AUTHENTICATED
U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 80 Monday,

No. 225 November 23, 2015

Pages 72899–73086

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 80, No. 225

Monday, November 23, 2015

Agriculture Department
See Food and Nutrition Service

Army Department
NOTICES
Exclusive Patent Licenses:
MalarVx, Inc., 72954

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72968–72969

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72969–72970

Civil Rights Commission
NOTICES
Meetings:
Washington State Advisory Committee, 72947

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration
NOTICES
Privacy Act; Systems of Records, 72947–72948

Defense Department
See Army Department

Employee Benefits Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72990–72995

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Applications to Export Liquefied Natural Gas:
Sabine Pass Liquefaction, LLC, 72955–72956

Environmental Protection Agency
RULES
Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting, 72906–72913
Air Quality State Implementation Plans; Approvals and Promulgations:
Virginia; Prevention of Significant Deterioration; Plantwide Applicability Limits for Greenhouse Gases, 72903–72906
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Colorado, Montana, North Dakota, and South Dakota; 2008 Ozone NAAQS Interstate Transport, 72937–72940
Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities, 72941–72943
NOTICES
CERCLA Administrative Settlement:
Bremerton Auto Wrecking/Gorst Creek Landfill Site, Port Orchard, WA, 72967–72968
Meetings:
Association of American Pesticide Control Officials/State FIFRA Issues Research and Evaluation Group Full Committee, 72966
Senior Executive Service Performance Review Board; Membership, 72966–72967

Federal Aviation Administration
NOTICES
Meetings:
RTCA Program Management Committee, 73036–73037

Federal Communications Commission
RULES
Unlicensed Use of TV Band and 600 MHz Band Spectrum, 73044–73086

Federal Emergency Management Agency
NOTICES
Meetings:
Technical Mapping Advisory Council, 72981–72982

Federal Energy Regulatory Commission
NOTICES
Applications:
GB Energy Park, LLC, 72961–72962
Certificate Amendments:
Paiute Pipeline Co., 72956–72957
Combined Filings, 72956, 72959–72965
Filings:
Indiana Municipal Power Agency, 72964–72965
The City of Independence, MO, 72961
Meetings:
Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators; Technical Conference, 72962–72963
Petitions for Declaratory Orders:
Medallion Pipeline Co., LLC, 72960
Records Governing Off-the-Record Communications, 72958–72959
Requests for Blanket Authorizations:
Tennessee Gas Pipeline Co., LLC, 72957–72958
Texas Gas Transmission, LLC, 72964

Federal Highway Administration
NOTICES
Fish and Wildlife Service Long Range Transportation Plan for Service-Managed Lands, 73037

Federal Railroad Administration
NOTICES
Petition for Waiver of Compliance, 73037–73038

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 72968

Fish and Wildlife Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Wildlife Refuge Visitor Check-In Permit and Use Report, 72984–72985

Food and Drug Administration
RULES
Medical Devices:
Gastroenterology-Urology Devices; Classification of the Prostate Lesion Documentation System, 72899–72901
NOTICES
Guidance:
Over-the-Counter Sunscreens—Safety and Effectiveness Data, 72975–72976
Sunscreen Innovation Act; Nonprescription Sunscreen Drug Products—Content and Format of Data Submissions, 72973–72975
Sunscreen Innovation Act; Section 586C(c) Advisory Committee Process, 72972–72973
Sunscreen Innovation Act; Withdrawal of a 586A Request or Pending Request, 72970–72971
Meetings:
Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee, 72971–72972

Food and Nutrition Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Review of Supplemental Nutrition Assistance Program/Medicaid Eligibility Technology Integration, 72946–72947
Uniform Grant Application Package for Discretionary Grant Programs, 72945–72946

Foreign-Trade Zones Board
NOTICES
Proposed Production Activities:
BMW Manufacturing Co., LLC; Spartanburg, SC, 72948

Geological Survey
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72985–72986

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
NOTICES
Meetings:
President's Advisory Council on Faith-based and Neighborhood Partnerships, 72976

Homeland Security Department
See Federal Emergency Management Agency
See Transportation Security Administration

Housing and Urban Development Department
NOTICES
Annual Factors for Determining Public Housing Agency Administrative Fees for the Section 8 Housing Choice Voucher, Mainstream, and Moderate Rehabilitation Programs, 72983–72984
Meetings:
Manufactured Housing Consensus Committee, Structure and Design Subcommittee; Teleconference, 72982–72983

Industry and Security Bureau
NOTICES
Meetings:
Emerging Technology and Research Advisory Committee, 72949
Regulations and Procedures Technical Advisory Committee, 72949

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Land Management Bureau
See National Park Service
See Reclamation Bureau

Internal Revenue Service
NOTICES
Publication of the Tier 2 Tax Rates, 73039

International Trade Administration
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules, from the People's Republic of China, 72950

International Trade Commission
NOTICES
Complaints:
Certain Arrowheads with Deploying Blades and Components Thereof, 72990
Certain Woven Textile Fabrics and Products Containing Same, 72989

Labor Department
See Employee Benefits Security Administration

Land Management Bureau
PROPOSED RULES
Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security; Measurement of Oil; and Measurement of Gas, 72943–72944
NOTICES
Realty Actions:
Change of Use for Recreation and Public Purposes Act Lease N–63293–01, Clark County, NV, 72986–72987

National Aeronautics and Space Administration
NOTICES
Meetings:
NASA Aerospace Safety Advisory Panel, 72995

National Highway Traffic Safety Administration
RULES
Final Theft Data; Motor Vehicle Theft Prevention Standard, 72929–72936

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 72976–72979
Draft National Toxicology Program Technical Reports, 72979–72980
National Heart, Lung, and Blood Institute, 72976
National Institute of Diabetes and Digestive and Kidney Diseases, 72980
National Institute of Neurological Disorders and Stroke, 72980–72981
National Toxicology Program Board of Scientific Counselors; Amendment, 72977
Office of the Director, 72978

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72953
Environmental Impact Statements; Availability, etc.:
Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Scoping Process, 72951–72953
Meetings:
Caribbean Fishery Management Council, 72950–72951
Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review, 72953–72954

National Park Service
NOTICES
Meetings:
Boston Harbor Islands National Recreation Area Advisory Council, 72987

National Telecommunications and Information Administration

NOTICES
Meetings:
Multistakeholder Process to Promote Collaboration on Vulnerability Research Disclosure; Location Change, 72954

Nuclear Regulatory Commission
NOTICES
Guidance:
Ultimate Heat Sink for Nuclear Power Plants, 72996–72997
Meetings:
Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures, 72996
Advisory Committee on Reactor Safeguards Subcommittee on Power Uprates, 72997–72998
Advisory Committee on Reactor Safeguards Subcommittee on Reliability and Probabilistic Risk Assessment, 72995–72996

Pipeline and Hazardous Materials Safety Administration
RULES
Hazardous Materials:
Editorial Corrections and Clarifications, 72914–72929

Postal Regulatory Commission
NOTICES
New Postal Products, 72998

Postal Service
RULES
International Service Changes:
Bonaire, Sint Eustatius, and Saba, Curacao, Netherlands Antilles, 72901–72902

Railroad Retirement Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 72998–72999

Reclamation Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Coordinated Long-Term Operation of the Central Valley Project and State Water Project, 72987–72988

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 73015–73016
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 73024–73025
BATS Y-Exchange, Inc., 73026–73027
EDGA Exchange, Inc., 73009–73011
EDGX Exchange, Inc., 72999–73006, 73032–73033
International Securities Exchange, LLC, 73034–73035
NASDAQ OMX BX, Inc., 73006–73009
NASDAQ OMX PHLX LLC, 73019–73024
National Securities Clearing Corp., 73028–73031
The NASDAQ Stock Market LLC, 73011–73019
Trading Suspension Orders:
African Copper Corp., Genmed Holding Corp., and Yanglin Soybean, Inc., 73031–73032

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 73035–73036

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Exemptions for Air Taxi Operations, 73039

Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Aircraft Repair Station Security, 72982

Treasury Department
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Dependents' Request for Change of Program or Place of Training, 73039–73040
Requirement to Present Certain Health Information for a Service Dog, 73040–73041

Loan Guaranty—Net Value Percentage Update, 73041

Separate Parts In This Issue

Part II
Federal Communications Commission, 73044–73086

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

21 CFR
876.....72899

39 CFR
20.....72901

40 CFR
52.....72903
372.....72906

Proposed Rules:
52.....72937
180.....72941

43 CFR

Proposed Rules:
3160.....72943
3170.....72943

47 CFR
2.....73044
15.....73044
27.....73044
74.....73044
95.....73044

49 CFR
171.....72914
172.....72914
173.....72914
175.....72914
176.....72914
177.....72914
178.....72914
180.....72914
541.....72929

Rules and Regulations

Federal Register
Vol. 80, No. 225
Monday, November 23, 2015

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

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2015–N–3720]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Prostate Lesion Documentation System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the prostate lesion documentation system into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the prostate lesion documentation system classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective November 23, 2015. The classification was applicable on April 27, 2012.

FOR FURTHER INFORMATION CONTACT: Robert J. De Luca, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G214, Silver Spring, MD, 20993–0002, 301–796–6551, *robert.deluca@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on April 22, 2010, classifying the prostate mechanical imager into class III, because it was neither substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, nor a device which was subsequently reclassified into class I or class II. On May 21, 2010, Artann Laboratories, Inc., submitted a request for classification of the prostate mechanical imager under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request for de novo classification in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on April 27, 2012, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 876.2050.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for a prostate lesion documentation system will need to comply with the special controls named in this final order. The device is assigned the generic name prostate lesion documentation system, and it is identified as a prescription device intended for use in producing an image of the prostate as an aid in documenting prostate abnormalities previously identified during a digital rectal

examination. The device uses pressure sensors and image reconstruction software to produce a prostate image that highlights regional differences in intraprostatic tissue elasticity or stiffness. The device is limited to use as a documentation tool and is not intended for diagnostic purposes or for influencing any clinical decisions.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—PROSTATE LESION DOCUMENTATION SYSTEM RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Failure to consistently produce an accurate image	Performance Testing (non-clinical and clinical) Software Verification, Validation, and Hazard Analysis Labeling
Misinterpretation of displayed images	Labeling
User error	Labeling
Microbial contamination from reusable components	Labeling Validation of Reprocessing Methods and Instructions
Adverse tissue reaction	Biocompatibility Testing
Electromagnetic incompatibility	Electromagnetic Compatibility Testing
Electrical injury	Electrical Safety Testing
Thermal injury	Thermal Safety Testing
Mechanical injury	Mechanical Safety Testing

FDA believes that the measures set forth in the following special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness:

- Non-clinical and clinical performance testing must demonstrate the accuracy and reproducibility of the constructed image.
- Appropriate analysis/testing must validate electromagnetic compatibility, electrical safety, thermal safety, and mechanical safety.
- Appropriate software verification, validation, and hazard analysis must be performed.
- All elements of the device that may contact the patient must be demonstrated to be biocompatible.
- Methods and instructions for reprocessing of any reusable components must be properly validated.
- The labeling must include specific information needed to ensure proper use of the device.

Prostate lesion documentation systems are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device; see 21 CFR 801.109 (*Prescription devices*).

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the prostate lesion documentation system they intend to market.

II. Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling have been approved under OMB control number 0910–0485.

IV. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at *http://www.regulations.gov.*

1. DEN100016: De novo request per section 513(f)(2) of the FD&C Act from Artann Laboratories, Inc., dated May 21, 2010.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY–UROLOGY DEVICES

■ 1. The authority citation for 21 CFR part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 876.2050 to subpart C to read as follows:

§ 876.2050 Prostate lesion documentation system.

(a) *Identification.* A prostate lesion documentation system is a prescription device intended for use in producing an image of the prostate as an aid in documenting prostate abnormalities previously identified during a digital rectal examination. The device uses pressure sensors and image reconstruction software to produce a prostate image that highlights regional differences in intraprostatic tissue elasticity or stiffness. The device is limited to use as a documentation tool and is not intended for diagnostic purposes or for influencing any clinical decisions.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Non-clinical and clinical performance testing must demonstrate the accuracy and reproducibility of the constructed image.

(2) Appropriate analysis/testing must validate electromagnetic compatibility, electrical safety, thermal safety, and mechanical safety.

(3) Appropriate software verification, validation, and hazard analysis must be performed.

(4) All elements of the device that may contact the patient must be demonstrated to be biocompatible.

(5) Methods and instructions for reprocessing of any reusable components must be properly validated.

(6) The labeling must include specific information needed to ensure proper use of the device.

Dated: *November 16, 2015.*

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–29632 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

POSTAL SERVICE

39 CFR Part 20

International Service Changes—Bonaire, Sint Eustatius, and Saba, Curaçao, Netherlands Antilles

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: At the request of the designated operator for Bonaire, Sint Eustatius, and Saba, the Postal Service is adding this country to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), to reflect these islands' status as special municipalities of the Netherlands with their own designated operator.

DATES: *Effective date:* January 17, 2016.

FOR FURTHER INFORMATION CONTACT: Paula Rabkin at 202–268–2537.

SUPPLEMENTARY INFORMATION: The United States Postal Service® gives notice that on October 22, 2015, the Postal Service filed with the Postal Regulatory Commission a notice of a minor classification change to add Bonaire, Sint Eustatius, and Saba to the Mail Classification Schedule (MCS). The Commission concurred with the notice in its Order No. 2808, issued on November 9, 2015. Documents are available at *www.prc.gov,* Docket No. MC2016–10. Consequently, the Postal Service will revise IMM sections 213.5, 292.45, 293.45, the Index of Countries and Localities, the Country Price Groups and Weight Limits, and the Individual Country Listings, to add a new listing for Bonaire, Sint Eustatius, and Saba and to modify Curaçao's listing.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Accordingly, 39 CFR part 20 is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal* Service, International Mail Manual (IMM), as follows:

* * * * *

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

* * * * *

2 Conditions for Mailing

210 Global Express Guaranteed

* * * * *

213 Prices and Postage Payment Methods

* * * * *

213.5 Destinating Countries and Price Groups

* * * * *

Exhibit 213.5

Destinating Countries and Price Groups

* * * * *

[Add a listing for Bonaire, Sint Eustatius, and Saba to read as follows:]

Country	GXG Price group
* * * * *	
Bonaire, Sint Eustatius, and Saba	7
* * * * *	

* * * * *

290 Commercial Services

* * * * *

292 International Priority Airmail (IPA) Service

* * * * *

292.4 Mail Preparation

* * * * *

292.45 IPA Foreign Office of Exchange Codes and Price Groups

* * * * *

Exhibit 292.45a

IPA Foreign Office of Exchange Codes and Price Groups

[Add a separate listing for Bonaire, Sint Eustatius, and Saba and remove Bonaire, Saba, and Sint Eustatius from Curaçao's listing as follows:].

Country labeling name	Foreign office of exchange code	Price group
* * * * *	*	*
Bonaire, Sint Eustatius, and Saba	BON	17
* * * * *	*	*
Curaçao	CUR	17
* * * * *	*	*

293 International Surface Air Lift (ISAL) Service

* * * * *

293.4 Mail Preparation

* * * * *

293.45 ISAL Foreign Office of Exchange Codes and Price Groups

* * * * *

Exhibit 293.45a

ISAL Foreign Office of Exchange Codes and Price Groups

[Add a separate listing for Bonaire, Sint Eustatius, and Saba and remove Bonaire, Saba, and Sint Eustatius from Curaçao's listing as follows:]

Country labeling name	Foreign office of exchange code	Price group
* * * *	* * *	
Bonaire, Sint Eustatius, and Saba	BON	17
* * * *	* * *	
Curaçao	CUR	17
* * * *	* * *	

* * * * *

Index of Countries and Localities

* * * * *

[Revise the listing for Bonaire as follows:]

Bonaire (Bonaire, Sint Eustatius, and Saba)

* * * * *

[Revise the listing for Curaçao as follows:]

Curaçao

* * * * *

[Delete the listings for ''Netherlands Antilles (Curaçao)'' and ''Netherlands Antilles (Sint Maarten)'']

* * * * *

[Revise the listing for Saba as follows:]

Saba (Bonaire, Sint Eustatius, and Saba)

* * * * *

[Revise the listing for Sint Eustatius as follows:]

Sint Eustatius (Bonaire, Sint Eustatius, and Saba)

* * * * *

Country Price Groups and Weight Limits

[Add a new listing for Bonaire, Sint Eustatius, and Saba as follows:]

Country	Global express guaranteed	Max. Wt. (lbs.)	Priority mail express international			Priority mail international			First-class mail international and first-class package international service	
	Price group		Price group	Max. Wt. (lbs.)	PMEI flat rate envelopes price group [1]	Price group	Max. Wt. (lbs.)	PMI flat rate envelopes and boxes price group [2]	Price group	Max. Wt. (ozs./lbs.) [3]
*	*	*			*	*		*		*
Bonaire, Sint Eustatius, and Saba	7	70	9	66	8	9	44	8	9	3.5/4
*	*	*			*	*		*		*

* * * * *

Individual Country Listings

* * * * *

[Add a new individual country listing for Bonaire, Sint Eustatius, and Saba, which is identical to the current listing for Curaçao, except for the following differences:]

Bonaire, Sint Eustatius, and Saba

Country Conditions for Mailing

* * * * *

Priority Mail Express International

* * * * *

Customs Forms Required (123)

* * * * *

[Revise the Note as follows:]

Note: Coins; banknotes; currency notes, including paper money; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver; precious stones; jewelry; watches; and other valuable articles are prohibited in Priority Mail Express International shipments to Bonaire, Sint Eustatius, and Saba.

* * * * *

[Change the country code as follows:]

Country Code: BQ

[Change the area served as follows:]

Area Served:

All

* * * * *

[Revise the heading for Curaçao's Individual Country Listing to read:]

Curaçao

Country Conditions for Mailing

* * * * *

Priority Mail Express International

* * * * *

[Change the area served as follows:]

Area Served:

All

* * * * *

We will publish an appropriate amendment to 39 CFR part 20 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–29720 Filed 11–20–15; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0274; FRL–9937–25–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Prevention of Significant Deterioration; Plantwide Applicability Limits for Greenhouse Gases

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a May 12, 2014 State Implementation Plan (SIP) revision submitted for the Commonwealth of Virginia by the Virginia Department of Environmental Quality (VADEQ). This revision adds Plantwide Applicability Limit (PAL) provisions for Greenhouse Gases (GHGs) to Virginia's Prevention of Significant Deterioration (PSD) program. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on December 23, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2015–0274. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 5, 2015 (80 FR 32078), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. In the NPR, EPA proposed approval of Virginia's May 12, 2014 SIP submittal. The revision incorporates PAL provisions for GHGs into Virginia's PSD program.

In a June 3, 2010 final rulemaking action, EPA promulgated regulations known as ''the Tailoring Rule,'' which phased in permitting requirements for GHG emissions from stationary sources under the CAA PSD and title V permitting programs. *See* 75 FR 31514. For Step 1 of the Tailoring Rule, which began on January 2, 2011, PSD or title V requirements applied to sources of GHG emissions only if the sources were subject to PSD or title V ''anyway'' due to their emissions of non-GHG pollutants. These sources are referred to as ''anyway sources.'' Step 2 of the Tailoring Rule, which began on July 1, 2011, applied the PSD and title V permitting requirements under the CAA to sources that were classified as major, and, thus, required to obtain a permit, based solely on their potential GHG emissions and to modifications of otherwise major sources that required a PSD permit because they increased only GHGs above applicable levels in the EPA regulations. Subsequently, on May 13, 2011, EPA took final action to approve a revision to Virginia's PSD SIP, incorporating preconstruction permitting requirements for major stationary sources and major modifications of GHGs, consistent with the Federal PSD requirements at the time. *See* 76 FR 27898.

In a June 12, 2012 final rulemaking action entitled ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits'' [1] (hereafter, Tailoring Rule Step 3), EPA promulgated a number of streamlining measures intended to improve the administration of GHG PSD permitting programs. Included in that rulemaking were provisions to allow sources to obtain GHG PALs on a carbon dioxide equivalent (CO_2e) [2] basis, rather than strictly on a mass basis. A PAL is an emissions limitation for a single pollutant expressed in tons per year (tpy) that is enforceable as a practical matter and is established source-wide in accordance with specific criteria. *See* 40 CFR 52.21(aa)(2)(v). PALs offer an alternative method for determining major New Source Review (NSR) applicability: If a source can maintain its overall emissions of the PAL pollutant below the PAL level, the source can make a change without triggering PSD review. Virginia's May 12, 2014 submittal incorporates PAL provisions into Virginia's PSD program, consistent with EPA's Tailoring Rule Step 3.

On June 23, 2014, the United States Supreme Court, in *Utility Air Regulatory Group* v. *Environmental Protection Agency,*[3] issued a decision addressing the Tailoring Rule and the application of PSD permitting requirements to GHG emissions. The Supreme Court said that the EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT). The Supreme Court decision effectively upheld PSD permitting requirements for GHG emissions under Step 1 of the Tailoring Rule for ''anyway sources'' and invalidated PSD permitting requirements for Step 2 sources.

In accordance with the Supreme Court decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued an amended judgment vacating the regulations that implemented Step 2 of the Tailoring Rule, but not the regulations that implement Step 1 of the Tailoring Rule.[4] The amended judgment preserves, without the need for additional rulemaking by the EPA, the application of the BACT requirement to GHG emissions from sources that are required to obtain a PSD permit based on emissions of pollutants other than GHGs (*i.e.,* the ''anyway'' sources). The D.C. Circuit's judgment vacated the regulations at issue in the litigation, including 40 CFR 51.166(b)(48)(v), ''to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emissions increase from a modification.'' [5]

EPA may need to take additional steps to revise federal PSD rules in light of the Supreme Court decision and recent D.C. Circuit judgment. In addition, EPA anticipates that many states will revise their existing SIP-approved PSD programs. EPA is not expecting states to have revised their existing PSD program

[1] *See* 77 FR 41051.

[2] CO_2e is defined as the mass of the specific GHG (in tons), multiplied by its Global Warming Potential, as codified in 40 CFR part 98.

[3] *See* 134 S.Ct. 2427.

[4] *Coalition for Responsible Regulation* v. *EPA,* D.C. Cir., No. 09–1322, 06/26/20, judgment entered for No. 09–1322 on 04/10/2015.

[5] *Id.*

regulations at this juncture. However, EPA is evaluating PSD program submissions to assure that the state's program correctly addresses GHGs consistent with both decisions.

Virginia's currently approved PSD SIP continues to require that PSD permits (otherwise required based on emissions of pollutants other than GHGs) contain limitations on GHG emissions based on the application of BACT when sources emit or increase GHGs in the amount of 75,000 tpy, measured as CO_2e. Although Virginia's SIP may also currently contain provisions that are no longer necessary in light of the D.C. Circuit's judgment or the Supreme Court decision, this does not prevent EPA from approving the submission addressed in this rule. This rulemaking action does not add any GHG permitting requirements that are inconsistent with either decision.

Likewise, the GHG PAL provisions being approved in this action include some provisions that may no longer be appropriate in light of both the D.C. Circuit judgment and the Supreme Court decision. Since the Supreme Court has determined that sources and modifications may not be defined as ''major'' solely on the basis of the level of GHGs emitted or increased, PALs for GHGs may no longer have value in some situations where a source might have triggered PSD based on GHG emissions alone. However, PALs for GHGs may still have a role to play in determining whether a modification that triggers PSD for a pollutant other than GHGs should also be subject to BACT for GHGs. These provisions, like the other GHG provisions discussed previously, may be revised at some future time. However, these provisions do not add new requirements for sources or modifications that only emit or increase GHGs above the major source threshold or the 75,000 tpy GHG level in 40 CFR 52.21(b)(49)(iv). Rather, the PAL provisions provide increased flexibility to sources that wish to address their GHG emissions in a PAL. Since this flexibility may still be valuable to sources in at least one context described above, EPA is approving these provisions as a revision to the Virginia SIP at this juncture.

II. Summary of SIP Revision

The revision includes amendments to 9VAC5–85: ''Permits for Stationary Sources of Pollutants Subject to Regulation.'' Specifically, 9VAC5–85–40: ''Prevention of Significant Deterioration Area Permit Actions,'' and 9VAC5–85–50: ''Definitions'' are being amended. Additionally, 9VAC5–85–55: ''Actual plantwide applicability limits,'' is being added to the SIP. The amendments are consistent with the GHG PAL provisions of 40 CFR 52.21 as promulgated by EPA on July 12, 2012. *See* 77 FR 41072–41075. These provisions were effective in Virginia on March 13, 2014. Other specific requirements of the May 12, 2014 SIP submittal and the rationale for EPA's approval are explained in the NPR and will not be restated here. No comments were received on the NPR.

III. Final Action

EPA is approving VADEQ's May 12, 2014 SIP submittal as a revision to the Virginia SIP.

IV. Incorporation by Reference

In this rulemaking action, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the VADEQ rules regarding GHG PALs discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov,* or they may be viewed at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its PSD program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or

any, state audit privilege or immunity law.

VI. Statutory and Executive Order Reviews

A. General Requirements

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

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 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).

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. 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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to Virginia's PSD program may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: October 28, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entries under Chapter 85 for Sections 5–85–40 and 5–85–50 and adding an entry for Section 5–85–55 to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 85 Permits for Stationary Sources of Pollutants Subject to Regulation				
*	*	*	*	*
Part III Prevention of Significant Deterioration Permit Actions				
5–85–40	Prevention of Significant Deterioration Area Permit Actions.	03/13/14	11/23/15 *[Insert **Federal Register** citation].*	

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5–85–50	Definitions	03/13/14	11/23/15 *[Insert **Federal Register** citation].*	
5–85–55	Actual plantwide applicability limits (PALs)	03/13/14	11/23/15 *[Insert **Federal Register** citation].*	Added.
*	*	*	*	*

* * * * *

[FR Doc. 2015–29680 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA–HQ–TRI–2015–0011; FRL–9937–12–OEI]

RIN 2025–AA41

Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is adding 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. 1-Bromopropane has been classified by the National Toxicology Program in their 13th Report on Carcinogens as ''reasonably anticipated to be a human carcinogen.'' The EPA has determined that 1-bromopropane meets the EPCRA section 313(d)(2)(B) criteria because it can reasonably be anticipated to cause cancer in humans.

DATES: This final rule is effective November 30, 2015, and shall apply for the reporting year beginning January 1, 2016 (reports due July 1, 2017).

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–TRI–2015–0011. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Environmental Analysis Division, Office of Information Analysis and Access (2842T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–0743; fax number: 202–566–0677; email: *bushman.daniel@epa.gov,* for specific information on this notice. For general information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, toll free at (800) 424–9346 (select menu option 3) or (703) 412–9810 in Virginia and Alaska or toll free, TDD (800) 553–7672, *http://www.epa.gov/superfund/contacts/infocenter/.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this notice apply to me?

You may be potentially affected by this action if you manufacture, process, or otherwise use 1-bromopropane. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of potentially affected entities
Industry	Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 211112*, 212324*, 212325*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 512220, 512230*, 519130*, 541712*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221118, 221121, 221122, 221330 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (corresponds to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (corresponds to SIC 4953, Refuse Systems).
Federal Government	Federal facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Some of the entities listed in the table have exemptions and/or limitations regarding coverage, and other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372 subpart

B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Introduction

A. What is the statutory authority for this final rule?

This rule is issued under EPCRA section 313(d) and section 328, 42 U.S.C. 11023 *et seq.* EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

B. What is the background for this action?

Section 313 of EPCRA, 42 U.S.C. 11023, requires certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their environmental releases and other waste management quantities of such chemicals annually. These facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the PPA, 42 U.S.C. 13106. Congress established an initial list of toxic chemicals that comprised 308 individually listed chemicals and 20 chemical categories.

EPCRA section 313(d) authorizes the EPA to add or delete chemicals from the list and sets criteria for these actions. EPCRA section 313(d)(2) states that the EPA may add a chemical to the list if any of the listing criteria in Section 313(d)(2) are met. Therefore, to add a chemical, the EPA must demonstrate that at least one criterion is met, but need not determine whether any other criterion is met. Conversely, to remove a chemical from the list, EPCRA section 313(d)(3) dictates that the EPA must demonstrate that none of the listing criteria in Section 313(d)(2)(A)-(C) are met. The EPCRA section 313(d)(2)(A)–(C) criteria are:

- The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.
- The chemical is known to cause or can reasonably be anticipated to cause in humans:
  - Cancer or teratogenic effects, or
  - serious or irreversible—
    - Reproductive dysfunctions,
    - neurological disorders,
    - heritable genetic mutations, or
    - other chronic health effects.
- The chemical is known to cause or can be reasonably anticipated to cause, because of:
  - Its toxicity,
  - its toxicity and persistence in the environment, or
  - its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

The EPA often refers to the section 313(d)(2)(A) criterion as the ''acute human health effects criterion;'' the section 313(d)(2)(B) criterion as the ''chronic human health effects criterion;'' and the section 313(d)(2)(C) criterion as the ''environmental effects criterion.''

The EPA published in the **Federal Register** of November 30, 1994 (59 FR 61432), a statement clarifying its interpretation of the section 313(d)(2) and (d)(3) criteria for modifying the section 313 list of toxic chemicals.

III. Summary of Proposed Rule

A. What chemical did the EPA propose to add to the EPCRA section 313 list of toxic chemicals?

As discussed in the proposed rule (80 FR 20189, April 15, 2015), the EPA proposed to add 1-bromopropane to the EPCRA section 313 list of toxic chemicals. 1-Bromopropane had been classified as ''reasonably anticipated to be a human carcinogen'' by the National Toxicology Program (NTP) in its 13th Report on Carcinogens (RoC) document. In addition, based on a review of the available production and use information, the EPA determined that 1-bromopropane is expected to be manufactured, processed, or otherwise used in quantities that would exceed the EPCRA section 313 reporting thresholds. The NTP is an interagency program within the Department of Health and Human Services (DHHS) headquartered at the National Institute of Environmental Health Sciences (NIEHS) of the National Institutes of Health (NIH). As part of the NTP's cancer evaluation work, it periodically publishes the RoC document which contains cancer classifications from the NTP's most recent chemical evaluations as well as the classifications from previous versions of the RoC. There is an extensive review process for the RoC which includes evaluations by scientists from the NTP, other Federal health research and regulatory agencies (including the EPA), and nongovernmental institutions. The RoC review process also includes external peer review and several opportunities for public comment.

B. What was the EPA's rationale for proposing to list 1-bromopropane?

As the EPA stated in the proposed rule (80 FR 20189, April 15, 2015), the NTP RoC document undergoes significant scientific review and public comment and mirrors the review the EPA has historically done to assess chemicals for listing under EPCRA section 313 on the basis of carcinogenicity. The conclusions regarding the potential for chemicals in the NTP RoC to cause cancer in humans are based on established sound scientific principles. The EPA believes that the NTP RoC is an excellent and reliable source of information on the potential for chemicals covered therein to cause cancer in humans. Based on the EPA's review of the data contained in the 13th NTP RoC (Reference (Ref.) 1) for 1-bromopropane, the Agency agreed that 1-bromopropane can reasonably be anticipated to cause cancer. Therefore, the EPA determined that the evidence was sufficient for listing 1-bromopropane on the EPCRA section 313 toxic chemical list pursuant to EPCRA section 313(d)(2)(B) based on the available carcinogenicity data for 1-bromopropane as presented in the 13th RoC (Ref. 2).

IV. What comments did the EPA receive on the proposed rule?

The EPA received four comments on the proposed rule to add 1-bromopropane to the EPCRA section 313 chemical list. Three of the comments were supportive of the EPA's proposed addition of 1-bromopropane while one commenter objected to the addition. The commenters that supported the proposed rule included two anonymous comments from the general public (Refs. 3 and 4) and a comment from the Halogenated Solvents Industry Alliance, Inc. (HSIA) (Ref. 5). Members of the HSIA include The Dow Chemical Company, INEOS Chlor Americas, Inc., Occidental Chemical, and Axiall Corporation. The commenter who objected to the addition was the Albemarle Corporation (Ref. 6). The most significant comments are summarized and responded to below. The complete set of comments and the EPA's responses can be found in the response to comment document in the docket for this rulemaking (Ref. 7). Note that in some of the comments 1-bromopropane is referred to as nPB, which is the acronym for the alternative chemical name n-propyl bromide.

The HSIA (Ref. 5) stated that the proposed rule presented substantial

evidence to support the conclusion that 1-bromopropane is known to cause or can reasonably be anticipated to cause cancer in humans. The HSIA also noted that other published studies indicate that 1-bromopropane is neurotoxic, may cause reproductive dysfunction, and is acutely or chronically toxic. The HSIA concluded that clearly, the scientific literature supports the addition of 1-bromopropane to the list of chemicals subject to reporting under EPCRA section 313.

EPA agrees with the commenter's statement that the EPA provided substantial evidence to support the conclusion that 1-bromopropane is known to cause or can reasonably be anticipated to cause cancer in humans. The EPA also agrees with the commenter's conclusion that the scientific literature supports the addition of 1-bromopropane to the EPCRA section 313 chemical list. The EPA acknowledges that there may be other toxicological effects that may also be a basis for listing. However, the EPA believes the available cancer data are sufficient for adding 1-bromopropane to the EPCRA section 313 chemical list.

The first anonymous commenter (Ref. 3) supported the addition of 1-bromopropane to the EPCRA section 313 list and cited additional toxicity information, neurotoxicity and reproductive toxicity, as being of concern.

