extensive federal regulation, issuers may face a higher cost of capital. We are unable to predict if or how the proposed amendments would affect the incidence of fraud in Rules 147 and 504 offerings.

In the sections below, we analyze in more detail the potential costs and benefits stemming from the specific amendments proposed today, as well as their impact on efficiency, competition and capital formation, relative to the baseline discussed above.

2. Analysis of Proposed Amendments to Rule 147

The proposed amendments to Rule 147 would facilitate intrastate offerings of securities by local companies, including offerings relying upon crowdfunding provisions under state securities laws. The proposed amendments seek to modernize Rule 147 to align with contemporary business practices, while retaining the underlying intrastate character of Rule 147 that permits local issuers to raise money from investors within their state without having to register the securities at the federal level.

a. Elimination of Limitation on Manner of Offering

Currently, offers pursuant to Rule 147 must be limited to state residents only. The proposed amendments to Rule 147 would allow an issuer to make offers to out-of-state residents, as long as sales are made only to residents of the issuer's state or territory.[288] In addition, the proposed amendments would require issuers to include disclosure on all offering materials stating that sales will be made only to residents of the same state or territory as the issuer, while also disclosing that the securities being sold are unregistered securities and have resale restrictions for a nine-month period.[289]

The proposed amendments would enable Rule 147 issuers to engage in broad-based solicitations, including on publicly accessible Web sites, in order to successfully locate potential in-state investors. For example, for a New Jersey-based Rule 147 offering, issuers would be permitted under proposed Rule 147 to advertise and disseminate offering information through online media to reach New Jersey residents that work in New York, even though such information can be viewed by New York residents. This is not permitted under the current rule. Hence, the proposed amendments to Rule 147 would provide issuers with the flexibility to utilize a wider array of options to advertise their offerings, taking advantage of modern communication technologies such as the Internet and other social media platforms that allow investors inside and outside the issuer's state of residence to openly access offering information. In this regard, we expect the proposed amendments to be particularly effective at facilitating state-based crowdfunding offerings that rely heavily on online platforms to bring issuers and investors together.[290]

The proposed amendments would thus make it easier for issuers to rely upon Rule 147 to conduct their offerings. Online advertising provides a cheaper and more efficient means of communicating with a more diffused base of prospective investors. Consequently, the elimination of offering limitations to residents should result in lower search costs for issuers. The amended provisions also may reduce issuers' uncertainty about compliance as they would not need to limit advertising or take additional precautions to ensure that only in-state residents could view the offering.

The inclusion of legends on certificates or other documents evidencing the security and other mandatory disclosures in offering materials would inform investors, especially out-of-state investors, about the intrastate nature of the offering. At the same time, as a greater number of investors become aware of a larger and more diverse set of investment opportunities in private offerings, the proposed amendments may enable investors to diversify their investment portfolio and allocate their capital more efficiently. Further, such broadly advertised Rule 147 offerings would be able to more effectively compete for potential investors with Rule 504, Rule 506(c), and Regulation A offerings, where general solicitation is also permitted. The proposed amendments could thus heighten competition between unregistered capital markets, which may result in a more optimal flow of capital between investors and issuers, thereby enhancing the overall allocative efficiency of those markets.

However, as issuers utilizing amended Rule 147 advertise more widely and freely, the likelihood of out-of-state investors purchasing into the offering could increase. The inclusion of legends and other mandatory disclosures may mitigate this concern and provide a certain measure of investor protection, although out-of-state investors in their desire to avail themselves of an attractive investment opportunity may overlook the legends or disclosures or may even disregard them. While issuers are required to have a reasonable belief that all their purchasers are resident within the state, the probability of violating the intrastate sale provisions could increase (relative to the baseline), at least in resale transactions that occur within the restrictive period for intrastate resales. Broader advertising of Rule 147 offerings could also impact the effectiveness of state oversight as regulators may not have adequate resources to track the conduct of such offerings on mass media.

b. Ease of Eligibility Requirements for Issuers

i. Incorporation and Residency Requirements

The proposed amendments to Rule 147 would eliminate the requirement that issuers need to be incorporated in the state where the offering is conducted and would revise the current residency requirement to focus on the issuer's ''principal place of business'' rather than its ''principal office.'' The former would be defined as the location from which officers, partners, or managers of the issuer primarily direct, control and coordinate the activities of the issuer.[291]

The proposed elimination of the requirement that the issuer be registered or incorporated in the state where the offering is being conducted would align the rule's provisions with modern business practices, thereby making it easier for a greater number of issuers to utilize the exemption. A significant number of companies are incorporated in states other than where their

[288] *See* Proposed Rule 147(b).

[289] *See* Proposed Rule 147(f).

[290] *See* Massolution 2015.

[291] Proposed Rule 147(c)(1). *See also* note 55 above.

principal place of business is located.[292] Most of these companies have chosen to incorporate in places where corporate laws, including corporate tax laws, comport with modern business practices or are more permissive. For example, according to one academic study, corporate laws affect firm value, even after controlling for firm size, diversification, profitability, investment opportunities and industry.[293] Thus, firms have strong incentives to select favorable local regimes such as Delaware.[294] These studies and industry practices indicate that firms' choice of state of incorporation depends on the economic benefits derived from the regulatory environment in which the firm is organized, and as such the choice of legal home state may not be substantially related to where the business operations of the firms are located.

The practice of incorporating in certain states extends beyond public companies to private and smaller companies. As discussed in our baseline analysis above, data from Form D filings for the period 2009–2014 indicates that a significant percentage of Rule 504 and Rule 505 issuers were incorporated in Delaware and had separate states of incorporation and principal places of business.[295] While smaller firms are less likely than larger firms to have separate states of incorporation and primary places of business, the Form D data described in the baseline indicates that a considerable number of small businesses are currently unable to meet the state of incorporation requirement in order to use the existing Rule 147 safe harbor. Since geography of investment and employment is aligned more closely with the principal place of business of a firm than with place of incorporation, replacing the current incorporation and residency tests with a principal place of business test would be consistent with the intrastate objective of Rule 147 and make it easier for more issuers to utilize the exemption.

Eliminating the requirement to be incorporated in-state also would enable foreign incorporated issuers that have their principal place of business in a U.S. state to access the Rule 147 capital market. This would create a uniform basis for firms that are operating in similar local fashion, irrespective of their country or state of incorporation, to utilize the Rule 147 exemption. Form D filings for the period 2009–2014 reported that approximately 3% of Regulation D offerings (approximately 3,000 offerings) were initiated by issuers that were incorporated outside of the United States and had their principal place of business in a U.S. state.

We recognize the potential for issuers to switch their principal place of business to a different state in order to conduct Rule 147 offerings in multiple states. To mitigate such concerns, the proposed amendments limit issuers that change their principal place of business from utilizing the exemption to conduct another intrastate offering in a different state for a period of nine months from the date of last sale of securities under the prior Rule 147 offering. This would be consistent with the duration of the resale limitation period during which sales to out-of-state residents are not permitted. As we discuss in detail below, such a provision should help to deter issuers from misusing the amended residency requirements to change their principal place of business in order to sell to residents in multiple states.

ii. ''Doing Business'' In-State Requirements

The proposed amendments to Rule 147 would modify the current ''doing business'' in-state tests for issuers by requiring them to have a principal place of business in-state and to satisfy one of four specified tests. The proposed amendments would include a new alternative test whereby issuers can qualify if a majority of their employees are located in the state. Consequently, under proposed Rule 147, in order to be deemed ''doing business'' in a state, issuers would have to have a principal place of business in-state and satisfy at least one of the following requirements:

- 80% of the issuer's consolidated assets are located within such state or territory;
- 80% of the issuer's consolidated gross revenues are derived from the operation of a business or of real property located in or from the rendering of services within such state or territory;
- 80% of the net proceeds from the offering are intended to be used by the issuer, and are in fact used, in connection with the operation of a business or of real property, the purchase of real property located in, or the rendering of services within such state or territory; or
- A majority of the issuer's employees are in such state or territory.

The proposed modifications to the existing ''doing business'' in-state tests would provide greater flexibility to potential Rule 147 issuers and thereby ease their burden in complying with the exemption, while also better aligning the regulation with modern business practices. Issuers could use the test that best reflects the local nature of their business operations.

As currently required, satisfying all the existing ''doing business'' in-state tests may be burdensome even for small businesses that are largely located in one state. For example, by restricting issuers' operations and capital investments substantially to one state, the existing requirement to qualify under all these tests may have adverse effects on the growth and survival of startups and early stage ventures that rely on the exemption.[296] Moreover, in recent years new business models have emerged that may make satisfying all the eligibility tests ill-suited for relying on the Rule 147 exemption as a capital raising option. For example, businesses that use new technologies (*e.g., e*-businesses) to make their operations more efficient tend to be more geographically distributed in their operations or revenues than what is permitted under current Rule 147. According to an academic study, advances in computing and communications have fundamentally changed how information can be stored, distributed, modified or assimilated, which has enabled businesses to become more geographically dispersed and modular rather than centralized into discrete units.[297] Similarly, the growth of modern technologies has made it easier for firms, through *e*-commerce and shared logistical networks, to reach a larger and more diffused customer base, leading to more dispersed revenue streams.

[292] Based on an analysis of data from Thomson Reuters' Compustat North America, approximately 74% of Exchange Act reporting companies indicated that, in 2014, they had separate state of location of headquarters and state of incorporation.

[293] Daines, Robert, ''Does Delaware Law Improve Firm Value?'' *Journal of Financial Economics,* Volume 62, Issue 3 (2001): 525–558.

[294] *See* Scott D. Dyreng, Bradley P. Lindsey, Jacob R. Thornock, ''Exploring the Role Delaware Plays as a Domestic Tax Haven,'' *Journal of Financial Economics,* Volume 108, Issue 3, (2013):751–772 (explaining that Delaware's tax laws play an economically important role in U.S. firms' decision to locate in Delaware).

[295] The data indicates that approximately 66% of all Rule 506 offerings initiated during 2009–2014 reported different states of incorporation and operations.

[296] For example, an e-commerce company may need to invest in distribution facilities outside their state to meet needs of customers who are more likely to be resident outside the state. Under current rule provisions, they may be able to invest only a small part (less than 20%) of the capital raised in a Rule 147 offering outside their principal state of business.

[297] *See* Mohanbir Sawhney and Deval Parikh, ''Where Value Lives in A networked World,'' Harvard Business Review, 2001.

Requiring an issuer to own a majority of its assets in one state, invest most of the capital raised in one state, and obtain revenue mostly from in-state sales could create inefficient constraints for startups and small businesses to operate and grow. While the original intent of Section 3(a)(11) and Rule 147 was to ensure that investors and issuers are located in the same state so that they are potentially familiar with each other,[298] current business practices of issuers, consumption habits of customers, and the set of available investment opportunities of investors have expanded greatly since Rule 147 was adopted in 1974. In view of these economic and social changes, we believe that the proposed principal place of business requirement and the modification to require an issuer to satisfy at least one additional test that demonstrates that that issuer does business in-state would more effectively establish the local nature of an offering pursuant to Rule 147.

The proposed amendments, by easing the eligibility and residency requirements for issuers, would enable a greater number of firms to use Rule 147 to raise capital. Such new issuers could be those entities that are currently accessing capital through an alternate private capital market, or they could be issuers that could not previously raise capital in any market but would be able to use amended Rule 147 to meet their funding needs. In addition, to the extent raising capital in the Rule 147 market is cheaper than raising capital in alternate capital markets, issuers would benefit from such lower costs. Easier access to local capital would enable issuers to finance investment opportunities in a timely manner, thereby accelerating firm growth, which could consequently promote state employment and economic growth.