EPA agrees that 1-bromopropane should be added to the EPCRA section 313 chemical list. The EPA also acknowledges that there may be other toxicological effects (such as neurotoxicity) that may also be a basis for listing. However, the available cancer data are sufficient for adding 1-bromopropane to the EPCRA section 313 chemical list.

The second anonymous commenter (Ref. 4) supported the listing of 1-bromopropane as long as the benefits substantially outweigh the costs. The commenter also expressed concern that there may be ''significant costs to local businesses, *i.e.,* laundry services, that have to update or replace their equipment as well as significant costs and time spent in order to comply with the rule.''

EPA's cost-benefit analysis was contained in the economic analysis for the proposed rule ''Economic Analysis of the Proposed Rule to add 1-Bromopropane to the EPCRA Section 313 List of Toxic Chemicals'' (Ref. 8), which was reference 8 in the proposed rule (80 FR 20189, April 15, 2015). The economic analysis contains a quantitative estimate of the costs and a qualitative discussion of the benefits of the rule. The EPA considers the benefits of reporting under this rule to be primarily reflected by the purposes served by reporting of information under EPCRA section 313. The EPA believes the benefits provided by the information to be reported under this rule outweigh the costs.

With regard to laundry services (such as dry cleaners) these facilities are not subject to reporting under EPCRA section 313. Even if such facilities were subject to reporting, listing a chemical under EPCRA section 313 does not require covered facilities to update or replace any equipment. EPCRA section 313 only requires the reporting of release and waste management information, it does not impose any restrictions on the use of chemicals.

The majority of comments provided by the Albemarle Corporation (Ref. 6) are the same comments they submitted in response to the ''Receipt of a complete petition'' to add 1-bromopropane to the Hazardous Air Pollutant (HAP) List (80 FR 6676, February 6, 2015). The only comments submitted by the Albemarle Corporation specific to the EPA's proposed rule to add 1-bromopropane to the EPCRA section 313 chemical list were provided in a letter from Charles R. Nestrud of the law firm Chisenhall, Nestrud & Julian, P.A. dated June 10, 2015 (Nestrud letter). The EPA is providing responses to all of the comments in the Nestrud letter.

The vast majority of the comments submitted by the Albemarle Corporation on the HAP listing petition dealt with issues of emissions, exposure, risk values, and risk assessment, which are not relevant to the proposed addition of 1-bromopropane to the EPCRA section 313 chemical list since the addition is based on hazard and not risk. The addition of 1-bromopropane to the EPCRA section 313 chemical list is based on the cancer hazard evaluation carried out by the NTP and reviewed by the EPA to ensure its consistency with the EPA Guidelines for Carcinogen Risk Assessment (Ref. 9). Consistent with the EPA guidelines (Ref. 9), the NTP 13th RoC (Ref. 2) evaluates the scientific literature and publicly available, peer-reviewed technical reports of human and laboratory studies to evaluate whether substances are possible human carcinogens. The NTP RoC does not present a quantitative assessment of the risks of cancer associated with a given chemical. Rather, it indicates the potential hazard associated with chemicals but does not establish the exposure conditions that would pose cancer risks to individuals. In the 13th RoC, the NTP classified 1-bromopropane as ''reasonably anticipated to be a human carcinogen.'' The conclusions of the NTP 13th RoC for 1-bromopropane were consistent with how the EPA would consider the carcinogenicity data available for 1-bromopropane. Therefore, for the purposes of listing 1-bromopropane on the EPCRA section 313 chemical list, the EPA concluded that 1-bromopropane can reasonably be anticipated to cause cancer in humans. Since the listing of 1-bromopropane under EPCRA section 313 is based on the available cancer data, the EPA is not responding to the comments from Albemarle Corporation on the HAP listing petition that dealt with issues of emissions, exposure, risk values, and risk assessment.

While not specific to the materials the EPA cited to support the addition of 1-bromopropane to the EPCRA section 313 chemical list, there were some comments on the cancer data for 1-bromopropane in the materials that the Albemarle Corporation submitted in response to the HAP listing petition (Ref. 6). Specifically, these comments are contained in sections 2.2 and 2.3 of the document ''Comments on the Petition to Add n-Propyl Bromide to the List of Hazardous Air Pollutants Regulated under § 112 of the Clean Air Act'' prepared by the Gradient Corporation (Gradient Corp.). Since these comments dealt with the toxic endpoint (cancer) that is the basis for the addition of 1-bromopropane to the EPCRA section 313 chemical list, the EPA has addressed these comments as well.

In the Nestrud letter, the commenter stated that:

> The comments prepared by Albemarle and its consultants demonstrate that the technical information submitted to support the Proposed Rule is out of date, incorrect, and insufficient to support the Proposed Rule. Furthermore, when all toxicological data is considered, and current emission data is considered, the weight of the evidence does not support adding 1-bromopropane to the list of toxic chemicals.

EPA disagrees that the information submitted to support the proposed rule to add 1-bromopropane to the EPCRA section 313 chemical list is ''out of date, incorrect, and insufficient to support the Proposed Rule.'' The EPA provided information from the NTP 13th RoC which was released on October 2, 2014 (Ref. 2). The EPA's evaluation of the data used to support the findings for 1-bromopropane was conducted shortly after the release of the 13th RoC and completed on November 3, 2014 (Ref. 1). The EPA's economic analysis of the potential costs of the proposed rule

including the estimate of the number of facilities expected to file reports was completed on February 17, 2015 (Ref. 8). The EPA notes that the commenter did not provide any comments specific to the EPA's evaluation of the NTP 13th RoC data and findings for 1-bromopropane (Ref. 1), which was reference 6 in the proposed rule (80 FR 20189, April 15, 2015), or specific to the NTP 13th RoC materials prepared for 1-bromopropane (Refs. 10 and 11), which were references 5 and 7 in the proposed rule (80 FR 20189, April 15, 2015), or on the EPA's economic analysis for the addition of 1-bromopropane (Ref. 8), which was reference 8 in the proposed rule (80 FR 20189, April 15, 2015). It is, therefore, unclear which technical information that the EPA submitted to support the proposed rule that the commenter believes is out of date, incorrect, or insufficient to support the proposed rule. Comments regarding the available cancer data and relevance of emissions data are discussed in other responses below.

The Nestrud letter also provided comments concerning screening criteria that the EPA had used in a previous rulemaking:

> In its 1994 rulemaking EPA identified certain criteria it had developed to evaluate chemicals for additions to the list of toxic chemicals. This included a toxicity and production volume screen, and a hazard evaluation based on the initial screen. Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-to-Know; Final Rule (59 FR No. 229; Doc. No. 94–29376, November 30, 1994; OPPTS–400082B.
>
> *Toxicity Screen.* Through the toxicity screen a chemical is assigned a ''high priority,'' ''medium priority,'' or ''low priority.'' The attached comments submitted to EPA as part of the nPB Petition demonstrate that there is insufficient toxicity information to support assigning a ''high priority,'' or ''medium priority'' to nPB.

The information that the commenter cited regarding the criteria the EPA identified for evaluating chemicals for addition to the EPCRA section 313 chemical list are the criteria the EPA used for its 1994 chemical expansion rulemaking to evaluate large numbers of chemicals for potential addition. These screening criteria are not the criteria used to determine whether or not a chemical can be added to the EPCRA section 313 chemical list, that criteria is established under EPCRA section 313(d)(2). As the EPA noted in the 1994 chemical expansion rule:

> A toxicity screen is a limited review of readily available toxicity data that is used for a preliminary categorization of a chemical during the process of selecting candidates for possible listing under EPCRA section 313. The toxicity screen is used to identify chemicals for further consideration and does not reflect a final determination for listing a chemical under EPCRA section 313. Such a determination can only be made after a hazard assessment is conducted (See Unit 11.3. of this preamble).

(59 FR 61433, November 30, 1994)

EPA did not screen 1-bromopropane for addition, but rather conducted a hazard evaluation of the available cancer data and based on the classification by the NTP in their 13th RoC as ''reasonably anticipated to be a human carcinogen'' and our review of that data, concluded 1-bromopropane should be added to the EPCRA section 313 chemical list. As noted in the proposed rule, the EPA reviewed the data used by the NTP to make this determination and agreed with the NTP's classification (Ref. 1), which was reference 6 in the proposed rule (80 FR 20189, April 15, 2015). As the EPA noted in the 1994 chemical expansion rule, cancer is an extreme toxic effect:

> In some cases the effects are extreme, such as cancer or death.

(59 FR 61433, November 30, 1994)

If the EPA had conducted a toxicity screen like that used in the 1994 chemical expansion rule, the available cancer data would have been sufficient to classify 1-bromopropane as a high priority for listing. In fact, the NTP's 6th RoC was a primary source reviewed for chemicals for potential addition (59 FR 1789, January 12, 1994). As previously noted, the commenter did not provide any comments specifically on the NTP's classification of 1-bromopropane as ''reasonably anticipated to be a human carcinogen'' in the 13th RoC, nor did they provide any comments on the EPA's evaluation of the NTP cancer data and classification (Ref. 1), as provided in reference 6 of the proposed rule (80 FR 20189, April 15, 2015).

The Nestrud letter also commented on the issue of a production volume screen:

> *Production Volume Screen.* When use of the chemical is less than the reporting thresholds, the chemical is ''not considered further.'' The attached comments submitted to EPA as part of the nPB Petition demonstrate that there are no facilities in the dry cleaning or spray adhesives industries that use more 1-bromopropane than the reporting threshold of 10,000 pounds (5 tons). Although the nPB Petition identified one facility in the metal cleaning industry that used more 1-bromopropane than the reporting threshold of 10,000 pounds (5 tons), that facility reported its use of nPB pursuant to its Title V Air Permit.

Reference 8 in the proposed rule was the economic analysis for the addition of 1-bromopropane to the EPCRA section 313 chemical list (Ref. 8). As indicated in the economic analysis, the EPA estimates that 140 reports (126 Form Rs and 14 Form As) from 23 different industry sectors will be filed for 1-bromopropane. Therefore, the EPA has determined that there is sufficient production and use of 1-bromopropane such that reports will be filed. As previously noted, the commenter provided no specific comments on the EPA's economic analysis. Certain spray adhesives industries may be required to report under EPCRA section 313, but dry cleaning facilities are not a covered industry sector and thus are not required to file reports under EPCRA section 313. While it has been the EPA's policy to focus on the addition of chemicals for which reports are expected to be filed, it is not a statutory requirement. As the EPA noted in the 2010 proposed rule for the addition of 16 NTP carcinogens to the EPCRA section 313 chemical list:

> Section 313(d)(2) of EPCRA provides EPA the discretion to add chemicals to the TRI list when there is sufficient evidence to establish any of the listing criteria. EPA can add a chemical that meets one criterion regardless of its production volume.

(75 FR 17336, April 6, 2010)

The Nestrud letter also commented on the issue of conducting a hazard evaluation to support the listing of 1-bromopropane to the EPCRA section 313 list:

> *Hazard Evaluation.* Based on the results of the screen, EPA should conduct a Hazard Evaluation for 1-bromopropane. The attached comments submitted to EPA as part of the nPB Petition demonstrate that the weight of the evidence is not sufficient to add 1-bromopropane to the list of toxic chemicals. In particular, the individual lifetime cancer risk at maximally impacted census receptors near the facilities that use 1-bromopropane is less than 1 in 1 million for all the facilities identified by EPA in the nPB Petition, with the exception of a narrow tube manufacturing facility, for which the maximum individual lifetime cancer risk is less than 1 in 100,000. Other than STC, there are no identified populations that would have a lifetime cancer risks from exposure to nPB in excess of 1 in 1 million.
>
> Accordingly, there is no information that would support adding 1-bromopropane to the list of toxic chemicals.

The commenter states that the EPA should conduct a ''Hazard Evaluation'' for 1-bromopropane, but that is exactly what the EPA did. The EPA's hazard evaluation included the NTP's classification of 1-bromopropane as ''reasonably anticipated to be a human carcinogen'' (Refs. 2 and 10) and the EPA's review of the data used by the NTP to support that classification (Ref. 1). As noted in the proposed rule, the NTP conducted an extensive review

(including public comment and peer review) of the cancer data for 1-bromopropane in making the classification for the NTP 13th RoC. The EPA's review of that information, as discussed in reference 6 of the proposed rule, concluded that:

> The conclusions of the NTP RoC for 1-bromopropane were consistent with how the Agency would consider the carcinogenicity data available for 1-bromopropane. Therefore, it would be appropriate for the Agency, for the purposes of listing 1-bromopropane on the Toxics Release Inventory, to conclude that 1-bromopropane can reasonably be anticipated to cause cancer in humans.

(80 FR 20189, April 15, 2015)

EPA believes the cancer data for 1-bromopropane sufficiently support listing under EPCRA section 313(d)(2)(B). None of the information concerning the cancer data that the commenter submitted in their response to the petition to add 1-bromopropane to the hazardous air pollutant (HAP) list changes the EPA's conclusion with regard to the potential for 1-bromopropane to cause cancer in humans. Responses to the specific comments on certain portions of the hazard evaluation are addressed in other responses.

With regard to the commenter's conclusions concerning the cancer risks from facilities identified in the HAP petition, this information is not relevant to the addition of 1-bromopropane to the EPCRA section 313 chemical list. The EPA did not base the proposed addition of 1-bromopropane to the EPCRA section 313 chemical list on any exposure or risk evaluation. 1-Bromopropane meets the EPCRA section 313(d)(2)(B) listing criteria based on the cancer data alone and there are no statutory requirements to consider exposure or risk under EPCRA section 313(d)(2)(B). While the statutory criteria of EPCRA section 313(d)(2)(B) do not require consideration of exposure or risk, the EPA has a policy concerning when it may be appropriate to consider potential exposures when adding chemicals under EPCRA section 313(d)(2)(B). As the EPA stated in the proposed rule:

> EPA considers chemicals that can reasonably be anticipated to cause cancer to have moderately high to high chronic toxicity. EPA does not believe that it is appropriate to consider exposure for chemicals that are moderately high to highly toxic based on a hazard assessment when determining if a chemical can be added for chronic effects pursuant to EPCRA section 313(d)(2)(B) (see 59 FR 61440–61442). Therefore, in accordance with EPA's standard policy on the use of exposure assessments (59 FR 61432), EPA does not believe that an exposure assessment is necessary or appropriate for determining whether 1-bromopropane meets the criteria of EPCRA section 313(d)(2)(B).

(80 FR 20189, April 15, 2015)

The EPA disagrees with the conclusion of the commenter that there is no information that would support adding 1-bromopropane to the EPCRA section 313 chemical list. In fact, it is the EPA's position that there are extensive cancer data that support this addition as discussed and referenced in the proposed rule.

In the comments the Albemarle Corporation submitted on the HAP listing petition (Ref. 6), the report by Gradient Corp. included section ''2.2 Human Relevance of the Petitioner's Inhalation Unit Risk Factor.'' In that section, issues regarding the cancer data for 1-bromopropane were raised. These issues include the petitioners' use of alveolar/bronchiolar adenomas and carcinomas in B6C3F1 mice for their risk assessment. The commenter took issue with the petitioners' suggestion that ''there are no reasons to assume that the mode, or modes, of action by which tumors are induced by nPB are not relevant to man.'' The commenter stated that the petitioners' supporting information lacked an analysis of the human relevance of the mouse lung tumors or any other cancer endpoint and cited recommendations in the EPA's Guidelines for Carcinogen Risk Assessment for collecting relevant information on the mode of action. The commenter stated that alveolar/bronchiolar adenomas and carcinomas have been reviewed and debated for a number of chemical compounds and were the subject of a 2014 technical workshop sponsored by the EPA. The commenter also provided summaries of relevant information that they claim are available for 1-bromopropane to explore mode of action questions. The commenter concluded that there is evidence that the mode of action for the endpoint selected to predict risks for 1-bromopropane may not be relevant for humans. The commenter stated that, considering the state-of-the-science surrounding this health endpoint, the EPA should not rely on the data for alveolar/bronchiolar adenomas and carcinomas in B6C3F1 mice for characterizing cancer risks in humans from exposure to 1-bromopropane.

As the EPA previously noted, the proposed addition of 1-bromopropane to the EPCRA section 313 chemical list is based on hazard alone and not on any consideration of exposures or potential risks. For the purposes of listing under EPCRA section 313(d)(2)(B), the EPA is not relying on the data for alveolar/bronchiolar adenomas and carcinomas in B6C3F1 mice for characterizing cancer risks in humans from exposure to 1-bromopropane. While the EPA convened a technical workshop on the state-of-the-science for chemically-induced mouse lung tumors, there was no consensus on the relevance of this tumor to humans (Ref. 12). Rather, one of the workshop outcomes included the future application of the information discussed during the workshop to develop a mode of action framework on a chemical by chemical basis. As stated in the EPA Guidelines for Carcinogen Risk Assessment (Ref. 9):

> The default option is that positive effects in animal cancer studies indicate that the agent under study can have carcinogenic potential in humans. Thus, if no adequate human or mode of action data are present, positive effects in animal cancer studies are a basis for assessing the carcinogenic hazard to humans.

The NTP monograph for 1-bromopropane (Ref. 10) discussed the issue of mode of action in the section on mechanistic considerations:

> 5.3 Mechanistic considerations
>
> The biological events associated with chemically induced cancer are not completely understood even for chemicals that have been extensively studied and are known to cause cancer in humans (*e.g.,* benzene and arsenic) (Guyton et al. 2009). It is important to recognize that chemicals can act through multiple toxicity pathways and mechanisms to induce cancer or other health effects, and the relative importance of the various pathways may vary with life stage, genetic background, and dose. Thus, it is unlikely that for any chemical a single mechanism or mode of action will fully explain the multiple biological alterations and toxicity pathways that can cause normal cells to transform and ultimately form a tumor.
>
> Although no studies were identified that were specifically designed to investigate possible modes of action for 1-bromopropane-induced carcinogenesis, the available data indicate that metabolic activation, genetic damage, and oxidative stress from glutathione depletion are important factors. As discussed in the previous section, these factors were linked to several of the primary non-neoplastic toxic effects of 1-bromopropane, including immunosuppression, neurotoxicity, reproductive toxicity, and hepatotoxicity. Other factors that have been associated with carcinogenesis and may be relevant for 1-bromopropane are discussed and include immune-response modulation, altered cell signaling and gene expression, inflammation, and cytotoxicity and compensatory cell proliferation.

(Ref. 10, page 40)

After considering the mode of action issues, the NTP classified 1-

bromopropane as ''reasonably anticipated to be a human carcinogen.'' The EPA believes that this classification is consistent with how the data would be evaluated under the EPA's Guidelines for Carcinogen Risk Assessment (Ref. 9).

In the comments the Albemarle Corporation submitted on the HAP listing petition, the report by Gradient Corp. included section ''2.3 Human Relevance of NTP Results.'' In that section, issues regarding the cancer data for 1-bromopropane were raised. The commenter stated that the petitioners cited NTP results for the mouse and rat bioassays as evidence of the potential carcinogenic activity of 1-bromopropane (Ref. 13). The commenter claims that the petitioner did not consider potential uncertainties that the commenter believes are found in the underlying mutagenicity, genotoxicity, and carcinogenicity data for 1-bromopropane. The commenter claimed that this was not consistent with the EPA's cancer guidelines, which recommend evaluating the weight of evidence prior to determining the carcinogenic potential of a chemical substance. The commenter went on to summarize information from studies they believe show potential uncertainties that are apparent in the toxicological information for 1-bromopropane.

Since the publication of the NTP bioassay cited by the commenter (Ref. 13), the NTP published its 13th RoC (Ref. 2). In this report, the NTP concluded that there is sufficient evidence of carcinogenicity for 1-bromopropane based on (1) skin tumors in male rats, (2) tumors of the large intestine in female and male rats, and (3) lung tumors in female mice. The report also cited malignant mesothelioma of the abdominal cavity and pancreatic islet tumors in male rats and skin tumors (squamous-cell papilloma, keratoacanthoma, and basal-cell adenoma or carcinoma) in female rats as supporting evidence. The NTP's monograph for 1-bromopropane addresses all of the data issues that the commenter raised (Ref. 10).

According to the EPA's Guidelines for Carcinogen Risk Assessment (Ref. 9), an agent can be classified as ''Likely to Be Carcinogenic to Humans'' if it ''has tested positive in animal experiments in more than one species, sex, strain, site, or exposure route, with or without evidence of carcinogenicity in humans.'' Inconsistencies between how the data were interpreted by the NTP and how that same data might be interpreted under the EPA's Guidelines for Carcinogen Risk Assessment (Ref. 9) were not identified (see reference 6 in the proposed rule). The EPA Guidelines for Carcinogen Risk Assessment reference the NTP criteria for assessing individual studies in the assessment of carcinogenicity, stating ''(c)riteria for the technical adequacy of animal carcinogenicity studies have been published and should be used as guidance to judge the acceptability of individual studies, *e.g.,* NTP, 1984 . . .'' (pages 2–16).

While the EPA acknowledges that uncertainties exist when evaluating any agent, the EPA agrees with NTP's assessment of the data and conclusions regarding the carcinogenicity of 1-bromopropane. Indeed, according to the EPA's Guidelines for Carcinogen Risk Assessment (Ref. 9) ''The default option is that positive effects in animal cancer studies indicate that the agent under study can have carcinogenic potential in humans. Thus, if no adequate human or mode of action data are present, positive effects in animal cancer studies are a basis for assessing the carcinogenic hazard to humans.'' The EPA believes that the evaluation of the available data are consistent with the EPA's guidelines including the EPA's ''Supplemental guidance for assessing susceptibility from early-life exposure to carcinogens (Final)'' (Ref. 14).

The NTP in its monograph of 1-bromopropane (Ref. 10), which supported the 13th RoC listing (Ref. 2), concluded the following:

> Studies in vivo show that 1-bromopropane can covalently bind to protein in exposed rats and occupationally exposed workers. The available data provide some support that 1-bromopropane is genotoxic as it induced mutations in bacterial and mammalian cells and DNA damage in human cells. There is limited evidence that DNA damage was induced in leukocytes from 1-bromopropane-exposed workers. 1-Bromopropane did not induce chromosomal damage in exposed rodents (micronucleus induction assay) or gene-cell mutations (dominant lethal mutation assay). Several known or postulated metabolites of 1-bromopropane have been identified as mutagens and two, glycidol and propylene oxide (proposed), were shown to cause chromosomal and DNA damage in cultured mammalian cells. Both metabolites caused chromosomal damage in cells from rodents exposed in vivo, and propylene oxide induced DNA damage in cells from exposed workers. Three other 1-bromopropane metabolites (α-bromohydrin, 3-bromo-1-propanol, and 1-bromo-2-propanol) were mutagenic or caused DNA damage in bacteria.

The EPA agrees with the NTP's conclusions regarding the mutagenicity of 1-bromopropane and its metabolites. With the exception of the summary information provided by the commenter for one unpublished study, all of the studies cited by the commenter in their assessment of the mutagenicity data for 1-bromopropane were cited by the NTP in their monograph for 1-bromopropane (Ref. 10). Also, the commenter focused on the mutagenicity data for 1-bromopropane, but the data on the mutagenicity of the metabolites of 1-bromopropane are an important part of the assessment as well. The summarized results of the unpublished study provided by the commenter do not change the conclusion regarding the mutagenicity of 1-bromopropane and its metabolites.

V. Summary of Final Rule

The EPA is finalizing the addition of 1-bromopropane to the EPCRA section 313 list of toxic chemicals. The EPA has determined that 1-bromopropane meets the listing criteria under EPCRA section 313(d)(2)(B) based on the available carcinogenicity data.

VI. References

The EPA has established an official public docket for this action under Docket ID No. EPA–HQ–TRI–2015–0011. The public docket includes information considered by the EPA in developing this action, including the documents listed below, which are electronically or physically located in the docket. In addition, interested parties should consult documents that are referenced in the documents that the EPA has placed in the docket, regardless of whether these referenced documents are electronically or physically located in the docket. For assistance in locating documents that are referenced in documents that the EPA has placed in the docket, but that are not electronically or physically located in the docket, please consult the person listed in the above **FOR FURTHER INFORMATION CONTACT** section. For convenience, the docket also includes all of the **Federal Register** documents cited in this action.

1. USEPA, OEI, 2014. Memorandum from Jocelyn Hospital, Toxicologist, Analytical Support Branch to Sandra Gaona, Acting Chief, Analytical Support Branch. November 3, 2014. Subject: Review of National Toxicology Program (NTP) Cancer Classification Data for 1-bromopropane.
2. NTP, 2014. National Toxicology Program. Report on Carcinogens, Thirteenth Edition. Released October 2, 2014. U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, Research Triangle Park, NC 27709. (*http://ntp.niehs.nih.gov/pubhealth/roc/roc13/index.html*).
3. Anonymous public comment. April 15, 2015. EPA–HQ–TRI–2015–0011–0048.

4. Anonymous public comment. April 16, 2015. EPA–HQ–TRI–2015–0011–0049.
5. Comment submitted by Faye Graul, Executive Director, Halogenated Solvents Industry Alliance Incorporated (HSIA). Re: Docket ID No. EPA–HQ–TRI–2015–0011. June 15, 2015. EPA–HQ–TRI–2015–0011–0051.
6. Comment submitted by Niomi Krzystowczyk, Vice President, Health, Safety and Environment, Albemarle Corporation. Re: Proposed Rule: Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting; Docket ID No. EPA–HQ–TRI–2015–0011 [FRL–9925–29–OEI, 80 FR 20189 (April 15, 2015). June 10, 2015. EPA–HQ–TRI–2015–0011–0050.
7. USEPA, OEI, 2015. Response to Comments Received on the April 15, 2015, **Federal Register** Proposed Rule (80 FR 20189): Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting. U.S. Environmental Protection Agency Office of Environmental Information, Office of Information Analysis and Access. August 20, 2015.
8. USEPA, OEI, 2015. Economic Analysis of the Proposed Rule to add 1-Bromopropane to the EPCRA Section 313 List of Toxic Chemicals. February 17, 2015.
9. USEPA, 2005. Guidelines for Carcinogen Risk Assessment. Risk Assessment Forum, U.S. Environmental Protection Agency, Washington, DC, March 2005. EPA/630/P–03/001F.
10. NTP, 2013. Report on Carcinogens Monograph on 1-Bromopropane. Office of the Report on Carcinogens, Division of the National Toxicology Program, National Institute of Environmental Health Sciences, U.S. Department of Health and Human Services. NIH Publication No. 13–5982, September 25, 2013.
11. NTP, 2014. National Toxicology Program. Report on Carcinogens, Thirteenth Edition, Profile for 1-Bromopropane. Released October 2, 2014. U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, Research Triangle Park, NC 27709.
12. USEPA, 2014. Summary Report of the State-of-the-Science Workshop on Chemically-induced Mouse Lung Tumors: Applications to Human Health Assessments. National Center for Environmental Assessment, Washington, DC, December 2014. EPA/600/R–14/002.
13. NTP, 2011. Technical Report on the Toxicology and Carcinogenesis Studies of 1-Bromopropane (CAS No. 106–94–5) in F344/N Rats and B6C3F1 Mice (Inhalation Studies). Toxicity Report Series No. 564. NIH Publication No. 11–5906. Department of Health and Human Services, Public Health Service, Research Triangle Park, NC.
14. USEPA, 2005. Supplemental guidance for assessing susceptibility from early-life exposure to carcinogens (Final). Risk Assessment Forum, Washington, DC, March 2005. EPA/630/R–03/003F.

VII. What are the statutory and Executive Order reviews associated with this action?

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

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

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

B. Paperwork Reduction Act

This action does not contain any new information collection requirements that require additional approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control numbers 2025–0009 and 2050–0078. Currently, the facilities subject to the reporting requirements under EPCRA 313 and PPA 6607 may use either the EPA Toxic Chemicals Release Inventory Form R (EPA Form 1B9350–1), or the EPA Toxic Chemicals Release Inventory Form A (EPA Form 1B9350–2). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, the EPA established an alternative threshold for facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternative manufacture, process, or otherwise use threshold of 1 million pounds per year of the chemical, provided that certain conditions are met, and submit the Form A instead of the Form R. In addition, respondents may designate the specific chemical identity of a substance as a trade secret pursuant to EPCRA section 322, 42 U.S.C. 11042, 40 CFR part 350.

OMB has approved the reporting and recordkeeping requirements related to Forms A and R, supplier notification, and petitions under OMB Control number 2025–0009 (EPA Information Collection Request (ICR) No. 1363) and those related to trade secret designations under OMB Control 2050–0078 (EPA ICR No. 1428). As provided in 5 CFR 1320.5(b) and 1320.6(a), 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 OMB control numbers relevant to the EPA's regulations are listed in 40 CFR part 9, 48 CFR chapter 15, and displayed on the information collection instruments (*e.g.,* forms, instructions).

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small manufacturing facilities. The Agency has determined that of the 140 entities estimated to be impacted by this action, 136 are small businesses; no small governments or small organizations are expected to be affected by this action. All 136 small businesses affected by this action are estimated to incur annualized cost impacts of less than 1%. Facilities eligible to use Form A (those meeting the appropriate activity threshold which have 500 pounds per year or less of reportable amounts of the chemical) will have a lower burden. Thus, this action is not expected to have a significant adverse economic impact on a substantial number of small entities. A more detailed analysis of the impacts on small entities is located in the EPA's economic analysis support document (Ref. 8).

D. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action is not subject to the requirements of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. Small governments are not subject to the EPCRA section 313 reporting requirements. The EPA's economic analysis indicates that the total cost of this action is estimated to be $531,002 in the first year of reporting (Ref. 8).

E. Executive Order 13132 (Federalism)

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

responsibilities among the various levels of government.

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

This action does not have tribal implications, as specified in Executive Order 13175. This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13175 does not apply to this action.

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

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

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. The results of this evaluation are contained below.

This action does not address any human health or environmental risks and does not affect the level of protection provided to human health or the environment. This action adds an additional chemical to the EPCRA section 313 reporting requirements. By adding a chemical to the list of toxic chemicals subject to reporting under section 313 of EPCRA, the EPA would be providing communities across the United States (including minority populations and low income populations) with access to data which they may use to seek lower exposures and consequently reductions in chemical risks for themselves and their children. This information can also be used by government agencies and others to identify potential problems, set priorities, and take appropriate steps to reduce any potential risks to human health and the environment. Therefore, the informational benefits of the action will have a positive impact on the human health and environmental impacts of minority populations, low-income populations, and children.

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: November 9, 2015.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 372 as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 2. In § 372.65, paragraph (a) is amended by adding in the table the entry for ''1-Bromopropane'' in alphabetical order and in paragraph (b) by adding in the table the entry for ''106–94–5'' in numerical order to read as follows:

§ 372.65 Chemicals and chemical categories to which this part applies.

* * * * *

(a) * * *

Chemical name	CAS No.	Effective date
*	*	*
1-Bromopropane	106–94–5	1/1/16
*	*	*

* * * * *

(b) * * *

CAS No.	Chemical name	Effective date
*	*	*
106–94–5	1-Bromopropane	1/1/16
*	*	*

* * * * *

[FR Doc. 2015–29799 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 176, 177, 178 and 180

[Docket No. PHMSA–2015–0103 (HM–260)]

RIN 2137–AF11

Hazardous Materials: Editorial Corrections and Clarifications (RRR)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes and do not impose new requirements.

DATES: This regulation is effective December 23, 2015.

FOR FURTHER INFORMATION CONTACT: Aaron Wiener, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., 2nd Floor, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section-by-Section Review
III. Regulatory Analyses and Notices
A. Statutory/Legal Authority for the Rulemaking
B. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures
C. Executive Order 13132
D. Executive Order 13175
E. Regulatory Flexibility Act, Executive Order 13272, and DOT Policies and Procedures
F. Executive Order 13563 Improving Regulation and Regulatory Review
G. Paperwork Reduction Act
H. Regulatory Identifier Number (RIN)
I. Unfunded Mandates Reform Act
J. Environmental Assessment
K. Privacy Act

I. Background

The Pipeline and Hazardous Materials Safety Administration (PHMSA) annually reviews the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to identify typographical errors, outdated addresses or other contact information, and similar errors. In this final rule, we are correcting typographical errors, incorrect references to the Code of Federal Regulations (CFR) and international standards citations, inconsistent use of terminology, misstatements of certain regulatory requirements, and inadvertent omissions of information, and making revisions to clarify the regulations. Of the corrections and clarifications made in this final rule, a significant number originate from three recent final rules under the following dockets: PHMSA–2009–0063 (HM–250) [79 FR 40590]; PHMSA–2009–0095 (HM–224F)] [79 FR 46012]; and PHMSA–2013–0260 (HM–215M) [80 FR 1075]. Because these amendments do not impose new requirements, notice and public comment are unnecessary.

II. Section-by-Section Review

The following is a section-by-section summary of the minor editorial corrections and clarifications made in this final rule.

Part 171

Section 171.22

This section prescribes the authorization and conditions for use of international standards and regulations. The wording at the end of paragraph (f)(4) applicable to shipping paper retention, states ''§ 172.201(e) of this part'', which incorrectly assigns it to 49 CFR part 171. As § 172.201(e), is not in part 171, in this final rule, the text is revised to read ''§ 172.201(e) of this subchapter.''

Section 171.23

Section 171.23 prescribes requirements for specific materials and packagings transported under various international standards. Paragraph (a)(4)(ii) contains a grammatical error stating the word ''drive'' instead of ''device.'' In this final rule, we are correcting this grammatical error.

Additionally, the text in the middle of paragraph (a)(5), applicable to cylinders not equipped with pressure relief devices, states the cylinders must be ''tested and marked in accordance with part 178 of this subchapter and otherwise conforms to the requirements of part 173 for the gas involved'', but does not reference that part 173 belongs to subchapter C. In this final rule, we are revising (a)(5) to make this clarification.

Section 171.24

Section 171.24 provides additional requirements for the use of the International Civil Aviation Organization's Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air. The text at the end of paragraph (c), applicable to transportation by highway prior to or after transportation by aircraft, states a ''motor vehicle must be placarded in accordance with subpart F of part 172'', but does not reference that part 172 belongs to Subchapter C. In this final rule, we are revising paragraph (c) to make this clarification.

Part 172

Section 172.101

This section prescribes the purpose and instructions for use of the § 172.102 Hazardous Materials Table (HMT). We are making a number of editorial corrections to several entries in the HMT. The editorial corrections are as follows:

- In a final rule published under Docket Number PHMSA–2012–0080 (HM–244E) [77 FR 60935], the entry for ''Aminophenols (*o-; m-; p-*), UN2512'' was amended to correct a publication error in Column (2). In making the correction, the text in Columns (3) through (10B) was inadvertently removed and left blank. This final rule corrects that error by reinstating the text in Columns (3) through (10B) for UN2512 as it read on prior to the HM–244E rulemaking October 5, 2012.

Amendments to Column (1) Symbols

- For the entry ''Environmentally hazardous substances, solid, n.o.s, UN3077,'' the symbol ''G'' is added to Column (1) as it was inadvertently removed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].
- For the entry ''Self-heating solid, organic, n.o.s, UN3088,'' the symbol ''G'' is added to Column (1) as it was inadvertently removed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

Amendments to Column (2) Hazardous Materials Descriptions and Proper Shipping Names

- For the entry ''N-Aminoethyl piperazine, UN2815,'' the space between ''N-Aminoethyl'' and ''piperazine'' is removed to read ''N-Aminoethylpiperazine'' as the space was inadvertently introduced in the HM–215M final rule.

• For the entry ''Ammonia solutions, *relative density less than 0.880 at 15 degrees C in water, with more than 35 percent but not more than 50 percent ammonia,* UN2073,'' the plural ''solutions'' is revised to read ''solution'' consistent with the International Maritime Dangerous Goods (IMDG) Code, the ICAO TI, the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations).

• For the entry ''Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia,* UN2672,'' the plural ''solutions'' is revised to read ''solution'' as it was inadvertently changed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

• For the entry ''Batteries, dry, containing potassium hydroxide solid, electric storage, UN3028,'' the phrase ''electric storage'' was inadvertently changed from italicized to non-italicized text in the HM–215M final rule. In this final rule, the italicized text is reinstated.

• For the entry ''Environmentally hazardous substances, solid, n.o.s, UN3077,'' the plural ''substances'' is revised to read ''substance'' as it was inadvertently changed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

• For the entry ''Paint, corrosive, flammable *(including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base),* UN3470,'' the word ''solutions'' was inadvertently added to the italicized text in the HM–215M final rule. In this final rule, the word ''solutions'' is removed.

• For the entry ''Printing ink, flammable or Printing ink related material *(including printing ink thinning or reducing compound), flammable,* UN1210,'' the first instance of the word ''flammable'' was inadvertently changed from italicized to non-italicized text in the HM–215M final rule. In this final rule, the italicized text is reinstated.

• For the entry ''Trinitrobenzene, *wetted with not less than 30 percent water, by mass,* UN1354,'' the word ''wetted'' was inadvertently changed from non-italicized to italicized text in the HM–215M final rule. In this final rule, the non-italicized text is reinstated.

Amendments to Column (5) Packing Group

• For the entry ''Cells, containing sodium, UN3292,'' the Packing Group in Column (5) is removed for consistency with ''Batteries, containing sodium, UN3292,'' as amended in the HM–215M final rule.

• In a final rule published under Docket Number PHMSA–2013–0041 (HM–215K, HM–215L, HM–218G and HM–219) [77 FR 65453], PHMSA revised the HMT entry ''Petroleum sour crude oil, flammable, toxic, UN3494,'' that had been erroneously placed between the Packing Group II and III petroleum oil entries under NA1270. In making the correction, the Packing Group II and III entries for UN3494 were inadvertently omitted. This final rule corrects that error by reinstating the Packing Group II and III entries for UN3494.

Amendments to Column (6) Label Codes

• For ''Organometallic substance, liquid, water-reactive, UN3398,'' the Class 3 subsidiary hazard code is removed from the Packing Group II and III entries. These subsidiary hazard codes were inadvertently added when the entries were revised in the HM–215 final rule.

Amendments to Column (7) Special Provisions

• For the entry ''Combustible liquid, n.o.s., NA1993,'' special provision T4 is removed. Special Provisions T1 and T4 are both currently assigned to this entry; however, only one portable tank code should be listed as both cannot be used when building and constructing a portable tank. Special provision T1 is listed correctly. Special provision T4 was inadvertently added when amending the entry in a final rule published under Docket Number RSPA–2000–7702 (HM–215D) [66 FR 33316].

• For the entries ''Lithium ion batteries *including lithium ion polymer batteries,* UN3480'' and ''Lithium metal batteries *including lithium alloy batteries, UN3090,*'' special provision A54 is added in Column (7). Special provision A54 was inadvertently removed when these entries were revised in the HM–215M final rule.

Amendments to Column (8B) Non-Bulk Packaging Authorizations

• For the entry ''Self-heating solid, organic, n.o.s, UN3088, PG III,'' the packaging authorization is revised to read ''213'' as it was inadvertently changed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

Amendments to Column (9) Quantity Limitations

• For the entry ''Self-heating solid, organic, n.o.s, UN3088, PG III,'' the Quantity Limitation in Column (9A) is revised to read ''25 kg'' as it was inadvertently changed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

• For the entry ''Self-heating solid, organic, n.o.s, UN3088, PG III,'' the Quantity Limitation in Column (9B) is revised to read ''100 kg'' as it was inadvertently changed when the entry was amended in a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033].

• For the entry ''Self-reactive solid type B, UN3222,'' the Quantity Limitation in Columns (9A) and (9B) are revised to read ''Forbidden.'' When this entry was revised in a final rule published under Docket Number PHMSA 2011–0142 (HM–219) [78 FR 14702], Columns (9A) and (9B) were inadvertently revised from ''Forbidden'' to ''(1)'' and ''(2)'' respectively. This entry was subsequently revised in a **Federal Register** correction document (78 FR 17874), but due to a publication error it was not transitioned into the printed or electronic versions of the CFR. In this rulemaking, PHMSA is reinstating the correct quantity limitation notation of ''Forbidden'' in Columns (9A) and (9B) for this entry.

Amendments to Column (10) Vessel Stowage Requirements

• Two entries exist for ''Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass,* UN0214.'' One entry indicates ''4'' in Column (10A) and the other ''04''. In this final rule both entries are removed and the correct entry with ''04'' in Column (10A) is re-added.

• For the PG III entry for ''Oxidizing solid, corrosive, n.o.s, UN3085,'' the Vessel Stowage in Column (10B) is corrected from ''F56'' to read ''56'' as the ''F'' was inadvertently added when the entry was revised in the HM–215M final rule.

Section 172.102

Section 172.102 lists special provisions applicable to the transportation of specific hazardous materials. Special provisions contain packaging requirements, prohibitions, and exceptions applicable to particular quantities or forms of hazardous materials. In a final rule published under Docket Number PHMSA 2011–0158 (HM–233C) [79 FR 15033], PHMSA incorporated DOT–SP 12825 to

the entry in the HMT for ''UN2990, Life-saving appliances, self-inflating,'' by adding a new special provision 338 in Column 7. The special permit was limited only to transport by motor vehicle; however, the special provision was added without the modal limitation. Therefore, in this final rule, PHMSA is revising special provision 338 to clarify applicability to motor vehicle only.

In the HM–250 final rule, the paragraphs contained in § 173.421 were renumbered. The HM–215M rulemaking subsequently added special provision 369, but did not incorporate the paragraph renumbering of § 173.421. In this final rule, PHMSA is revising special provision 369 to reflect the appropriate paragraphs of § 173.421 along with some grammatical revisions.

Section 172.202

Section 172.202 establishes requirements for shipping descriptions on shipping papers. In paragraph (d), the example for a technical name in association with the basic description is in a sequence that is no longer authorized under the HMR. In this final rule, the sequence is revised by placing the identification number at the beginning of the sequence.

Section 172.203

Section 172.203 prescribes additional shipping paper requirements for ''n.o.s.'' and generic shipping descriptions. The example in paragraph (k)(1) for ''UN2924'' is missing the Class 8 subsidiary risk. In this final rule, the subsidiary risk is added to the example.

Section 172.502

Section 172.502 specifies prohibited and permissive placarding requirements. In this final rule, paragraph (b)(3), applicable to use of a safety sign or safety slogan (*e.g.,* ''Drive Safely'' or ''Drive Carefully''), is removed as the transitional provision is expired.

Section 172.704

Section 172.704 specifies the requirements for hazardous materials training. In this final rule, the expired transitional provision in paragraph (e)(2), applicable to training for railway employees, is removed.

Part 173

Section 173.4

This section provides requirements for shipments of small quantities by highway and rail. In the HM–250 final rule, the paragraphs contained in § 173.421 were renumbered. Multiple sections referencing the previous paragraph numbering of § 173.421 were not amended in the HM–250 rulemaking. In this final rule, PHMSA is revising paragraph (b) to reflect the appropriate paragraphs of § 173.421.

Section 173.8

This section provides exceptions for non-specification packagings used in intrastate transportation. Paragraph (a) of § 173.8, authorizes transport of non-specification bulk packaging by an intrastate motor carrier until July 1, 2000. In this final rule, we are removing and reserving paragraph (a) as this transition date has expired.

Section 173.25

This section provides requirements for packages utilizing overpacks. In the HM–250 final rule, paragraph (a)(4) was revised to require the ''OVERPACK'' marking for Class 7 (radioactive) material when a Type A, Type B(U), Type B(M) or industrial package is required. Paragraph (a)(4) was subsequently revised in the HM–215M final rule by specifying the minimum size requirement for the ''OVERPACK'' marking. In making the HM–215M revision the requirement added in the HM–250 final rule was inadvertently omitted. We are revising paragraph (a)(4) to include the requirements added in both the HM–250 and HM–215 final rules.

Section 173.127

Section 173.127 provides a definition and criteria for the assignment of packing groups for Division 5.1 oxidizers. In the HM–215M final rule, PHMSA authorized an alternative test for assigning packing groups to Division 5.1 oxidizing solids. Due to an incorrect regulatory instruction, the paragraph (b)(2) was inadvertently removed. In this final rule, PHMSA is reinstating the paragraph (b)(2) text.

Section 173.156

Section 173.156 prescribes exceptions for limited quantity and ORM material. In a final rule published under Docket Number PHMSA–2013–0041 (HM–215K, HM–215L, HM–218G and HM–219) [78 FR 65454], paragraph (b)(2)(vi) was removed which was the last paragraph in the section. As a result, the preceding paragraph (b)(2)(v) became the last paragraph in the section and presently ends with ''; and'' instead of a period. In this rule, we are replacing ''and'' at the end of paragraph (b)(2)(v) with a period and adding ''and'' to the end of paragraph (b)(2)(iv).

Section 173.185

Section 173.185 sets forth packaging requirements and certain conditional exceptions for the transport of lithium batteries. The HM–224F final rule revised this section in its entirety. This final rule makes thirteen editorial corrections and clarifications to § 173.185 as follows:

1. Paragraph (b)(4)(i) is revised to clarify that the outer packaging requirement only applies to lithium cells or batteries contained in equipment when an outer packaging is used.

2. In paragraph (b)(4)(iii) applicable to spare lithium cells or batteries packed with equipment the word ''ion'' is removed to clarify that this requirement applies not only to lithium ion cells and batteries, but also to lithium metal cells and batteries. This editorial revision clarifies the intent discussed in the HM–224 final rule preamble on 79 FR 46019 (third column).

3. In paragraph (b)(5), the reference to (b)(4) is replaced with (b)(3)(iii) as (b)(4) does not contain UN performance packaging requirements.

4. Paragraph (c) is revised to clarify that the UN performance packaging requirements in both paragraphs (b)(3)(ii) and (b)(3)(iii) do not apply to any packages containing smaller lithium cells and batteries meeting the conditions of paragraph (c) including packages that contain lithium metal cells and batteries packed with, or contained in equipment. Previous to the revision in this final rule, paragraph (c) excepted smaller lithium cells and batteries from the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(4) of this section. While the original intent was to except all smaller lithium cells and batteries from the UN performance packaging, a potential conflict was identified with regard to smaller lithium cells and batteries packed with equipment because the requirements in (b)(3)(iii)(A) and (B) indicate that such batteries must meet the Packing Group II performance requirements as specified in paragraph (b)(3)(ii). Because the requirements of (b)(3)(iii) were not specifically excepted in paragraph (c), this caused confusion leading some offerors and carriers to inquire if smaller lithium cells and batteries packed with equipment are subject to the UN performance packaging requirements. As a result, in this final rule, we are revising paragraph (c) to clarify smaller lithium cells and batteries are excepted from the entirety of UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(3)(iii) while also

removing the reference to (b)(4) because it does not contain UN performance packaging requirements.

5. In paragraph (c)(1)(v) applicable to markings for lithium metal batteries, incorrect references to paragraphs (c)(1)(ii) and (c)(1)(iii) are replaced with correct references to paragraphs (c)(1)(iii) and (c)(1)(iv).

6. Paragraph (c)(2) is revised to clarify that for lithium batteries packed with equipment, either the package containing the batteries may be individually drop tested, or the completed package containing both the batteries and equipment may be subjected to the 1.2 meter drop test. This is consistent with intent of the HM–224F final rule to align the provisions of the HMR with the provisions prescribed in Packing Instruction(s) 966 and 969 of the 2013–2014 edition of the ICAO TI.

7. Paragraph (c)(3) is revised to eliminate redundant requirements for air transportation by moving marking requirements from paragraph (c)(4)(i) to paragraph (c)(3). This revision clarifies that all four of the documentation requirements in (c)(3)(ii)(A)–(D) [now (c)(3)(iii)(A)–(D)] are applicable to air shipments. This revision also clarifies that for air transport both the markings prescribed in (c)(3)(i)(A)–(D) and the air handling mark are not required. Paragraph (c)(3)(i) is revised to clarify that the marking requirements prescribed in (c)(3)(i)(A)–(D) are applicable for transport by highway, rail, and vessel and may be alternatively satisfied by use of the air handling mark. In addition, by consolidating the small battery hazard communication requirements in paragraph (c)(3), it is clarified that the handling marking is not required for a package containing button cell batteries installed in equipment (including circuit boards), or no more than four lithium cells or two lithium batteries installed in the equipment. Although this particular exception is unchanged in paragraph (c)(3), there was some confusion on the part of shippers and carriers as to whether the exception was also intended to apply to air shipments as there was previously no clear exception from the requirement in paragraph (c)(4) to apply the air handling mark for batteries installed in equipment.

8. As required by the previous paragraph (c)(4)(i)(C) [now (c)(3)(ii)(C)], the asterisk on the air handling mark must be replaced with the phrase ''lithium ion battery'' and/or ''Lithium metal battery.'' Consistent with the ICAO TI, there is no requirement in the previous paragraph (c)(4)(i)(C) [now (c)(3)(ii)(C)], to indicate that the word ''cell'' is marked on a package containing lithium ''cells,'' meaning that word ''battery'' is used to describe packages containing both lithium cells and batteries. This differs from (c)(3)(i)(A), which requires an indication that the package contains ''lithium metal'' or ''lithium ion'' cells or batteries, as appropriate. As discussed in the HM–224F preamble (79 FR 46022, third column) we stated the lithium-battery handling label that is required for air transport may be used by all modes provided it conveys the information required by the HMR. The present air transportation requirements for the lithium battery handling marking in both the HMR and the ICAO only require use of the word ''battery'' (even for packages containing cells). Therefore a ''lithium battery handling marking'' that would be compliant when transporting lithium cells by air would not satisfy the hazard communication requirement for other modes that require an indication the package contains ''cells''. As a result, we are revising (c)(3)(i)(A) to clarify that the word ''battery'' may be used to satisfy the marking requirements of packages containing ''cells.''

9. Paragraph (c)(3)(i)(A) applicable to marking requirements for excepted lithium batteries is revised to clarify that a package must be marked with an indication that it contains ''lithium metal'' and/or ''lithium ion'' batteries and is not limited to one or the other type and for consistency with (c)(4)(i)(C) [now (c)(3)(ii)(C)], which contains the text ''and/or.''

10. Paragraph (c)(4)(ii) [now (c)(4)(iii)] is revised by removing the redundant documentation requirements already required in paragraph (c)(3).

11. Paragraph (c)(4)(v) [now (c)(4)(vi)], is revised to clarify that it does not apply to lithium cells or batteries packed with or contained in equipment. When transported by air, for small lithium cells or batteries packed with or contained in equipment, the quantity limitations are prescribed in (c)(4)(iii) [now (c)(4)(iv].

12. In paragraph (e)(3), the reference to (b)(4) is replaced with (b)(3)(iii) as (b)(4) does not contain UN performance packaging requirements.

13. Paragraph (f)(3)(iii) is revised by removing the word ''large'' from the phrase ''single large battery'' as the term ''large'' refers to the package, not the battery.

Section 173.199

This section prescribes the packaging requirements and exceptions for Category B infectious substances. In the HM–215M final rule, paragraph (a)(5) was revised for consistency with the UN Model Regulations. In making the revision, the square-on-point marking graphic ''UN3373'' was inadvertently removed. In this final rule, the graphic is reinstated in paragraph (a)(5).

Section 173.302

This section specifies requirements for the filling of cylinders with non-liquefied (permanent) compressed gases. In the HM–215M final rule, PHMSA adopted the provisions in UN Model Regulations for the transportation of adsorbed gases in cylinders. PHMSA amended the title of this section and paragraph (a) to include and specify requirements for the transportation of adsorbed gases. Due to a regulatory instruction error, the revisions to paragraph (a) were not included in the CFR. In this final rule, PHMSA is adding the revisions to paragraph (a) as intended in the HM–215M final rule as published in 80 FR 1161, instruction number 48.

Section 173.309

Section 173.309 prescribes requirements for fire extinguishers. In the HM–215M final rule, provisions for transporting large fire extinguishers unpackaged were added in a new paragraph (e). Paragraph (e)(2) requires that the valves must be protected in accordance with § 173.301(c)(2)(i), (ii), (iii) or (v). The references to § 173.301(c) are incorrect as the applicable requirements are located in § 173.301b(c). In this final rule, PHMSA is revising paragraph (e)(2) to correctly reference § 173.301b(c)(2)(i), (ii), (iii) or (v).

Section 173.314

This section prescribes requirements for transporting compressed gases in tank cars and multi-unit tank cars. In paragraph (k)(2), the basic description for chlorine is in a sequence that is no longer authorized under the HMR. In this final rule, the sequence is revised by placing the identification number at the beginning of the sequence.

Section 173.334

Section 173.334 prescribes packaging and filling requirements for organic phosphates mixed with compressed gas. In paragraph (b), the word ''education'' is replaced with the word ''eduction,'' as originally intended.

Section 173.417

Section 173.417 discusses authorized fissile materials packages. The HM–250 final rule removed paragraph (b)(3) leaving the preceding paragraph (b)(2)

ending with ''; or''. In this final rule, '';or'' is replaced with a period (''.'').

Section 173.420

Section 173.420 prescribes the transport conditions for uranium hexafluoride. The HM–250 final rule removed and reserved paragraph (a)(2)(ii) which ended in ''; or''. In this rule, the word ''or'' is added to the end of the preceding paragraph (a)(2)(i). In addition, in this rule, paragraph (d)(2) is amended to correct an error made in HM–215M by replacing references to §§ 173.421(a)(1) and (a)(4) with §§ 173.421(a) and (d).

Section 173.422

Section 173.422 prescribes additional requirements for excepted packages containing Class 7 (radioactive) materials. Paragraph (c) requires the reporting of decontamination in accordance with §§ 174.750, 175.700(b), or 176.710 dependent on the mode of transportation. In a final rule published under Docket Number RSPA–02–11654 (HM–228) [71 FR 14586], the reporting requirements in § 175.700(b) were moved to § 175.705. In this final rule, PHMSA is revising paragraph (c) by replacing the reference to § 175.700(b) with § 175.705.

Section 173.423

Section 173.423 prescribes requirements for multiple hazard limited quantity Class 7 materials. In the HM–250 final rule, the paragraphs contained in § 173.421 were renumbered. Multiple sections referencing the previous paragraph numbering of § 173.421 were not amended in the HM–250 rulemaking. In this final rule, PHMSA is revising paragraph (a)(2) to reflect the appropriate paragraphs of § 173.421.

Section 173.426

Section 173.426 prescribes requirements for excepted packages for articles containing natural uranium or thorium. In the HM–250 final rule, the paragraphs contained in § 173.421 were renumbered. Multiple sections referencing the previous paragraph numbering of § 173.421 were not amended in the HM–250 rulemaking. In this final rule, PHMSA is revising paragraph (c) to reflect the appropriate paragraphs of § 173.421.

Section 173.428

This section provides transport requirements for empty Class 7 (radioactive) materials packaging. In the HM–250 final rule, the paragraphs contained in § 173.421 were renumbered. Multiple sections referencing the previous paragraph numbering of § 173.421 were not amended in the HM–250 rulemaking. In this final rule, PHMSA is revising paragraph (a) to reflect the appropriate paragraphs of § 173.421.

Section 173.436

This section contains exempt material activity concentrations and exempt consignment activity limits for radionuclides. In the HM–250 final rule, footnote b, which provides a list of parent nuclides and their progeny listed in secular equilibrium was amended. For the entry ''RA–226,'' Bi–214 was listed twice. In this final rule, PHMSA is removing the duplicate progeny entry of Bi–214 from footnote b.

Part 175

Section 175.10

Section 175.10 specifies the conditions for which passengers, crew members, or an operator may carry hazardous materials aboard a passenger aircraft. In the HM–224F final rule, Watt-hours were adopted in place of ''equivalent lithium content,'' as the measure of power (or size) of a lithium ion cell or battery (see 79 FR 46012 and 46015). In paragraph (a)(17)(v), applicable to wheelchairs or other mobility aids powered by lithium ion batteries the phrase ''equivalent lithium content'' was inadvertently retained. We are revising § 175.10(a)(17)(v)(D) and (E) by replacing references to equivalent lithium content with Watt-hours. The revision states that the battery must not exceed 300 Watt-hours and that a maximum of one spare battery not exceeding 300 Watt-hours or two spares not exceeding 160 Watt-hours each may be carried.

Part 176

Section 176.104

Section 176.104 prescribes requirements for loading and unloading Class 1 materials. Paragraph (c)(3) contains a grammatical error stating the word ''hoods'' instead of ''hooks.'' In this final rule, we are correcting this grammatical error.

Section 176.116

Section 176.116 prescribes the general stowage conditions for Class 1 explosive materials. Paragraph (e)(3) contains a reference to the Class A60 standard that is defined in 46 CFR 72.05–10(a)(1). However, 46 CFR 72.05–10(a)(1) does not exist and, therefore, does not provide the definition for the Class A60 standard. In this final rule, the citation is corrected to read 46 CFR 72.05–10(c)(1).

Section 176.905

Section 176.905 prescribes specific requirements for motor vehicles or mechanical equipment powered by internal combustion engines that are offered for transportation and transported by vessel. In the HM–215M final rule, PHMSA aligned the conditions for exception from the subchapter in paragraph (i) with those recently adopted by the IMO. Due to an incorrect regulatory instruction, the paragraph (i) introductory text was inadvertently removed. In this final rule, PHMSA is reinstating the paragraph (i) introductory text.

Part 177

Section 177.838

Section 177.838 prescribes specific loading and unloading requirements for Class 4 (flammable solid) materials, Class 5 (oxidizing) materials, and Division 4.2 (pyrophoric liquid) materials when carried by public highway. In this final rule, PHMSA is revising the section heading by replacing the word ''pyroforic'' with the correct spelling ''pyrophoric.'' In addition, paragraph (g) of § 177.838 is revised to clarify that the limitation that a motor vehicle may only contain 45.4 kg (100 pounds) or less net mass of material described as ''Smokeless powder for small arms, Division 4.1'' also includes ''Black powder for small arms, Division 4.1''. This clarification will provide consistency with the requirements and limitations of §§ 173.170 and 173.171 which respectively authorize Black powder for small arms that has been classed in Division 1.1 and Smokeless powder for small arms that has been classed as Division 1.3 or Division 1.4 to be reclassed as a Division 4.1 material for domestic transportation by highway, provided certain conditions are met. Sections 173.170 and 173.171 further provide, respectively, that the total quantity of the re-classed black powder or smokeless powder in one motor vehicle may not exceed 45.4 kg (100 pounds) net mass.

Part 178

Section 178.71

Section 178.71 prescribes specifications for UN pressure receptacles. We are revising paragraph (p)(15) to correct a typographical error by replacing the ''1'' in ''1SO 11114–1'' with an ''I'' to read ''ISO 11114–1'' .

Section 178.801

Section 178.801 sets forth recordkeeping requirements for IBC packaging manufacturers, design type

testers, and periodic retesters. In paragraph (l)(2), subparagraph (vii) was inadvertently skipped when the paragraph was revised in a final rule published under Docket Number PHMSA–2013–0041 (HM–215K, HM–215L, HM–218G and HM–219) [77 FR 65453]. We are revising paragraph (l)(2) to correct the subparagraph numbering sequence.

Part 180

Section 180.213

This section prescribes requirements for requalification markings for cylinders. We are revising paragraph (f)(1) to correct the reference to § 173.309(b) to read ''§ 173.309(a).''

III. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published under authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. The purpose of this final rule is to remove inadvertent errors in the hazardous materials table, grammatical and typographical errors, and, in response to requests for clarification, improve the clarity of certain provisions in the Hazardous Materials Regulations. The changes made in this final rule are considered non-substantive and this is published as a direct final rule.

B. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Additionally, E.O. 13563 supplements and reaffirms E.O. 12866, stressing that, to the extent permitted by law, an agency rulemaking action must be based on benefits that justify its costs, impose the least burden, consider cumulative burdens, maximize benefits, use performance objectives, and assess available alternatives. This final rule does not impose new or revised requirements for hazardous materials shippers or carriers; therefore, it is not necessary to prepare a regulatory impact analysis.

C. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 13132 (''Federalism''). This final rule does not adopt any regulation that: (1) Has substantial direct effects on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government; or (2) imposes substantial direct compliance costs on state and local governments. PHMSA is not aware of any state, local, or Indian tribe requirements that would be preempted by correcting editorial errors and making minor regulatory changes. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not preempt tribal law, the funding and consultation requirements of Executive Order 13175 do not apply, and a tribal summary impact statement is not required.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

This final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes that will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

F. Executive Order 13563 Improving Regulation and Regulatory Review

Executive Order 13563 supplements and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866 Regulatory Planning and Review of September 30, 1993. In addition, Executive Order 13563 specifically requires agencies to: (1) Involve the public in the regulatory process; (2) promote simplification and harmonization through interagency coordination; (3) identify and consider regulatory approaches that reduce burden and maintain flexibility; and (4) ensure the objectivity of any scientific or technological information used to support regulatory action; consider how to best promote retrospective analysis to modify, streamline, expand, or repeal existing rules that are outmoded, ineffective, insufficient, or excessively burdensome.

A complete review of the existing HMR led to the identification of various minor errors in the HMR.

The correction of these errors will clarify current text while maintaining the intent of the regulations affected. This final rule is designed to address those errors by making non-substantive changes to the HMR such as editorial changes, spelling corrections, removal of transitional requirements that are no longer applicable and formatting modifications. This final rule corrects these errors but does not require the application of Executive Order 13563. The final rule does however clarify the regulatory text thus improving the regulations.

G. Paperwork Reduction Act

This final rule imposes no new information collection requirements.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

I. Unfunded Mandates Reform Act

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141.3 million or more to either state, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

J. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), and implementing regulations by the Council on Environmental Quality (40 CFR part 1500) require Federal agencies to consider the consequences of Federal actions and prepare a detailed statement on actions that significantly affect the quality of the human environment.

The purpose of this rulemaking is to correct editorial errors, make minor regulatory changes and, in response to requests for clarification, improve the clarity of certain provisions in the HMR.

The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes and do not impose new requirements. Therefore, PHMSA has determined that the implementation of this final rule will not have any significant impact on the quality of the human environment.

K. 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), which may be viewed at *http://www.dot.gov/privacy.*

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Incorporation by reference, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Incorporation by reference, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Loading and unloading, Segregation and separation.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Incorporation by reference, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA is amending 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 2. In § 171.22, revise paragraph (f)(4) to read as follows:

§ 171.22 Authorization and conditions for the use of international standards and regulations.

* * * * *

(f) * * *

(4) Each person who provides for transportation or receives for transportation (see §§ 174.24, 175.30, 176.24 and 177.817 of this subchapter) a shipping paper must retain a copy of the shipping paper or an electronic image thereof that is accessible at or through its principal place of business in accordance with § 172.201(e) of this subchapter.

* * * * *

■ 3. In § 171.23, revise paragraphs (a)(4)(ii) and (a)(5) introductory text to read as follows:

§ 171.23 Requirements for specific materials and packagings transported under the ICAO Technical Instructions, IMDG Code, Transport Canada TDG Regulations, or the IAEA Regulations.

* * * * *

(a) * * *

(4) * * *

(ii) In addition to other requirements of this subchapter, the maximum filling density, service pressure, and pressure relief device for each cylinder conform to the requirements of this part for the gas involved; and

* * * * *

(5) Cylinders not equipped with pressure relief devices: A DOT specification or a UN cylinder manufactured, inspected, tested and marked in accordance with part 178 of this subchapter and otherwise conforms to the requirements of part 173 of this subchapter for the gas involved, except that the cylinder is not equipped with a pressure relief device may be filled with a gas and offered for transportation and transported for export if the following conditions are met:

* * * * *

■ 4. In § 171.24, revise paragraph (c) to read as follows:

§ 171.24 Additional requirements for the use of the ICAO Technical Instructions.

* * * * *

(c) *Highway transportation.* For transportation by highway prior to or after transportation by aircraft, a shipment must conform to the applicable requirements of part 177 of this subchapter, and the motor vehicle must be placarded in accordance with subpart F of part 172 of this subchapter.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 5. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 6. In § 172.101, the Hazardous Materials Table is amended by removing the entries under ''[REMOVE]'', adding entries under ''[ADD]'', and revising entries under [REVISE]'' in the appropriate alphabetical sequence to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE]												
	*	*		*		*	*		*		*		
	N-Aminoethyl piperazine	8	UN2815	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12, 25
	*	*		*		*	*		*		*		
	Ammonia solutions, *relative density less than 0.880 at 15 degrees C in water, with more than 35 percent but not more than 50 percent ammonia.*	2.2	UN2073		2.2	N87	306	304	314, 315	Forbidden	150 kg	E	40, 52, 57
	Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.*	8	UN2672	III	8	336, IB3, IP8, T7, TP1	154	203	241	5L	60L	A	40, 52, 85
	*	*		*		*	*		*		*		
	Batteries, dry, containing potassium hydroxide solid, electric storage.	8	UN3028		8	237	None	213	None	25 kg	230 kg	A	52
	*	*		*		*	*		*		*		
	Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III	9	8,146, 335, A112, B54, B120, IB8, IP3, N20, N91, T1, TP33	155	213	240	No Limit	No Limit	A	
	*	*		*		*	*		*		*		
	Paint, corrosive, flammable *(including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base).*	8	UN3470	II	8, 3	367, IB2, T7, TP2, TP8, TP28	154	202	243	1 L	30 L	B	40
	*	*		*		*	*		*		*		
	Printing ink, flammable or Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	367, T11, TP1, TP8	150	173	243	1 L	30 L	E	
				II	3	149, 367, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	367, B1, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	*	*		*		*	*		*		*		
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	4	25
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	04	25
	Trinitrobenzene, *wetted with not less than 30 percent water, by mass.*	4.1	UN1354	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28, 36
	*	*		*		*	*		*		*		
	*	*		*		*	*		*		*		
	[ADD]												
	*	*		*		*	*		*		*		
	N-Aminoethylpiperazine	8	UN2815	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12, 25
	*	*		*		*	*		*		*		
	Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 35 percent but not more than 50 percent ammonia.*	2.2	UN2073		2.2	N87	306	304	314, 315	Forbidden	150 kg	E	40, 52, 57
	Ammonia solution, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.*	8	UN2672	III	8	336, IB3, IP8, T7, TP1	154	203	241	5L	60L	A	40, 52, 85

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*		*	*		*		*		
	Batteries, dry, containing potassium hydroxide solid, *electric storage.*	8	UN3028		8	237	None	213	None	25 kg	230 kg	A	52
	*	*		*		*	*		*		*		
G	Environmentally hazardous substance, solid, n.o.s.	9	UN3077	III	9	8, 146, 335, 384 A112, B54, B120, IB8, IP3, N20, N91, T1, TP33	155	213	240	No Limit	No Limit	A	.....
	*	*		*		*	*		*		*		
	Paint, corrosive, flammable *(including paint, lacquer, enamel, stain, shellac, varnish, polish, liquid filler, and liquid lacquer base).*	8	UN3470	II	8, 3	367, IB2, T7, TP2, TP8, TP28	154	202	243	1 L	30 L	B	40
	*	*		*		*	*		*		*		
	Printing ink, *flammable* or Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	367, T11, TP1, TP8	150	173	243	1 L	30 L	E	.....
				II	3	149, 367, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	.....
				III	3	367, B1, IB3, T2, TP1	150	173	242	60 L	220 L	A	.....
	*	*		*		*	*		*		*		
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	04	25
	Trinitrobenzene, wetted *with not less than 30 percent water, by mass.*	4.1	UN1354	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28, 36
	*	*		*		*	*		*		*		
	[REVISE]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	*	*		*		*	*		*		*		
+	Aminophenols (*o-; m-; p-*)	6.1	UN2512	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	.....
	*	*		*		*	*		*		*		
	Cells, containing sodium	4.3	UN3292	.....	4.3		189	189	189	25 kg	No limit	A	.....
	*	*		*		*	*		*		*		
D G	Combustible liquid, n.o.s.	Comb liq	NA1993	III	None	IB3, T1, TP1	150	203	241	60 L	220 L	A	.....
	*	*		*		*	*		*		*		
	Lithium ion batteries *including lithium ion polymer batteries.*	9	UN3480	.....	9	A51, A54	185	185	185	5 kg	35 kg	A	.....
	*	*		*		*	*		*		*		
	Lithium metal batteries *including lithium alloy batteries.*	9	UN3090	.....	9	A54	185	185	185	Forbidden	35 kg	A	.....
	*	*		*		*	*		*		*		
G	Organometallic substance, liquid, water-reactive.	4.3	UN3398	I	4.3	T13, TP2, TP7, TP36, TP47	None	201	244	Forbidden	1 L	D	13, 40, 52, 148
				II	4.3	IB1, IP2, T7, TP2, TP7, TP36, TP47	None	202	243	1 L	5 L	D	13, 40, 52, 148
				III	4.3	IB2, IP4, T7, TP2, TP7, TP36, TP47	None	203	242	5 L	60 L	E	13, 40, 52, 148
	*	*		*		*	*		*		*		
G	Oxidizing solid, corrosive, n.o.s.	5.1	UN3085	I	5.1, 8	62	None	211	242	1 kg	15 kg	D	13, 56, 58, 138
				II	5.1, 8	62, IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	B	13, 34, 56, 58, 138
				III	5.1, 8	62, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	B	13, 34, 56, 58, 138
	*	*		*		*	*		*		*		
I	Petroleum sour crude oil, flammable, toxic.	3	UN3494	I	3, 6.1	343, T14, TP2, TP13	None	201	243	Forbidden	30 L	D	40

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *) Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	3, 6.1	343, IB2, T7, TP2	150	202	243	1 L	60 L	D	40
				III	3, 6.1	343, IB3, T4, TP1	150	203	242	60 L	220 L	C	40
	*		*	*		*	*		*		*		
G	Self-heating solid, organic, n.o.s.	4.2	UN3088	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	C	.....
				III	4.2	IB8, IP3, T1, TP33, B116	None	213	241	25 kg	100 kg	C	.....
	*		*	*		*	*		*		*		
G	Self-reactive solid type B	4.1	UN3222	II	4.1	53	151	224	None	Forbidden	Forbidden	D	25, 52, 53, 127
	*		*	*		*	*		*		*		

* * * * *

■ 7. In § 172.102, in paragraph (c)(1), revise special provisions 338 and 369 to read as follows:

§ 172.102 Special Provisions.