As more firms become eligible or are willing to raise capital pursuant to amended Rule 147, the set of investment opportunities for investors would also increase in a corresponding manner, resulting in greater allocative efficiency and higher capital formation. To the extent the use of Rule 147 increases because of substitution out of other capital markets, the economy-wide increase in capital formation may not be significant while competition amongst private capital markets would be higher.[299] To the extent that amended Rule 147 attracts new issuers, capital formation levels would increase in the economy. We also believe that, by facilitating intrastate crowdfunding, amended Rule 147 would likely finance new firm growth and consequently would lead to an overall increase in capital formation. Further, amended Rule 147 could also lead to higher capital formation by facilitating offerings, including those with offer sizes greater than what is allowed for intrastate crowdfunding offerings, under other state exempted or state-registered offerings. However, since we do not have data on the existing use of Rule 147, we are unable to quantify or predict the extent of any increase in offering activity in non-crowdfunding offerings under amended Rule 147.

At the same time, allowing issuers with a different state of incorporation to raise capital in another state under amended Rule 147 could result in fewer incorporations for the state where the offering is being conducted, if this proposed amendment results in more issuers relocating to jurisdictions with perceived legal and tax advantages. Moreover, if issuers with widely-distributed assets and operations over more than one state make use of amended Rule 147, state oversight of such issuers could weaken, with a consequent decrease in investor protection. For example, if a majority or a significant proportion of an issuer's assets is located out-of-state, it could be more difficult for state regulators to assess whether any disclosures to investors about such assets are fair and accurate. However, state enforcement actions for protecting in-state investors can extend to issuers whose assets are located beyond the boundaries of the state, which could potentially deter issuers from engaging in fraudulent intrastate offerings. We also believe that qualifying under any one of the four ''doing business'' in-state tests and requiring an issuer to have an in-state principal place of business, such that the officers and managers of the issuer primarily direct, control and coordinate the activities of the issuer in the state, would provide a state regulator with a sufficient basis from which to regulate an issuer's activities and enforce state securities laws for the protection of resident investors. In addition, if the proposed amendments to Rule 147 are adopted, state regulators may choose to amend their state regulations to comport with amended Rule 147, which would allow them to consider any additional requirements, including qualification tests, for issuers to comply with state securities offerings regulations.

At the same time, even under the proposed amendment requiring issuers to qualify under one of the specified ''doing business'' in-state tests, the high threshold levels specified in such tests may preclude certain issuers that use modern business models (*e.g.,* some *e*-commerce entities) from relying on the exemption, as such issuers could have widely distributed operations that may not allow them to qualify under any of the four tests.[300]

Additionally, the proposed amendment to limit the ability of issuers for a period of nine months from the date of last sale of securities under a Rule 147 offering to conduct a new Rule 147 offering in a different state would discourage issuers from altering their principal place of business to raise capital through multiple state offerings. The duration of this proposed restriction is consistent with the period in which resales to out-of-state investors would not be permitted. In this regard, the proposed amendment could help mitigate some of the concerns relating to investor protection that may arise from the amended residency requirements. To the extent a change in principal place of business to a new state is motivated by business needs, this amendment could affect the capital raising prospects of firms by forcing them to delay their intrastate offerings. For example, certain start-ups and small businesses that could potentially change their principal place of business at lower costs could be affected by the proposed amendment. Issuers located in a greater metropolitan area (*e.g.,* New Jersey and New York City) that spans multiple states also may be likely to consider switching their principal place of business to raise capital from residents of another state, and may be also impacted by the proposed amendment.

We note that, under the integration provisions of current and proposed Rule 147, an issuer that conducts a Rule 147 offering in one state within six months of having offered or sold securities pursuant a Rule 147 offering in another state would have such offers and sales integrated for the purpose of compliance with the federal rule. In this respect, we believe that the proposed nine-month period during which an issuer would be prohibited from conducting an intrastate offering pursuant to the proposed rule after having completed sales of securities pursuant to the proposed rule in a different state would have the effect of extending by three months the six-month period of time during which

[298] *See* Rule 147 Adopting Release.

[299] We note that issuers that meet current requirements under existing Rule 147 would also be eligible to rely on amended Rule 147.

[300] Market participants, state regulators and other commenters have expressed similar concerns about the prescriptive threshold requirements for these tests. *See* note 11.

issuers cannot make sales in another state or territory.

c. Maximum Offering Amount and Investment Limitations for Offerings With Exemption From State Registration

The proposed amendments would limit the availability of the exemption at the federal level to offerings that are either registered in the state in which all of the purchasers are resident or conducted pursuant to an exemption from state law registration in such state that limits the amount of securities an issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period and imposes an investment limitation on investors. These proposed limits would provide additional protections at the federal level and could mitigate investor protection concerns that may arise from the proposed modernization of Rule 147. Specifically, the proposed availability of amended Rule 147 to exempt offerings of up to $5 million in a twelve-month period could provide greater investor protection by reducing the scale of fraudulent offerings, especially those that may be directed towards non-accredited investors and do not have significant state oversight. Similarly, the proposed limitation on the availability of the amended rule, as it relates to offerings that are exempt from state registration, to offerings that are conducted pursuant to a state law exemption that includes investment limitations could reduce the individual exposure of investors to potential fraud or loss of investment in a state-exempt offering pursuant to amended Rule 147.

The proposed amendments would not alter existing state provisions that rely on, or the ability of states to adopt provisions that require issuers to comply with, Section 3(a)(11) and that may not impose a limitation on the maximum aggregate offering amount an issuer can raise or include investment limitations. As Rule 147 would no longer be a safe harbor for compliance with Section 3(a)(11), however, some states would need to update their existing provisions in order to effectively realize the benefits of the proposed amendments to Rule 147. These updates could be limited to removing existing references to Section 3(a)(11) and/or adopting additional provisions that comport with the proposed rule. In the interest of expanding capital raising opportunities, some state regulations may be overly permissive, leading to a ''race-to-the-bottom'' that could ultimately impair investor protection. Given that state regulators have economic and reputational incentives to provide local issuers and investors with capital markets that are viable over the long run, it is unclear how significant this ''race-to-the-bottom'' would be.

Current intrastate crowdfunding provisions provide exemptions for offerings of less than $5 million and most of these state provisions have investment limits for non-accredited investors. For example, the highest maximum offering limit that any intrastate crowdfunding provisions currently permit is in Illinois, for crowdfunded offerings up to $4 million. As shown in the baseline, the median (average) offering size limit is $2 million ($1.6 million) in all the states that currently permit crowdfunding transactions. The impact of the proposed amendments on states regulatory flexibility is therefore moderated by the current absence of an intrastate crowdfunding exemption that permits offerings greater than $5 million. In addition, while the proposed amendment relating to investment limits only permits issuers to conduct their offerings pursuant to the proposed rule in states that have included investment limitations, it does not specify what such limitations should be.

However, such limitations at the federal level could unduly restrict capital raising options of issuers, especially those issuers that sell primarily to accredited investors. A limit on the maximum offering amount could also restrict legitimate state interests in permitting larger offerings within their jurisdictions that otherwise rely on Rule 147 at the federal level. To the extent competition between states to enact securities laws to attract issuers to their territories results in better regulations that promote effective functioning of local financial markets, the proposed amendments would limit state regulators' opportunities to customize provisions that better suit the interests of issuers and investors in their state, rather than using a ''one-size fits all,'' or uniform, approach at the federal level that may work better for issuers and investors in some states than others.

3. Additional Amendments to Rule 147

The proposed rules would include a number of additional amendments to Rule 147, including removing the requirement that an issuer obtain investor representations as to residency status and establishing a reasonable belief standard for determining whether a purchaser is a state resident at the time of the sale of the securities. This proposed amendment would be conceptually consistent with similar requirements in Regulation D offerings and would provide greater certainty to issuers as to their compliance with the conditions of the exemption, potentially encouraging greater reliance on the amended rule. In addition, providing a reasonable belief standard for ascertaining the in-state residency of investors would provide greater flexibility for Rule 147 issuers who currently are required to obtain a written representation from investors about their residency, and who are provided no relief under the rules for sales to persons that are not, in fact, in-state residents. This, in turn, could increase the number of issuers that rely on the amended Rule 147 exemption. At the same time, such provisions may result in issuers selling to investors who are not, in-fact, residents of the state, with a corresponding decline in investor protection. We believe this decline would be somewhat mitigated by any additional requirements that state securities laws may prescribe, as well as the reasonable belief standard and the mandatory disclosures and legends required under the proposed rule amendments.

Moreover, the proposed rules would add a provision to define the residence of a purchaser that is a legal entity—such as a corporation, partnership, trust or other form of business organization—as the location where, at the time of the sale, the entity has its principal place of business. This definition would create consistency in defining the place of residence of entity investors with that of the issuer while also helping to ensure that investors are sufficiently local by nature. Such uniformity would also help to alleviate the rule's compliance burden by providing greater certainty.

The proposed rule also would include a provision to amend the limitation on resales in Rule 147(e) to provide that resales can be made only to in-state residents during the nine-month period from the date of sale by the issuer. By amending the start date for the restricted period from ''date of *last* sale'' to ''date of sale'' for the particular security in question, investors will be able to sell before the entire offering is completed, while preserving the intent of restricting resales during a nine-month holding period to provide assurance that the securities have come to rest in-state before out-of-state sales begin to occur. The amendment would thus provide greater liquidity for Rule 147 securities, making them more attractive to investors, which could lead to greater investor participation and an increase in the supply of capital available in the Rule 147 market. Further, it could improve price discovery and lead to lower capital raising costs for issuers.

Additionally, the proposed approach not to condition the availability of the exemption on the issuer complying with provisions relating to resale restrictions would provide greater certainty to issuers. For example, issuers would not need to be concerned about potentially losing the exemption when the resale provisions are violated under circumstances that are beyond their control. At the same time, given that issuers would continue to be subject to other compliance conditions such as in-state sales limitations, mandatory offeree and purchaser disclosures, and stop transfer instructions, as well as federal antifraud and civil liability provisions, we believe, that this proposed amendment would not significantly increase risk of investor harm.

The proposed amendment to Rule 147(f) to require disclosure regarding the limitations on resale to every offeree, in the manner in which the offering is communicated, would provide greater flexibility to issuers and ease compliance burdens in cases of oral offerings. Similarly, the proposed amendments to remove the requirement to disclose to offerees and purchasers the stop transfer instructions provided by an issuer to its transfer agent and the provisions of Rule 147(f)(2) regarding the issuance of new certificates during the Rule 147(e) resale period, would also ease compliance burdens for issuers. These changes together would lower the regulatory burden for issuers, especially smaller issuers, but may adversely impact the information provided to potential investors (offerees), who may not receive such information in writing, prior to making their investment decision. This impact is somewhat mitigated by the continuing requirement to provide the disclosure regarding resale restrictions, in writing, to every purchaser.

Finally, the proposed rule would expand the current Rule 147 integration safe harbor such that offers and sales pursuant to Rule 147 would not be integrated with: (i) Any prior offers or sales of securities, (ii) any offers or sales made more than six months after the completion of the offering, or (iii) any subsequent offer or sale of securities that is either registered under the Securities Act, exempt from registration pursuant to Regulation A, Regulation S, Rule 701, or Section 4(a)(6) or made pursuant to an employee benefit plan. The expansion of the integration safe harbor would provide issuers with greater certainty that they can engage in other exempt or register offerings either prior to or near in time with an intrastate offering without risk of becoming ineligible to rely on the Rule 147 exemption. Similarly, the addition of Section 4(a)(6) to the list of exempt offerings which will not be integrated with a Rule 147 offering would provide certainty to issuers that they can conduct concurrent crowdfunding offerings as per the provisions of the respective exemptions. This flexibility and ensuing certainty would be especially beneficial for small issuers who likely face greater challenges in relying on a single financing option for raising the desired amount of capital. However, such expansion of the integration safe harbor could result in fewer investor protections than if the offerings were integrated. The proposed rule, however, provides for non-integration only to the extent that the issuer meets the requirements of each of the other offering exemptions that are used to raise capital. Furthermore, requiring an issuer to wait at least 30 calendar days between its last offer made in reliance on Rule 147 and the filing of a registration statement with the Commission would provide additional protection to investors in registered offerings who might otherwise be influenced by an earlier intrastate offering. Therefore, we do not believe that the proposed adoption of the integration safe harbor would result in a significantly increased risk to investors.