* * * * *

(c) * * *

(1) * * *

338 Life Saving appliances, self-inflating transported by motor vehicle only between an U.S. Coast Guard approved inflatable life raft servicing facility and a vessel are only subject to the following requirements:

a. Prior to repacking into the life-saving appliance, an installed inflation cylinder must successfully meet and pass all inspection and test criteria and standards of the raft manufacturer and the vessel Flag State requirements for cylinders installed as part of life-saving appliances, self-inflating (UN2990) used on marine vessels. Additionally, each cylinder must be visually inspected in accordance with CGA pamphlet, CGA C–6 (incorporated by reference, see § 171.7). A current copy of CGA pamphlet, CGA C–6 must be available at the facility servicing the life-saving appliance.

b. An installed inflation cylinder that requires recharging must be filled in accordance with § 173.301(l).

c. Every installed inflation cylinder, as associated equipment of the life-saving appliance, must be packed within the protective packaging of the life raft and the life raft itself must otherwise be in compliance with § 173.219.

d. The serial number for each cylinder must be recorded as part of the life-saving appliance service record by the U.S. Coast Guard-approved servicing facility.

* * * * *

369 In accordance with § 173.2a, this radioactive material in an excepted package possessing corrosive properties is classified in Class 8 with a radioactive material subsidiary risk. Uranium hexafluoride may be classified under this entry only if the conditions of §§ 173.420(a)(4) and (a)(6), 173.420(d), 173.421(b) and (d), and, for fissile-excepted material, the conditions of 173.453 are met. In addition to the provisions applicable to the transport of Class 8 substances, the provisions of §§ 173.421(c), and 173.443(a) apply. In addition, packages shall be legibly and durably marked with an identification of the consignor, the consignee, or both. No Class 7 label is required to be displayed. The consignor shall be in possession of a copy of each applicable certificate when packages include fissile material excepted by competent authority approval. When a consignment is undeliverable, the consignment shall be placed in a safe location and the appropriate competent authority shall be informed as soon as possible and a request made for instructions on further action. If it is evident that a package of radioactive material, or conveyance carrying unpackaged radioactive material, is leaking, or if it is suspected that the package, or conveyance carrying unpackaged material, may have leaked, the requirements of § 173.443(e) apply.

* * * * *

■ 8. In § 172.202, revise paragraph (d) to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

* * * * *

(d) Technical and chemical group names may be entered in parentheses between the proper shipping name and hazard class or following the basic description. An appropriate modifier, such as ''contains'' or ''containing,'' and/or the percentage of the technical constituent may also be used. For example: ''UN 1993, Flammable liquids, n.o.s. (contains Xylene and Benzene), 3, II''.

* * * * *

■ 9. In § 172.203, revise paragraph (k)(1) to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(k) * * *

(1) If a hazardous material is a mixture or solution of two or more hazardous materials, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution must be entered on the shipping paper as required by paragraph (k) of this section. For example, ''UN 2924, Flammable liquid, corrosive, n.o.s., 3 (8), II (contains Methanol, Potassium hydroxide)''.

* * * * *

§ 172.502 [Amended]

■ 10. In § 172.502, remove paragraph (b)(3).

■ 11. In § 172.704, revise paragraph (e)(2) to read as follows:

§ 172.704 Training requirements.

* * * * *

(e) * * *

(2) A railroad maintenance-of-way employee or railroad signalman, who does not perform any function subject to the requirements of this subchapter, is not subject to the training requirements of paragraphs (a)(2), (a)(4), or (a)(5) of this section.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 12. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 13. In § 173.4, revise paragraph (b) to read as follows:

§ 173.4 Small quantities for highway and rail.

* * * * *

(b) A package containing a Class 7 (radioactive) material also must conform to the requirements of § 173.421(a) through (e), § 173.424(a) through (g), or § 173.426(a) through (c) as applicable.

* * * * *

§ 173.8 [Amended]

■ 14. In § 173.8, remove and reserve paragraph (a).

■ 15. In § 173.25, revise paragraph (a)(4) to read as follows:

§ 173.25 Authorized packagings and overpacks.

(a) * * *

(4) The overpack is marked with the word ''OVERPACK'' when specification packagings are required, or for Class 7 (radioactive) material when a Type A, Type B(U), Type B(M) or industrial package is required. The ''OVERPACK'' marking is not required when the required markings representative of each package type contained in the overpack are visible from outside of the overpack. The lettering on the ''OVERPACK'' marking must be at least 12 mm (0.5 inches) high.

(i) *Transitional exception.* A marking in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue to be used until December 31, 2016.

(ii) For domestic transportation, an overpack marked prior to January 1, 2017 and in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue in service until the end of its useful life.

* * * * *

■ 16. In § 173.127, paragraph (b)(2) is added to read as follows:

§ 173.127 Class 5, Division 5.1—Definition and assignment of packing groups.

* * * * *

(b) * * *

(2) The packing group of a Division 5.1 material which is a liquid shall be assigned using the following criteria:

(i) Packing Group I for:

(A) Any material which spontaneously ignites when mixed with cellulose in a 1:1 ratio; or

(B) Any material which exhibits a mean pressure rise time less than the pressure rise time of a 1:1 perchloric acid (50 percent)/cellulose mixture.

(ii) Packing Group II, any material which exhibits a mean pressure rise time less than or equal to the pressure rise time of a 1:1 aqueous sodium chlorate solution (40 percent)/cellulose mixture and the criteria for Packing Group I are not met.

(iii) Packing Group III, any material which exhibits a mean pressure rise time less than or equal to the pressure rise time of a 1:1 nitric acid (65 percent)/cellulose mixture and the criteria for Packing Group I and II are not met.

■ 17. In § 173.156, revise paragraphs (b)(2)(iv) and (v) to read as follows:

§ 173.156 Exceptions for limited quantity and ORM.

* * * * *

(b) * * *

(2) * * *

(iv) The package conforms to the general packaging requirements of subpart B of this part; and

(v) The maximum net quantity of hazardous material permitted on one palletized unit is 250 kg (550 pounds).

■ 18. Revise § 173.185 to read as follows:

§ 173.185 Lithium cells and batteries.

As used in this section, *lithium cell(s)* or *battery(ies)* includes both lithium metal and lithium ion chemistries. *Equipment* means the device or apparatus for which the lithium cells or batteries will provide electrical power for its operation.

(a) *Classification.* (1) Each lithium cell or battery must be of the type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria (IBR; see § 171.7 of this subchapter). Lithium cells and batteries are subject to these tests regardless of whether the cells used to construct the battery are of a tested type.

(i) Cells and batteries manufactured according to a type meeting the requirements of sub-section 38.3 of the UN Manual of Tests and Criteria, Revision 3, Amendment 1 or any subsequent revision and amendment applicable at the date of the type testing may continue to be transported, unless otherwise provided in this subchapter.

(ii) Cell and battery types only meeting the requirements of the UN Manual of Tests and Criteria, Revision 3, are no longer valid. However, cells and batteries manufactured in conformity with such types before July 2003 may continue to be transported if all other applicable requirements are fulfilled.

(2) Each person who manufactures lithium cells or batteries must create a record of satisfactory completion of the testing required by this paragraph prior to offering the lithium cell or battery for transport and must:

(i) Maintain this record for as long as that design is offered for transportation and for one year thereafter; and

(ii) Make this record available to an authorized representative of the Federal, state or local government upon request.

(3) Except for cells or batteries meeting the requirements of paragraph (c) of this section, each lithium cell or battery must:

(i) Incorporate a safety venting device or be designed to preclude a violent rupture under conditions normally incident to transport;

(ii) Be equipped with effective means of preventing external short circuits; and

(iii) Be equipped with an effective means of preventing dangerous reverse current flow (*e.g.,* diodes or fuses) if a battery contains cells, or a series of cells that are connected in parallel.

(b) *Packaging.* (1) Each package offered for transportation containing lithium cells or batteries, including lithium cells or batteries packed with, or contained in, equipment, must meet all applicable requirements of subpart B of this part.

(2) Lithium cells or batteries, including lithium cells or batteries packed with, or contained in, equipment, must be packaged in a manner to prevent:

(i) Short circuits;

(ii) Movement within the outer package; and

(iii) Accidental activation of the equipment.

(3) For packages containing lithium cells or batteries offered for transportation:

(i) The lithium cells or batteries must be placed in non-metallic inner packagings that completely enclose the cells or batteries, and separate the cells or batteries from contact with equipment, other devices, or conductive materials (*e.g.,* metal) in the packaging.

(ii) The inner packagings containing lithium cells or batteries must be placed in one of the following packagings meeting the requirements of part 178, subparts L and M, of this subchapter at the Packing Group II level:

(A) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), fiberboard (4G), or solid plastic (4H1, 4H2) box;

(B) Metal (1A2, 1B2, 1N2), plywood (1D), fiber (1G), or plastic (1H2) drum;

(C) Metal (3A2, 3B2) or plastic (3H2) jerrican.

(iii) When packed with equipment, lithium cells or batteries must:

(A) Be placed in inner packagings that completely enclose the cell or battery, then placed in an outer packaging. The completed package for the cells or batteries must meet the Packing Group II performance requirements as specified in paragraph (b)(3)(ii) of this section; or

(B) Be placed in inner packagings that completely enclose the cell or battery, then placed with equipment in a package that meets the Packing Group II performance requirements as specified in paragraph (b)(3)(ii) of this section.

(4) When lithium cells or batteries are contained in equipment:

(i) The outer packaging, when used, must be constructed of suitable material of adequate strength and design in relation to the capacity and intended use of the packaging, unless the lithium cells or batteries are afforded equivalent protection by the equipment in which they are contained;

(ii) Equipment must be secured against movement within the outer packaging and be packed so as to prevent accidental operation during transport; and

(iii) Any spare lithium cells or batteries packed with the equipment must be packaged in accordance with paragraph (b)(3) of this section.

(5) Lithium batteries that weigh 12 kg (26.5 pounds) or more and have a strong, impact-resistant outer casing and assemblies of such batteries, may be packed in strong outer packagings; in protective enclosures (for example, in fully enclosed or wooden slatted crates); or on pallets or other handling devices, instead of packages meeting the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(3)(iii) of this section. Batteries or battery assemblies must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements. Batteries or battery assemblies packaged in accordance with this paragraph are not permitted for transportation by passenger-carrying aircraft, and may be transported by cargo aircraft only if approved by the Associate Administrator.

(6) Except for transportation by aircraft, the following rigid large packagings are authorized for a single battery, including for a battery contained in equipment, meeting provisions in paragraphs (b)(1) and (2) of this section and the requirements of part 178, subparts P and Q, of this subchapter at the Packing Group II level:

(i) Metal (50A, 50B, 50N);

(ii) Rigid plastic (50H);

(iii) Wooden (50C, 50D, 50F);

(iv) Rigid fiberboard (50G).

(c) *Exceptions for smaller cells or batteries.* Other than as specifically stated below, a package containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment, that meets the conditions of this paragraph is excepted from the requirements in subparts C through H of part 172 of this subchapter and the UN performance packaging requirements in paragraphs (b)(3)(ii) and (iii) of this section under the following conditions and limitations.

(1) *Size limits.* (i) The Watt-hour (Wh) rating may not exceed 20 Wh for a lithium ion cell or 100 Wh for a lithium ion battery. After December 31, 2015, each lithium ion battery subject to this provision must be marked with the Watt-hour rating on the outside case.

(ii) The lithium content may not exceed 1 g for a lithium metal cell or 2 g for a lithium metal battery.

(iii) Except when lithium metal cells or batteries are packed with or contained in equipment in quantities not exceeding 5 kg net weight, the outer package that contains lithium metal cells or batteries must be marked: ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'', or labeled with a ''CARGO AIRCRAFT ONLY'' label specified in § 172.448 of this subchapter.

(iv) For transportation by highway or rail only, the lithium content of the cell and battery may be increased to 5 g for a lithium metal cell or 25 g for a lithium metal battery and 60 Wh for a lithium ion cell or 300 Wh for a lithium ion battery provided the outer package is marked: ''LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD AIRCRAFT AND VESSEL.''

(v) The marking specified in paragraphs (c)(1)(iii) and (iv) of this section must have a background of contrasting color, and the letters in the marking must be:

(A) At least 6 mm (0.25 inch) in height on packages having a gross weight of 30 kg (66 pounds) or less, except that smaller font may be used as necessary when package dimensions so require.

(B) At least 12 mm (0.5 inch) in height on packages having a gross weight of more than 30 kg (66 pounds).

(vi) Except when lithium cells or batteries are packed with, or contained in, equipment, each package must not exceed 30 kg (66 pounds) gross weight.

(2) *Packaging.* Except when lithium cells or batteries are contained in equipment, each package, or the completed package when packed with equipment, must be capable of withstanding a 1.2 meter drop test, in any orientation, without damage to the cells or batteries contained in the package, without shifting of the contents that would allow battery-to-battery (or cell-to-cell) contact, and without release of the contents of the package.

(3) *Hazard communication.* Except for a package containing button cell batteries installed in equipment (including circuit boards), or no more than four lithium cells or two lithium batteries installed in the equipment:

(i) For transportation by highway, rail and vessel, the outer package must be marked with the information in the following paragraphs (c)(3)(i)(A) to (D), or the handling marking in paragraph (c)(3)(ii) of this section:

(A) An indication that the package contains ''Lithium metal'' and/or ''Lithium ion'' cells or batteries, as appropriate, or alternatively, the word ''batteries'' may be used for packages containing cells;

(B) An indication that the package is to be handled with care and that a flammable hazard exists if the package is damaged;

(C) An indication that special procedures must be followed in the event the package is damaged, to include inspection and repacking if necessary;

(D) A telephone number for additional information.

(ii) For transportation by air, the outer package must be marked with the following handling marking, which is durable, legible, and displayed on a background of contrasting color:

(A) The marking must be not less than 120 mm (4.7 inches) wide by 110 mm (4.3 inches) high except markings of 105 mm (4.1 inches) wide by 74 mm (2.9 inches) high may be used on a package containing lithium batteries when the package is too small for the larger mark;

(B) The symbols and letters must be black and the border must be red; and

(C) The ''*'' must be replaced by the words ''Lithium ion battery'' and/or ''Lithium metal battery'' as appropriate and the ''xxx-xxx-xxxx'' must be replaced by a telephone number for additional information.

(iii) Each shipment of one or more packages marked in accordance with this paragraph must be accompanied by a document that includes the following:

(A) An indication that the package contains ''lithium metal'' or ''lithium ion'' cells or batteries, as appropriate;

(B) An indication that the package is to be handled with care and that a flammable hazard exists if the package is damaged;

(C) An indication that special procedures must be followed in the event the package is damaged, to include inspection and repacking if necessary; and

(D) A telephone number for additional information.

(4) *Air transportation.* (i) For transportation by aircraft, lithium cells and batteries may not exceed the limits in the following table. The limits on the maximum number of batteries and maximum net quantity of batteries in the following table may not be combined in the same package:

Contents	Lithium metal cells and/or batteries with a lithium content not more than 0.3 g	Lithium metal cells with a lithium content more than 0.3 g but not more than 1g	Lithium metal batteries with a lithium content more than 0.3 g but not more than 2 g	Lithium ion cells and/or batteries with a Watt-hour rating not more than 2.7 Wh	Lithium ion cells with a Watt-hour rating more than 2.7 Wh but not more than 20 Wh	Lithium ion batteries with a Watt-hour rating more than 2.7 Wh but not more than 100 Wh
Maximum number of cells/batteries per package ..	No Limit	8 cells	2 batteries	No Limit	8 cells	2 batteries.
Maximum net quantity (mass) per package	2.5 kg	n/a	n/a	2.5 kg	n/a	n/a.

(ii) When packages required to bear the handling marking in paragraph (c)(3)(ii) are placed in an overpack, the handling marking must either be clearly visible through the overpack, or the handling marking must also be affixed on the outside of the overpack, and the overpack must be marked with the word ''OVERPACK''.

(iii) Each shipment with packages required to bear the handling marking must include an indication on the air waybill of compliance with this paragraph (c)(4) (or the applicable ICAO Packing Instruction), when an air waybill is used.

(iv) For lithium batteries packed with, or contained in, equipment, the number of batteries in each package is limited to the minimum number required to power the piece of equipment, plus two spares, and the total net quantity (mass) of the lithium cells or batteries in the completed package must not exceed 5 kg.

(v) Each person who prepares a package for transport containing lithium cells or batteries, including cells or batteries packed with, or contained in, equipment in accordance with the conditions and limitations in this paragraph, must receive adequate instruction on these conditions and limitations, commensurate with their responsibilities.

(vi) A package that exceeds the number or quantity (mass) limits in the table shown in (c)(4) is subject to all applicable requirements of this subchapter, except that a package containing no more than 2.5 kg lithium metal cells or batteries or 10 kg lithium ion cells or batteries is not subject to the UN performance packaging requirements in paragraphs (b)(3)(ii) of this section when the package displays both the lithium battery handling marking and the Class 9 label. This paragraph does not apply to batteries or cells packed with or contained in equipment.

(d) *Lithium cells or batteries shipped for disposal or recycling.* A lithium cell or battery, including a lithium cell or battery contained in equipment, that is transported by motor vehicle to a permitted storage facility or disposal site, or for purposes of recycling, is excepted from the testing and record keeping requirements of paragraph (a) and the specification packaging requirements of paragraph (b)(3) of this section, when packed in a strong outer packaging conforming to the requirements of §§ 173.24 and 173.24a.

A lithium cell or battery that meets the size, packaging, and hazard communication conditions in paragraph (c)(1)–(3) of this section is excepted from subparts C through H of part 172 of this subchapter.

(e) *Low production runs and prototypes.* Low production runs (*i.e.,* annual production runs consisting of not more than 100 lithium cells or batteries), or prototype lithium cells or batteries transported for purposes of testing, are excepted from the testing and record keeping requirements of paragraph (a) of this section provided:

(1) Except as provided in paragraph (e)(3) of this section, each cell or battery is individually packed in a non-metallic inner packaging, inside an outer packaging, and is surrounded by cushioning material that is non-combustible and non-conductive;

(2) The inner packages containing lithium cells or batteries are packed in one of the following packagings that meet the requirements of part 178, subparts L and M at Packing Group I level.

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum.

(3) Lithium batteries that weigh 12 kg (26.5 pounds) or more and have a strong, impact-resistant outer casing or assemblies of such batteries, may be packed in strong outer packagings, in protective enclosures (for example, in fully enclosed or wooden slatted crates), or on pallets or other handling devices, instead of packages meeting the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(3)(iii) of this section. The battery or battery assembly must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements;

(4) Irrespective of the limit specified in column (9B) of the § 172.101 Hazardous Materials Table, the battery or battery assembly prepared for transport in accordance with this paragraph may have a mass exceeding 35 kg gross weight when transported by cargo aircraft; and

(5) Batteries or battery assemblies packaged in accordance with this paragraph are not permitted for transportation by passenger-carrying aircraft, and may be transported by cargo aircraft only if approved by the Associate Administrator prior to transportation.

(f) *Damaged, defective, or recalled cells or batteries.* Lithium cells or batteries, that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit (*e.g.,* those being returned to the manufacturer for safety reasons) may be transported by highway, rail or vessel only, and must be packaged as follows:

(1) Each cell or battery must be placed in individual, non-metallic inner packaging that completely encloses the cell or battery;

(2) The inner packaging must be surrounded by cushioning material that is non-combustible, non-conductive, and absorbent; and

(3) Each inner packaging must be individually placed in one of the following packagings meeting the applicable requirements of part 178, subparts L, M, P and Q of this subchapter at the Packing Group I level:

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum; or

(iii) For a single battery or for a single battery contained in equipment, the following rigid large packagings are authorized:

(A) Metal (50A, 50B, 50N);

(B) Rigid plastic (50H);

(C) Plywood (50D); and

(4) The outer package must be marked with an indication that the package contains a ''Damaged/defective lithium ion battery'' and/or ''Damaged/defective lithium metal battery'' as appropriate.

(g) *Approval.* A lithium cell or battery that does not conform to the provisions of this subchapter may be transported only under conditions approved by the Associate Administrator.

■ 19. In § 173.199, revise paragraph (a)(5) to read as follows:

§ 173.199 Category B infectious substances.

(a) * * *

(5) The following square-on-point mark must be displayed on the outer packaging on a background of contrasting color. The width of the line forming the border must be at least 2 mm (0.08 inches) and the letters and numbers must be at least 6 mm (0.24 inches) high. The size of the mark must be such that no side of the diamond is less than 50 mm (1.97 inches) in length as measured from the outside of the lines forming the border. The proper shipping name ''Biological substances, Category B'' must be marked on the outer packaging adjacent to the diamond-shaped mark in letters that are at least 6 mm (0.24 inches) high.

(i) Transitional exception—A marking in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue to be used until December 31, 2016.

(ii) For domestic transportation, a packaging marked prior to January 1, 2017 and in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue in service until the end of its useful life.

* * * * *

■ 20. In § 173.302, revise paragraph (a) to read as follows:

§ 173.302 Filling of cylinders with nonliquefied (permanent) compressed gases or adsorbed gases.

(a) *General requirements.* (1) A cylinder filled with a non-liquefied compressed gas (except gas in solution) must be offered for transportation in accordance with the requirements of this section and § 173.301. In addition, a DOT specification cylinder must meet the requirements in §§ 173.301a, 173.302a and 173.305, as applicable. UN pressure receptacles must meet the requirements in §§ 173.301b and 173.302b, as applicable. Where more than one section applies to a cylinder, the most restrictive requirements must be followed.

(2) *Adsorbed gas.* A cylinder filled with an adsorbed gas must be offered for transportation in accordance with the requirements of paragraph (d) of this section, § 173.301, and § 173.302c. UN cylinders must meet the requirements in §§ 173.301b and 173.302b, as applicable. Where more than one section applies to a cylinder, the most restrictive requirements must be followed.

* * * * *

■ 21. In § 173.309, revise paragraph (e)(2) to read as follows:

§ 173.309 Fire extinguishers.

* * * * *

(e) * * *

(2) The valves are protected in accordance with § 173.301b(c)(2)(i), (ii), (iii) or (v); and

* * * * *

■ 22. In § 173.314, revise paragraph (k)(2) to read as follows:

§ 173.314 Compressed gases in tank cars and multi-unit tank cars.

* * * * *

(k) * * *

(2) DOT105J500W tank cars may be used as authorized packagings, as prescribed in this subchapter for transporting ''UN 1017, Chlorine, 2.3 (8), Poison Inhalation Hazard, Zone B, RQ,'' if the tank cars meet all DOT specification requirements, and the tank cars are equipped with combination safety relief valves with a start-to-discharge pressure of 360 psi, rather than the 356 psi. The start-to-discharge pressure setting must be marked on the pressure relief device in conformance with applicable provisions of the AAR Specification for Tank Cars (IBR, see § 171.7 of this subchapter).

* * * * *

§ 173.334 [Amended]

■ 23. Amend § 173.334 in paragraph (b) to remove the word ''education'' and add the word ''eduction'' in its place.

■ 24. In § 173.417, revise paragraph (b)(2) to read as follows:

§ 173.417 Authorized fissile materials packages.

* * * * *

(b) * * *

(2) Type B(U) or Type B(M) packaging that also meets the applicable requirements for fissile material packaging in Section VI of the International Atomic Energy Agency ''Regulations for the Safe Transport of Radioactive Material, SSR–6,'' and for which the foreign Competent Authority certificate has been revalidated by the U.S. Competent Authority in accordance with § 173.473. These packagings are authorized only for import and export shipments.

* * * * *

■ 25. In § 173.420, revise paragraphs (a)(2)(i) and (d)(2) to read as follows:

§ 173.420 Uranium hexafluoride (fissile, fissile excepted and non-fissile).

(a) * * *

(2) * * *

(i) American National Standard N14.1 in effect at the time the packaging was manufactured; or

* * * * *

(d) * * *

(2) The conditions of §§ 173.24, 173.24a, and 173.421(a) and (d) are met.

* * * * *

§ 173.422 [Amended]

■ 26. Amend § 173.422, in paragraph (c), to remove the reference to''175.700(b)'' and add the reference ''175.705'' in its place.

■ 27. In § 173.423, revise paragraph (a)(2) to read as follows:

§ 173.423 Requirements for multiple hazard limited quantity Class 7 (radioactive) materials.

(a) * * *

(2) Packaged to conform with the requirements specified in § 173.421(a) through (e) or § 173.424(a) through (g), as appropriate; and

* * * * *

■ 28. In § 173.426, revise paragraph (c) to read as follows:

§ 173.426 Excepted packages for articles containing natural uranium or thorium.

* * * * *

(c) The conditions specified in § 173.421 (b), (c) and (d) are met; and

* * * * *

■ 29. In § 173.428, revise paragraph (a) to read as follows:

§ 173.428 Empty Class 7 (radioactive) materials packaging.

* * * * *

(a) The packaging meets the requirements of § 173.421 (b), (c), and (e) of this subpart;

* * * * *

■ 30. In § 173.436, revise footnote (b) following the table to read as follows:

§ 173.436 Exempt material activity concentrations and exempt consignment activity limits for radionuclides.

* * * * *

[b] Parent nuclides and their progeny included in secular equilibrium are listed as follows:

Sr-90 Y-90
Zr-93 Nb-93m
Zr-97 Nb-97
Ru-106 Rh-106
Ag-108m Ag-108
Cs-137 Ba-137m
Ce-144 Pr-144
Ba-140 La-140
Bi-212 Tl-208 (0.36), Po-212 (0.64)
Pb-210 Bi-210, Po-210
Pb-212 Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-222 Po-218, Pb-214, Bi-214, Po-214
Ra-223 Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224 Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64),
Ra-226 Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228 Ac-228
Th-228 Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229 Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234 Pa-234m
U-230 Th-226, Ra-222, Rn-218, Po-214
U-232 Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235 Th-231
U-238 Th-234, Pa-234m
U-nat Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Np-237 Pa-233
Am-242m Am-242
Am-243 Np-239

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PART 175—CARRIAGE BY AIRCRAFT

■ 31. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 44701; 49 CFR 1.81 and 1.97.

■ 32. In § 175.10 revise paragraphs (a)(17)(v)(D) and (E) to read as follows:

§ 175.10 Exceptions for passengers, crewmembers, and air operators.

(a) * * *

(17) * * *

(v) * * *

(D) The battery must not exceed 300 Watt-hour (Wh); and

(E) A maximum of one spare battery not exceeding 300 Wh or two spares not exceeding 160 Wh each may be carried;

* * * * *

PART 176—CARRIAGE BY VESSEL

■ 33. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

§ 176.104 [Amended]

■ 34. Amend 176.104 in paragraph (c)(3) to remove the word ''hoods'' and add the word ''hooks'' in its place.

§ 176.116 [Amended]

■ 35. Amend § 176.116 in paragraph (e)(3) to remove the reference ''46 CFR 72.05–10(a)(1)'' and add the reference ''46 CFR 72.05–10(c)(1)'' in its place.

■ 36. In § 176.905, revise paragraph (i) to read as follows:

§ 176.905 Stowage of motor vehicles or mechanical equipment.

* * * * *

(i) *Exceptions.* A vehicle or mechanical equipment is excepted from the requirements of this subchapter if any of the following are met:

(1) The vehicle or mechanical equipment has an internal combustion

engine using liquid fuel that has a flashpoint less than 38 °C (100 °F), the fuel tank is empty, installed batteries are protected from short circuit, and the engine is run until it stalls for lack of fuel;

(2) The vehicle or mechanical equipment has an internal combustion engine using liquid fuel that has a flashpoint of 38 °C (100 °F) or higher, the fuel tank contains 450 L (119 gallons) of fuel or less, installed batteries are protected from short circuit, and there are no fuel leaks in any portion of the fuel system;

(3) The vehicle or mechanical equipment is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and mechanical equipment and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, see 46 CFR 70.10–1 and 90.10–38;

(4) The vehicle or mechanical equipment is electrically powered solely by wet electric storage batteries (including non-spillable batteries) or sodium batteries and the installed batteries are protected from short circuit;

(5) The vehicle or mechanical equipment is equipped with liquefied petroleum gas or other compressed gas fuel tanks, the tanks are completely emptied of liquefied or compressed gas and the positive pressure in the tank does not exceed 2 bar (29 psig), the fuel shut-off or isolation valve is closed and secured, and installed batteries are protected from short circuit; or

(6) The vehicle or mechanical equipment is powered by a fuel cell engine, the engine is protected from inadvertent operation by closing fuel supply lines or by other means, and the fuel supply reservoir has been drained and sealed.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

■ 37. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; sec. 112 of Pub. L. 103–311, 108 Stat. 1673, 1676 (1994); sec. 32509 of Pub. L. 112–141, 126 Stat. 405, 805 (2012); 49 CFR 1.81 and 1.97.

■ 38. In § 177.838, revise the section heading and paragraph (g) to read as follows:

§ 177.838 Class 4 (flammable solid) materials, Class 5 (oxidizing) materials, and Division 4.2 (pyrophoric liquid) materials.

* * * * *

(g) A motor vehicle may only contain 45.4 kg (100 pounds) or less net mass of material described as ''Smokeless powder for small arms, Division 4.1'' or ''Black powder for small arms, Division 4.1.''

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 39. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

§ 178.71 [Amended]

■ 40. Amend § 178.71 in paragraph (p)(15) to remove the phrase ''1SO 11114–1'' and add the phrase ''ISO 11114–1'' in its place.

§ 178.801 [Amended]

■ 41. In § 178.801, redesignate paragraphs (l)(2)(viii) through (xi) as (l)(2)(vii) through (x).

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

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

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 43. In § 180.213, revise paragraph (f)(1) to read as follows:

§ 180.213 Requalification markings.

* * * * *

(f) * * *

(1) For designation of the 5-year volumetric expansion test, 10-year volumetric expansion test for UN cylinders and cylinders conforming to § 180.209(f) and (h), or 12-year volumetric expansion test for fire extinguishers conforming to § 173.309(a) of this subchapter and cylinders conforming to § 180.209(e) and (g), the marking is as illustrated in paragraph (d) of this section.

* * * * *

Issued in Washington, DC, on November 17, 2015 under authority delegated in 49 CFR part 1.97.

Marie Therese Dominguez,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2015–29683 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2015–0067]

Final Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of 2013 final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 2013 passenger motor vehicles that occurred in calendar year (CY) 2013, including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 2013.

DATES: *Effective date:* November 23, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually beginning with MYs 1983/84. Continuing to fulfill the section 33104(b)(4) mandate, this document reports the final theft data for CY 2013, the most recent calendar year for which data are available.