4. Analysis of Proposed Amendments to Rule 504

The proposed amendments to Rule 504 would raise the maximum aggregate amount that could be raised under a Rule 504 offering, in a 12-month period, from $1 million to $5 million and would disqualify certain bad actors from participation in Rule 504 offerings. Additionally, in order to account for the proposed increased to the Rule 504 aggregate offering amount limitation, we propose technical amendments to the notes to Rule 504(b)(2) that would update the current illustrations in the rule regarding how the aggregate offering limitation is calculated in the event that an issuer sells securities pursuant to Rule 504 and Rule 505 within the same twelve-month period.[301] All other provisions of current Rule 504 of Regulation D would remain unchanged.

As shown in our baseline analysis above, use of Rule 504 offerings has been declining over the past decade, in absolute terms as well as relative to Rule 506 of Regulation D. Relative to Rule 504 offerings, Rule 506 offerings have the advantage of preemption from state registration. Thus, even though Rule 506(b) offerings, unlike Rule 504 offerings, are limited to accredited investors and up to only 35 non-accredited investors, capital raising activity during the last two decades suggests that the benefits of state preemption outweigh unrestricted access to non-accredited investors. With the adoption of Rule 506(c), which allows for general solicitation, the comparative advantage of current Rule 504 has further diminished.

The current $1 million maximum amount was set by the Commission in 1988 and was meant to provide ''seed capital'' for small and emerging businesses.[302] Given the costs of raising capital from public sources, the unregistered offerings market has expanded significantly in the past twenty-five years. The growth of angel investors and VCs, who invest primarily through unregistered offerings, has also increased seed capital available for investment at the initial stages of a firm. Angel investments in 2014 amounted to approximately $24 billion in 2014 and the average angel deal size was approximately $328,500.[303] According to PWC MoneyTree, in 2008, U.S. VCs made $1.5 billion of seed investments in 440 companies.[304] That is an average seed investment of $3.5 million per company. While the involvement of VCs at the seed stage has been increasing over the years, it is reported that some angel deals at the seed stage have included investments as large as $2.5 million per entity.[305] Given these changes, amending the Rule 504 offer size from $1 million to $5 million would better comport regulation with market trends that indicate larger seed capital infusions.

Four parallel developments may further change the regulatory landscape

[301] *See* Notes 1 and 2 to Rule 504(b)(2). [17 CFR 230.504(b)(2)].

[302] *See* ''Seed Capital'' Release.

[303] According to a recent report, angel investments amounted to $24.1 billion in 2014, with approximately 73,400 entrepreneurial ventures receiving angel funding and approximately 316,600 active angel investors. Seed/startup stage deals accounted for approximately 25% of the $24 billion. *See* Jeffrey Sohl, *The Investor Angel Market in 2014: A Market Correction in Deal Size, Center for Venture Research,* May 14, 2015, *available at https://paulcollege.unh.edu/sites/paulcollege.unh.edu/files/webform/2014%20Analysis%20Report.pdf.*

[304] *See* PricewaterhouseCoopers, Investment by Stage of Development, available at: *https://www.pwcmoneytree.com/CurrentQuarter/BySoD.*

[305] *See* Fenwick & West Survey 2012 (March 2013), available at *https://www.fenwick.com/publications/Pages/Seed-Finance-Survey-2012.aspx.* The survey defines a ''seed'' financing as the first round of financing by a company in which the company raises between $250,000 and $2,500,000, and in which professional investors play a lead role.

surrounding existing Rule 504. First, the use of current Rule 504 could be overshadowed by interstate crowdfunding offerings pursuant to Section 4(a)(6), which also allows issuers to raise up to $1 million over a 12-month period with unlimited access to non-accredited investors and unrestricted use of general solicitation, in addition to preemption from state regulation and exemption from the registration requirements under Section 12(g). Second, at least 29 states and the District of Columbia have enacted and several other states are in the process of enacting their own crowdfunding exemptions where the maximum amount that can be raised in a 12-month period ranges from $250,000 to $4 million, depending on the state (up to $2 million for all but three states). The maximum offering amounts for intrastate crowdfunding thus exceed the current offer limit under Rule 504. While most state crowdfunding exemptions require use of Rule 147, currently two states allow issuers to conduct their intrastate crowdfunding under the Rule 504 exemption. Third, state regulators have been working to implement regional coordinated review programs in order to facilitate regional offerings that could potentially save issuers time and money. Additionally, at least one state is in the process of enacting reciprocal crowdfunding provisions, which may allow issuers to conduct interstate crowdfunding under state regulation.[306] Since Rule 147 is restricted to intrastate offerings, Rule 504 would be the most likely federal exemption that could be used for such regional offerings. Fourth, Tier 1 of amended Regulation A, which became effective in June 2015 and has a similar eligible issuer universe as Rule 504, allows offerings up to $20 million without any restrictions on resale of securities.

In light of these developments, the increase in the maximum amount that can be raised in Rule 504 offerings to $5 million could help make this market more attractive for startups and small businesses while also facilitating intrastate and regional offerings greater than $1 million.

A higher offering amount limit for Rule 504 offerings could increase the number of issuers that seek to utilize the exemption. To the extent that amended Rule 504 permits issuers to raise larger amounts of capital at lower costs than other unregistered capital markets, the proposed amendment could also lower issuer cost of capital and facilitate intrastate crowdfunding and the regional offerings market as it evolves. In addition to new issuers raising capital for the first time, it is likely that some issuers currently using other unregistered capital markets may switch to the amended Rule 504 market. Such movement would increase competition for supply of and demand for capital between the different unregistered markets, especially exemptions pursuant to amended Rule 147, Rule 506 of Regulation D, Regulation A, Regulation Crowdfunding, and other Section 4(a)(2) and Section 3(a)(11) exemptions. Further, modernizing our exemptive scheme in order to provide issuers, and especially small businesses, with more options for capital raising could foster an environment that encourages new market participants to enter the capital markets, thereby enhancing the overall level of capital formation in the economy.

The proposed increase in the Rule 504 offering amount limit could also increase the number of investors, including non-accredited investors that can access a wider array of investment opportunities to diversify their investment portfolios with positive effects on the supply of capital and the allocative efficiency of unregistered capital markets. At the same time, increased access by non-accredited investors to Rule 504 offerings could raise investor protection concerns. Incidence of fraud could be higher under regional offerings relying on the Rule 504 exemption due to reduced oversight by states that may rely on reciprocal registration or coordinated review programs in the alternate state. The Commission's experience with the elimination of the prohibition against general solicitation for Rule 504 offerings in 1992 [307] and its subsequent reinstatement in 1999 as a result of heightened fraudulent activity [308] illustrates the potential for fraud in the Rule 504 market. It should be noted, however, that in 1999 we concluded that the increase in fraud occurred as a result of the prohibition on *unrestricted* general solicitation being removed and because securities issued under Rule 504 offerings were unrestricted.[309] As a result, a non-reporting company could sell up to $1 million of unrestricted securities in a 12-month period and be subject only to the antifraud and civil liability provisions of the federal securities laws. In contrast, the proposed amendments would only increase the aggregate offering amount limitation of Rule 504, thereby leaving existing restrictions on general solicitation and the restricted securities status of the securities unchanged. State registration requirements may also mitigate the risk for investor abuse in Rule 504 offerings.

Recent enforcement cases involving Rule 504 offerings could also raise concerns regarding the potential for increased incidence of fraud under the proposed amendments. Most of these cases have involved promoters who engaged in secondary market sales of unrestricted securities that were previously issued in reliance on Rule 504(b)(1)(iii), defrauding investors and in some cases unsophisticated issuers.[310] Securities issued in reliance on Rule 504(b)(1)(iii) are exempt from state registration, and are permitted to use general solicitation. While the incidence of enforcement cases in this market has since declined, we recognize that an increase in the maximum offering size could increase the risk of investor harm, at least in offerings that are exempt from state registration.

Some of these investor concerns could be mitigated by the proposed amendments to Rule 504(b)(2) and the proposed amendment to extend bad actor disqualification provisions to Rule 504, consistent with other rules under Regulation D. As described above, the proposed amendment to Rule 504(b)(2) would update the current illustrations

[306] *See http://www.nasaa.org/industry-resources/corporation-finance/coordinated-review/*. See also, the 'Reciprocal Crowdfunding Exemption' proposed by the Massachusetts Securities Division. *http://www.sec.state.ma.us/sct/crowdfundingreg/Reciprocal%20Crowdfunding%20Exemption%20-%20MA.PDF*.

[307] *See* Adoption of Small Business Initiatives, SEC Release No. 33–6949 (July 30, 1992).

[308] *See* Seed Capital Release.

[309] *Id.* As the Commission noted at the time it proposed to eliminate the unrestricted nature of securities issued under Rule 504, securities issued in these Rule 504 offerings may have facilitated a number of fraudulent secondary transactions in the over-the-counter markets. The Commission also noted that these securities were issued by ''microcap'' companies, characterized by thin capitalization, low share prices and little or no analyst coverage. As the freely-tradable nature of the securities facilitated the fraudulent secondary transactions, we proposed to ''implement the same resale restrictions on securities issued in a Rule 504 transaction as apply to transactions under the other Regulation D exemptions,'' in addition to reinstating the prohibition against general solicitation. Although we recognized that resale restrictions would have ''some impact upon small businesses trying to raise 'seed capital' in bona fide transactions,'' we believed at the time that such restrictions were necessary so that ''unscrupulous stock promoters will be less likely to use Rule 504 as the source of the freely tradable securities they need to facilitate their fraudulent activities in the secondary markets.'' *See Proposed Revision of Rule 504 of Regulation D, the* ''*Seed Capital*'' *Exemption*, No. 33–7541 (May 21, 1998) [63 FR 29168 (May 28, 1998)], Executive Summary.

[310] *See, e.g.,* SEC v. Stephen Czarnik, Case No. 10–cv–745 (S.D.N.Y.), Litigation Release No. 21401 (Feb. 2, 2010); SEC v. Yossef Kahlon, a/k/a Jossef Kahlon and TJ Management Group, LLC, Case No. 4:12–cv–517 (E. D. Tex.) (Aug. 14, 2012).

of how the aggregate offering limitation is calculated in the event that an issuer sells securities pursuant to Rule 504 and Rule 505 within the same twelve-month period. By enabling market participants to calculate more easily the amounts permitted to be sold, this amendment would provide greater clarity as to issuer compliance with the proposed increased aggregate offering limitation.

The proposed amendments to Rule 504 would include bad actor disqualification provisions that are substantially similar to related provisions in Rule 506 of Regulation D.[311] Consistent with Rule 506(d), the proposed amendments would require that the covered person's status be assessed at the time of the first sale of securities. As in Rule 506(d), the proposed disqualification provisions would not preclude the participation of bad actors whose disqualifying events occurred prior to the effective date of the final amendments, which could expose investors to the risks that arise when bad actors are associated with an offering. However, issuers would be required to disclose disqualification events that occurred prior to the effectiveness of the proposed amendments. The risks to investors from participation of covered persons with prior disqualifying events may therefore be partly mitigated as investors would have access to relevant information that could inform their investment decisions. Disclosure of prior disqualifying events may make it more difficult for issuers to attract investors, and issuers may experience some or all of the impact of disqualification as a result. Some Rule 504 issuers may accordingly choose to exclude involvement by prior bad actors to avoid such disclosures.

We expect that the bad actor disqualification provisions could help reduce the potential for fraud in these types of offerings and thus strengthen investor protection. If disqualification standards lower the risk premium associated with the risk of fraud due to the presence of bad actors in securities offerings, they could also reduce the cost of capital for issuers that rely on the amended Rule 504 exemption. In addition, the requirement that issuers determine whether any covered persons are subject to disqualification might reduce the need for investors to conduct their own due diligence and could therefore increase efficiency. While fraud can still occur without prior incidence of disqualification on the part of the issuer or covered persons, these provisions could mitigate some of the concerns relating to incidence of fraud in offerings pursuant to amended Rule 504, including offerings pursuant to regional coordinated review programs, that could be registered in one jurisdiction but offered and sold in multiple jurisdictions.

The disqualification provisions could also impose costs on issuers and covered persons. Issuers that are disqualified from using amended Rule 504 may experience an increased cost of capital or a reduced availability of capital, which could have negative effects on capital formation. In addition, issuers may incur costs related to seeking disqualification waivers from the Commission and replacing personnel or avoiding the participation of covered persons who are subject to disqualifying events. Issuers also might incur costs to restructure their share ownership to avoid beneficial ownership of 20% or more of the issuer's outstanding voting equity securities by individuals subject to disqualification.

As discussed above, the proposed amendments would provide, by reference to Rule 506(d), a reasonable care exception as applicable for other exemptive rules under Regulation D. A reasonable care exception could facilitate capital formation by encouraging issuers to proceed with Rule 504 offerings in situations in which issuers otherwise might have been deterred from relying on Rule 504 if they risked potential liability under Section 5 of the Securities Act for unknown disqualifying events. At the same time, this exception also could increase the potential for fraud, by limiting issuers' incentives to determine whether bad actors are involved with their offerings. We also recognize that some issuers might incur costs associated with conducting and documenting their factual inquiry into possible disqualifications. The rule's flexibility with respect to the nature and extent of the factual inquiry required could allow an issuer to tailor its factual inquiry as appropriate to its particular circumstances, thereby potentially limiting costs. Finally, we note that extending the disqualification provisions to Rule 504 would create a more consistent regulatory regime under Regulation D that would simplify due diligence requirements and thereby benefit issuers and investors that participate in different types of exempt offerings.

C. Alternatives

1. Rescind Rule 505 Exemption

As discussed in our baseline analysis above, over the past 20 years, the use of the Rule 505 exemption has declined steadily and to a greater extent than the decline in the use of the Rule 504 exemption, in terms of the number of new offerings and amount of capital raised. During 2014, Rule 505 offerings raised less than 0.02% of capital raised in the Regulation D market, and approximately 2% of all capital raised by Regulation D offerings of less than $5 million, Rule 506 which has state preemption clearly dominates the market due to the lower regulatory burden associated with this provision, relative to Rules 504 and 505.

Further, we believe that by allowing offerings up to $5 million, amended Rule 504 would be preferable to existing Rule 505 for issuers currently eligible for both exemptions because it would provide access to an unlimited number of non-accredited investors and restricted general solicitation. Other unregistered markets may also provide a comparable market for potential Rule 505 issuers to raise the desired capital.[312] Rescinding Rule 505 would therefore simplify the existing scheme of exemptive rules and regulations for unregistered offerings by making it easier for issuers and investors to choose between different capital markets.

To the extent that issuers are not able to switch to an alternate market or raise a sufficient amount of capital, however, rescinding Rule 505 could cause overall capital formation in the economy and allocative efficiency of capital markets to decline. For example, reporting companies and investment companies cannot utilize the Rule 504 exemption. However, very few reporting companies (8 out of 289) or fund issuers (11) used the Rule 505 exemption during 2014,[313] and these issuers can switch to a Rule 506 offering with little or no costs. We, therefore, believe that most Rule 505 issuers would likely be able to utilize other exemptions.

The impact of repealing Rule 505 would also depend on investor

[311] *See* Rules 505(b)(2)(iii) and 506(d) of Regulation D, 17 CFR 230,505(b)(2)(iii), 230.506(d).

[312] For example, Rule 506(b) enables issuers to raise unlimited amounts along with providing preemption from state regulation; however, Rule 506(b) offerings are limited to 35 non-accredited investors who must be sophisticated, either individually or through a purchaser representative. In contrast, while Regulation A offerings have greater disclosure requirements, they provide unlimited access to non-accredited investors with the added benefit of unrestricted resales of securities.

[313] Based on an analysis of Form D filings. The numbers were similar during 2009–2013.

willingness and ability to switch from an investment in a Rule 505 offering to an investment in an alternate unregistered capital market. Overall, we believe that repealing Rule 505 would not have a significant, or any, impact on capital formation because issuers would likely be successful at finding commensurate capital supply in an alternate unregistered capital market.

2. Lower Qualifying Thresholds under ''Doing Business'' In-State Tests

An alternative to the proposed amendments relating to the four alternative criteria an issuer must satisfy in order to demonstrate it is doing business in-state could be to lower the percentage thresholds for the current or proposed 80% threshold requirements. For example, compared with the current 80% threshold requirements, requiring issuers to have the majority of their assets, derive the majority of their revenue, or use the majority of their offering proceeds in-state could better comport with modern business practices, provide greater flexibility and make it less burdensome for issuers to satisfy these requirements. Such a change would also align Rule 147 with other tests, including the proposed majority employees test, and also those tests that use a majority threshold for determining issuer status, for example for determining foreign private issuers.[314]

Lowering the prescriptive threshold requirements, while retaining the requirement to satisfy all or some of the criteria that provide indicia of in-state business, would help balance issuer compliance obligations with the need to align the locus of Rule 147 capital raising more closely with issuer operations. At the same time, if issuers with widely-distributed operations over more than one state are able to make greater use of amended Rule 147 under such lower thresholds, state oversight of such issuers could weaken, with a consequent decrease in investor protection. Some of these concerns could be mitigated by continuing to restrict sales to in-state residents and the inclusion of the principal place of business requirement, by the ability of states to extend their enforcement activities to issuers whose assets are located beyond state borders, and by the availability of federal authority to pursue enforcement action under the antifraud provisions of the federal securities laws.

[314] *See* Securities Act Rule 405 and Exchange Act Rule 3b.

3. Eliminate ''Doing Business'' In-State Tests

As another alternative to the proposed rules we considered eliminating the proposed requirement to qualify under any of the ''doing business'' tests. This alternative would significantly ease the burden for potential Rule 147 issuers in complying with the exemption, while also modernizing regulations to align with modern business practices. As described above, in recent years new business models have emerged that may make the eligibility tests ill-suited for relying on the Rule 147 exemption as a capital raising option. Requiring an issuer to own a significant proportion of its assets, have a majority of its employees in one state, invest most of the capital raised in one state, or derive revenue mostly from in-state sales could create inefficient constraints for startups and small businesses to operate and grow. In view of these broad changes in business practices, the principal place of business requirement may be sufficiently effective in establishing the local nature of an offering pursuant to Rule 147 for purposes of compliance with the ''doing business'' in-state requirement at the federal level. Relative to the proposed approach, this alternative approach would provide more flexibility to state regulators to enact their own eligibility and residency requirements that better suit the interests of issuers and investors in their state, rather than using a ''one-size-fits all,'' or uniform, approach at the federal level that may work better for issuers and investors in some states than others.

At the same time, under such alternative, as issuers with widely-distributed assets and operations over more than one state make use of amended Rule 147, state oversight of such issuers could weaken, with a consequent decrease in investor protection. For example, if a majority or a significant proportion of an issuer's assets is located out-of-state, it could be more difficult for state regulators to assess whether any disclosures to investors about such assets are fair and accurate. At the same time, state enforcement actions for protecting in-state investors can extend to issuers whose assets are located beyond the boundaries of the state. Additionally, under this alternative, the principal place of business requirement would replace the prescriptive ''doing business'' in-state requirements and could help mitigate investor protection concerns related to the local nature of the offering.

4. Decreasing or Increasing Rule 504 Maximum Offering Limit

The offer limit under Rule 504 was last increased from $500,000 to $1 million in 1988. Adjusted for inflation, the $1 million in 1988 would be worth approximately $2 million today.[315] Additionally, offering amount limits under various state crowdfunding provisions generally are set around $2 million for most jurisdictions, with $4 million being the highest offering limit in one state. As an alternative to the proposed rule, the offering limit under Rule 504 could be raised to less than $5 million. Increasing the maximum Rule 504 offering to an amount less than $5 million could help alleviate concerns about a decrease in investor protection from unlimited access to non-accredited investors. At the same time, this alternative would restrict capital raising options for issuers, especially if Rule 505 (which permits offering amounts up to $5 million) is rescinded.

Alternately, the maximum offering limit under amended Rule 504 could be raised to an amount greater than $5 million. One example could be to align the maximum offering limit to that of the Tier I offer limit ($20 million) under amended Regulation A. This could allow for more cost-effective state registration, while also providing a competitive alternative to eligible issuers in Tier 1 of the Regulation A market. However, unlike the Regulation A market, non-accredited investors have no investment limits under the Rule 504 provisions. Moreover, recent enforcement cases have highlighted instances of investor abuse in offerings that are sold only to accredited investors in reliance on Rule 504(b)(1)(iii). A higher maximum offering amount would thus lead to greater investor protection concerns.

5. Additional Amendments to Rule 504

In light of concerns about potential abuses involving securities issued in reliance on Rule 504(b)(1)(iii),[316] imposing resale restrictions on such securities could increase investor protection by helping to ensure that securities initially sold pursuant to the exemption are only resold by initial purchasers after the passage of a fixed period of time. However, these restrictions would reduce the liquidity of Rule 504(b)(1)(iii) securities, which could increase the cost of capital for issuers seeking to raise capital in

[315] Annual inflation rates (1988–2014) based on consumer price index data, for all urban consumers, obtained from the Bureau of Labor Statistics.

[316] *See* note 182 and related discussion in Section 0 and Section V.B.0 above.

reliance on this rule provision. At the same time, increasing investor protection through resale restrictions could attract greater investor interest and lower the expected risk premium, which would mitigate, to some extent, the higher costs arising from less liquid securities.

Additionally, Rule 504 could be amended to include additional disclosures to address investor protection concerns arising from the increase in the maximum offering size. While such disclosures could mitigate some of these concerns, they would increase the compliance burden for Rule 504 issuers and may also overlap or extend similar requirements under state law provisions in the jurisdiction in which such Rule 504 offering is registered.

D. Request for Comment

We request comments regarding our analysis of the potential economic effects of the proposed amendments and other matters that may have an effect on the proposed rule. We request comment from the point of view of issuers, investors and other market participants. With regard to any comments, we note that such comments are of particular assistance to us if accompanied by supporting data and analysis of the issues addressed in those comments. For example, we are interested in receiving estimates and data on all aspects of the proposal and, in particular, on the expected size of the Rule 147 and Rule 504 markets (number of offerings, number of issuers, size of offerings, number of investors, etc., as well as information comparing these estimates to our baseline), overall economic impact of the proposed amendments, and any other aspect of this economic analysis. We also are interested in comments on the benefits and costs we have identified and any benefits and costs we may have overlooked as well as the impact of the proposed amendments on competition.

66. What type (size, industry, age, etc.) and how many issuers have relied on Rule 147 during the years 2013 and 2014? In what states were these offerings conducted? How many of these were state-registered offerings? How many claimed an exemption from registration under state laws?

67. What types of issuers (size, industry, age, etc.) would most likely rely on intrastate or regional offerings pursuant to amended Rules 147 and 504?

68. As proposed, would amended Rules 147 and 504 attract startups and small businesses that are considering an offering pursuant to Regulation Crowdfunding? What types of issuers (size, industry, age, etc.) would prefer to conduct an intrastate crowdfunding offering to an interstate crowdfunding offering?

69. How similar is a securities-based intrastate crowdfunding offering to a securities-based offering under Regulation Crowdfunding? How would the cost of an interstate crowdfunding offering compare with the cost of an intrastate crowdfunding offering? How would the expected incidence of success, failure, fraud and other outcomes of an interstate crowdfunding offering compare to the cost of an intrastate crowdfunding offering?