In calculating the 2013 theft rates, NHTSA followed the same procedures it used in calculating the MY 2012 theft rates. (For 2012 theft data calculations, see 79 FR 70115). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government

system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

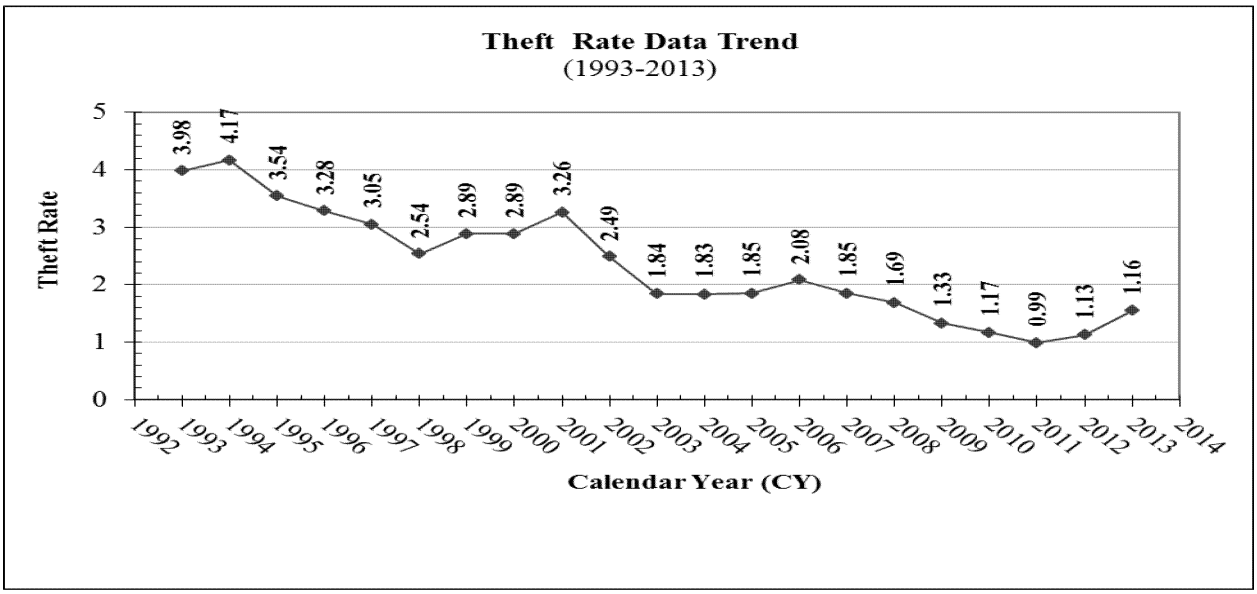
The 2013 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2013 vehicles of that line stolen during calendar year 2013 by the total number of vehicles in that line manufactured for MY 2013, as reported to the Environmental Protection Agency (EPA).

The final 2013 theft data show a slight increase in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2012. The final theft rate for MY 2013 passenger vehicles stolen in calendar year 2013 increased to 1.1562 thefts per thousand vehicles produced, an increase of 2.37 percent from the rate of 1.1294 thefts per thousand vehicles experienced by MY 2012 vehicles in CY 2012.

For MY 2013 vehicles, out of a total of 211 vehicle lines, ten lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the ten vehicle lines with a theft rate higher than 3.5826, nine are passenger car lines, one is a multipurpose passenger vehicle line, and none are light-duty truck lines.

The overall trend using increments of five years show a marked decrease in passenger motor vehicle thefts over a 20-year (1993–2013) period. Specifically, the MY 2013 theft rate (1.16 thefts per thousand vehicles) is 70.85 percent lower than the CY/MY 1993 rate (3.98 thefts per thousand vehicles), 54.33 percent lower than the CY/MY 1998 rate (2.54 thefts per thousand vehicles), 36.96 percent lower than the CY/MY 2003 rate (1.84 thefts per thousand vehicles) and 31.36 percent lower than the CY/MY 2008 rate (1.69 thefts per thousand vehicles). Overall, as indicated by Figure 1, theft rates have continued to show a downward trend since CY/MY 1993, with periods of very moderate increases from one year to the next.

Figure 1: Theft Rate Data Trend (1993-2013)



Theft rate per thousand vehicles produced

On Thursday, August 6, 2015, NHTSA published the preliminary theft rates for CY 2013 passenger motor vehicles in the **Federal Register** (80 FR 46930). The agency tentatively ranked each of the MY 2013 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. As a result of the adjustments, some of the final theft rates and rankings of vehicle lines changed from those published in the August 2015 notice.

The agency received written comments from Volkswagen Group of America, Inc., informing the agency that the production volumes listed for the Audi A3 and the Audi A4/A5 was incorrect. In response to this comment, the production volume for the Audi A3 and the Audi A4/A5 have been corrected and the final theft data has been revised accordingly. As a result of the correction, the Audi A4/A5 previously ranked No. 22 with a theft rate of 2.4792 is now ranked No. 100 with a theft rate of 0.7510 and the Audi A3 previously ranked No. 178 with a theft rate of 0.1346 is now ranked No. 56 with a theft rate of 1.3444.

The following list represents NHTSA's final calculation of theft rates for all 2013 passenger motor vehicle lines. This list is intended to inform the public of calendar year 2013 motor vehicle thefts of model year 2013 vehicles and does not have any effect on the obligations of regulated parties under 49 U.S.C. Chapter 331, Theft Prevention.

BILLING CODE 4910–59–P

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2013 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2013

	Manufacturer	Make/Model (line)	Thefts 2013	Production (Mfr's) 2013	Theft Rate (per 1,000 vehicles produced)
1	MERCEDES-BENZ	CL-CLASS	3	583	5.1458
2	CHRYSLER	DODGE CHARGER	399	78,134	5.1066
3	TOYOTA	YARIS	97	20,951	4.6299
4	GENERAL MOTORS	CHEVROLET IMPALA	577	127,237	4.5348
5	CHRYSLER	DODGE CHALLENGER	224	50,824	4.4074
6	MASERATI	QUATTROPORTE	1	227	4.4053
7	BMW	M6	5	1,290	3.8760
8	GENERAL MOTORS	CHEVROLET CAPTIVA	134	35,894	3.7332
9	NISSAN	MAXIMA	166	44,854	3.7009
10	BMW	M5	12	3,261	3.6799
11	CHRYSLER	DODGE AVENGER	396	112,843	3.5093
12	CHRYSLER	300	210	62,182	3.3772
13	PORSCHE	PANAMERA	20	5,957	3.3574
14	MERCEDES-BENZ	S-CLASS	42	12,782	3.2859
15	GENERAL MOTORS	CHEVROLET CAMARO	258	85,584	3.0146
16	NISSAN	INFINITI FX37/FX50	41	13,669	2.9995
17	AUDI	AUDI S8	3	1,015	2.9557
18	HONDA	ACURA ZDX	1	354	2.8249
19	FORD MOTOR CO	MUSTANG	214	75,914	2.8190
20	NISSAN	VERSA	151	56,410	2.6768
21	CHRYSLER	200	340	133,344	2.5498
22	MAZDA	MAZDA2	37	14,926	2.4789
23	MERCEDES-BENZ	CLS-CLASS	14	5,821	2.4051
24	BMW	6	16	7,196	2.2235
25	NISSAN	GT-R	3	1,410	2.1277
26	GENERAL MOTORS	CHEVROLET CRUZE	433	207,657	2.0852
27	KIA	FORTE	108	53,267	2.0275
28	BMW	Z4	4	1,982	2.0182
29	KIA	OPTIMA	346	172,977	2.0003
30	MAZDA	MAZDA6	23	11,568	1.9882
31	AUDI	AUDI A7	13	6,626	1.9620
32	HYUNDAI	ACCENT	174	90,149	1.9301
33	MAZDA	MAZDA5	27	14,196	1.9019
34	NISSAN	INFINITI G37	109	57,330	1.9013
35	MAZDA	MAZDA3	196	103,558	1.8927

36	MITSUBISHI	LANCER	32	16,958	1.8870
37	AUDI	AUDI S7	2	1,106	1.8083
38	TOYOTA	COROLLA	566	313,314	1.8065
39	GENERAL MOTORS	CHEVROLET MALIBU	373	211,357	1.7648
40	NISSAN	ALTIMA	693	393,800	1.7598
41	FORD MOTOR CO	TAURUS	159	90,753	1.7520
42	KIA	RIO	117	68,364	1.7114
43	GENERAL MOTORS	CHEVROLET SPARK	65	38,612	1.6834
44	VOLKSWAGEN	CC	54	32,257	1.6741
45	BMW	7	20	12,059	1.6585
46	AUDI	AUDI S6	3	1,809	1.6584
47	AUDI	AUDI A8	9	5,635	1.5972
48	FORD MOTOR CO	LINCOLN MKS	26	17,203	1.5114
49	GENERAL MOTORS	BUICK LACROSSE	82	54,416	1.5069
50	GENERAL MOTORS	CHEVROLET SONIC	141	94,250	1.4960
51	HYUNDAI	GENESIS	70	49,177	1.4234
52	FORD MOTOR CO	FOCUS	332	234,537	1.4156
53	MERCEDES-BENZ	E-CLASS	70	50,159	1.3956
54	GENERAL MOTORS	CHEVROLET CORVETTE	18	12,917	1.3935
55	VOLKSWAGEN	PASSAT	176	128,931	1.3651
56	AUDI	AUDI A3	5	3,719	1.3444
57	FORD MOTOR CO	FUSION	342	256,170	1.3351
58	VOLKSWAGEN	JETTA	222	176,130	1.2604
59	TOYOTA	CAMRY	353	280,399	1.2589
60	GENERAL MOTORS	CADILLAC ATS	49	39,386	1.2441
61	HYUNDAI	SONATA	388	313,346	1.2382
62	NISSAN	370Z	8	6,485	1.2336
63	GENERAL MOTORS	CADILLAC CTS	41	33,340	1.2298
64	HONDA	PILOT	53	43,762	1.2111
65	CHRYSLER	JEEP PATRIOT	43	35,620	1.2072
66	TOYOTA	SCION tC	24	19,927	1.2044
67	MERCEDES-BENZ	SL-CLASS	12	10,053	1.1937
68	MITSUBISHI	OUTLANDER	35	29,764	1.1759
69	MERCEDES-BENZ	C- CLASS	113	96,191	1.1747
70	SUZUKI	SX4	8	6,897	1.1599
71	HYUNDAI	ELANTRA	469	411,249	1.1404
72	CHRYSLER	DODGE JOURNEY	96	84,725	1.1331
73	BMW	5	65	58,063	1.1195
74	FORD MOTOR CO	FIESTA	73	67,095	1.0880
75	GENERAL MOTORS	BUICK REGAL	21	19,437	1.0804
76	NISSAN	NV 200 CARGO VAN	6	5,650	1.0619
77	SUZUKI	GRAND VITARA	3	2,841	1.0560
78	NISSAN	SENTRA	160	155,196	1.0310

79	KIA	SOUL	153	150,943	1.0136
80	AUDI	AUDI S4/S5	12	12,087	0.9928
81	MERCEDES-BENZ	GLK-CLASS	30	32,138	0.9335
82	VOLKSWAGEN	TIGUAN	31	33,475	0.9261
83	GENERAL MOTORS	CADILLAC XTS	38	41,913	0.9066
84	FORD MOTOR CO	LINCOLN MKZ	24	26,677	0.8997
85	TOYOTA	SCION iQ	3	3,397	0.8831
86	FORD MOTOR CO	ESCAPE	265	310,054	0.8547
87	TOYOTA	VENZA	44	51,487	0.8546
88	KIA	SPORTAGE	37	43,754	0.8456
89	HONDA	ACURA TSX	13	15,474	0.8401
90	NISSAN	XTERRA	11	13,167	0.8354
91	KIA	SORENTO	84	101,314	0.8291
92	SUBARU	LEGACY	37	45,052	0.8213
93	HONDA	ILX	21	25,790	0.8143
94	TOYOTA	AVALON	63	77,779	0.8100
95	PORSCHE	BOXSTER	5	6,259	0.7988
96	NISSAN	FRONTIER PICKUP	42	53,113	0.7908
97	CHRYSLER	DODGE DART	95	120,478	0.7885
98	JAGUAR LAND ROVER	XF	7	8,983	0.7792
99	TOYOTA	LEXUS IS	10	13,082	0.7644
100	AUDI	AUDI A4/A5	36	47,939	0.7510
101	FIAT	500	38	51,721	0.7347
102	MAZDA	CX-9	16	21,923	0.7298
103	PORSCHE	911	7	9,805	0.7139
104	CHRYSLER	JEEP COMPASS	15	21,037	0.7130
105	FORD MOTOR CO	EDGE	162	230,853	0.7017
106	BMW	3	81	115,498	0.7013
107	VOLKSWAGEN	GOLF	15	21,455	0.6991
108	GENERAL MOTORS	CADILLAC SRX	35	50,569	0.6921
109	NISSAN	PATHFINDER	56	81,205	0.6896
110	FORD MOTOR CO	FLEX	22	32,053	0.6864
111	NISSAN	ROGUE	131	192,204	0.6816
112	JAGUAR LAND ROVER	XJ	4	5,880	0.6803
113	BMW	X3	24	35,324	0.6794
114	GENERAL MOTORS	GMC TERRAIN	73	108,263	0.6743
115	HONDA	CROSSTOUR	11	16,818	0.6541
116	NISSAN	CUBE	4	6,181	0.6471
117	VOLVO	XC60	13	20,618	0.6305
118	TOYOTA	TACOMA PICKUP	108	172,009	0.6279
119	HYUNDAI	EQUUS	2	3,187	0.6275
120	HONDA	ACCORD	231	372,134	0.6207
121	MERCEDES-BENZ	SLK-CLASS	3	4,842	0.6196

122	VOLKSWAGEN	BEETLE	29	47,776	0.6070
123	CHRYSLER	JEEP WRANGLER	93	154,513	0.6019
124	HONDA	ACURA MDX	15	25,269	0.5936
125	VOLVO	S60	15	25,583	0.5863
126	TOYOTA	SIENNA	77	131,431	0.5859
127	VOLKSWAGEN	GTI	10	17,173	0.5823
128	AUDI	AUDI ALLROAD	4	6,966	0.5742
129	GENERAL MOTORS	BUICK VERANO	29	50,556	0.5736
130	FORD MOTOR CO	LINCOLN MKX	23	40,203	0.5721
131	SUBARU	BRZ	7	12,358	0.5664
132	SUBARU	IMPREZA	50	88,295	0.5663
133	AUDI	AUDI Q5	16	28,566	0.5601
134	SUZUKI	KIZASHI	1	1,805	0.5540
135	SUBARU	XV CROSSTREK	26	48,547	0.5356
136	HYUNDAI	TUCSON	30	56,509	0.5309
137	HONDA	CIVIC	189	361,723	0.5225
138	MAZDA	CX-5	28	54,087	0.5177
139	SUBARU	OUTBACK	60	118,349	0.5070
140	NISSAN	MURANO	18	35,506	0.5070
141	HONDA	CR-Z	2	4,032	0.4960
142	SUBARU	FORESTER	21	42,779	0.4909
143	HYUNDAI	VELOSTER	25	51,682	0.4837
144	HONDA	ACURA TL	11	24,361	0.4515
145	FORD MOTOR CO	C-MAX	25	55,763	0.4483
146	GENERAL MOTORS	CHEVROLET EQUINOX	115	259,361	0.4434
147	TOYOTA	HIGHLANDER	74	170,215	0.4347
148	VOLVO	C30	1	2,331	0.4290
149	MERCEDES-BENZ	SMART FORTWO	6	14,179	0.4232
150	AUDI	AUDI A6	8	19,268	0.4152
151	TOYOTA	LEXUS RX	56	136,263	0.4110
152	HYUNDAI	SANTA FE	45	110,159	0.4085
153	MASERATI	GRANTURISMO	1	2,553	0.3917
154	BENTLEY MOTORS	CONTINENTAL	1	2,713	0.3686
155	HONDA	CR-V	102	278,583	0.3661
156	JAGUAR LAND ROVER	LAND ROVER EVOQUE	5	14,367	0.3480
157	BMW	1	3	8,704	0.3447
158	TOYOTA	FJ CRUISER	4	12,066	0.3315
159	GENERAL MOTORS	CHEVROLET VOLT	9	27,484	0.3275
160	BMW	MINI COOPER	24	73,871	0.3249
161	TOYOTA	RAV4	71	224,601	0.3161
162	HONDA	FIT	25	80,291	0.3114
163	TOYOTA	SCION xD	3	10,112	0.2967
164	TOYOTA	SCION xB	5	17,136	0.2918

165	HONDA	INSIGHT	2	6,882	0.2906
166	BMW	M3	1	3,560	0.2809
167	TOYOTA	LEXUS LS	3	10,967	0.2735
168	TOYOTA	PRIUS	64	236,411	0.2707
169	NISSAN	JUKE	13	49,105	0.2647
170	NISSAN	QUEST VAN	3	11,559	0.2595
171	BMW	X1	4	16,976	0.2356
172	TOYOTA	LEXUS ES	21	90,063	0.2332
173	TOYOTA	LEXUS CT	4	17,423	0.2296
174	VOLVO	C70	1	4,380	0.2283
175	VOLKSWAGEN	EOS	1	4,775	0.2094
176	HONDA	ACURA RDX	8	44,480	0.1799
177	GENERAL MOTORS	BUICK ENCORE	5	28,615	0.1747
178	FORD MOTOR CO	TRANSIT CONNECT	7	49,064	0.1427
179	TELSA	MODEL S	2	17,813	0.1123
180	HYUNDAI	AZERA	1	13,556	0.0738
181	NISSAN	LEAF	1	26,167	0.0382
182	ASTON MARTIN	DB9	0	128	0.0000
183	ASTON MARTIN	V8 VANTAGE	0	236	0.0000
184	AUDI	AUDI RS5	0	1,545	0.0000
185	AUDI	AUDI TT	0	2,192	0.0000
186	BENTLEY MOTORS	MULSANNE	0	234	0.0000
187	BUGATTI	VEYRON	0	6	0.0000
188	BYD MOTORS	E6	0	32	0.0000
189	CHRYSLER	DODGE VIPER	0	852	0.0000
190	CODA	CODA	0	37	0.0000
191	FERRARI	458 ITALIA	0	1,239	0.0000
192	FERRARI	CALIFORNIA	0	504	0.0000
193	FERRARI	FF	0	103	0.0000
194	FERRARI	F12BERLINETTA	0	56	0.0000
195	JAGUAR LAND ROVER	LAND ROVER LR2	0	3,689	0.0000
196	JAGUAR LAND ROVER	XK	0	1,461	0.0000
197	LAMBORGHINI	AVENTADOR	0	155	0.0000
198	LAMBORGHINI	GALLARDO	0	449	0.0000
199	LOTUS	EVORA	0	170	0.0000
200	MAZDA	MX-5 MIATA	0	5,697	0.0000
201	MCLAREN	MP4-12C	0	412	0.0000
202	MERCEDES-BENZ	SLS-CLASS	0	228	0.0000
203	MITSUBISHI	I-MIEV	0	1,435	0.0000
204	NISSAN	INFINITI EX37	0	1,894	0.0000
205	NISSAN	INFINITI M35h/M37/M56	0	9,494	0.0000
206	ROLLS ROYCE	GHOST	0	605	0.0000
207	ROLLS ROYCE	PHANTOM	0	254	0.0000

208	SUBARU	TRIBECA	0	1,651	0.0000
209	TOYOTA	SCION FR-S	0	31,458	0.0000
210	VOLVO	S80	0	2,300	0.0000
211	VOLVO	XC70	0	4,962	0.0000
	Theft rate per 1,000 vehicles produced =	$\left(\frac{\textbf{Total theft}}{\textbf{Total production}}\right)\textbf{x1000}$	**14,009**	**12,116,328**	**1.1562**

Issued in Washington, DC, under authority delegated in 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–29701 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–59–C

Proposed Rules

Federal Register
Vol. 80, No. 225
Monday, November 23, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2015–0670; FRL–9937–26–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; 2008 Ozone NAAQS Interstate Transport for Colorado, Montana, North Dakota and South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) submissions from the states of Colorado, Montana, North Dakota and South Dakota that are intended to demonstrate that the SIP for each respective state meets certain interstate transport requirements of the Clean Air Act (Act or CAA) for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). These submissions address the requirement that each SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. The EPA is proposing to approve these SIPs for all four states as containing adequate provisions to ensure that air emissions in the states do not significantly contribute to nonattainment or interfere with maintenance of the 2008 8-hour ozone NAAQS in any other state.

DATES: Comments must be received on or before December 23, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2015–0670. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 8, Office of Partnership and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m.–4:00 p.m., excluding federal holidays. An electronic copy of the state's SIP compilation is also available at *http://www.epa.gov/region8/air/sip.html.*

FOR FURTHER INFORMATION CONTACT: Adam Clark, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

What should I consider as I prepare my comments for the EPA?

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

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

On March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436). The CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable ''infrastructure'' elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain ''good neighbor'' provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action addresses the first two sub-elements of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I). These sub-elements require that each SIP for a new or revised standard contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will ''contribute significantly to nonattainment'' or ''interfere with maintenance'' of the applicable air quality standard in any other state. We note that the EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the eastern portion of the United States in several past regulatory actions.[1] We

[1] NO_X SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May

Continued

most recently promulgated the Cross-State Air Pollution Rule (CSAPR), which addressed CAA section 110(a)(2)(D)(i)(I) in the eastern portion of the United States.[2] CSAPR addressed multiple NAAQS, but did not address the 2008 8-hour ozone standard.[3]

In CSAPR, the EPA used detailed air quality analyses to determine whether an eastern state's contribution to downwind air quality problems was at or above specific thresholds. If a state's contribution did not exceed the specified air quality screening threshold, the state was not considered ''linked'' to identified downwind nonattainment and maintenance receptors and was therefore not considered to significantly contribute or interfere with maintenance of the standard in those downwind areas. If a state exceeded that threshold, the state's emissions were further evaluated, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary. For the reasons stated below, we believe it is appropriate to use the same approach we used in CSAPR to establish an air quality screening threshold for the evaluation of interstate transport requirements for the 2008 8-hour ozone standard.[4]

In CSAPR, the EPA proposed an air quality screening threshold of one percent of the applicable NAAQS and requested comment on whether one percent was appropriate.[5] The EPA evaluated the comments received and ultimately determined that one percent was an appropriately low threshold because there were important, even if relatively small, contributions to identified nonattainment and maintenance receptors from multiple upwind states. In response to commenters who advocated a higher or lower threshold than one percent, the EPA compiled the contribution modeling results for CSAPR to analyze the impact of different possible thresholds for the eastern United States. The EPA's analysis showed that the one-percent threshold captures a high percentage of the total pollution transport affecting downwind states, while the use of higher thresholds would exclude increasingly larger percentages of total transport. For example, at a five percent threshold, the majority of interstate pollution transport affecting downwind receptors would be excluded.[6] In addition, the EPA determined that it was important to use a relatively lower one-percent threshold because there are adverse health impacts associated with ambient ozone even at low levels.[7] The EPA also determined that a lower threshold such as 0.5 percent would result in relatively modest increases in the overall percentages of fine particulate matter and ozone pollution transport captured relative to the amounts captured at the one-percent level. The EPA determined that a ''0.5 percent threshold could lead to emission reduction responsibilities in additional states that individually have a very small impact on those receptors—an indicator that emission controls in those states are likely to have a smaller air quality impact at the downwind receptor. We are not convinced that selecting a threshold below one percent is necessary or desirable.'' [8]

In the final CSAPR, the EPA determined that one percent was a reasonable choice considering the combined downwind impact of multiple upwind states in the eastern United States, the health effects of low levels of fine particulate matter and ozone pollution, and the EPA's previous use of a one-percent threshold in CAIR. The EPA used a single ''bright line'' air quality threshold equal to one percent of the 1997 8-hour ozone standard, or 0.08 ppm.[9] The projected contribution from each state was averaged over multiple days with projected high modeled ozone, and then compared to the one-percent threshold. We concluded that this approach for setting and applying the air quality threshold for ozone was appropriate because it provided a robust metric, was consistent with the approach for fine particulate matter used in CSAPR, and because it took into account, and would be applicable to, any future ozone standards below 0.08 ppm.[10]

III. EPA's Analysis

On August 4, 2015, the EPA issued a Notice of Data Availability (NODA) containing air quality modeling data that applies the CSAPR approach to contribution projections for the year 2017 for the 2008 8-hour ozone NAAQS.[11] The moderate area attainment date for the 2008 ozone standard is July 11, 2018. In order to demonstrate attainment by this attainment deadline, states will use 2015 through 2017 ambient ozone data. Therefore, 2017 is an appropriate future year to model for the purpose of examining interstate transport for the 2008 8-hour ozone NAAQS. The EPA used photochemical air quality modeling to project ozone concentrations at air quality monitoring sites to 2017 and estimated state-by-state ozone contributions to those 2017 concentrations. This modeling used the Comprehensive Air Quality Model with Extensions (CAMx version 6.11) to model the 2011 base year, and the 2017 future base case emissions scenarios to identify projected nonattainment and maintenance sites with respect to the 2008 8-hour ozone NAAQS in 2017. The EPA used nationwide state-level ozone source apportionment modeling (CAMx Ozone Source Apportionment Technology/Anthropogenic Precursor Culpability Analysis technique) to quantify the contribution of 2017 base case nitrogen oxides (NO_X) and volatile organic compounds (VOC) emissions from all sources in each state to the 2017 projected receptors. The air quality model runs were performed for a modeling domain that covers the 48 contiguous United States and adjacent portions of Canada and Mexico. The NODA and the supporting technical support documents have been included in the docket for this SIP action.

The modeling data released in the August 4, 2015 NODA is the most up-to-date information the EPA has developed to inform our analysis of upwind state linkages to downwind air quality problems. For purposes of evaluating these four states' interstate transport SIPs with respect to the 2008 8-hour ozone standard, the EPA is proposing that states whose contributions are less than one percent to downwind nonattainment and maintenance receptors are considered non-significant.

The modeling indicates that the relevant contributions from Colorado, Montana, North Dakota, and South Dakota are all below the one-percent screening threshold of 0.75 ppb.[12] Colorado's largest contribution to any projected downwind nonattainment site is 0.36 ppb, and its largest contribution to any projected downwind

12, 2005); Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011).

[2] 76 FR 48208.

[3] CSAPR addressed the 1997 8-hour ozone, and the 1997 and 2006 fine particulate matter NAAQS.

[4] Note that EPA has not done an assessment to determine the applicability of the one-percent screening threshold for western states that contribute above the one percent threshold. There may be additional considerations that may impact regulatory decisions regarding potential linkages in the west identified by the modeling.

[5] 75 FR 45210, 45237 (August 2, 2010).

[6] *See also* Air Quality Modeling Final Rule Technical Support Document, Appendix F, Analysis of Contribution Thresholds.

[7] 76 FR 48208, 48236–37.

[8] Id.

[9] Id.

[10] Id.

[11] *See* 80 FR 46271 (August 4, 2015) (Notice of Availability of the Environmental protection Agency's Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)).

[12] Id. at 46276, Table 3.

maintenance-only site is 0.34 ppb. Montana's largest contribution to any projected downwind nonattainment site is 0.15 ppb, and its largest contribution to any projected downwind maintenance-only site is 0.17 ppb. North Dakota's largest contribution to any projected downwind nonattainment site is 0.14 ppb, and its largest contribution to any projected downwind maintenance-only site is 0.28 ppb. South Dakota's largest contribution to any projected downwind nonattainment site is 0.08 ppb, and its largest contribution to any projected downwind maintenance-only site is 0.12 ppb. These values are all below the one-percent screening threshold of 0.75 ppb, and therefore there are no identified linkages between any of these four respective states and 2017 downwind projected nonattainment and maintenance sites.

IV. State Submissions and EPA's Assessment

Each of the four states addressed in this proposed rulemaking made a submission certifying the adequacy of their existing SIP to implement the 2008 8-hour ozone NAAQS. Colorado submitted its certification on December 31, 2012; Montana submitted its certification on January 3, 2013; North Dakota submitted its certification on March 8, 2013; and South Dakota submitted its certification on May 30, 2013. All of these 2008 ozone infrastructure SIPs are included in the docket for this action. Each submission included an analysis of the respective SIP's adequacy with regard to the interstate transport requirements of section 110(a)(2)(D)(i)(I).

A. Colorado

In its December 31, 2012 submission, the State of Colorado concluded that it did not significantly contribute to nonattainment or interfere with maintenance in other states with respect to the 2008 8-hour ozone NAAQS. Colorado based this conclusion on the distance from the state to downwind 2008 ozone nonattainment areas and the overall decrease in ozone emissions within Colorado. The EPA has determined that distance is a relevant factor for an interstate transport technical analysis because pollutant dispersion increases as distance increases.[13] Colorado did not provide a detailed analysis supporting its conclusion, including any quantification of the distance to other nonattainment areas or the amount of ozone emission reductions within the state and over what timeframe. Moreover, Colorado suggests that it need not perform a more detailed technical analysis until the EPA provides guidance specific to the development of SIPs to address interstate transport as to the 2008 ozone NAAQS. As the Supreme Court recently affirmed in *EPA* v. *EME Homer City Generation, L.P.,* the EPA is not obligated to provide any information, guidance, or specific metrics before a state must undertake to fulfill its obligation to address interstate transport in its SIP. 134 S.Ct. 1584, 1601 (2014).

Despite the state's incomplete technical analysis, the modeling released in the EPA's August 4, 2015 NODA confirms Colorado's conclusion that the State does not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state.[14] Based on the modeling data and the information provided in Colorado's submission, we are proposing to approve Colorado's SIP as meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 8-hour ozone standard.

B. Montana

In its January 3, 2013 submission, the State of Montana concluded that it did not significantly contribute to nonattainment or interfere with maintenance in other states with respect to the 2008 8-hour ozone NAAQS. Montana based this conclusion on the existing permitting programs to which current and future Montana ozone sources are subject, as well as certain federal requirements such as applicable maximum achievable control technology (MACT) and new source performance standard (NSPS) requirements. While Montana did not provide information or analysis explaining why the existing permitting programs support their conclusion that emissions from within the state do not contribute to downwind air quality problems, and the EPA does not agree that permitting programs alone are necessarily sufficient to show non-contribution or non-interference at a level that satisfies 110(a)(2)(D)(i)(I), the EPA concurs with Montana's overall conclusion that the State does not significantly contribute to nonattainment or interfere with maintenance of the 2008 8-hour ozone NAAQS in any other state based on the EPA's modeling data from the August 4, 2015 NODA.[15] Based on that modeling data, we are proposing to approve Montana's SIP as meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 ozone NAAQS.

C. North Dakota

In its March 8, 2013 submission, the State of North Dakota concluded that it did not significantly contribute to nonattainment or interfere with maintenance in other states with respect to the 2008 8-hour ozone NAAQS. North Dakota based this conclusion in part on the results of the modeling conducted for CSAPR, which included analysis of North Dakota's downwind contributions for ozone (for the 1997 ozone NAAQS). North Dakota noted that the CSAPR modeling predicted the State's largest contribution to any projected downwind nonattainment site to be 0.2 ppb, and the largest contribution to any projected downwind maintenance-only site to be 0.1 ppb. As further evidence that North Dakota neither contributes significantly to nonattainment nor interferes with maintenance in other states, the State noted that its point-source NO_X emissions were ''steadily declining'' between 2002 and 2011, with more reductions expected as a result of regional haze actions.

The EPA notes that the modeling North Dakota relies upon was conducted by the EPA in 2011, for purposes of evaluating upwind state contributions and downwind air quality problems as to a prior, less-stringent ozone NAAQS, and that the modeling evaluated a 2012 compliance year. Accordingly, the fact that this modeling showed downwind contribution less than one percent of the 2008 ozone NAAQS is not necessarily dispositive of North Dakota's obligations under section 110(a)(2)(D)(i)(I). However, as discussed above, the EPA has conducted more updated modeling subsequent to the State's SIP submission that confirms the underlying conclusion of our 2011 modeling, and of North Dakota's SIP submission: North Dakota does not significantly contribute to nonattainment or interfere with maintenance of the 2008 8-hour ozone standard in any other state. Accordingly, we are proposing to approve North Dakota's SIP as meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 8-hour ozone standard.

D. South Dakota

In its May 30, 2013 submission, the State of South Dakota concluded that it did not significantly contribute to

[13] Memorandum from William T. Harnett entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS),'' September 25, 2009.

[14] Id.

[15] Id.

nonattainment or interfere with maintenance in other states with respect to the 2008 8-hour ozone NAAQS. The State explained that its conclusion was ''based on South Dakota's emissions inventory,'' and provided further supporting information in an attachment including (1) demographic and geographic data; (2) an inventory of emissions and locational data on 85 major Title V sources within South Dakota that ''potentially could impact air quality in neighboring states''; [16] (3) topographical, distance, and meteorological information (including windrose graphs); and (4) explanations for why this information suggests that the impact of South Dakota's emissions on four nearby nonattainment areas is minimal.[17] Separately, South Dakota noted plans to install controls to reduce NO_X emissions by 70 percent from the largest source of ozone-forming pollution in the State (Otter Tail's Big Stone power plant),[18] as well as plans to install controls on Black Hills Power's Ben French facility, the State's third highest emitter of NO_X at the time of the submission.