70. Are issuers more likely to use the exemption under amended Rule 147 or the exemption under amended Rule 504 for intrastate offerings if they have a choice under state regulation? Would the cost of raising capital be lower under amended Rule 147 or under amended Rule 504?

71. As proposed, would the amended Rules 147 and 504 attract issuers that are considering offerings under Rule 506(b) or Rule 506(c) of Regulation D or Regulation A? What would the costs and benefits be from relying on the amended rules, compared to the costs and benefits from relying on Rule 506(b) or Rule 506(c) of Regulation D or Regulation A? Please provide estimates, where possible.

72. What would be the economic effect of the proposed modification of the ''doing business'' in-state tests on Rule 147 offerings? What types of issuers and investors are most likely to be affected by the proposed amendments to the ''doing business'' tests?

73. What would be the economic effect of the elimination of all ''doing business'' in-state tests on Rule 147 offerings? What types of issuers and investors are most likely to be affected by the existing ''doing business'' in-state requirements? Would the elimination of all ''doing business'' in-state tests decrease investor protection? What would be the economic effect of retaining some or all of the tests with lower qualifying thresholds?

74. What are the economic effects of requiring a maximum offering amount and investment limits for Rule 147 offerings that are exempt from state registration? Will issuers be likely to use Rule 147 if these proposed amendments relating to state-exempt offerings are adopted?

75. How would amended Rule 147 affect other state registered and state exempt offerings? What type of issuers (size, age, industry, etc.) would rely on amended Rule 147 pursuant to state registration or a state exemption other than intrastate crowdfunding? What would be the typical offering sizes?

76. Would the amended Rules 147 and 504 attract accredited and/or non-accredited investors to intrastate and regional offerings? How would the costs and benefits of the amended requirements compare to the costs and benefits of state preemption that currently exists for securities offered under Rule 506 of Regulation D? How would the costs and benefits compare to other exempt offering methods, such as Regulation A or Regulation Crowdfunding? Please provide estimates, where possible.

77. Would the amended Rule 147 and 504 exemptions attract intermediaries (*e.g.,* crowdfunding portals, broker-dealers or underwriters) to intrastate or regional offerings markets? How would the presence of intermediaries change the cost structure for Rule 147 and Rule 504 issuers? Would the presence of intermediaries likely increase the chances that a wider variety of investors would participate in Rule 147 and 504 offerings?

78. To what extent would additional resale restrictions on securities issued in reliance of Rule 504(b)(1)(iii) decrease the liquidity of such securities?

79. How would a decrease in the Rule 504 offering amount limitation to, for example, $2.5 million in a 12-month period affect the use of Rule 504 exemption? Would it be sufficient to efficiently address capital raising needs of issuers and effectively address investor protection concerns? Would the costs of state registration be feasible under a smaller Rule 504 offering limitation?

80. How would an increase in the Rule 504 offering amount limitation to, for example, $20 million in a 12-month period affect the use of Tier 1 of Regulation A? How would issuers benefit from the increased offering limitation? Would any such increase in the offering limitation have an adverse effect on investor protection?

81. In the case of a repeal of Rule 505, which alternate exemption would Rule 505 issuers be most likely to utilize? How would the costs of capital for such issuers be affected?

82. What would the cost be for an issuer that issues securities under state crowdfunding provisions and crosses the Section 12(g) thresholds for registering with the Commission? Please provide quantitative estimates, where available.

83. What would be the economic impact of alternatives to the proposed rule amendments that have been discussed above?

VI. Paperwork Reduction Act

The proposed amendments to Rule 147 do not contain a ''collection of information'' requirement within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[317] Accordingly, the PRA is not applicable to the proposed amendments to Rule 147 and no PRA analysis is required.

The proposed amendments to Rule 504 of Regulation D contain ''collection of information'' requirements within the meaning of the PRA. There are two titles for the collection of information requirements contemplated by the proposed amendments. The first title is: ''Form D'' (OMB Control No. 3235–0076), an existing collection of information.[318] The second title is: ''Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement,'' a new collection of information. Although the proposed amendments to Rule 504 do not alter the information requirements set forth in Form D, the proposed amendments are expected to increase the number of new Form D filings made pursuant to Regulation D. Additionally, the mandatory bad actor disclosure provisions that would be required under proposed Rule 504 would contain ''collection of information'' requirements within the meaning of the PRA. We are submitting the proposed amendments to the Office of Management and Budget (''OMB'') for review and approval in accordance with the PRA and its implementing regulations.[319]

The information collection requirements related to the filing of Form D with the Commission are mandatory to the extent that an issuer elects to make an offering of securities in reliance on the relevant exemption. Responses are not confidential, and there is no mandatory retention period for the information disclosed. The hours and costs associated with preparing and filing forms and retaining records constitute reporting and cost burdens imposed by the collection of information requirements. We are applying for an OMB control number for the proposed new collection of information in accordance with 44 U.S.C. 3507(j) and 5 CFR 1320.13, and OMB has not yet assigned a control number to the new collection. Responses to the new collection of information would be mandatory. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information requirement unless it displays a currently valid OMB control number.

Form D (OMB Control No. 3235–0076)

The Form D filing is required for issuers as a notice of sales without registration under the Securities Act based on a claim of exemption under Regulation D or Section 4(a)(5) of the Securities Act. The Form D must include basic information about the issuer, certain related persons, and the offering. This information is used by the Commission to observe use of the Regulation D exemptions and safe harbor.

As we are not proposing to alter the information requirements of Form D, our proposed amendments will not affect the paperwork burden of the form, and the burden for responding to the collection of information in Form D will be the same as before the proposed amendments to Form D. However, we estimate that our proposed amendments to increase the aggregate amount of securities that may be offered and sold in any 12-month period in reliance on Rule 504 will increase the number of Form D filings that are made with the Commission.

The table below shows the current total annual compliance burden, in hours and in costs, of the collection of information pursuant to Form D. For purposes of the PRA, we estimate that, over a three-year period, the average burden estimate will be four hours per Form D. Our burden estimate represents the average burden for all issuers. This burden is reflected as a one hour burden of preparation on the company and a cost of $1,200 per filing. In deriving these estimates, we assume that 25% of the burden of preparation is carried by the issuer internally and that 75% of the burden of preparation is carried by outside professionals retained by the issuer at an average cost of $400 per hour. The portion of the burden carried by outside professionals is reflected as a cost, while the portion of the burden carried by the issuer internally is reflected in hours.

TABLE 1—ESTIMATED PAPERWORK BURDEN UNDER FORM D, PRE-AMENDMENT TO RULE 504

	Number of responses	Burden hours/ form	Total burden hours	Internal issuer time	External professional time	Professional costs
	(A) [320]	(B)	(C) = (A)*(B)	(D)	(E)	(F) = (E)*$400
Form D	25,300	4	101,200	25,300	75,900	$30,360,000

For the year ended 2014, 19,717 issuers made 22,004 new Form D filings. The annual number of new Form D filings rose from 13,764 in 2009 to 22,004 in 2014, an average increase of approximately 1,648 Form D filings per year, or approximately 10%. Assuming the number of Form D filings continues to increase by 1,648 filings per year for each of the next three years, the average number of Form D filings in each of the next three years would be approximately 25,300.

We estimate that the proposed amendments to Rule 504 would result in a much smaller annual increase in the number of new Form D filings than the average annual increase that has occurred over the past five years. To estimate how the proposed amendments to Rule 504 would impact the number of new Form D filings, we used as a reference point the impact of a past rule change on the market for Regulation D

[317] 44 U.S.C. 3501 *et seq.* Although amended Rule 147(f) would require a legend on stock certificates and certain other disclosures to be made to offerees and purchasers, the proposed rule would prescribe the precise form of disclosure to be provided to the public, and thus the proposed amendments would not require issuers to obtain or compile information for purposes of compliance with this provision. *See* 5 CFR 1320.3(c)(2).

[318] Form D was adopted pursuant to Sections 2(a)(15), 3(b), 4(a)(2), 19(a) and 19(c)(3) of the Securities Act (15 U.S.C. 77b(a)(15), 77c(b), 77d(a)(2), 77s(a) and 77s(c)(3)).

[319] 44 U.S.C. 3507(d); 5 CFR 1320.11.

[320] Although the number of responses for Form D is reported as 21,824 in the OMB's Inventory of Currently Approved Information Collections, available at *http://www.reginfo.gov/public/do/PRAMain;jsessionid=D37174B5F6F9148DB767D63DF6983A65*, we are preparing a new estimate based on the historical trend of the annual number of new Form D filings. Based on an average increase of approximately 1,648 new Form D filings per year over the past five years, we believe that the average number of new Form D filings in each of the next three years would be approximately 25,300.

offerings. In 1997, the Commission amended Rule 144(d) under the Securities Act [321] to reduce the holding period for restricted securities from two years to one year,[322] thereby increasing the attractiveness of Regulation D offerings to investors and to issuers. Prior to amending Rule 144(d), there were 10,341 Form D filings in 1996, which was followed by a 20% increase in the number of Form D filings in each of the subsequent three calendar years, reaching 17,830 by 1999. Although it is not possible to predict with any degree of certainty the increase in the number of Rule 504 offerings following the proposed amendments, we estimate for purposes of the PRA that there would be a similar 20% increase in the number of new Form D offerings that currently rely on either Rule 504 or 505.[323] In 2014, there were 544 new Form D filings reporting reliance on Rule 504 and 289 new Form D filings reporting reliance on Rule 505. We estimate that there will be an additional approximately 200 new Form D filings in each of the next three years attributable to the proposed amendments.[324]

Based on these increases, we estimate that the annual compliance burden of the collection of information requirements for issuers making Form D filings after amending Rule 504 to increase the aggregate offering amount from $1 million to $5 million would be an aggregate 25,500 hours of issuer personnel time and $30,600,000 for the services of outside professionals per year.

TABLE 2—ESTIMATED PAPERWORK BURDEN UNDER FORM D, POST-AMENDMENT TO RULE 504

	Number of responses	Burden hours/ form	Total burden hours	Internal issuer time	External professional time	Professional costs
	(A) [325]	(B)	(C) = (A)*(B)	(D)	(E)	(F) = (E)*$400
Form D	25,500	4	102,000	25,500	76,500	$30,600,000

Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement (a Proposed New Collection of Information)

As proposed, the amendments to Rule 504 would disqualify issuers from reliance on Rule 504 if such issuer would be subject to disqualification under Rule 506(d) of Regulation D.[326] Consistent with the requirements of Rule 506(e), we proposed to require that the issuer in a Rule 504 offering furnish to each purchaser, a reasonable time prior to sale, a written description of any matters that occurred before effectiveness of any amendments to the rule that may be adopted and within the time periods described in the list of disqualification events set forth in Rule 506(d)(1) of Regulation D,[327] in regard to the issuer or any other ''covered person'' associated with the offering. For purposes of the mandatory disclosure provision described in the note to proposed Rule 504(b)(3),[328] issuers would be required to ascertain whether any disclosures are required in respect of covered persons involved in their offerings, prepare any required disclosures and furnish them to purchasers.

The Commission would adopt the proposed Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement under the Securities Act. The Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement that would be required to be furnished to investors does not involve submission of a form filed with the Commission and is not required to be presented in any particular format, although it must be in writing. The hours and costs associated with preparing and furnishing the Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement to investors in the offering constitute reporting and cost burdens imposed by the collection of information. 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.

The disclosure or paperwork burden imposed on issuers appears in a note to proposed Rule 504(b)(3) and pertains to events that occurred before effectiveness of the final rules but which would have triggered disqualification had they occurred after effectiveness. Issuers relying on proposed Rule 504 would be required to furnish disclosure of any relevant past events that would have triggered disqualification under proposed Rule 504(b)(3) that relate to the issuer or any other covered person. If there are any such events, a disclosure statement would be required to be furnished, a reasonable time before sale, to all purchasers in the offering. The disclosure requirement would serve to protect purchasers by ensuring that they receive information regarding any covered persons that were subject to such disqualifying events.