The EPA notes that South Dakota's analysis focuses solely on potential impacts to the designated nonattainment areas closest to South Dakota, and does not appear to address the potential for either significant contribution to nonattainment areas located further away, or interference with any maintenance of the standard in areas that might currently be in attainment. Even if a state does not significantly contribute to the most physically proximate nonattainment areas, other factors may cause emissions from the state to affect nonattainment areas that are farther away. Furthermore, because prong 1 and 2 concern air-quality impacts in different areas, even a state that does not significantly contribute to nonattainment may still interfere with maintenance of the standard in areas currently attaining. Nonetheless, as discussed above, the modeling in the EPA's NODA confirms South Dakota's underlying conclusion that the State does not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state. Based on this modeling data and the information and analysis provided in South Dakota's submission, we are proposing to approve South Dakota's SIP as meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 8-hour ozone standard.

V. Proposed Action

The EPA is proposing to approve the following submittals as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 8-hour ozone NAAQS: Colorado's December 31, 2012 submission; Montana's January 3, 2013 submission; North Dakota's March 8, 2013 submission; and South Dakota's May 30, 2013 submission. The EPA is proposing this approval based on the information and analysis provided by each state, as well as the modeling in EPA's August 4, 2015 NODA that confirms each state's conclusion that its SIP contains adequate provisions to ensure that in-state air emissions will not contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state. This action is being taken under section 110 of the CAA.

VI. Statutory and Executive Order Reviews

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

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

In addition, the SIP does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed 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).

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.

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

Dated: November 10, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2015–29681 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

[16] The State provided emissions inventories for seven such potentially impacted ''neighboring states''—North Dakota, Minnesota, Iowa, Nebraska, Colorado, Wyoming, and Montana.

[17] Specifically, the State's submission discussed potential impacts on (1) Sublette County, Wyoming (the only nonattainment area in a State bordering South Dakota); (2) northeastern Colorado (the ''closest ozone non-attainment area to South Dakota''); and (3) Sheyboygan County, Wisconsin and Chicago, Illinois (the ''non-attainment areas . . . closest to the east side of South Dakota'').

[18] The EPA notes that these controls have been installed in the time since South Dakota made this submission.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0032; FRL–9936–73]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals In or On Various Commodities

AGENCY: Environmental Protection Agency (EPA).

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

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

DATES: Comments must be received on or before December 23, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

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

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

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

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

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

Amended Tolerances

PP 5E8399. (EPA–HQ–OPP–2015–0658). IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced above under ''New Tolerances'' to remove existing tolerances in 40 CFR 180.568 for residues of the herbicide, flumioxazin 2-[7-fluoro-3,4-dihydro3-oxo-4-(2-proponyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1Hisoindole-1,3(2H)-dione in or on the raw

agricultural commodities: Cabbage at 0.02 ppm; cabbage, Chinese, napa at 0.02 ppm, fruit, pome group 11 at 0.02 ppm, fruit, stone, group 12 at 0.02 ppm, garlic at 0.02 ppm, grape at 0.02 ppm, nut, tree group 14 at 0.02 ppm, okra at 0.02 ppm, onion, bulb at 0.02 ppm, pistachio 0.02 ppm shallot bulb at 0.02 ppm, strawberry at 0.07 ppm and vegetable, fruiting group 8 at 0.02 ppm. Adequate enforcement methodology (gas chromatography/nitrogen-phosphorus detection (GC/NPD) method, Valent Method RM30–A–3) is available to enforce the tolerance expression. Contact: RD.

New Tolerances

1. *PP 5E8399.* (EPA–HQ–OPP–2015–0658). Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.568 for residues of the herbicide, flumioxazin 2-[7-fluoro-3,4-dihydro3-oxo-4-(2-proponyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1Hisoindole-1,3(2H)-dione in or on the raw agricultural commodities: Berry, low growing, subgroup 13–07G at 0.07 parts per million (ppm); *Brassica,* head and stem, subgroup 5A at 0.02 ppm, caneberry, subgroup 13–07A at 0.40, citrus oil at 0.1 ppm, clover, forage at 0.02 ppm, clover, hay at 0.15 ppm; fruit, citrus group 10–10 at 0.02 ppm, fruit, pome group 11–10 at 0.02 ppm, fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.02 ppm, fruit, stone, group 12–12 at 0.02 ppm, nut, tree group 14–12 at 0.02 ppm, onion, bulb subgroup 3–07A at 0.02 ppm and vegetable, fruiting group 8–10 ppm at 0.02. Adequate enforcement methodology (gas chromatography/nitrogen-phosphorus detection (GC/NPD) method, Valent Method RM30–A–3) is available to enforce the tolerance expression. Contact: RD.

2. *PP 5E8401.* (EPA–HQ–OPP–2015–0705). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27409–8300, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, Thiamethoxam, in or on banana at 0.04 parts per million (ppm). The HPLC/UV or MS detection method is used to measure and evaluate the chemical Thiamethoxam and the metabolite, CGA–322704. Contact: RD.

New Tolerance Exemptions

1. *PP 4F8253.* (EPA–HQ–OPP–2014–0679). ISK Biosciences Corporation, 7470 Auburn Road, Suite A Concord, OH 44077, requests to establish an exemption from the requirement of a tolerance for indirect or inadvertent residues of the insecticide, Cyclaniliprole, in or on all food commodities that do not have tolerances. In the **Federal Register** of May 6, 2015, (80 FR 18327) (FRL–9924–00), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8253) by ISK Biosciences Corporation requesting that that 40 CFR part 180 be amended by establishing tolerances on various agricultural commodities for residues of the insecticide, Cyclaniliprole. That petition (PP 4F8253) has since been amended to also request an exemption from the requirement of a tolerance for indirect or inadvertent residues of all food commodities which the EPA does not established tolerances. The analytical method Liquid Chromatography-MS/MS is available to EPA for the detection and measurement of the pesticide residues. Contact: RD.

2. *PP IN–10791.* (EPA–HQ–OPP–2015–0660). Technology Sciences Group, 1150 18th St. NW., Suite 1000, Washington, DC 20036, on behalf of Stepan Company, 22 West Frontage Road, Northfield, IL 60093, requests to establish an exemption from the requirement of a tolerance for residues of N,N-dimethyl 9-decenamide (CAS Reg. No. 1356964–77–6) when used as an inert ingredient (surfactant or solvent) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

3. *PP IN–10805.* (EPA–HQ–OPP–2015–0723). Technology Sciences Group, 1150 18th St. NW., Suite 1000, Washington, DC 20036, on behalf of Stepan Company, 22 West Frontage Road, Northfield, IL 60093, requests to establish an exemption from the requirement of a tolerance for residues of N,N-dimethyltetradecanamide (CAS Reg. No. 3015–65–4) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

4. *PP IN–10806.* (EPA–HQ–OPP–2015–0720). Technology Sciences Group, 1150 18th St. NW., Suite 1000, Washington, DC 20036, on behalf of Stepan Company, 22 West Frontage Road, Northfield, IL 60093, requests to establish an exemption from the requirement of a tolerance for residues of N,N-dimethyldodecanamide (CAS Reg. No. 3007–53–2) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

5. *PP IN–10839.* (EPA–HQ–OPP–2015–0697). Technology Sciences Group, 1150 18th St. NW., Suite 1000, Washington, DC 20036, on behalf of Doosan Corporation, 864 B/5F. 864–1, lui-dong. Yeongtong-gu, Suwon-si, Gyeonggi-do, 443–284, Republic of Korea, requests to establish an exemption from the requirement of a tolerance for residues of monoethanolamine (CAS Reg. No. 141–43–5) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

6. *PP IN–10841.* (EPA–HQ–OPP–2015–0719). Eastman Chemical Company, Inc., 200 South Wilcox Drive, Kingsport, TN 37660–5280, requests to establish an exemption from the requirement of a tolerance for residues of N-butyl-3-hydroxybutyrate (CAS Reg. No. 53605–94–0) and isopropyl-3-hydroxybutyrate (CAS Reg. No. 54074–94–1) when used as inert ingredients (solvents) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910, applied to animals under 40 CFR 180.930, and when used in antimicrobial formulations (food-contact surface sanitizing solutions) under 40 CFR 180.940(a). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD

7. *PP IN–10843.* (EPA–HQ–OPP–2015–0718). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance for residues of propenoic acid, 2-methyl-, polymers with tert-Bu acrylate, Me methacrylate, polyethylene glycol methacrylate C16–C18-alkyl ethers and vinylpyrrolidone, tert-Bu 2-ethylhexaneperoxoate-initiated, compds. with 2-amino-2-methyl-1-propanol (CAS Reg. No. 1515872–09–9) when used as an inert ingredient in pesticide formulations under 40 CFR

180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

8. *PP IN–10853.* (EPA–HQ–OPP–2015–0717). Technology Sciences Group, 1150 18th St. NW., Suite 1000, Washington, DC 20036, on behalf of Jeneil Biosurfactant Company, 400 N. Dekora Woods Blvd. Saukville, WI 53080, requests to establish an exemption from the requirement of a tolerance for residues of 2-phenylethyl acetate (CAS Reg. No. 103–45–7) when used as an inert ingredient (solvent) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

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

Dated: November 13, 2015.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–29808 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3160 and 3170

[15X.LLWO300000.L13100000.NB0000]

RIN 1004–AE15, RIN 1004–AE16, RIN 1004–AE17

Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security; Measurement of Oil; and Measurement of Gas

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rules; reopening and extension of public comment periods.

SUMMARY: In July, September, and October, 2015, the Bureau of Land Management (BLM) published three separate proposed rules in the **Federal Register** that would update and replace its existing oil and gas rules and standards for site security (Onshore Oil and Gas Order (Order) No. 3), oil measurement (Order No. 4), and gas measurement (Order No. 5) at onshore oil and gas facilities located on Federal and Indian (except Osage Tribe) lands. This document reopens the comment period for the proposed rule pertaining to site security (Order 3) and extends the comment period for the proposed rule pertaining to oil measurement (Order 4). It also announces the times and locations of three public meetings to take public input on the proposed rules.

DATES: The comment period for the proposed rules published July 13, 2015 (80 FR 40768), September 11, 2015 (80 FR 54760), and October 13, 2015 (80 FR 61646) are extended. Send your comments on the three proposed rules to the BLM on or before December 14, 2015. The BLM need not consider, or include in the administrative record for the final rule, comments that it receives after the close of the comment period or comments delivered to an address other than those listed below (see **ADDRESSES**). The BLM intends to hold three public meetings on December 1, 3, and 8, 2015, to accept public comment on the proposed rules. For the times and locations of the meetings, please see the **SUPPLEMENTARY INFORMATION** section below.

ADDRESSES: *Mail:* U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134 LM, 1849 C St. NW., Washington, DC 20240, Attention: 1004–AE15, 1004–AE16, or 1004–AE17. *Personal or messenger delivery:* Bureau of Land Management, 20 M Street SE., Room 2134 LM, Attention: Regulatory Affairs, Washington, DC 20003. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions at this Web site.

FOR FURTHER INFORMATION CONTACT: Michael Wade, BLM Colorado State Office, at 303–239–3737 (Order 3); Mike McLaren, BLM Pinedale (WY) Field Office, at 307–367–5389 (Order 4); or Richard Estabrook, BLM Ukiah (CA) Field Office, at 707–468–4052 (Order 5). For questions relating to regulatory process issues, please contact Faith Bremner, BLM Washington Office, at 202–912–7441 (all three Orders). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. FIRS is available 24 hours a day, 7 days a week to leave a message or question for the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2015, the BLM published in the **Federal Register** ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security; Proposed Rule'' (80 FR 40768). That proposed rule would update and replace the requirements found in Onshore Oil and Gas Order No. 3, Site Security, with new regulations that would be codified in the Code of Federal Regulations (CFR) through the amendment of 43 CFR part 3160 and the addition of two new subparts—43 CFR subparts 3170 and 3173. The proposed rule to replace Onshore Order 3 initially had a 60-day public comment period that closed on September 11, 2015, but that comment period was extended until October 9, 2015 (80 FR 54760). The proposed rule includes provisions intended to ensure that oil and gas produced from Federal and Indian oil and gas leases are properly and securely handled, so as to ensure accurate measurement, production accountability, and royalty payments, and to prevent theft and loss.

On September 30, 2015, the BLM published in the **Federal Register** ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil; Proposed Rule'' (80 FR 58952). This proposed rule would update and replace the existing requirements of Order 4, Measurement of Oil, with new regulations that would be codified in the CFR through the amendment of 43 CFR part 3160 and the addition of a new subpart—43 CFR subpart 3174. It would strengthen the BLM's policies governing production accountability by updating its minimum standards for oil measurement to reflect changes in technology and industry practices. The comment period on the proposed rule to replace Order 4 currently expires on November 30, 2015.

On October 13, 2015, the BLM published in the **Federal Register** ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Gas; Proposed Rule'' (80 FR 61646). This proposed rule would update and replace the existing requirements of Order 5, Measurement of Gas, with new regulations that would be codified in the CFR through the amendment of 43 CFR part 3160 and the addition of a new subpart—43 CFR subpart 3175. This proposed rule would strengthen the BLM's policies governing production accountability by updating its minimum standards for gas measurement to reflect changes in technology and industry practices. The comment period on the proposed rule to replace Order 5 expires on December 14, 2015.

Since publication of these proposals, the BLM has received a number of requests that the comment periods for these proposed rules be reopened or extended, as appropriate, in order to provide additional opportunities for the

public to provide input. In response to these requests, the BLM is: (1) Reopening the comment period on Order 3 from the date of publication of this Notice until December 14, 2015, and (2) Extending the comment period on Order 4 until December 14, 2015. As result, the comment periods on all three Proposed Rules will close on December 14, 2015.

Public Outreach Meeting

The BLM will also be holding three public meetings on the proposed rules to replace Orders 3, 4, and 5. Those meetings will be held at the following dates, times, and locations:

• *Date/Time:* December 1, 2015/1:00 p.m.

Location: Double Tree by Hilton, 501 Camino Del Rio, Durango, CO 81301, (970) 259–6580

• *Date/Time:* December 3, 2015/1:00 p.m.

Location: Renaissance Oklahoma City Convention Center Hotel, 10 N Broadway Avenue, Oklahoma City, OK 73102, (405) 228–8000

• *Date/Time:* December 8, 2015/1:00 p.m.

Location: Astoria Hotel and Event Center, 363 15th St W., Dickinson, ND 58601, (701) 456–5000

Additional information about the meetings can be found on the BLM's Web site.

Public Comment Procedures

If you wish to comment, you may submit your comments by any one of several methods:

• *Mail:* You may mail comments to U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134LM, 1849 C Street NW., Washington, DC 20240, Attention: 1004–AE15 (for Site Security), 1004–AE16 (for Oil Measurement), or 1004–AE17 (for Gas Measurement).

• *Personal or messenger delivery:* Bureau of Land Management, 20 M Street SE., Room 2134 LM, Attention: Regulatory Affairs, Washington, DC 20003.

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions at this Web site.

Please make your comments as specific as possible by confining them to issues directly related to the content of the proposed rule, and explain the basis for your comments. The comments and recommendations that will be most useful and likely to influence agency decisions are:

1. Those supported by quantitative information or studies; and

2. Those that include citations to, and analyses of, the applicable laws and regulations.

The BLM is not obligated to consider or include in the Administrative Record for the rule comments received after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**). Comments will be available for public review at the address listed under **ADDRESSES** during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Amanda C. Leiter,

Deputy Assistant Secretary for Land and Minerals Management.

[FR Doc. 2015–29820 Filed 11–20–15; 8:45 am]

BILLING CODE 4310–84–P

Notices

Federal Register
Vol. 80, No. 225
Monday, November 23, 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

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Uniform Grant Application Package for Discretionary Grant Programs

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection.

The purpose of the Uniform Grant Application Package for Discretionary Grant Programs is to provide a standardized format for the development of all Requests for Applications for discretionary grant programs released by the Food and Nutrition Service (FNS) Agency and to allow for a more expeditious OMB clearance process.

DATES: Written comments must be received on or before January 22, 2016.

ADDRESSES: 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, including the validity of the methodology and assumptions that were 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Lael Lubing, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 732, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Lael Lubing at 703–605–0363 or via email to *Lael.Lubing@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Lael Lubing at 703–305–2048.

SUPPLEMENTARY INFORMATION:

Title: Uniform Grant Application Package for Discretionary Grant Programs.

Form Number: SF–424 Form Family.

OMB Number: 0584–0512.

Expiration Date: August 31, 2016.

Type of Request: Revision of a currently approved collection.

Abstract: FNS has a number of discretionary grant programs. (Consistent with the definition in 2 CFR part 200, the term ''grant'' as used in this notice includes cooperative agreements.) The authorities for these grants vary and will be cited as part of each grant application solicitation. The purpose of the revision to the currently approved collection for the Uniform Grant Application Package for Discretionary Grant Programs is to continue the authority for the established uniform grant application package and to update the number of collection burden hours. The uniform collection package is useable for all of FNS' discretionary grant programs to collect information from grant applicants that are needed to evaluate and rank applicants and protect the integrity of the grantee selection process. All FNS discretionary grant programs will be eligible, but not required, to use the uniform grant application package. Before soliciting applications for a discretionary grant program, FNS will decide whether the uniform grant application package will meet the needs of that grant program. If FNS decides to use the uniform grant application package, FNS will note in the grant solicitation that applicants must use the uniform grant application package and that the information collection has already been approved by OMB. If FNS decides not to use the uniform grant application package or determines that it needs grant applicants to provide additional information not contained in the uniform package, then FNS will publish a notice soliciting comments on its proposal to collect different or additional information before making the grant solicitation.

The uniform grant application package will include general information and instructions; a checklist; a requirement for the program narrative statement describing how the grant objectives will be reached; the Standard Form (SF) 424 series that request basic information, budget information, and a disclosure of lobbying activities certification. The proposed information collection covered by this notice is related to the requirements for the program narrative statement. The requirements for the program narrative statement are based on the requirements for program narrative statements described in 2 CFR part 200, Appendix I, and will apply to all types of grantees—State and Local governments, Indian Tribal organizations, Non-Profit organizations, Institutions of Higher Education, and For-Profit organizations. The information collection burden related to the SF–424 series, and the lobbying certification forms have been separately approved by OMB.

Affected Public: State and local governments, Indian Tribal organizations, Non-Profit organizations, Institutions of Higher Education, and For-Profit organizations.

Estimated Number of Respondents: 1,594.

Number of Responses per Respondent: 18.03.

Estimated Total Annual Responses: 28,742.

Hours per Response: 3.94 Average.

Estimated Total Annual Burden on Respondents: 113,137.

	Annual grant opportunities				
	Number of respondents	Frequency of responses	Total annual responses	Estimated time per response	Estimated total annual burden hours
Pre-Award Annual Total Reporting Burden	950	1	950	60	57,000
	Annual post award reporting burden totals				
	Number of respondents	Frequency of responses	Total annual responses	Estimated time per response	Estimated total annual burden hours
Post-Award Total Reporting Burden	644	38	24,472	2.26	55,307
Grand Total Annual Reporting Burden	1,594	15.95	25,422	4.42	112,307
	Number of recordkeepers	Annual number records per respondent	Estimated total annual records	Hours per recordkeeper	Total burden
Post Award Recordkeeping Total Burden Estimates	332	10	3,320	0.25	830
Grand Total	1,594	18.03	28,742	3.94	113,137

Dated: November 16, 2015.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2015–29695 Filed 11–20–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Review of Supplemental Nutrition Assistance Program/Medicaid Eligibility Technology Integration

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a new collection for the purpose of identifying best practices and informing future FNS policy decisions pertaining to State eligibility system integration.

DATES: Written comments must be received on or before January 22, 2016.

ADDRESSES: 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, including the validity of the methodology and assumptions that were 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Sasha Gersten-Paal, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 812, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Sasha Gersten-Paal at 703–305–2454 or via email to *Sasha.Gersten-Paal@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Room 1014 Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jennifer McNabb at 703–305–2142.

SUPPLEMENTARY INFORMATION:

Title: Review of Supplemental Nutrition Assistance Program/Medicaid Eligibility Technology Integration.

Form Number: N/A.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Determined.

Type of Request: New information collection request.

Abstract: The Supplemental Nutrition Assistance Program (SNAP), (The Food and Nutrition Act of 2008 [As Amended Through Pub. L. 113–128, Enacted July 22, 2014]) provides nutrition assistance benefits to millions of eligible, low-income individuals and families nationwide. SNAP is administered by FNS, but operates at the State and local level. States have varying degrees of integration across their health and human service programs. To meet statutory requirements of the Patient Protection and Affordable Care Act (Pub. L. 111–148), many States have altered their technical platforms and business processes. In order to assess how these changes may have positively or negatively impacted SNAP, FNS proposes to collect information on State agency structure, staffing, and operations; eligibility system and business process functions; application procedures; the nature of relationships and connections between Medicaid and SNAP; and other details relevant to understanding how clients engage State systems and ways in which their access to SNAP can be enhanced. Specifically, this information collection will be undertaken through administration of a voluntary Integration/Operations Survey to 50 States, the District of Columbia, Guam, and the U.S. Virgin Islands. Based on previous experience, we

anticipate a 60 percent response rate (32 of 53 State SNAP directors).

Affected Public: 53 State, Local and Tribal Government Agencies: Respondent group identified includes approximately 32 State SNAP directors who will complete 1 survey annually which will take approximately 45 minutes each to complete.

Estimated Total Annual Number of Respondents: 32.

Estimated Total Annual Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 32.

Estimated Time per Response: .75 hours per respondent.

Estimated Total Annual Burden on Respondents: 24 burden hours.

Dated: November 16, 2015.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2015–29697 Filed 11–20–15; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Washington State Advisory Committee for the Purpose To Discuss Recommendations Regarding School Integration

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Washington State Advisory Committee (Committee) to the Commission will be held on Tuesday, December 15, 2015, for the purpose to discuss recommendations regarding school integration.

This meeting is available to the public through the following toll-free call-in number: 888–503–8169, conference ID: 145200. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments. The comments must be received in the Western Regional Office of the Commission by January 15, 2016. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Peter Minarik, Regional Director, Western Regional Office, at *pminarik@usccr.gov.* Persons who desire additional information should contact the Western Regional Office, at (213) 894–3437, (or for hearing impaired TDD 913–551–1414), or by email to *pminarik@usccr.gov.* Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=299* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Western Regional Office at the above email or street address.

Agenda:

3:00 p.m.—Committee discussion on school integration

4:00 p.m.—Public comment

Adjournment

DATES: Tuesday, November 17, 2015

FOR FURTHER INFORMATION CONTACT: Peter Minarik, DFO, at (213) 894–3437 or *pminarik@usccr.gov.*

Dated: November 17, 2015.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2015–29741 Filed 11–20–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

[Docket No. 150806686–5999–02]

Privacy Act System of Records, Amended System of Records

AGENCY: U.S. Department of Commerce, Office of the Secretary.

ACTION: Notice of Amendment to Privacy Act System of Records: COMMERCE/DEPT–5, Freedom of Information Act and Privacy Act Request Records.

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled Notice of Amendment to: COMMERCE/DEPT–5, Freedom of Information Act and Privacy Act Request Records.

DATES: The system of records amendment becomes effective on November 23, 2015.

ADDRESSES: For a copy of the system of records please mail requests to: Michael J. Toland, Freedom of Information and Privacy Act Officer, Office of Privacy and Open Government, 1401 Constitution Ave. NW., Room 52010, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Michael J. Toland, Freedom of Information and Privacy Act Officer, Office of Privacy and Open Government, 1401 Constitution Ave. NW., Room 52010, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On October 9, 2015 (80 FR 61162), the Department of Commerce published and sought comment on a notice in the **Federal Register**, entitled ''Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/DEPT–5, Freedom of Information Act and Privacy Act Request Records.'' Data elements for this system of records were provided in the October 9, 2015, notice and are not repeated here. No comments were received in response to the request for comments. By this notice, the Department of Commerce is adopting the proposed changes to the system as final without changes effective November 23, 2015.

Dated: November 17, 2015.

Michael J. Toland,

Department of Commerce, Freedom of Information and Privacy Act Officer.

[FR Doc. 2015–29834 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

[Docket No. 150911845–5999–02]

Privacy Act of 1974, Altered System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/NOAA–16, Crab Economic Data Report (EDR) for BSAI off the Coast of Alaska.

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled ''Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/NOAA–16, Crab Economic Data Report (EDR) for BSAI off the Coast of Alaska.''

DATES: The system of records becomes effective on November 23, 2015.

ADDRESSES: For a copy of the system of records please mail requests to: Sarah Brabson, NOAA Office of the Chief Information Officer, Room 9856, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, NMFS Alaska Region, Suite 401, 709 West Ninth Street, P.O. Box 21668, Juneau, Alaska 99802.

SUPPLEMENTARY INFORMATION: On October 9, 2015 (80 FR 61157), the Department of Commerce published a notice in the **Federal Register**, entitled ''Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/NOAA–16, Crab Economic Data Report (EDR) for BSAI off the Coast of Alaska,'' requesting comments on proposed amendments to the system of records. No comments were received in response to the request for comments. By this notice, the Department of Commerce is adopting the proposed changes to the system as final without changes effective November 23, 2015.

Dated: November 17, 2015.

Michael J. Toland,

Freedom of Information and Privacy Act Officer, Department of Commerce.

[FR Doc. 2015–29830 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

[Docket No.: 150902800–5999–02]

Privacy Act of 1974, New System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Privacy Act System of Records: COMMERCE/NOAA–11, Contact Information for Members of the Public Requesting or Providing Information Related to NOAA's Mission.

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled ''Notice of Privacy Act System of Records: COMMERCE/NOAA–11, Contact Information for Members of the Public Requesting or Providing Information Related to NOAA's Mission.''

DATES: The system of records becomes effective on November 23, 2015.

ADDRESSES: For a copy of the system of records please mail requests to: Sarah Brabson, NOAA Office of the Chief Information Officer, Room 9856, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Sarah Brabson, NOAA Office of the Chief Information Officer, Room 9856, 1315 East-West Highway, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: On October 9, 2015 (80 FR 61160), the Department of Commerce published a notice in the **Federal Register**, entitled ''Notice of Privacy Act System of Records: COMMERCE/NOAA–11, Contact Information for Members of the Public Requesting or Providing Information Related to NOAA's Mission,'' requesting comments on a proposed new system of records. No comments were received in response to the request for comments. By this notice, the Department of Commerce is adopting the proposed system as final without changes effective November 23, 2015.

Dated: November 17, 2015.

Michael J. Toland,

Freedom of Information and Privacy Act Officer, Department of Commerce.

[FR Doc. 2015–29831 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–79–2015]

Notification of Proposed Production Activity; BMW Manufacturing Co., LLC, Subzone 38A (Motor Vehicle Body Parts and Lithium-Ion Batteries), Spartanburg, South Carolina

BMW Manufacturing Co., LLC (BMWMC), operator of Subzone 38A, submitted a notification of proposed production activity to the FTZ Board for its facility in Spartanburg, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 27, 2015.

BMWMC already has authority to produce passenger sedans, coupes, sport utility vehicles, and related bodies. The current request would add new finished products (stamped body parts, lithium-ion batteries) and foreign-status materials and components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and 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 BMWMC from customs duty payments on the foreign status materials and components used in export production. On its domestic sales, BMWMC would be able to choose the duty rates during customs entry procedures that apply to stamped body parts and lithium-ion batteries (duty rates: 2.5% and 3.4%, respectively) for the foreign status materials and 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 and components sourced from abroad include: Lithium-ion cell modules; polyester fleece vent pads (HTSUS Subheadings 5911.90); water heater units with sensors; trunk lid spindle drives; dynamic stability/variable damper control devices; engine support/liquid filled mounts; TV video monitors; TV receiver modules assemblies; trunk lid noise suppression filters; night vision modules; and heads up display modules (duty rate ranges from free to 5.0%). Inputs classified within HTSUS Subheading 5911.90 will be admitted to Subzone 38A under privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

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 January 4, 2016.

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 16, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–29811 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on December 10, 2015, 8:45 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Open Session

1. Welcome and Opening Remarks
2. Update and discussion of new Export Control Reform Initiative Activities: BIS definitions rule-fundamental research and technology Regulatory and Policy Division, Bureau of Industry and Security
3. Issues involving Academic Institutions/Scientific Institution on Export Controls
4. Reports from ETRAC Committee members of their assigned categories in reviewing the Export Administration Regulation; discussion on one or two emerging ''dual-use-potential'' technologies. Review of technologies and decide those to pursue for the next meeting
5. Comments and question from the Public

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and l0(a)(3).

The open sessions will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Y*vette.Springer@bis.doc.gov* no later than, December 3, 2015.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 25, 2015, pursuant to Section l0(d) of the Federal Advisory Committee Act, as amended, that the portion of the meeting dealing with matters the of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c) (9) (B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)1 and 10(a) (3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: November 18, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–29814 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet December 8, 2015, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Discussion/Workshop: Wassenaar Arrangement 2013 Plenary Agreements Implementation: Intrusion and Surveillance Items—overview of US CERT program; presentations by manufacturing and financial sectors
4. Presentation of papers or comments by the Public
5. Regulations update
6. Working group reports
7. Automated Export System update

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than December 1, 2015.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 24, 2015, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: November 18, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–29817 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Investigation and Notice of Amended Final Determination of Investigation Pursuant to Court Decision

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

SUMMARY: On October 5, 2015, the United States Court of International Trade (''CIT'') issued its final judgment in *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd.* v. *United States* Consol. Court No. 13–00012[1] sustaining the Department of Commerce's (''the Department'') final results of remand redetermination.[2] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Determination* and *Amended Final Determination* in the antidumping duty investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules (''solar cells''), from the People's Republic of China (''PRC''),[3] and is amending its determination with respect to granting separate rates to three specific respondents: Tianwei New Energy (Chengdu) PV Module Co., Ltd. (''Tianwei New Energy''), Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd. (''Dongfang Electric''), and Sumec Hardware & Tools Co., Ltd. (''Sumec Hardware'').

DATES: *Effective Date:* October 15, 2015.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone (202) 482–2769.

SUPPLEMENTARY INFORMATION:

Background

Subsequent to the publication of the *Amended Final Determination,* SolarWorld Americas, Inc. filed a complaint with the CIT challenging, in part, the Department's determination that certain separate-rate applicants were eligible for a separate rate.

On June 6, 2014, the United States requested a voluntary remand to reconsider and reevaluate its determination to grant a separate rate to four specific respondents: Tianwei New Energy, Dongfang Electric, Sumec Hardware, and Ningbo ETDZ Holdings Ltd. (''Ningbo ETDZ''). On November 20, 2014, the CIT granted the Department's request for a voluntary remand.

On April 20, 2015, the Department issued its *Remand Results,* in which the Department determined that Tianwei New Energy, Dongfang Electric, and Sumec Hardware did not meet the criteria for a separate rate, but that Ningbo ETDZ did meet the criteria for a separate rate.

On October 5, 2015, the Court issued its decision in *Jiangsu II* sustaining the Department's *Remand Results.*[4]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 5, 2015, judgment sustaining the Department's *Remand Results* to not grant separate rates to Tianwei New Energy, Dongfang Electric, and Sumec Hardware, constitutes a final decision of that court that is not in harmony with the Department's *Investigation Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Determination

Because there is now a final court decision with respect to this case, the Department is amending its *Investigation Final Determination* with respect to granting separate rates to Tianwei New Energy, Dongfang Electric, and Sumec Hardware. We have found that Tianwei New Energy, Dongfang Electric, and Sumec Hardware do not meet the criteria for a separate rate. Accordingly, these companies are part of the PRC-wide entity. Additionally, the Department will instruct U.S. Customs and Border Protection to collect cash deposits from Tianwei New Energy, Dongfang Electric, and Sumec Hardware at the cash deposit rate applicable to the PRC-wide entity, effective October 15, 2015. The current cash deposit rate applicable to the PRC-wide entity is 238.95 percent.[5]

This notice is issued and published in accordance with sections 516A(e)(1), 735(d), and 777(i)(1) of the Act.

Dated: November 17, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–29804 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] See *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd.* v. *United States,* Consol. Court No. 13–00012, Slip Op. 15–113 (CIT October 5, 2015) (''*Jiangsu II*'').

[2] *See* Final Results of Redetermination Pursuant to Court Order, *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd.* v. *United States,* Consol. Court No. 13–00012 (April 20, 2015) (''*Remand Results*'').

[3] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Affirmative Final Determination of Critical Circumstances, in Part,* 77 FR 63791 (October 17, 2012) (''*Final Determination*''); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012) (''*Amended Final Determination*'') (collectively, ''*Investigation Final Determination*'').

[4] *See Jiangsu II.*

[5] Although the Department noted in the *Remand Results* that the cash deposit rate applicable to the PRC-wide entity is 249.96 percent, the current cash deposit rate, after adjusting for subsidies, is 238.95 percent. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013,* 80 FR 40998, 41002 n.50 (July 14, 2015).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE320

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee

(SSC) will meet in San Juan, Puerto Rico.

DATES: The meetings will be held on December 8–10, 2015. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Caribbean Fishery Management Council Headquarters, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Caribbean Fishery Management Council's SSC will hold a three-day meeting to discuss the items contained in the following agenda:

December 8, 2015, 9 a.m.–5 p.m.

- Call to Order
- Island-Based Fishery Management: Choosing Species to be Included for Federal Management Within Each Island Group
- Review Draft List of Species Selected for Management—Review
  - Puerto Rico
  - St. Croix
  - St. Thomas/St. John
- Next Steps in Developing Island Based
  - Action 2—Species Complexes—SERO Update
- SEDAR 46 U. S. Caribbean Data-Limited Species Workshop Update
  - Data Review—SEFSC
  - Alternative Methods for Establishing Reference Points
  - Review Methods SEFSC

December 9, 2015, 9 a.m.–5 p.m.

- SEDAR 46 U. S. Caribbean Data-Limited Species Workshop Update (continued)
  - Data Review—SEFSC
  - Alternative Methods for Establishing Reference Points
  - Review Methods SEFSC
- Next Steps in Developing Island Based
  - Action 3—Reference Points
  - Other Needed Actions
  - 5 year CFMC Research Plan

December 10, 2015, 9 a.m.—12 p.m.

- Finalize 5 year CFMC Research Plan
- Review average landings relative to ACLs and proposed closures

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: November 18, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–29783 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE308

Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process; Request for Comments

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

ACTION: Notice; intent to prepare an environmental impact statement and initiate scoping process; request for comments.

SUMMARY: The New England Fishery Management Council announces its intention to prepare, in cooperation with NMFS, an environmental impact statement in accordance with the National Environmental Policy Act. An environmental impact statement may be necessary to provide analytical support for Amendment 22 to the Northeast Multispecies Fishery Management Plan, which would set criteria for a limited entry program for the small-mesh multispecies (whiting) fishery. This notice is to alert the interested public of the scoping process and potential development of a draft environmental impact statement and to outline opportunity for public participation in that process.

DATES: Written and electronic scoping comments must be received on or before 5 p.m., local time, January 7, 2016.

ADDRESSES: Written scoping comments on Amendment 22 may be sent by any of the following methods:

- Email to the following address: *comments@nefmc.org;*
- Mail to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; or
- Fax to (978) 465–3116.

Requests for copies of the Amendment 22 scoping document and other information should be directed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The scoping document is accessible electronically via the Internet at *http://www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council, (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council, working through its public participatory committee and meeting processes, anticipates the development of an amendment that may be analyzed through an environmental impact statement (EIS), dependent on addressing applicable criteria in the Council on Environmental Quality regulations and guidance for implementing the National Environmental Policy Act (NEPA). Amendment 22 to the Northeast Multispecies Fishery Management Plan (FMP) is anticipated to consider criteria that would restrict access to the directed whiting fishery based on past participation by vessels in the fishery and possibly other factors through the establishment of a limited entry program. Amendment 22 would also determine limits and fishery regulations that would apply to qualifying and non-qualifying vessels.

The small-mesh multispecies fishery is managed through a set of exemptions from the requirements of the ''large-mesh'' multispecies fishery. The current small-mesh exemptions under the FMP were first established in Amendment 5 in 1994. Amendment 5 prevented fishing with mesh smaller than the established minimum size in Gulf of Maine/Georges Bank Regulated Mesh Areas, unless exempted fisheries could be established that reduce the bycatch of regulated multispecies to less than 5 percent of the total weight of fish on board. Since that time, experimental and exempted fisheries for small-mesh multispecies in this area have evolved through cooperative experimentation, gear research, and gear technologies that significantly reduce bycatch of non-target species, especially regulated multispecies.

A number of amendments and framework adjustments revised management of the small-mesh fishery, including the relationships between

retention limits and net mesh size, created and then modified a seasonal raised footrope trawl fishery in Cape Cod Bay, made minor modifications to several related measures, and created a raised footrope trawl whiting fishery in the inshore Gulf of Maine. Using a September 9, 1996, control date, the Council developed and submitted Amendment 12 to establish limited access criteria during 1999. Due to concerns about equity and overfishing, the limited access criteria in this amendment were disapproved (See the final rule (65 FR 6766; March 29, 2000) for Amendment 12 here: *http://www.greateratlantic.fisheries.noaa.gov/sfd/multifr/65FR16765.pdf*).

In 2006, the Council held new scoping hearings for an second limited entry amendment, which at the time was known as Amendment 15 (*http://www.greateratlantic.fisheries.noaa.gov/sfd/multifr/65FR16765.pdf*) and began development of limited access alternatives using March 25, 2003, control date and fishery data (dealer and VTR) through 2005. Extensive analyses were completed through May 2007 by Whiting Advisors and the Small Mesh Multispecies Committee to develop and evaluate alternatives. Concerns were raised, and potential solutions generated, to address ''historic'' whiting fisheries that had lost access in the mid-2000s due to groundfish restrictions and/or changes in availability of small-mesh multispecies. Between the 2006 scoping hearings and May 2007, substantial progress was made to analyze the fishery and develop alternatives, but the Council encountered data, enforcement, and compliance problems that compromised any approach that could be taken. Because these issues could not be resolved in a timely manner, the Council took up higher priority issues in 2008 and work on the amendment was discontinued. Many of the issues that were raised at that time have not been resolved.

Amendment 19 (*http://s3.amazonaws.com/nefmc.org/Final_Amendment_19.pdf*) was approved and implemented on April 4, 2013 (*http://s3.amazonaws.com/nefmc.org/amend19final_rule.pdf*), establishing allowable biological catch specifications, annual catch limits, and accountability measures individually for northern and southern stocks of whiting (silver and offshore hakes) and red hake. These limits were set using a benchmark stock assessment conducted in 2010 (*http://www.nefsc.noaa.gov/publications/crd/crd1101/*).

The most recent action was a Specifications Document for Fishing Years 2015–2017 (*http://www.nefmc.org/library/2015–2017-whiting-specifications*), taken in response to an operational assessment that updated the stock status and to make a correction to the northern red hake accountability measure. The operational assessment determined that overfishing of northern red hake was occurring in 2013 (*http://s3.amazonaws.com/nefmc.org/SAFE-Report-for-Fishing-Year-2013.pdf*), a situation that the Council addressed by changing the ABC and reducing northern red hake possession limits. The assessment detected a large 2013 year class, but its size was imprecise and it would not enter the fishery until 2015–2016. Because this large year class could cause excessive discards with the reduced northern red hake possession limits, a new operational red hake assessment was requested and presented to the Council in September 2015. The Council is considering adjusting the red hake specifications based on that update.

Amendment 22

The purpose of Amendment 22 is to implement measures that would prevent unrestrained increases in fishing effort by new entrants to the fishery. The need for the amendment is to reduce the potential for a rapid escalation of the small-mesh multispecies fishery, possibly causing overfishing and having a negative effect on red hake and whiting markets. The outcome of both would have negative effects on fishery participants. The amendment is intended to ensure that catches of the small-mesh multispecies and other non-target species will be at or below specifications, reducing the potential for causing accountability measures to be triggered and resulting closure of the directed fishery.

The Council's Small-Mesh Multispecies Committee and the Council will be identifying the goals and objectives for Amendment 22 following the scoping period and will then develop alternatives to meet the purpose and need of the action. Following input from these Council bodies and the public, the Council will select a range of alternatives to consider limited access criteria as well as limits and fishing restrictions for qualifying and non-qualifying vessels.

Public Comment

All persons affected by or otherwise interested in small-mesh multispecies management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or by attending one of the four scoping meetings for this amendment. Scoping consists of identifying the range of actions, alternatives, and impacts to be considered. At this time in the process, the Council believes that the alternatives considered in Amendment 22 would consider limited access criteria based on a vessel's history in the fishery and possibly other factors, as well as limits and fishing restrictions that would apply to qualifying and non-qualifying vessels. After the scoping process is completed, the Council will begin development of Amendment 22 and will prepare an EIS to analyze the impacts of the range of alternatives under consideration.

Impacts may be direct, indirect, or cumulative. The Council will hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the Draft EIS. In addition to soliciting comment on this notice, the public will have the opportunity to comment on the measures and alternatives being considered by the Council through public meetings and public comment periods consistent with NEPA, the Magnuson-Stevens Act, and the Administrative Procedure Act. The following scoping meetings have been scheduled. The Council will take and discuss scoping comments on this amendment at the following public meetings:

1. Tuesday, December 1, 2015; 5:30 p.m.; Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; (207) 775–2311.

2. Monday, December 7, 2015; 7 p.m.; MA DMF of Marine Fisheries; Annisquam River Marine Fisheries Station; 30 Emerson Ave; Gloucester, MA 01930; (978) 282–0308.

3. Monday, December 14, 2015; 7 p.m.; Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; (774) 634–2000.

4. Monday, December 21, 2015; 7 p.m.; Montauk Playhouse Community Center Foundation; 240 Edgemere St., Montauk, New York 11954; (631) 668–1124

5. Webinar; Thursday, December 17, 2015; 3–5 p.m.

Register to participate: *https://attendee.gotowebinar.com/register/5272201506328155394;* Call in info: Toll: +1 (914) 614–3221; Access Code: 539–710–362.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Thomas A. Nies (see **ADDRESSES**) at least five days prior to this meeting date.

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

Dated: November 18, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–29795 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Zone Management Program Administration Grants, Performance Reports, Amendments and Routine Program Changes, Section 306A and Section 309 Requirements, and Section 6217 Coastal Nonpoint Pollution Program.

OMB Control Number: 0648–0119.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 34.

Average Hours Per Response: Coastal Zone Management Performance Tracking, 25 hours; performance reports: Year 1, Sections A and B, 35 hours; Year 2, Section A, 10 hours; Year 3, Section A, 5 hours; Section C, 2 hours; amendments and program change documentation, 20 hours; Section 306a Application Checklist and documentation, 5 hours; Section 309 Strategy & Assessment Document Preparation, 260 hours; Section 309 Competitive Funding—Section A Semi-annual Performance Report on Project Implementation and Section 305 Section A Semi-Annual Performance Report, 2 hours each; Coastal Nonpoint Pollution Control Program Document Preparation and Section 305 Program Development Document, 1 hour each.

Burden Hours: 9,144.

Needs and Uses: This request is for revision and extension of a currently approved information collection.

In 1972, in response to intense pressure on United States (U.S) coastal resources, and because of the importance of U.S. coastal areas, the U.S. Congress passed the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 et. seq. The CZMA authorized a federal program to encourage coastal states and territories to develop comprehensive coastal management programs. The CZMA has been reauthorized on several occasions, most recently with the enactment of the Coastal Zone Protection Act of 1996. (CZMA as amended). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Services (NOS).

The coastal zone management grants provide funds to states and territories to: implement federally-approved coastal management programs; complete information for the Coastal Zone Management Program (CZMP) Performance Management System; develop program assessments multi-year strategies to enhance their programs within priority areas under Section 309 of the CZMA; submit documentation as described in the CZMA Section 306a on the approved coastal zone management programs; submit requests to update their federally-approved programs through amendments or program changes; and develop and submit state coastal nonpoint pollution control programs (CNP) as required under Section 6217 of the Coastal Zone Act Reauthorization Amendments.

Revision: The CZMP Performance Measurement System has been revised to reduce the number of measures on which state programs are required to report, resulting in an overall decrease in reporting burden for the performance measurement system. The assessment process under CZMA Section 309 has also been refined to rely more on readily available existing data and allow states to more quickly focus their assessments on high-priority enhancement areas.

Affected Public: State, local and tribal governments.

Frequency: Annually, semi-annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: November 18, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–29750 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE300

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 45 post-workshop webinar for Gulf of Mexico Vermilion Snapper.

SUMMARY: The SEDAR 45 assessment of the Gulf of Mexico Vermilion Snapper will consist of one in-person workshop and a series of webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 45 post-workshop webinar will be held from 1 p.m. to 3 p.m. on December 8, 2015.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment

analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the In-person Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: November 18, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–29782 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process To Promote Collaboration on Vulnerability Research Disclosure

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting, location change.

SUMMARY: This notice announces a change in the location of a public meeting of the multistakeholder process concerning the collaboration between security researchers and software and system developers and owners to address security vulnerability disclosure.

DATES: The meeting will be held on December 2, 2015, from 10:30 a.m. to 4:30 p.m., Eastern Time. See Supplementary Information for details.

ADDRESSES: The meeting will be held at the Washington Marriott at Metro Center, 775 12th Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Allan Friedman, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482–4281; email; *afriedman@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: On November 16, 2015, the National Telecommunications and Information Administration published in the **Federal Register** a notice announcing a public meeting of the multistakeholder process concerning the collaboration between security researchers and software and system developers and owners to address security vulnerability disclosure to be held at the 20 F Street NW Conference Center, 20 F Street NW., Washington, DC 20001. See 80 FR 70760 (November 16, 2015). The meeting will now be held at the Washington Marriott at Metro Center, 775 12th Street NW., Washington, DC 20005. All other information regarding this public meeting remains unchanged. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities,* for the most current information.

Dated: November 18, 2015.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2015–29810 Filed 11–20–15; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF THE ARMY

Intent To Grant an Exclusive License of U.S. Government-Owned Patents

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209 (e) and 37 CFR 404.7 (a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to US Provisional Patent Application 62/131,444, filed March 11, 2015, entitled, ''A method for developing malaria sporozoites *in vitro''* to MalarVx, Inc., a for profit corporation, having a principal place of business at 307 Westlake Avenue North, Suite 200, Seattle, WA 98109.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Mr. Barry Datlof, Office of Research & Technology Assessment, (301) 619–0033. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–29778 Filed 11–20–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF ENERGY

[FE Docket No. 15–171–LNG]

Sabine Pass Liquefaction, LLC; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on November 6, 2015, by Sabine Pass Liquefaction, LLC (Sabine Pass), requesting blanket authorization to export liquefied natural gas (LNG) in an amount up to the equivalent of 600 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period commencing on the earlier of the date of first short-term export or January 15, 2016. The LNG would be exported from the Sabine Pass Liquefaction Project (Liquefaction Project) located in Cameron Parish, Louisiana, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. To date, Sabine Pass has been granted long-term, multi-contract authorization under DOE/FE Order No. 2961–A to export LNG in a volume equivalent to 803 Bcf per year of natural gas from the Liquefaction Project to non-FTA countries, for a 20-year term.[1] Sabine Pass states that, in anticipation of the start of liquefaction operations at the Liquefaction Project, it requests this blanket authorization to engage in short-term exports of LNG produced both prior to commercial operations as well as subsequent to commercial operations if and when appropriate market opportunities arise. According to Sabine Pass, the requested blanket authorization will provide enhanced operational flexibility and the ability to export produced LNG cargoes that may be rejected by customers under long-term contracts. Sabine Pass seeks to export this LNG on its own behalf and as agent for other parties who will hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in Sabine Pass's Application, posted on the DOE/FE Web site at: *http://energy.gov/fe/downloads/sabine-pass-liquefaction-llc-fe-dkt-no-15-171-lng*

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 23, 2015.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Ben Nussdorf, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478; (202) 586–7893.

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9793.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.00N (July 11, 2013) and DOE Redelegation Order No. 00–006.02 (Nov. 17, 2014). In reviewing this Application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014);[2] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014).[3]

Parties that may oppose this Application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. Sabine Pass states that no changes to the Liquefaction Project facilities would be required for the short-term exports requested in the Application. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 15–171–LNG in the title line; (2) mailing an original and three

[1] *See* App. at 2–3 & n.6 (describing the various DOE/FE authorizations granted for the first four liquefaction trains comprising Stages 1 and 2 of the Liquefaction Project). In addition, on April 20, 2015, Sabine Pass submitted an application to DOE/FE requesting long-term, multi-contract authorization to export up to the equivalent of an additional 203 Bcf per year of natural gas from the Liquefaction Project to non-FTA countries for a 20-year term. That application is currently pending in FE Docket No. 15–63–LNG. *See id.* at 3 & n.8. Protests, motions to intervene, notices of intervention, and written comments are invited.

[2] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[3] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 15–171–LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on November 17, 2015.

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

[FR Doc. 2015–29791 Filed 11–20–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–678–007.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2015–11–16_VLR RSG Compliance Filing to be effective 9/1/2012.
Filed Date: 11/16/15.
Accession Number: 20151116–5161.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–331–000.
Applicants: Alabama Power Company.
Description: Compliance filing: Compliance Filing for Docket Nos. ER15–1950 and ER15–2564 to be effective 11/17/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5081.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–332–000.
Applicants: PJM Interconnection, L.L.C.
Description: Informational Filing Pursuant to Schedule 2 of the PJM Interconnection, L.L.C. Open-Access Transmission Tariff, of C.P. Crane LLC.
Filed Date: 11/4/15.
Accession Number: 20151104–5258.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: ER16–333–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to the RAA Schedule 8.1 re: FRR Requirements to be effective 1/16/2016.
Filed Date: 11/16/15.
Accession Number: 20151116–5092.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–334–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2015–11–16_SA 2868 NSP Briggs Road–N. Madison T–TIA to be effective 10/30/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5154.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–335–000.
Applicants: Startrans IO, LLC.
Description: § 205(d) Rate Filing: 2016 TRBAA Update Filing to be effective 1/1/2016.
Filed Date: 11/16/15.
Accession Number: 20151116–5162.
Comments Due: 5 p.m. ET 12/7/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29759 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–509–002]

Paiute Pipeline Company; Notice of Amendment of Certificate

Take notice that on November 6, 2015, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193–4197, filed an application in Docket No. CP14–509–002, requesting to amend its certificate of public convenience and necessity that was issued by the Commission in an order on May 14, 2015 (Order). The Order authorized Paiute to construct, and operate certain pipeline and associated facilities for its 2015 Elko Area Expansion Project (Project) located in Elko County, Nevada, and directed Paiute to make certain rate and tariff compliance filings and to restate its rates based on the cost of service findings in the Order. Paiute is requesting to amend its certificate to update: (1) Its estimated capital costs; (2) its rate of return and depreciation; and (3) the period of actual operating and maintenance (O&M) expenses used to calculate rates, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Paiute states that it expects to place the Project in service on or after December 15, 2015. We note that if Paiute chooses to commence Project service before the Commission has acted

on its amendment application, its rates will no longer be subject to change by means of an amendment to its certificate pursuant to section 7 of the Natural Gas Act (NGA). Accordingly, in that event, the Commission would have to terminate this proceeding, without prejudice to Paiute filing a general rate case under section 4 of the NGA.

This filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Mark A. Litwin, Vice President/General Manager, Paiute Pipeline Company, P.O. Box 94197, Las Vegas, Nevada 89193–4197 or by calling 702–364–3195.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: 5:00 p.m. Eastern Time on November 27, 2015.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29753 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–15–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

Take notice that on November 4, 2015, Tennessee Gas Pipeline Company, L.L.C., (Tennessee), located at 1001 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP16–15–000, a prior notice request pursuant to sections 157.205, and 157.216(b)(2) of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), seeking authorization to abandon two inactive supply laterals located in St. Mary's Parish, Louisiana, extending into state waters of Louisiana. Specifically, Line No. 519A–100 consists of approximately 20 miles of 10-inch-diameter pipeline of which 6.67 miles will be removed and 13.3 miles will be abandoned in place. Line No. 519A–200 consists of approximately 1.5 miles of 6-inch-diameter of pipeline and will be abandoned in place all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the Request should be directed to Ben J. Carranza, Manager, Regulatory, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Houston, Texas 77002, by telephone at: 713–420–5535, or by email at *Ben_Carranza@kindermorgan.com;* or Debbie Kalisek, Regulatory Analyst, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Houston, Texas 77002, by telephone at 713–420–3292, or by email at *Debbie_kalisek@kindermorgan.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's

environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29762 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202)502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP15–554–000	11–2–2015	Mary Louise Fisher.
2. CP14–554–000, CP15–16–000, CP15–17–000.	11–13–2015	Susan VanBrunt.
3. EL15–18–000, EL15–67–000	11–17–2015	FERC Staff.[1]
Exempt:		
1. P–1256–000	10–29–2015	FERC Staff.[2]
2. CP15–517–000	10–29–2015	FERC Staff.[3]
3. CP15–138–000	10–29–2015	US Representative Lou Barletta.
4. P–1256–031	10–30–2015	US Senators.[4]
5. CP14–96–000	11–4–2015	State of New York Assemblywoman Sandy Galef.
6. CP15–521–000	11–5–2015	FERC Staff.[5]
7. CP15–517–000	11–5–2015	FERC Staff.[6]
8. CP13–492–000	11–5–2015	FERC Staff.[7]
9. CP15–554–000	11–9–2015	State of Virginia Senator R. Creigh Deeds.
10. CP15–555–000	11–10–2015	US Representative Charles W. Dent.

[1] Email dated November 17, 2015 forwarding letter from Linden VFT, LLC.
[2] Email dated October 23, 2015.
[3] Minutes from October 22, 2015 conference call between FERC, ICF, Gulf South, and Perennial regarding Coastal Bend Header Project.
[4] Ben Sasse and Deb Fischer.
[5] Meeting Summary from October 29, 2015 call with applicant and agencies regarding Gulf LNG Liquefaction Project.
[6] Phone Memorandum dated November 4, 2015 with Arturo Vale (US Fish and Wildlife Service).
[7] Memo forwarding letter dated October 29, 2015 from US Bureau of Reclamation.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29755 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–175–000.
Applicants: Talen Energy Marketing, LLC, TransCanada Power Marketing, Ltd., TransCanada Facility USA, Inc.
Description: Joint Petition for Limited Waiver of Talen Energy Marketing, LLC et. al. for Authorization Under Section 203 of the FPA and Request for Limited Waivers.
Filed Date: 11/6/15.
Accession Number: 20151106–5199.
Comments Due: 5 p.m. ET 11/18/15.

Docket Numbers: RP16–176–000.
Applicants: Horizon Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Main Line Generation Negotiated Rate to be effective 12/9/2015.
Filed Date: 11/9/15.
Accession Number: 20151109–5072.
Comments Due: 5 p.m. ET 11/23/15.

Docket Numbers: RP16–177–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) Rate Filing: Negotiated Rate Filing to Amend LER 5680's Attachment A_11_9_15 to be effective 11/9/2015.
Filed Date: 11/9/15.
Accession Number: 20151109–5123.
Comments Due: 5 p.m. ET 11/23/15.

Docket Numbers: RP16–178–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—MGAG to be effective 12/10/2015.
Filed Date: 11/9/15.
Accession Number: 20151109–5179.
Comments Due: 5 p.m. ET 11/23/15.

Docket Numbers: RP16–179–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Rate Case Settlement Amendments 4 to be effective 11/1/2015.
Filed Date: 11/10/15.
Accession Number: 20151110–5148.
Comments Due: 5 p.m. ET 11/23/15.

Docket Numbers: RP16–180–000.
Applicants: TC Offshore LLC.
Description: § 4(d) Rate Filing: Positive Negative Transporter's Use to be effective 12/12/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5011.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–181–000.
Applicants: QEP Marketing Company, Inc., QEP Energy Company, Inc.
Description: Joint Petition of QEP Marketing Company, Inc. and QEP Energy Company, Inc. for Temporary Waiver of Capacity Release Regulations, Policies and Related Tariff Provisions, and Request for Shortened Comment Period and Expedited Treatment.
Filed Date: 11/10/15.
Accession Number: 20151110–5202.
Comments Due: 5 p.m. ET 11/18/15.

Docket Numbers: RP16–182–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: GSS LSS Tracker Filing 11/12/15 to be effective 11/1/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5151.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–183–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 11/12/15 Negotiated Rates—Freepoint Commodiities LLC (RTS) 7250–15 to be effective 11/11/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5178.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–184–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: § 4(d) Rate Filing: Cameron Interstate Pipeline Revised Sections 8.10, 9.0 and 10.0 to be effective 12/31/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5186.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–185–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Salem Negotiated Rate Filing to be effective 12/1/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5200.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–186–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—December 2015—AECC 9537 to be effective 12/1/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5224.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–188–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Rate Case Settlement Amendments 5 to be effective 11/1/2015.
Filed Date: 11/12/15.
Accession Number: 20151112–5257.
Comments Due: 5 p.m. ET 11/24/15.

Docket Numbers: RP16–189–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Petro 41455 to BP 45463) to be effective 11/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5021.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–190–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (FPL 41618 to Tenaska 44471) to be effective 11/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5022.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–191–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EOG 34687 to Tenaska 44471, Trans LA 45387) to be effective 11/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5025.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–192–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atlanta Gas to Various eff 11–1–15) to be effective 11/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5026.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–193–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Encana 37663 to BP 454409, 45470) to be effective 11/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5027.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–194–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: § 4(d) Rate Filing: Pine Prairie Energy Center, LLC—Proposed Revisions to FERC Gas Tariff to be effective 12/14/2015.
Filed Date: 11/13/15.

Accession Number: 20151113–5089.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–195–000.
Applicants: Discovery Gas Transmission LLC.
Description: § 4(d) Rate Filing: 2016 HMRE Filing to be effective 1/1/2016.
Filed Date: 11/13/15.
Accession Number: 20151113–5096.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–196–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Operational Transactions Report of Southern Natural Gas Company, L.L.C.
Filed Date: 11/13/15.
Accession Number: 20151113–5137.
Comments Due: 5 p.m. ET 11/25/15.

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: RP15–785–001.
Applicants: ANR Pipeline Company.
Description: Compliance filing Compliance to 2015 DTCA Settlement to be effective 5/1/2013.
Filed Date: 11/10/15.
Accession Number: 20151110–5038.
Comments Due: 5 p.m. ET 11/23/15.

Docket Numbers: RP13–751–002.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing Reservation Charge Crediting Compliance Filing to be effective 12/31/9998.
Filed Date: 11/13/15.
Accession Number: 20151113–5104.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–123–001.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Tariff Amendment: DPEs—Piedmont—2nd Correction Filing to be effective 12/1/2015.
Filed Date: 11/13/15.
Accession Number: 20151113–5213.
Comments Due: 5 p.m. ET 11/25/15.

Docket Numbers: RP16–148–001.
Applicants: Texas Eastern Transmission, LP.
Description: Tariff Amendment: Errata Filing for TETLP 2015 ASA Filing RP16–148–000 to be effective 12/1/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5000.
Comments Due: 5 p.m. ET 11/23/15.

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 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29761 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–4–000]

Medallion Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on November 6, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2015), Medallion Pipeline Company, LLC, filed a petition for a declaratory order seeking confirmation and approval of general rate structure and service terms for further expansion of Wolfcamp Connector crude oil pipeline system, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on December 7, 2015.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29764 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–197–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: City of Perryville to be effective 12/1/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5103.
Comments Due: 5 p.m. ET 11/30/15.

Docket Numbers: RP16–198–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Town of Corning to be effective 12/1/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5104.
Comments Due: 5 p.m. ET 11/30/15.

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: RP15–1303–001.

Applicants: Empire Pipeline, Inc.
Description: Compliance filing RP15–1303 Compliance Filing to be effective 11/1/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5193.
Comments Due: 5 p.m. ET 11/30/15.

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 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29776 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS15–2–000]

The City of Independence, Missouri; Notice of Filing

Take notice that on August 19, 2015, pursuant to 18 CFR 35.28(e)(2) and 358.1(d) and Rules 101(e) and 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] the City of Independence, Missouri filed a petition requesting that the Commission waive reciprocity-based standards of conduct and Open Access Same-Time Information System (OASIS) requirements that might otherwise apply under Order Nos. 889[2] and 717.[3]

[1] 18 CFR 385.101(e), 385.207.

[2] Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), *clarified,* 76 FERC ¶ 61,009 (1996), *modified,* Order No. 889–A, 62 FR 12,484 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,049 (1997), *reh'g denied,* Order No. 889–B, 62 FR 64,715 (Dec. 9, 1997), 81 FERC ¶ 61,253 (1997), *aff'd in part and remanded in part sub nom. Transmission Access Policy Study Grp.* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[3] Standards of Conduct for Transmission Providers, Order No. 717, 73 FR 63,796 (Oct. 27, 2008), FERC Stats. & Regs. ¶ 31,280 (2008), *on reh'g,* Order No. 717–A, 74 FR 54,463 (Oct. 22, 2009), FERC Stats. & Regs. ¶ 31,297 (2009), *clarified,* Order No. 717–B, 74 FR 60,153 (Nov. 20, 2009), 129 FERC ¶ 61,123 (2009), *on reh'g,* Order No. 717–C, 75 FR 20,909 (Apr. 22, 2010), 131 FERC ¶ 61,045 (2010), *on reh'g and clarification,* Order No. 717–D, 76 FR 20,838 (Apr. 14, 2011), 135 FERC ¶ 61,017 (2011).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 8, 2015.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29757 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13642–003]

GB Energy Park, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Unconstructed Major Project.
b. Project No.: 13642–003.
c. Date filed: October 1, 2015.
d. *Applicant:* GB Energy Park, LLC.
e. *Name of Project:* Gordon Butte Pumped Storage Project.
f. *Location:* Approximately 3 miles west of the City of Martinsdale, Meagher County, Montana. The proposed project would not occupy any federal lands.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).
h. *Applicant Contact:* Carl. E. Borgquist, President, GB Energy Park, LLC, 209 Wilson Avenue, P.O. Box 309, Bozeman, MT 59771; (406) 585–3006; *carl@absarokaenergy.com.*
i. *FERC Contact:* Mike Tust, (202) 502–6522 or *michael.tust@ferc.gov.*
j. Deadline for filing motions to intervene and protests: 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13642–003.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *Project Description:* The Gordon Butte Pumped Storage Project would

consist of the following new facilities: (1) A manually operated head gate on an existing irrigation canal that provides initial fill and annual make-up water to the lower reservoir from the existing irrigation canal; (2) a 3,000-foot-long, 1,000-foot-wide upper reservoir created by a 60-foot-high, 7,500-foot-long concrete-faced rockfill dam; (3) a reinforced concrete intake/outlet structure at the upper reservoir with six gated intake bays converging into a central 18-foot-diameter, 750-foot-long vertical shaft; (4) an 18-foot-diameter, 3,000-foot-long concrete and steel-lined penstock tunnel leading from the upper reservoir to the lower reservoir; (5) a 2,300-foot-long, 1,900-foot-wide lower reservoir created by a combination of excavation and two 60-foot-high, 500- and 750-foot-long concrete-faced rockfill dams; (6) a partially buried 338-foot-long, 109-foot-wide, 74-foot-high reinforced concrete and steel powerhouse with four 100-megawatt (MW) ternary Pelton turbine/pump/generators; (7) a 600-foot-long, 200-foot-wide substation at the powerhouse site with 13.8- kilovolt (kV) to 230-kV step-up transformers; (8) a 5.7-mile-long, 230-kV transmission line; (9) a substation with a 230-kV to 500-kV step-up transformer, connecting to an existing non-project 500-kV transmission line; and (11) appurtenant facilities. The project is estimated to provide 1,300 gigawatt-hours annually. No federal lands are included in the project.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''MOTION TO INTERVENE'' or ''PROTEST''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29765 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice Of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–172–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Rate Schedule FTP (Actual Tariff Records) to be effective 1/1/2016.
Filed Date: 11/5/15.
Accession Number: 20151105–5054.
Comments Due: 5 p.m. ET 11/17/15.

Docket Numbers: RP16–173–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Rate Case Settlement Amendments 3 to be effective 11/1/2015.
Filed Date: 11/5/15.
Accession Number: 20151105–5189.
Comments Due: 5 p.m. ET 11/17/15.

Docket Numbers: RP16–174–000.
Applicants: Paiute Pipeline Company.
Description: Compliance filing Compliance Filing—CP14–509 to be effective 12/15/2015.
Filed Date: 11/9/15.
Accession Number: 20151109–5000.
Comments Due: 5 p.m. ET 11/23/15.

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: RP11–1898–002.
Applicants: Centra Pipelines Minnesota Inc.
Description: Compliance filing Revised Statement of Rates to be effective 11/1/2015.
Filed Date: 11/5/15.
Accession Number: 20151105–5071.
Comments Due: 5 p.m. ET 11/17/15.

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 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29760 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM15–23–000]

Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators; Notice of Technical Conference

By order dated November 10, 2015,[1] the Commission directed staff to convene a technical conference

[1] *Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators,* 153 FERC ¶ 61,162 (2015).

regarding the Notice of Proposed Rulemaking on the Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators (NOPR) issued on September 17, 2015. This NOPR proposes to amend the Commission's regulations to require each regional transmission organization (RTO) and independent system operator (ISO) to electronically deliver to the Commission, on an ongoing basis, data required from its market participants that would (i) identify the market participants by means of a common alpha-numeric identifier; (ii) list their ''Connected Entities,'' which includes entities that have certain ownership, employment, debt, or contractual relationships to the market participants, as specified in the NOPR; and (iii) describe in brief the nature of the relationship of each Connected Entity. The Commission also postponed the due date for comments on the NOPR until 45 days after the technical conference. Therefore, comments will now be due on January 22, 2016.

Take notice that such conference will be held on December 8, 2015, at the Commission's headquarters at 888 First Street NE., Washington, DC 20426 between 10:00 am and 1:00 pm (Eastern Time) in the Commission Meeting Room. The technical conference will be led by Commission staff and may be attended by one or more Commissioners. Those who would like to submit questions related to the NOPR for staff to address during the technical conference should email their questions to *CENOPR@ferc.gov* no later than December 1, 2015. Additional information regarding the conference program will be provided in a subsequent supplemental notice of technical conference.

The technical conference will be webcast, but not be transcribed. The free webcast will allow persons to listen to the technical conference, but not participate. Anyone with internet access who wants to listen to the conference can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating the technical conference in the Calendar. The technical conference will contain a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100. The webcast will be available on the Calendar of Events on the Commission's Web site *www.ferc.gov* for three months after the conference.

The conference is open to the public. Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact Kathryn Kuhlen, 202–502–6855, *Kathryn.Kuhlen@ferc.gov;* Jamie Marcos, 202–502–6628, *Jamie.Marcos@ferc.gov;* or David Pierce, 202–502–6454, *David.Pierce@ferc.gov.*

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29756 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–337–000.
Applicants: AEP Texas North Company.
Description: § 205(d) Rate Filing: TNC-Rattlesnake Power SUA to be effective 10/30/2015.
Filed Date: 11/17/15.
Accession Number: 20151117–5100.
Comments Due: 5 p.m. ET 12/8/15.