The disclosure requirement would not apply to triggering events occurring after the effective date of the proposed rule amendments, if adopted, because those events would result in disqualification from reliance on Rule 504 (absent a waiver or other exception provided in Rule 506(d)), rather than any disclosure obligation.

The steps that issuers would take to comply with the proposed disclosure requirement are expected to mirror the steps they would take to determine whether they are disqualified from relying on Rule 504. We expect that issuers planning or conducting a Rule 504 offering would undertake a factual

[321] 17 CFR 230.144(d).

[322] *See,* SEC Rel. No. 33–7390 (Feb. 20, 1997) [62 FR 9242].

[323] We include the number of new Form D filings that rely on Rule 505 in these estimates since Rule 505 provides an alternative Regulation D exemption for an issuer to rely upon with a maximum offering limitation of no more than $5 million in a twelve month period.

[324] We estimate the number of new Form D filings attributable to the proposed amendments over the next three years as follows: 833 new Form D filings in 2014 relying on either Rules 504 or 505, multiplied by 20% equals 166.6. Rounding 166.6 to the nearest hundredth provides us with an estimate of 200 new Form D filings attributable to the proposed amendments.

[325] The information in this column is not based on the number of responses for Form D of 21,824, as reported in the OMB's Inventory of Currently Approved Information Collections, but rather on a new estimate of the average number of new Form D filings in each of the next three years. We prepared this estimate based on the historical trend of the annual number of new Form D filings. *See* text accompanying note 320 above. Based on an average increase of approximately 1,648 new Form D filings per year over the past five years, we estimate that the number of new Form D filings after the proposed amendment to Rule 504 would be the average number of new Form D filings we estimate in each of the next three years of 25,300, plus the additional 200 filings we estimate would be filed as a result of the proposed amendment to Rule 504.

[326] *See* proposed Rule 504(b)(3); *see also* 17 CFR 230.506(d).

[327] 17 CFR 230.506(d)(1).

[328] *See* note to proposed Rule 504(b)(3).

inquiry to determine whether they are subject to any disqualification. Disqualification and mandatory disclosure would be triggered by the same types of events in respect of the same covered persons, with disqualification arising from triggering events occurring after the adoption and effectiveness of any amended rules and mandatory disclosure applicable to events occurring before that date. Therefore, we would expect that factual inquiry into potential disqualification could simply be extended to cover the period before any amended rules so adopted become effective. On that basis, we would expect that the factual inquiry process for the disclosure statement requirement would impose a limited incremental burden on issuers.

We expect that the size of the issuer and the circumstances of the particular Rule 504 offering would determine the scope of the factual inquiry and require tailored and offering-specific data gathering approaches. We do not anticipate that it would generally be necessary for any issuer or any compensated solicitor to make inquiry of any covered individual with respect to ascertaining the existence of events that require disclosure more than once, because the proposed period to be covered by the inquiry would end with the effective date of any new disqualification rules (so future events would be unlikely to affect the inquiry or change the disclosures that would have to be made). We do, however, expect that issuers may be required to revise their factual inquiry for each Rule 504 offering due to changes in management or intermediaries, other changes to the group of covered persons or if questions arise about the accuracy of previous responses. We also would expect that the disclosure requirement may serve the additional function of helping issuers develop processes and procedures for the factual inquiry required to establish reasonable care under the disqualification provisions of Rule 506(d).

We anticipate that the Regulation D Rule 504(b)(3) Felons and Other Bad Actors Disclosure Statement would result in an incremental increase in the burdens and costs for issuers that rely on the Rule 504 exemption by requiring these issuers to conduct factual inquiries into the backgrounds of covered persons with regard to events that occurred before effectiveness of the final bad actor disqualification provisions. For purposes of the PRA, we estimate the total annual increase in paperwork burden for all affected Rule 504 issuers to comply with our proposed collection of information requirements would be approximately 830 hours of company personnel time and approximately $9,600 for the services of outside professionals. These estimates include the incremental time and cost of conducting a factual inquiry to determine whether the Rule 504 issuers have any covered persons with past disqualifying events. The estimates also include the cost of preparing a disclosure statement that issuers would be required to furnish to each purchaser a reasonable time prior to sale.

In deriving our estimates, consistent with those assumptions used in the PRA analysis for the Rule 506 bad actor disqualification provisions,[329] we assume that:

Approximately 750 Rule 504 issuers [330] relying on Rule 504 of Regulation D would spend on average one additional hour to conduct a factual inquiry to determine whether any covered persons had a disqualifying event that occurred before the effective date of the rule amendments; and

On the basis of the factual inquiry, approximately eight issuers (or approximately 1%) would spend ten hours to prepare a disclosure statement describing matters that would have triggered disqualification under Rule 504(b)(3) of Regulation D had they occurred on or after the effective date of the rule amendments; and

For purposes of the disclosure statement, approximately eight Rule 504 issuers would retain outside professional firms to spend three hours on disclosure preparation at an average cost of $400 per hour.

The increase in burdens and costs associated with conducting the proposed factual inquiry for the disclosure statement requirement should pose a minimal incremental effort given that issuers are simultaneously required to conduct a similar factual inquiry for purposes of determining disqualification from the Rule 506 exemption.

It is difficult to provide any standardized estimates of the costs involved with the factual inquiry. There is no central repository that aggregates information from all federal and state courts and regulators that would be relevant in determining whether a covered person has a disqualifying event in his or her past. In this regard, we are currently unable to accurately estimate the burdens and costs for issuers in a verifiable way. We expect, however, that the costs to issuers may be higher or lower depending on the size of the issuer and the number and roles of covered persons. We realize there may be a wide range of issuer size, management structure, and offering participants involved in Rule 504 offerings and that different issuers may develop a variety of different factual inquiry procedures.

Where the issuer or any covered person would be subject to an event covered by Rule 504(b)(3) that existed before the effective date of these rules, the issuer would be required to prepare disclosure for each relevant Rule 504 offering. The estimates include the time and the cost of data gathering systems, the time and cost of preparing and reviewing disclosure by in-house and outside counsel and executive officers, and the time and cost of delivering or furnishing documents and retaining records.

Issuers conducting ongoing or continuous offerings would be required to update their factual inquiry and disclosure as necessary to address additional covered persons. The annual incremental paperwork burden, therefore, depends on an issuer's Rule 504 offering activity and the changes in covered persons from offering to offering. For example, some issuers may only conduct one Rule 504 offering during a year while other issuers may have multiple, separate Rule 504 offerings during the course of the same year involving different financial intermediaries, may hire new executive officers or may have new 20% shareholders, any of which would result in a different group of covered persons. In deriving our estimates, we recognize that the burdens would likely vary among individual companies based on a number of factors, including the size and complexity of their organizations. We believe that some companies would experience costs in excess of this estimated average and some companies may experience less than the estimated average costs.

Request for Comment

We request comment on our approach and the accuracy of the current estimates. Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission solicits

[329] *See* SEC Rel. No. 33–9414 (July 10, 2013).

[330] Filing data reviewed by the staff of the Commission's Division of Economic and Risk Analysis indicate that for 2014, 544 issuers claimed Rule 504 and 289 issuers claimed Rule 505 in their Form D filings with the Commission. *See* Figure 1 in Section V.1 above. For purposes of the PRA estimates, and based on the data provided for Rule 504 and Rule 505 offerings in 2014, we assume that approximately 750 issuers would file a Form D indicating reliance on Rule 504 after the effectiveness of any rule amendments proposed today. This figure includes issuers that, before the adoption of any potential amendments to Rule 504 proposed today, would have conducted offerings pursuant to Rule 505, but that after the adoption of any such amendments would likely conduct their offerings pursuant to Rule 504.

comments to: (1) Evaluate 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; (2) evaluate the accuracy of the Commission's estimate of burden of the collection of information; (3) determine whether there are ways to enhance the quality, utility and clarity of the information to be collected; and (4) evaluate whether there are ways to minimize the burden of the collection of information on those who are required to respond, including through the use of automated collection techniques or other forms of information technology.

Persons submitting comments on the collection of information requirements should direct the comments to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503, and send a copy to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090, with reference to File No. S7–22–15. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–22–15, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–1090. OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this release. Consequently, a comment to OMB is assured of having its full effect if OMB receives it within 30 days of publication.

VII. Initial Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (''RFA'')[331] requires the Commission, in promulgating rules under Section 553 of the Administrative Procedure Act,[332] to consider the impact of those rules on small entities. The Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') in accordance with Section 603 of the RFA.[333] This IRFA relates to the proposed amendments to Securities Act Rules 147 and 504.

A. Reasons for, and Objectives of, the Action

The primary reason for, and objective of, the proposed amendments to Rule 147 is to establish a new Securities Act exemption for intrastate offerings of securities by local companies, including offerings relying upon newly adopted and proposed crowdfunding provisions under state securities laws. Market participants and state regulators have indicated that the combined effect of Section 3(a)(11)'s statutory limitation on offers and the prescriptive issuer eligibility requirements of Rule 147 unduly restrict the availability of the exemption for local companies that would otherwise conduct intrastate offerings in a manner that is consistent with the original intent of Section 3(a)(11). These commenters have also indicated that the current requirements of Rule 147 make it difficult for issuers to take advantage of recently adopted state crowdfunding provisions. The proposed amendments to Rule 147 would ease these limitations in the rule and would allow an issuer to engage in any form of general solicitation or general advertising, including the use of publicly accessible Internet Web sites, to offer and sell its securities, so long as all purchasers of such securities are residents of the same state or territory in which the issuer's principal place of business is located. We propose to amend Rule 147 pursuant to our general exemptive authority under Section 28 of the Securities Act.

The primary reason for, and objective of, the proposed amendments to Rule 504 is to facilitate capital formation by increasing the flexibility of state securities regulators to implement regional coordinated review programs that would facilitate regional offerings. The proposed amendments to Rule 504 would raise the aggregate amount of securities an issuer may offer and sell in any 12-month period from $1 million to $5 million and disqualify certain bad actors from participating in Rule 504 offerings. We believe that raising the aggregate offering limitation and disqualifying certain bad actors would maximize the flexibility of state securities regulators to implement regional coordinated review programs and provide for greater consistency across Regulation D.

B. Legal Basis

We are proposing the amendments pursuant to Sections 3(b)(1), 4(a)(2), 19 and 28 of the Securities Act.

C. Small Entities Subject to the Proposed Amendments

For purposes of the RFA, under our rules, an issuer, other than an investment company, is a ''small business'' or ''small organization'' if it has total assets of $5 million or less as of the end of its most recent fiscal year and is engaged or proposing to engage in an offering of securities which does not exceed $5 million.[334] For purposes of the Regulatory Flexibility Act, an investment company is a small entity if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year.[335]

While we lack data on the number and size of Rule 147 offerings[336] or the type of issuers currently relying on the Rule 147 safe harbor, the nature of the eligibility requirements and other restrictions of the rule lead us to believe that it is currently being used by U.S. incorporated businesses that are likely small businesses seeking to raise small amounts of capital without incurring the costs of registering with the Commission.

Currently, issuers that intend to conduct intrastate crowdfunding offerings are required to use the Rule 147 exemption by most of the states that have enacted crowdfunding provisions. Since December 2011, when the first state enacted crowdfunding provisions, 106 state crowdfunding offerings have been reported to be filed with the respective state regulators.[337] Of these offerings, 91 were reported to be approved or cleared, as of June 2015. We expect that almost all of the entities conducting these offerings were small issuers.

The proposed amendments to Rule 504 would affect small issuers that rely on this exemption from Securities Act registration. All issuers that sell securities in reliance on Regulation D are required to file a Form D with the Commission reporting the transaction. For the year ended December 31, 2014, 19,717 issuers made 22,004 new Form D filings, of which 495 issuers relied on the Rule 504 exemption. Based on the information reported by issuers on Form D, there were 146 small issuers[338]

[331] 5 U.S.C. 601 *et seq.*

[332] 5 U.S.C. 553.

[333] 5 U.S.C. 603.

[334] 17 CFR 230.157.

[335] 17 CFR 270.0–10(a).

[336] *See* note 211 above.

[337] Based on estimates provided by NASAA.

[338] Of this number, 140 of these issuers are not pooled investment funds, and 6 are pooled investment funds. We also note that issuers that are not pooled investment funds disclose only revenues on Form D, and not total assets. Hence, we use the amount of revenues as a measure of issuer size for non-pooled investment funds and net asset value as

relying on the Rule 504 exemption in 2014. This number likely underestimates the actual number of small issuers relying on the Rule 504 exemption, however, because 38% of issuers that are not pooled investment funds and 50% of issuers that are pooled investment funds declined to report on their Form D filed with the Commission their amount of revenues or assets.

D. Projected Reporting, Recordkeeping and Other Compliance Requirements

The proposed amendments to Rule 147 would not impose any reporting or recordkeeping requirements, but would require that issuers conducting offerings in reliance on the rule make certain specific disclosures to each offeree and purchaser in the offering. These disclosures would be made to each offeree in the manner in which any such offer is communicated and to each purchaser of a security in the offering in writing. The proposed amendments to Rule 147 would also require that issuers place a specific legend on the certificate or other document evidencing the securities that are being offered in reliance on the rule.

In order to comply with proposed Rule 147(d), issuers would need to have a reasonable belief that a prospective purchaser resides within the state or territory of which the issuer has its principal place of business. The steps required to establish reasonable belief would vary with the circumstances. For example, an issuer may need to consider facts and circumstances, such as the existence of a pre-existing relationship between the issuer and the prospective purchaser providing the issuer with insight and knowledge as to the primary residence of the prospective purchaser. An issuer may also consider other facts and circumstances establishing the residency of a prospective purchaser, such as evidence of the home address of the prospective purchaser, as documented by a recently dated utility bill, pay-stub, information contained in a state or federal tax returns, or any state-issued documentation, such as a driver's license or identification card.

The proposed amendments to Rule 504 would increase the aggregate offering ceiling from $1 million to $5 million and disqualify certain bad actors from participating in Rule 504 offerings. Issuers would need to comply with all the current requirements of Rule 504, including the filing of a Form D.[339] Also, as it is the case under current Rule 504, issuers relying on the rule that wish to engage in general solicitation and issue freely tradable securities may also be required to register their offering with at least one state regulator. The proposed amendments to Rule 504 would also impose a disclosure requirement with respect to bad actor disqualifying events that occurred before the effective date of any of the proposed disqualification provisions, if adopted, and would have triggered disqualification had they occurred after that date.[340] Such disclosure would be required to be in writing and furnished to each purchaser a reasonable time prior to sale. There would be no prescribed form that such disclosure must take.

In addition, we would expect that issuers would exercise reasonable care to ascertain whether a disqualification exists with respect to any covered person, and document their exercise of reasonable care. The steps required would vary with the circumstances, but we anticipate would generally include making factual inquiry of covered persons and, where the issuer has reason to question the veracity or completeness of responses to such inquiries, further steps such as reviewing information on publicly available databases. In addition, issuers would have to prepare any necessary disclosure regarding preexisting events. We would expect that the costs of compliance would vary depending on the size and nature of the offering but that they would generally be lower for small entities than for larger ones because of the relative simplicity of their organizational structures and securities offerings and the generally smaller numbers of individuals and entities involved.

E. Overlapping or Conflicting Federal Rules

We believe that there are no federal rules that conflict with the proposed amendments to Rule 147 and Rule 504 of Regulation D. As discussed above,[341] Rule 147, as proposed to be amended, would encompass offerings that are exempt under Securities Act Section 3(a)(11). Amended Rule 147, however, also would extend to certain other offerings that do not meet the requirements for the statutory exemption, such as those offered on publicly accessible Internet Web sites. As discussed above,[342] Rule 504, as proposed to be amended, would have the same offering limitation as current Rule 505 and include bad actor disqualification provisions, which would reduce the distinctions between these rules across Regulation D if the amendments to the rules are adopted as proposed.

F. Significant Alternatives

The Regulatory Flexibility Act directs us to consider significant alternatives that would accomplish the stated objectives of our amendments, while minimizing any significant adverse impact on small entities. Specifically, we considered the following alternatives: (1) Establishing different compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarifying, consolidating or simplifying compliance and reporting requirements for small entities under the rule; (3) using performance rather than design standards; and (4) exempting small entities from coverage of all or part of the proposed amendments.

With respect to clarification, consolidation and simplification of the rule's compliance and reporting requirements for small entities, the proposed amendments to Rule 147 do not impose any new reporting requirements. To the extent the proposed amendments may be considered to create a new compliance requirement to have a reasonable belief that a prospective purchaser is a resident of the state or territory in which the issuer has its principal place of business, the precise steps necessary to meet that requirement will vary according to the circumstances, and this flexible standard will be applicable to all issuers, regardless of size. We believe our proposals are designed to streamline and modernize the rule for all issuers, both large and small. Nevertheless, we request comment on ways to clarify, consolidate, or simplify any part of the proposed amendments to Rule 147, including whether we should retain the current safe harbor under Rule 147.

In connection with our proposed amendments to Rule 147, we do not think it feasible or appropriate to establish different compliance or reporting requirements or timetables for small entities. The proposed amendments are designed to facilitate access to capital for both large and small issuers, but particularly smaller issuers who may satisfy their financing needs by limiting the sales of their securities only to residents of the state or territory

a measure of issuer size for pooled investment funds.

[339] Rule 503 requires an issuer relying on any exemption under Regulation D to file a Form D within 15 calendar days after the first sale of securities in the offering.

[340] *See* proposed Rule 504(b)(3).

[341] *See* discussion in Section II.B above.

[342] *See* discussion in Section III.C above.

in which they have their principal place of business. The proposed amendments do not contain any reporting standards and the compliance requirements it does include are minimal and designed with the limited resources of smaller issuers in mind. For example, the proposed rule would eliminate the current requirement to obtain an investor representation as to residency status because we do not believe such a requirement would be necessary in all circumstances. Similarly, we do not believe it is necessary to clarify, consolidate or simplify reporting or compliance requirements for small entities as the proposed rule contains more streamlined requirements for all issuers, both large and small. For example, the proposed amendments simplify the doing business in-state determination by amending the current rule requirements so that an issuer's ability to rely on the rule would be based on the location of the issuer's principal place of business and its ability to satisfy an additional criterion that we believe would provide further assurance of the in-state nature of the issuer's business within the state in which the offering takes place. With respect to using performance rather than design standards, we note that our proposed amendment establishing a ''reasonable belief'' standard for the determination of a prospective purchaser's residency status is a performance standard. Rather than prescribe specific steps necessary to meet such a standard, such as requiring written representations from investors, the proposed rules recognize that reasonable belief can be established in a variety of ways (*e.g.,* through pre-existing knowledge of the purchaser, obtaining supporting documentation, or using other appropriate methods). We believe that the use of a performance standard accommodates different types of offerings and purchasers without imposing overly burdensome methods that may be ill-suited or unnecessary to a particular offering or purchaser, given the facts and circumstances.

With respect to exempting small entities from coverage of the proposed amendments to Rule 147, we believe such changes would be impracticable. These proposed amendments are designed to facilitate an issuer's access to capital, regardless of the size of the issuer. We have endeavored throughout these proposed amendments to minimize the regulatory burden on all issuers, including small entities, while meeting our regulatory objectives. We believe exempting small entities from our proposals would increase, rather than decrease, their regulatory burden. Nevertheless, we request comment on ways in which we could exempt small entities from coverage of any unduly onerous aspects of our proposed amendments.

In connection with our proposed amendments to Rule 504 of Regulation D, we do not think it is feasible or appropriate to establish different compliance or reporting requirements or timetables for small entities. Our proposals are intended to facilitate issuers' access to capital and are particularly designed for smaller issuers who are not subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act and who are offering no more than $5 million of their securities in any twelve month period. The proposed amendments are also designed to exclude ''felons and other 'bad actors' '' from involvement in Rule 504 securities offerings, which we believe could benefit small issuers by protecting them and their investors from bad actors and increasing investor trust in such offerings. Increased investor trust could potentially reduce the cost of capital and create greater opportunities for small businesses to raise capital. Exempting small entities from our proposals would increase, rather than decrease, their regulatory burden. Nevertheless, we request comment on whether it is feasible or appropriate for small entities to have different requirements or timetables for compliance with our proposals.

With respect to clarification, consolidation and simplification of the compliance and reporting requirements for small entities, the proposed amendments do not impose any new reporting requirements. To the extent the proposed amendments may be considered to create a new compliance requirement to exercise reasonable care to ascertain whether a disqualification exists with respect to any offering and to furnish a written description of preexisting triggering events, the precise steps necessary to meet that proposed requirement would vary according to the circumstances. In general, we believe the requirement would more easily be met by small entities than by larger ones because we believe that their structures and securities offerings would be generally less complex and involve fewer participants. Nevertheless, we request comment on ways to clarify, consolidate, or simplify any part of our proposed rule amendments for small entities.

With respect to the use of performance or design standards, we note that our proposed amendments to Rule 504 relating to increasing the aggregate offering amount that may be offered and sold in any 12-month period from $1 million to $5 million would use design rather than performance standards. We note, however, that the ''reasonable care'' exception would be a performance standard. With respect to exempting small entities from coverage of these proposed amendments, we believe that such an approach would be impracticable. Regulation D was designed, in part, to provide exemptive relief for smaller issuers. Exempting small entities from bad actor provisions could result in a decrease in investor protection and trust in the private placement and small offerings markets. We have endeavored to minimize the regulatory burden on all issuers, including small entities, while meeting our regulatory objectives, and have proposed to include a ''reasonable care'' exception and waiver authority for the Commission to give issuers and other covered persons additional flexibility with respect to the application of these amendments.

G. General Request for Comment

We encourage comments with respect to any aspect of this initial regulatory flexibility analysis. In particular, we request comments regarding:

- The number of small entities that may be affected by the proposals;
- The existence or nature of the potential impact of the proposals on small entities discussed in the analysis; and
- How to quantify the impact of the proposed amendments.

Commenters are asked to describe the nature of any impact and provide empirical data supporting the extent of the impact. Such comments will be considered in the preparation of the Final Regulatory Flexibility Analysis, if the proposals are adopted, and will be placed in the same public file as comments on the proposed amendments themselves.

VIII. Small Business Regulatory Enforcement Fairness Act

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''),[343] the Commission must advise the OMB as to whether a proposed regulation constitutes a ''major'' rule. Under SBREFA, a rule is considered ''major'' where, if adopted, it results or is likely to result in:

- An annual effect on the economy of $100 million or more (either in the form of an increase or a decrease);

[343] Pub. L. 104–121, Tit. II, 110 Stat. 857 (1996).

• a major increase in costs or prices for consumers or individual industries; or

• significant adverse effects on competition, investment or innovation.

If a rule is ''major,'' its effectiveness will generally be delayed for 60 days pending Congressional review.

We request comment on whether our proposed amendments would be a ''major rule'' for purposes of SBREFA. We solicit comment and empirical data on:

• The potential effect on the U.S. economy on an annual basis;

• any potential increase in costs or prices for consumers or individual industries; and

• any potential effect on competition, investment or innovation.

We request those submitting comments to provide empirical data and other factual support for their views to the extent possible.

IX. Statutory Basis and Text of Proposed Rules

The amendments contained in this release are being proposed under the authority set forth in Sections 3(b)(1), 4(a)(2), 19 and 28 of the Securities Act of 1933, as amended.

Text of Proposed Amendments

List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

■ 1. The authority citation for part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z-3, 77sss, 78c, 78d, 78j, 78*l*, 78m, 78n, 78o, 78o–7 note, 78t, 78w, 78*ll*(d), 78mm, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, and Pub. L. 112–106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), unless otherwise noted.

* * * * *

■ 2. Section 230.147 is revised to read as follows:

§ 230.147 Intrastate sales exemption.

(a) *Scope of the exemption.* Offers and sales by or on behalf of an issuer of its securities made in accordance with all of the provisions of this section (§ 230.147) are exempt from section 5 of the Act (15 U.S.C. 77e) if the issuer:

(1) Registers the offer and sale of such securities in the state in which all purchasers of the securities are resident; or

(2) Conducts the offer and sale of such securities pursuant to an exemption from registration in the state in which all purchasers of the securities are resident that limits the amount of securities:

(i) An issuer may sell pursuant to such exemption to no more than $5 million in a twelve-month period; and

(ii) An investor may purchase in such offering (as determined by the appropriate authority in such state).

(b) *Manner of offers and sales.* An issuer, or any person acting on behalf of the issuer, may rely on this exemption to make offers and sales using any form of general solicitation and general advertising, so long as the issuer complies with the provisions of paragraphs (c), (d), and (f) through (h) of this section.

(c) *Nature of the issuer.* The issuer of the securities shall at the time of any offers and sales pursuant to this section:

(1) Have its principal place of business within the state or territory in which all purchasers of the securities are resident. The issuer shall be deemed to have its principal place of business in a state or territory in which the officers, partners or managers of the issuer primarily direct, control and coordinate the activities of the issuer; and

(2) Meet at least one of the following requirements:

(i) The issuer derived at least 80% of its consolidated gross revenues from the operation of a business or of real property located in or from the rendering of services within such state or territory;

(ii) The issuer had at the end of its most recent semi-annual fiscal period prior to an initial offer of securities in any offering or subsequent offering pursuant to this section, at least 80% of its assets and those of its subsidiaries on a consolidated basis located within such state or territory;

(iii) The issuer intends to use and uses at least 80% of the net proceeds to the issuer from sales made pursuant to this section (§ 230.147) in connection with the operation of a business or of real property, the purchase of real property located in, or the rendering of services within such state or territory; or

(iv) A majority of the issuer's employees are based in such state or territory.

Note 1 to paragraph (c)(1). An issuer that has previously conducted an intrastate offering pursuant to this section (§ 230.147) may not conduct another intrastate offering pursuant to this section (§ 230.147), based upon satisfaction of the principal place of business definition contained in paragraph (c)(1) of this section (§ 230.147(c)(1)) in a different state or territory, until the expiration of the time period specified in paragraph (e) of this section (§ 230.147(e)), calculated on the basis of the date of the last sale in such offering.

Note 1 to paragraph (c)(2)(i). Revenues must be calculated based on the issuer's most recent fiscal year, if the first offer of securities pursuant to this section is made during the first six months of the issuer's current fiscal year, and based on the first six months of the issuer's current fiscal year or during the twelve-month fiscal period ending with such six-month period, if the first offer of securities pursuant to this section is made during the last six months of the issuer's current fiscal year.

(d) *Residence of purchasers.* Sales of securities pursuant to this section (§ 230.147) shall be made only to persons that the issuer reasonably believes at the time of sale are residents of the state or territory in which the issuer has its principal place of business. For purposes of determining the residence of purchasers:

(1) A corporation, partnership, limited liability company, trust or other form of business organization shall be deemed to be a resident of a state or territory if, at the time of sale to it, it has its principal place of business, as defined in paragraph (c)(1) of this section, within such state or territory.

(2) Individuals shall be deemed to be residents of a state or territory if such individuals have, at the time of sale to them, their principal residence in the state or territory.

(3) A corporation, partnership, trust or other form of business organization, which is organized for the specific purpose of acquiring securities offered pursuant to this section (§ 230.147), shall not be a resident of a state or territory unless all of the beneficial owners of such organization are residents of such state or territory.

(e) *Limitation on resales.* For a period of nine months from the date of the sale by the issuer of a security pursuant to this section (§ 230.147), any resale of such security by a purchaser shall be made only to persons resident within the purchaser's state or territory of residence, as determined pursuant to paragraph (d) of this section.

Instruction to Paragraph (e): In the case of convertible securities, resales of either the convertible security, or if it is converted, the underlying security, could be made during the period described in paragraph (e) only to persons resident within such state or territory. For purposes of this paragraph (e), a conversion in reliance on section 3(a)(9) of the Act (15 U.S.C. 77c(a)(9)) does not begin a new period.

(f) *Precautions against interstate sales.* (1) The issuer shall, in connection with any securities sold by it pursuant to this section:

(i) Place a prominent legend on the certificate or other document evidencing

the security stating that: ''Offers and sales of these securities were made under an exemption from registration and have not been registered under the Securities Act of 1933. For a period of nine months from the date of the sale by the issuer of these securities, any resale of these securities (or the underlying securities in the case of convertible securities) by a purchaser shall be made only to persons resident within the purchaser's state or territory of residence.''; and

(ii) Issue stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, make a notation in the appropriate records of the issuer.

(2) The issuer shall, in connection with the issuance of new certificates for any of the securities that are sold pursuant to this section (§ 230.147) that are presented for transfer during the time period specified in paragraph (e), take the steps required by paragraphs (f)(1)(i) and (ii) of this section.

(3) The issuer shall, at the time of any offer or sale by it of a security pursuant to this section (§ 230.147), prominently disclose to each offeree in the manner in which any such offer is communicated and to each purchaser of such security in writing the following: ''Sales will be made only to residents of the same state or territory as the issuer. Offers and sales of these securities are made under an exemption from registration and have not been registered under the Securities Act of 1933. For a period of nine months from the date of the sale by the issuer of the securities, any resale of the securities (or the underlying securities in the case of convertible securities) by a purchaser shall be made only to persons resident within the purchaser's state or territory of residence.''

(g) *Integration with other offerings.* Offers or sales made in reliance on this section will not be integrated with:

(1) Prior offers or sales of securities; or

(2) Subsequent offers or sales of securities that are:

(i) Registered under the Act, except as provided in paragraph (h) of this section;

(ii) Exempt from registration under Regulation A (§ 230.251 *et seq.*);

(iii) Exempt from registration under Rule 701 (§ 230.701);

(iv) Made pursuant to an employee benefit plan;

(v) Exempt from registration under Regulation S (§§ 230.901 through 230.905);

(vi) Exempt from registration under section 4(a)(6) of the Act (15 U.S.C. 77d(a)(6)); or

(vii) Made more than six months after the completion of an offering conducted pursuant to this section.

Note to Paragraph (g): If none of the safe harbors applies, whether subsequent offers and sales of securities will be integrated with any securities offered or sold pursuant to this section (§ 230.147) will depend on the particular facts and circumstances.

(h) *Offerings limited to qualified institutional buyers and institutional accredited investors.* Where an issuer decides to register an offering under the Securities Act after making offers in reliance on Rule 147 limited only to qualified institutional buyers and institutional accredited investors referenced in Section 5(d) of the Securities Act, such offers will not be subject to integration with any subsequent registered offering. If the issuer makes offers in reliance on Rule 147 to persons other than qualified institutional buyers and institutional accredited investors referenced in Section 5(d) of the Securities Act, such offers will not be subject to integration if the issuer (and any underwriter, broker, dealer, or agent used by the issuer in connection with the proposed offering) waits at least 30 calendar days between the last such offer made in reliance on Rule 147 and the filing of the registration statement with the Commission.

■ 3. In § 230.504, the section heading and paragraph (b)(2) are revised, and paragraph (b)(3) is added, to read as follows:

§ 230.504 Exemption for limited offerings and sales of securities not exceeding $5,000,000.

* * * * *

(b) * * *

(2) The aggregate offering price for an offering of securities under this § 230.504, as defined in § 230.501(c), shall not exceed $5,000,000, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this § 230.504, in reliance on any exemption under section 3(b)(1), or in violation of section 5(a) of the Securities Act.

Note 1 to paragraph (b)(2): The calculation of the aggregate offering price is illustrated as follows:

If an issuer sold $900,000 on June 1, 2013 under this § 230.504 and an additional $4,100,000 on December 1, 2013 under § 230.505, the issuer could only sell $900,000 of its securities under this § 230.504 on June 1, 2014. Until December 1, 2014, the issuer must count the December 1, 2013 sale towards the $5,000,000 limit within the preceding twelve months.

Note 2 to paragraph (b)(2): If a transaction under § 230.504 fails to meet the limitation on the aggregate offering price, it does not affect the availability of this § 230.504 for the other transactions considered in applying such limitation. For example, if an issuer sold $5,000,000 of its securities on January 1, 2014 under this § 230.504 and an additional $500,000 of its securities on July 1, 2014, this § 230.504 would not be available for the later sale, but would still be applicable to the January 1, 2014 sale.

(3) *Disqualifications.* No exemption under this section shall be available for the securities of any issuer if such issuer would be subject to disqualification under § 230.506(d) of this section on or after January 11, 2016; provided that disclosure of prior ''bad actor'' events shall be required in accordance with § 230.506(e).

Note to paragraph (b)(3). For purposes of disclosure of prior ''bad actor'' events pursuant to § 230.506(e), an issuer shall furnish to each purchaser, a reasonable time prior to sale, a description in writing of any matters that would have triggered disqualification under this paragraph (b)(3) but occurred before January 11, 2016.

* * * * *

■ 4. In § 230.505, paragraph (b)(2)(i) is revised to read as follows:

§ 230.505 Exemption for limited offers and sales of securities not exceeding $5,000,000.

* * * * *

(b) * * *

(2) *Specific conditions*—(i) *Limitation on aggregate offering price.* The aggregate offering price for an offering of securities under this § 230.505, as defined in § 230.501(c), shall not exceed $5,000,000, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under section 3(b)(1) of the Act or in violation of section 5(a) of the Act.

* * * * *

By the Commission.

Dated: October 30, 2015.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–28219 Filed 11–9–15; 8:45 am]

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Part III

The President

Proclamation 9364—Veterans Day, 2015

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Presidential Documents

Title 3—

The President

Proclamation 9364 of November 5, 2015

Veterans Day, 2015

By the President of the United States of America

A Proclamation

The United States military is the strongest, most capable fighting force the world has ever known. The brave men and women of our Army, Navy, Air Force, Marine Corps, and Coast Guard demonstrate a resolute spirit and unmatched selflessness, and their service reminds us there are few things more American than giving of ourselves to make a difference in the lives of others. On Veterans Day, we reflect on the immeasurable burdens borne by so few in the name of so many, and we rededicate ourselves to supporting those who have worn America's uniform and the families who stand alongside them.

Our true strength as a Nation is measured by how we take care of our veterans when they return home, and my Administration is committed to ensuring our heroes and their loved ones have every chance to share in the promise they risked their lives to defend. We have made it easier for veterans to convert their military skills to the civilian workforce, enabled more veterans and their family members to attain Federal education benefits, and expanded access to timely, quality health care for all veterans. Just as every veteran deserves the support and benefits they have earned, those who have given everything to defend our homeland deserve a place of their own to call home. To uphold this ideal, First Lady Michelle Obama and Dr. Jill Biden's *Joining Forces* initiative has forged partnerships with local leaders across America to uphold the dignity of every veteran and work to end veterans' homelessness. No one who fights for our country should have to fight for the care they deserve. Earlier this year, I was proud to sign the Clay Hunt Suicide Prevention for American Veterans Act, which fills critical gaps in mental health care by raising awareness and taking steps to improve access to care for those suffering from the invisible wounds of war.

Our veterans left everything they knew and loved and served with exemplary dedication and courage so we could all know a safer America and a more just world. They have been tested in ways the rest of us may never fully understand, and it is our duty to fulfill our sacred obligation to our veterans and their families. On Veterans Day, and every day, let us show them the extraordinary gratitude they so rightly deserve, and let us recommit to pledging our full support for them in all they do.

With respect for, and in recognition of, the contributions our service members have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim November 11, 2015, as Veterans Day. I encourage all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship,

schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

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