Docket Numbers: ER16–338–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Service Agreement with Pristine Sun Fund 9, LLC to be effective 1/17/2016.
Filed Date: 11/17/15.
Accession Number: 20151117–5107.
Comments Due: 5 p.m. ET 12/8/15.

Docket Numbers: ER16–339–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OATT and OA re eMarket to Markets Gateway Change to be effective 1/18/2016.
Filed Date: 11/17/15.
Accession Number: 20151117–5118.
Comments Due: 5 p.m. ET 12/8/15.

Docket Numbers: ER16–340–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2015–11–17_SA 2869 ATC Briggs Rd–N. Madison T–TIA to be effective 10/30/2015.
Filed Date: 11/17/15.
Accession Number: 20151117–5135.
Comments Due: 5 p.m. ET 12/8/15.

Docket Numbers: ER16–341–000.
Applicants: RE Astoria LLC.
Description: Baseline eTariff Filing: Application for MBR to be effective 1/18/2016.
Filed Date: 11/17/15.
Accession Number: 20151117–5145.
Comments Due: 5 p.m. ET 12/8/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29752 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4633–003.
Applicants: Madison Gas & Electric Company.
Description: Supplement to June 29, 2015 Triennial Market Based Rate filing of Madison Gas & Electric Company.
Filed Date: 11/16/15.
Accession Number: 20151116–5269.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–89–002.
Applicants: Jether Energy Research, LTD.
Description: Tariff Amendment: 2nd Amended MBR Application to be effective 12/14/2015.
Filed Date: 11/16/15.
Accession Number: 20151116–5210.
Comments Due: 5 p.m. ET 12/7/15.

Docket Numbers: ER16–336–000.
Applicants: Pure Energy, Inc.
Description: Compliance filing: Pure Energy eTariff Filing to be effective 11/17/2015.
Filed Date: 11/17/15.
Accession Number: 20151117–5071.
Comments Due: 5 p.m. ET 12/8/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–11–001.
Applicants: North American Electric Reliability Corporation.
Description: Compliance Filing of the North American Electric Reliability Corporation and Request for Approval of Amended Compliance and Certification Committee Charter.
Filed Date: 11/17/15.
Accession Number: 20151117–5054.
Comments Due: 5 p.m. ET 12/8/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29751 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–16–000]

Texas Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on November 6, 2015 Texas Gas Transmission, LLC (Texas Gas), 9 Greenway Plaza, Suite 28000 Houston, Texas 77046 filed a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act for authorization to abandon certain facilities located on the Bay Junop/Bay Round 8-inch pipeline in Terrebonne Parish, Louisiana and Louisiana State waters. Specifically, Texas Gas proposes to abandon by sale to Energy Properties, Inc approximately 14.72 miles of 8.625-inch-diameter pipeline, including ancillary auxiliary facilities and appurtenances. Texas Gas does not propose any removal of the Facilities in order to effectuate the abandonment, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Kathy D. Fort, Manager, Certificates and Tariffs, Texas Gas Transmission, LLC, 610 West 2nd Street, Owensboro, Kentucky 42301, by calling (270) 688–6825, or by email at *Kathy.fort@bwpmlp.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: November 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29754 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[EL16–14–000]

Indiana Municipal Power Agency; Notice of Filing

Take notice that on November 13, 2015, Indiana Municipal Power Agency submitted an application for proposed revenue requirement for reactive supply service from its 24.95 percent interest in Gibson Unit No. 5.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 4, 2015.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29763 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–21–000.

Applicants: Central Antelope Dry Ranch C LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator (EWG) Status of Central Antelope Dry Ranch C LLC.

Filed Date: 11/13/15.

Accession Number: 20151113–5255.

Comments Due: 5 p.m. ET 12/4/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2068–009; ER15–1471–003; ER10–2460–009; ER10–2461–009; ER12–2159–005; ER12–682–010; ER10–2463–009; ER15–1672–002; ER11–2201–013; ER10–2464–006; ER10–1821–010; ER13–1139–012; ER13–1585–006; ER12–2205–006; ER10–2465–005; ER11–2657–006; ER13–17–007; ER14–2630–005; ER12–919–004; ER12–1311–009; ER10–2466–010; ER11–4029–009.

Applicants: Blue Sky East, LLC, Blue Sky West, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Canadian Hills Wind, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power II, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC, Goshen Phase II LLC, Imperial Valley Solar 1, LLC, Longfellow Wind, LLC, Meadow Creek Project Company LLC, Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Niagara Wind Power, LLC, Regulus Solar, LLC, Rockland Wind Farm LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.

Description: Notice of Non-Material Change in Status of Blue Sky East, LLC, *et al.*

Filed Date: 11/13/15.

Accession Number: 20151113–5271.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER15–1582–002.

Applicants: 65HK 8me LLC.

Description: Notice of Non-Material Change in Status of 65HK 8me LLC.

Filed Date: 11/13/15.

Accession Number: 20151113–5216.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER15–1914–002.

Applicants: 87RL 8me LLC.

Description: Notice of Non-Material Change in Status of 87RL 8me LLC.

Filed Date: 11/13/15.

Accession Number: 20151113–5217.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER16–327–000.

Applicants: EDF Trading North America, LLC.

Description: § 205(d) Rate Filing: Compliance 2015 to be effective 11/16/2015.

Filed Date: 11/13/15.

Accession Number: 20151113–5211.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER16–328–000.

Applicants: Cogentrix Virginia Financing Holding Company.

Description: Baseline eTariff Filing: MBR Application to be effective 1/12/2016.

Filed Date: 11/13/15.

Accession Number: 20151113–5212.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER16–329–000.

Applicants: Sky River Asset Holdings, LLC.

Description: Tariff Cancellation: Sky River Asset Holdings, LLC Cancellation of MBR Tariff to be effective 11/16/2015.

Filed Date: 11/13/15.

Accession Number: 20151113–5214.

Comments Due: 5 p.m. ET 12/4/15.

Docket Numbers: ER16–330–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Request for Waiver of Midcontinent Independent System Operator, Inc.

Filed Date: 11/13/15.

Accession Number: 20151113–5266.

Comments Due: 5 p.m. ET 12/4/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD16–1–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standard MOD–031–2.

Filed Date: 11/13/15.

Accession Number: 20151113–5279.

Comments Due: 5 p.m. ET 12/16/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 16, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–29758 Filed 11–20–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0086; FRL–9937–08]

AAPCO/SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Full Committee will hold a 2-day meeting, beginning on December 7, 2015, and ending December 8, 2015. This notice announces the location and times for the meeting and sets forth topics that may be included in the agenda. This notice also announces the discontinuation of SFIREG meeting announcements via the **Federal Register**. Future meeting announcements will be made at the following Web site: *www2.epa.gov/pesticides.*

DATES: The meeting will be held on Monday, December 7, 2015, from 8:00 a.m. to 4:00 p.m. and from 8:00 a.m. to 12:00 p.m. on Tuesday, December 8, 2015.

To request accommodation for a disability you should please contact the person listed in this notice under **FOR FURTHER INFORMATON CONTACT**. Please contact EPA at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA, One Potomac Yard (South Bldg.), First Floor, South Conference Room, 2777 Crystal Dr., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Yvette S. Hopkins, Field and External Affairs Division, Rm. 7506P, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–1090; fax number: (703) 305–5884; email address: *hopkins.yvette@epa.gov* or Amy Bamber, SFIREG Executive Secretary, at *aapco-sfireg@gmail.com.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any non-government organization. If you have any questions regarding the applicability of this action to a particular entity please consult the person in this notice listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0086, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

This section sets forth topics that may be on the agenda of this meeting.

1. Discussion of the Certification and Training (C&T) rule
   a. Soil fumigation category and its role in certification and training trends (state vs. federal vs. industry oversight)
   b. Potential problems
2. Awarded Worker Protection (WPS) grants
   a. Guidance on how SFIREG should interact with these grantees
   b. Grants for conducting meeting and establishing a group similar to CTAG for WPS
   c. Developing educational materials
3. WPS inspection guidance document
4. Pesticide Safety and Education Program (PSEP) funding update (Goal 1)
5. Joint Working Committee's proposed Managed Pollinator Protection Plans (MP3) effectiveness metrics
6. Drones [unmanned aerial vehicles (UAV)] and pesticides
7. Marijuana and pesticides use
8. Bee kill reporting
9. Laboratory Issues
   a. Update on persistent herbicide Solid Phase Extraction (SPE) method
   b. Contaminants in formulation samples
10. Adjusting time allocations for pesticide inspections
11. Federal inspector credentials, program-specific training requirements

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 17, 2015.

Jacqueline E. Mosby,

Director, Field and External Affairs Division, Office of Pesticide Protection.

[FR Doc. 2015–29803 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9939–22–OARM]

Senior Executive Service Performance Review Board; Membership

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given of the membership of the U.S. Environmental Protection Agency (EPA) Performance Review Board for 2015.

FOR FURTHER INFORMATION CONTACT: Karen D. Higginbotham, Director, Executive Resources Division, 3606A, Office of Human Resources, Office of Administration and Resources Management, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460 (202) 564–7287.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. This board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointment authority relative to the performance of the senior executive.

Members of the 2015 EPA Performance Review Board are:

Richard Albright, Director, Office of Environmental Cleanup, Region 10
John Armstead, Director, Land and Chemicals Division, Region 3
Beverly Banister, Director, Air, Pesticides and Toxics Management Division, Region 4
Amy Battaglia, Director, Office of Program Accountability and Resources Management, Office of Research and Development
Denise Benjamin-Sirmons, Director, Office of Diversity, Advisory Committee Management and Outreach, Office of Administration and Resources Managment
Jerry Blancato, Director, Office of Science Information Management, Office of Research and Development
David Bloom, Acting Chief Financial Officer, Office of the Chief Financial Officer
Michael Brincks, Assistant Regional Administrator for Policy & Management, Region 7
Jeanne Briskin, Research Program Manager, Office of Research and Development
Karl Brooks, Acting Assistant Administrator, Office of Administration and Resources Managment
Rebecca Clark, Deputy Director, Office of Ground Water and Drinking Water, Office of Water
Sam Coleman, Deputy Regional Administrator, Region 6
Barbara A. Cunningham, Deputy Director, Office of Pollution Prevention and Toxics (Management), Office of Chemical Safety and Pollution Prevention
Rafael DeLeon, Deputy Director, Office of Site Remediation Enforcement, Office of Enforcement and Compliance Assurance
Alfred P. Dufour, Senior Research Microbiologist, Office of Research and Development
Alan Farmer, Director, Resource Conservation and Recovery Act Division, Region 4
John Filippelli, Director, Clean Air and Sustainability Division, Region 2
Karen Flournoy, Director, Water, Wetlands and Pesticides Division, Region 7
Michael Flynn, Director, Office of Radiation and Indoor Air, Office of Air and Radiation
Joyce Frank, Principal Deputy Associate Administrator for Congressional and Intergovernmental Relations, Office of the Administrator
Velveta Golightly-Howell, (Ex-Officio), Director, Office of Civil Rights, Office of the Administrator
Angela Freeman, Deputy Director, Office of Human Resources, Office of Administration and Resources Management
Karen D. Higginbotham (Ex-Officio), Director, Executive Resources Division, Office of Human Resources, Office of Administration and Resources Management
Randy Hill, Deputy Assistant Administrator, Office of International and Tribal Affairs
W. Barnes Johnson, Director, Office of Resource Conservation and Recovery, Office of Solid Waste and Emergency Response
Richard Karl, Director, Superfund Division, Region 5
Michael Kenyon, Assistant Regional Administrator for Administration and Resources Management, Region 1
Richard Keigwin, Director, Special Review and Reregistration Division, Office of Chemical Safety and Pollution Prevention
Jeff Lape, Deputy Director, Office of Science and Technology, Office of Water
David Lloyd, Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response and Compliance Assurance
Robert McKinney, Senior Agency Information Security Officer, Office of Environmental Information
Rebecca Moser, Deputy Director, Office of Information Collection, Office of Environment Information
Aracely Nunez-Mattocks, Chief of Staff, Office of Inspector General
Elise Packard, Associate General Counsel, Civil Rights and Finance Law, Office of General Counsel
Michelle Pirzadeh, Deputy Administrator, Region 10
John Reeder, Deputy Chief of Staff, Office of the Administrator
Christopher Robbins, Acting Principal Deputy Assistant Administrator, Office of Research and Development
Carol Ann Siciliano, Associate General Counsel, Cross-Cutting Issues, Office of General Counsel
Stefan Silzer, Director, Office of Financial Management, Office of the Chief Financial Officer
Walker Smith, Director, Office of Global Affairs and Policy, Office of International and Tribal Affairs
Allyn Stern, Regional Counsel, Region 10, Office of Enforcement and Compliance Assurance
Alexis Strauss, Deputy Regional Administrator, Region 9
Susan Studlien, Director, Office of Environmental Stewardship, Region 1
Kevin Teichman, Senior Science Advisor, Office of Research and Development
Debra Thomas, Deputy Regional Administrator, Region 8
Donna Vizian, Principal Deputy Assistant Administrator, Office of Administration and Resources Management
Anna Wood, Director, Air Quality Policy Division, Office of Air and Radiation
Jeffery Wells, Deputy Director, Office of Information Analysis and Access, Office of Environmental Information
Christopher Zarba, Director, Science Advisory Board Staff Office, Office of the Administrator

Dated: November 13, 2015.

Karl Brooks,

Acting Assistant Administrator, Office of Administration and Resources Management.

[FR Doc. 2015–29801 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9939–21–Region 10]

Proposed CERCLA Administrative Settlement; Bremerton Auto Wrecking/Gorst Creek Landfill Site, Port Orchard, Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: Notice is hereby given of a proposed administrative settlement for payment of response costs at the Bremerton Auto Wrecking/Gorst Creek Landfill Site in Port Orchard, Washington with the United States Department of the Navy and the ST Trust. The payment of response costs will fund implementation of a response action currently estimated to cost approximately $27,605,000. The proposed settlement will provide the settling parties with a release of liability subject to certain rights reserved by the Agency. The proposed settlement has been reviewed by the Department of Justice.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Environmental Protection Agency (EPA) Region 10 offices, located at 1200 Sixth Avenue, Seattle, Washington 98101.

DATES: Comments must be submitted on or before December 23, 2015.

ADDRESSES: The proposed settlement is available for public inspection at the U.S. EPA Region 10 offices, located at 1200 Sixth Avenue, Seattle, Washington 98101. A copy of the proposed settlement may be obtained from Teresa Luna, Regional Hearing Clerk, U.S. EPA Region 10, Mail Stop ORC–113, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; (206) 553–1632. Comments should reference the Bremerton Auto Wrecking/Gorst Creek Landfill in Port Orchard, Washington, EPA Docket No. CERCLA–10–2016–0041 and should be addressed to Alexander Fidis, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC–113, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Alexander Fidis, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC–113, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; (206) 553–4710.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9622(i), EPA is providing notice of a proposed administrative settlement for payment of response costs at the Bremerton Auto Wrecking/Gorst Creek Landfill Site in Port Orchard, Washington with the following settlement parties: The United States Department of the Navy and the ST Trust. The Bremerton Auto Wrecking/Gorst Creek Landfill Site is a triangular shaped parcel of approximately 5.7 acres located within a ravine through which Gorst Creek flows. To create the landfill Gorst Creek was channeled through a 24-inch steel culvert placed at the bottom of the ravine. From 1968 until 1989, waste was disposed in the creek ravine on top of the culvert. The weight of the waste has crushed the culvert in at least two locations and diminished flow capacity. The diminished flow capacity causes Gorst Creek to impound upstream of the landfill, resulting in water seeping through and flowing over the surface of the landfill. During periods of heavy precipitation erosion of the landfill disperses waste material and debris into the downstream reaches of Gorst Creek. The landfill is estimated to contain approximately 150,000 cubic yards of waste.

The Agency is proposing to enter into an administrative agreement with the settling parties to fund a response action to remove and properly dispose of waste disposed in the creek ravine. Following waste removal, the creek ravine will be restored to provide proper hydrological and ecological functions, including restoration of fish habitat and migration. The response action is expected to take approximately one-year and will cost an estimated $27,605,000. The proposed settlement will provide the settling parties with a release of liability subject to certain rights reserved by the Agency.

Dated: November 16, 2015.

Richard Albright,

Director, Office of Environmental Cleanup.

[FR Doc. 2015–29798 Filed 11–20–15; 8:45 am]

BILLING CODE 6560–50–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 December 8, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Floyd C. Eaton, Jr. Heritage Bancshares Stock Trust and Floyd Charles Eaton Jr., both of Auburn, Kansas, as Trustee, and James A. Klausman Heritage Bancshares Stock Trust and James Albert Klausman,* both of Topeka, Kansas, as Trustee; to retain voting shares of Heritage Bancshares Inc., and thereby indirectly retain voting shares of Heritage Bank, both in Topeka, Kansas.

Board of Governors of the Federal Reserve System, November 18, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–29771 Filed 11–20–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10400]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 22, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___ Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (*see* **ADDRESSES**).

CMS–10400 Establishment of Qualified Health Plans and American Health Benefit Exchanges

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Establishment of Qualified Health Plans and American Health Benefit Exchanges; *Use:* The Patient Protection and Affordable Care Act, Public Law 111–148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111–152, enacted on March 30, 2010 (collectively, ''Affordable Care Act''), expand access to health insurance for individuals and employees of small businesses through the establishment of new Affordable Insurance Exchanges (Exchanges), including the Small Business Health Options Program (SHOP).

As directed by the rule *Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers* (77 FR 18310) (Exchange rule), each Exchange will assume responsibilities related to the certification and offering of Qualified Health Plans (QHPs). To offer insurance through an Exchange, a health insurance issuer must have its health plans certified as QHPs by the Exchange. A QHP must meet certain minimum certification standards, such as network adequacy, inclusion of Essential Community Providers (ECPs), and non-discrimination. The Exchange is responsible for ensuring that QHPs meet these minimum certification standards as described in the Exchange rule under 45 CFR 155 and 156, based on the Affordable Care Act, as well as other standards determined by the Exchange. The reporting requirements and data collection in the Exchange rule address Federal requirements that various entities must meet with respect to the establishment and operation of an Exchange; minimum requirements that health insurance issuers must meet with respect to participation in a State based or Federally-facilitated Exchange; and requirements that employers must meet with respect to participation in the SHOP and compliance with other provisions of the Affordable Care Act. *Form Number:* CMS–10400 (OMB Control Number: 0938–1156); *Frequency:* Monthly, Annually; *Affected Public:* Private Sector; *Number of Respondents:* 11,004; *Number of Responses:* 11,485; *Total Annual Hours:* 55,774.5. (For policy questions regarding this collection contact Leigha Basini at 301–492–4380).

Dated: November 17, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–29725 Filed 11–20–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Job Search Assistance (JSA) Strategies Evaluation.

OMB No.: 0970–0440.

Description: The Administration for Children and Families (ACF) is proposing a data collection activity as part of the Job Search Assistance (JSA) Strategies Evaluation. The JSA evaluation aims to determine which JSA strategies are most effective in moving TANF applicants and recipients into work. The impact study will randomly assign individuals to contrasting JSA approaches and then compare their employment and earnings to determine their relative effectiveness. The implementation study will describe services participants receive under each approach as well as provide operational lessons gathered directly from practitioners.

Two data collection efforts have been previously approved for JSA, including one for data collection activities to document program implementation, to administer a staff survey and to collect baseline information of program participants. These collection activities will continue under this new request.

This **Federal Register** Notice provides the opportunity to comment on a proposed new information collection activity for JSA: A follow-up survey for JSA participants approximately 6 months after program enrollment.

The purpose of the survey is to follow-up with study participants and document their job search assistance services and experiences including their receipt of job search assistance services, their knowledge and skills for conducting a job search, the nature of their job search process, including tools and services used to locate employment, and their search outputs and outcomes, such as the number of applications submitted, interviews attended, offers received and jobs obtained. In addition, the survey will provide an opportunity for respondents to provide contact data for possible longer-term follow-up.

Respondents: JSA study participants and program staff.

EXISTING ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Baseline Information Form	8,000	4,000	1	0.2	800
Implementation Study Site Visits	150	75	1	1	75
JSA Staff Survey	440	220	1	0.33	73

Total Previously Approved Annual Burden: 948.

PROPOSED NEW ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
6 Month Follow-Up Survey	6,400	3,200	1	0.333	1,066
Participant Contact Update Form	1,200	600	1	0.083	50
Tracking Surveys	2,800	1,400	5	0.167	1,169

Estimated Total NEW Annual Burden Hours: 2285.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

ACF Reports Clearance Officer.

[FR Doc. 2015–29749 Filed 11–20–15; 8:45 am]

BILLING CODE 4184–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4012]

Sunscreen Innovation Act; Withdrawal of a 586A Request or Pending Request; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Sunscreen Innovation Act: Withdrawal of a 586A Request or Pending Request.'' This draft guidance provides recommendations for the process for withdrawing a 586A request submitted under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Sunscreen Innovation Act (SIA), and withdrawing a pending request, as defined by the SIA. The recommendations in this guidance apply to 586A requests and pending requests that seek a determination from FDA of whether a nonprescription sunscreen active ingredient, or a combination of nonprescription sunscreen active ingredients, is generally recognized as safe and effective (GRASE) for use under specified conditions and should be included in the over-the-counter (OTC) sunscreen drug monograph. We are issuing this draft guidance under the SIA, which directs FDA to issue guidance on various topics, including guidance on the process by which a request under section 586A or a pending request is withdrawn.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 22, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–4012 for ''Sunscreen Innovation Act: Withdrawal of a 586A Request or Pending Request; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

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

Submit written requests for single copies of this draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Sunscreen Innovation Act: Withdrawal of a 586A Request or Pending Request.'' This draft guidance provides background information on the sunscreen OTC monograph process and the new procedures under the SIA (Pub. L. 113–195, enacted November 26, 2014), for reviewing 586A requests (requests made under section 586A of the FD&C Act (21 U.S.C. 360fff–1) and pending requests for nonprescription sunscreen active ingredients (the SIA process). This draft guidance provides recommendations for the general withdrawal process for 586A requests and pending requests. At certain stages of the SIA process, a sponsor who submitted the 586A request or pending request might seek to have it withdrawn, or a request may be withdrawn due to the sponsor's failure to act on the request and failure to respond to communications from FDA. This draft guidance addresses the expected effect of a withdrawal on key phases of the SIA process, including withdrawals made prior to or after the initial eligibility determination, the submission of safety and efficacy data, the filing determination, or the GRASE determination. This draft guidance also discusses the submission of a new 586A request for the same sunscreen ingredient for which a 586A or pending request had been previously submitted and withdrawn.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the withdrawal of 586A requests and pending requests under the SIA. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

III. Paperwork Reduction Act of 1995

This draft guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA). Section 586D(a)(1)(C) of the FD&C Act (21 U.S.C 360fff–4(a)(1)(C)) states that the PRA shall not apply to collections of information made for purposes of guidance under section 586D(a).

Dated: November 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–29634 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on Friday, February 19, 2016, from 8 a.m. to 6 p.m.

Location: Hilton Washington, DC/North, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel telephone number is 301–977-8900.

Contact Person: Sara Anderson, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm.1643, 10903 New Hampshire Ave., Silver Spring, MD 20993, *Sara.Anderson@fda.hhs.gov,* 301 796–7047, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The Committee will discuss the premarket application for the DIAM Spinal Stabilization System. The DIAM Spinal Stabilization System is indicated for skeletally mature patients that have low back pain (with or without radicular pain) with current episode lasting less than 1 year in duration secondary to moderate lumbar degenerative disc disease (DDD) at a single level from L2–L5. DDD is confirmed radiographically with one or more of the following factors: (1) Patients must have greater than 2 millimeters of decreased disc height compared to the adjacent level; (2) scarring/thickening of the ligamentum flavum, annulus fibrosis, or facet joint capsule; or (3) herniated nucleus pulposus. The DIAM device is implanted via a minimally invasive posterior approach.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 12, 2016. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 4, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 5, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at 301–796–5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: November 13, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–29768 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–3990]

Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process.'' This draft guidance explains the process by which FDA intends to carry out the section of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Sunscreen Innovation Act (SIA), which governs the convening of advisory committees and the number of requests to be considered per meeting. The recommendations in this draft guidance apply to 586A requests submitted under the FD&C Act and to pending requests as defined by the SIA that seek a determination from FDA on whether a nonprescription sunscreen active ingredient, or a combination of nonprescription sunscreen active ingredients, is generally recognized as safe and effective for use under specified conditions and should be included in the over-the-counter (OTC) sunscreen drug monograph. The SIA describes specific circumstances under which FDA is ''not'' required to convene or submit requests to the Nonprescription Drugs Advisory Committee (NDAC). We are issuing this draft guidance pursuant to the SIA, which directs FDA to issue four guidances on various topics, including this draft guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 22, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the

instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

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

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–3990 for ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

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

Submit written requests for single copies of this draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process.'' This draft guidance provides background information on the sunscreen OTC monograph process, as well as on the Agency's intended process for convening the NDAC. It also recommends procedures for sponsors of 586A requests (submitted under section 586A of the FD&C Act (21 U.S.C. 360fff–1)) and for sponsors of pending requests (as defined by section 586(6) of the FD&C Act (21 U.S.C. 360fff (6))) to follow in requesting an NDAC meeting. This draft guidance also explains how FDA intends to process these requests and describes the factors the Agency may consider in determining whether and when to refer such requests to the NDAC.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the process by which the Agency will carry out section 586C(c) of the SIA (Pub. L. 113–195). It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

III. Paperwork Reduction Act of 1995

This draft guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA). Section 586D(a)(1)(C) of the SIA states that the PRA shall not apply to collections of information made for purposes of guidance under section 586D(a).

Dated: November 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–29635 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4033]

Sunscreen Innovation Act: Nonprescription Sunscreen Drug Products—Content and Format of Data Submissions; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft

guidance for industry entitled ''Nonprescription Sunscreen Drug Products—Content and Format of Data Submissions to Support a GRASE Determination Under the Sunscreen Innovation Act''. This draft guidance addresses FDA's current thinking on how we will determine whether a sponsor's submission of safety and efficacy data is sufficiently complete to support a substantive review and determination under the Sunscreen Innovation Act (SIA) that an active ingredient is or is not generally recognized as safe and effective (GRASE) for use in nonprescription sunscreen products. This guidance is being issued in accordance with the SIA.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 22, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

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

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions''.

Instructions: All submissions received must include the Docket No. FDA–2015–D–4033 for ''Nonprescription Sunscreen Drug Products—Content and Format of Data Submissions; Draft Guidance for Industry; Availability''. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Nonprescription Sunscreen Drug Products—Content and Format of Data Submissions to Support a GRASE Determination Under the Sunscreen Innovation Act''.

This draft guidance is being issued in accordance with the SIA (21 U.S.C. Ch. 9 Sub. 5 Part I), enacted November 26, 2014, which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act). Section 586D(a)(1)(A)(i) of the FD&C Act (21 U.S.C. 360fff–4(a)(1)(A)(i)), as added by the SIA, directs FDA to issue guidance on the format and content of information submitted to FDA in support of a request for a determination whether a sunscreen active ingredient or combination of active ingredients is GRASE and not misbranded for use in nonprescription sunscreen products. The information in this guidance is intended to help sponsors and manufacturers prepare a GRASE data submission that is sufficiently complete (including being formatted in a manner that enables FDA to determine its completeness) to enable FDA to conduct a substantive GRASE review, as required by section 586B(b)(2) of the FD&C Act (21 U.S.C. 360fff–2(b)(2)).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the format and content of GRASE data submissions under the SIA. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if

it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). Section 586D(a)(1)(C) of the FD&C Act (21 U.S.C. 360fff–4(a)(1)(C)) states that the PRA shall not apply to information collected under this guidance.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: November 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–29637 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4021]

Over-the-Counter Sunscreens: Safety and Effectiveness Data; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Over-the-Counter Sunscreens: Safety and Effectiveness Data.'' This draft guidance addresses FDA's current thinking about the safety and effectiveness data needed to determine whether a nonprescription sunscreen active ingredient or combination of active ingredients evaluated under the Sunscreen Innovation Act (SIA) is generally recognized as safe and effective (GRASE) and not misbranded when used under specified conditions. The guidance also addresses FDA's current thinking about an approach to safety-related final formulation testing that it anticipates adopting in the future.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 22, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–4021 for''Over-the-Counter Sunscreens: Safety and Effectiveness Data; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993–0002, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Over-the-Counter Sunscreens: Safety and Effectiveness Data.'' This draft guidance addresses FDA's current thinking regarding the safety and effectiveness data needed to determine whether a nonprescription sunscreen active ingredient or combination of active ingredients evaluated under the SIA is GRASE and not misbranded when used under specified conditions. The guidance also addresses FDA's current thinking about an approach to safety-related final formulation testing that it anticipates adopting in the future.

FDA is issuing this guidance in partial implementation of the SIA (Pub. L. 113–195), enacted November 26, 2014, which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act). Among other things, the SIA established new procedures and review time lines for FDA to determine whether a nonprescription sunscreen active ingredient or combination of active ingredients is GRASE and not misbranded when used under the conditions specified in a final sunscreen order (GRASE determination) (21 U.S.C. 360fff–1, –2, and –3). The SIA also directed FDA to issue four guidances on various topics, including this guidance (21 U.S.C. 360ffff–4). Many of the safety topics addressed in this guidance were discussed at a public Nonprescription Drug Advisory Committee meeting held September 4 and 5, 2014 (*http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/NonprescriptionDrugsAdvisoryCommittee/ucm380890.htm*).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Over-the-Counter Sunscreens: Safety and Effectiveness Data; Draft Guidance for Industry; Availability.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). Section 586D(a)(1)(C) of the FD&C Act (21 U.S.C. 360fff–4(a)(1)(C)) as amended by the SIA states that the PRA shall not apply to collections of information made for purposes of guidance under that subsection.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: November 16, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–29636 Filed 11–20–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting Notice for the President's Advisory Council on Faith-Based and Neighborhood Partnerships

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the President's Advisory Council on Faith-based and Neighborhood Partnerships announces the following webinar:

Name: President's Advisory Council on Faith-based and Neighborhood Partnerships Council Meetings.

Time and Date: Wednesday, December 9th, 2015 3:00 p.m.–4:30 p.m. (EST).

Public Webinar: The meeting will be available to the public through a webinar system. Register to participate in the conference call on Wednesday, December 9th at the Web site *https://attendee.gotowebinar.com/register/831474153301651458.*

Status: Open to the public, limited only by space available. Conference call limited only by lines available.

Purpose: The Council brings together leaders and experts in fields related to the work of faith-based and neighborhood organizations in order to: Identify best practices and successful modes of delivering social services; evaluate the need for improvements in the implementation and coordination of public policies relating to faith-based and other neighborhood organizations; and make recommendations for changes in policies, programs, and practices. The charge for this Council focuses on steps the government should take to reduce poverty and inequality and create opportunity for all, including changes in policies, programs, and practices that affect the delivery of services by faith-based and community organizations and the needs of low-income and other underserved persons.

Contact Person for Additional Information: Please contact Ben O'Dell for any additional information about the President's Advisory Council meeting at *partnerships@hhs.gov.*

Agenda: Opening and Welcome from the Chairperson and Executive Director for the President's Advisory Council for Faith-based and Neighborhood Partnership; Updates for three working groups; Deliberation of recommendations (if necessary); Conclusion from Chairperson and Executive Director.

Public Comment: There will be an opportunity for public comment at the end of the meeting. Comments and questions can be sent in advance to *partnerships@hhs.gov.*

Dated: November 17, 2015.

Ben O'Dell,

Associate Director for Center for Faith-based and Neighborhood Partnerships at U.S. Department of Health and Human Services.

[FR Doc. 2015–29826 Filed 11–20–15; 8:45 am]

BILLING CODE 4154–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel, December 7, 2015, 8:00 a.m. through December 8, 2015, 5:00 p.m., The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD, 20854 which was published in the **Federal Register** on November 12, 2015, 2015–28656.

Dr. Joyce's December 7–8, 2015 ZHL1 meeting has been rescheduled to January 4–5, 2016, at 8:00 a.m. The meeting is closed to the public.

Dated: November 17, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29735 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Transporters and Receptors.

Date: December 10, 2015.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard D Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–435–1220, *crosland@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Neurodevelopment and Injury.

Date: December 11, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 17, 2015.

Sylvia Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29732 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments; Amended Notice

SUMMARY: This notice amends **Federal Register** notice 80 FR 61831, published October 14, 2015, announcing the National Toxicology Program (NTP) Board of Scientific Counselors (BSC) meeting and requesting comments. The deadline for written public comment submission has been changed to January 8, 2016. Persons submitting comments for the BSC meeting are encouraged to send them by November 30, 2015, to facilitate review by the BSC and NTP staff prior to the meeting. NTP is extending the written public comment period beyond the BSC meeting to provide additional opportunity for the public to comment on two draft concepts, Mountaintop Removal Mining: Impacts on Health in the Surrounding Community and Systematic Review on Fluoride and Developmental Toxicity. All other information in the original notice has not changed. Information about the meeting and registration is available at *http://ntp.niehs.nih.gov/go/165.*

DATES: Meeting: December 1–2, 2015; it begins at 8:00 a.m. Eastern Standard Time (EST) on December 1 and at 10:00 a.m. on December 2 and continues each day until adjournment. Written Public Comment Submission: Deadline is January 8, 2016.

Dated: November 17, 2015.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2015–29734 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 8, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–061: Tuberculosis and HIV Co-Infections.

Date: December 8, 2015.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 9, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 10, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Multidisciplinary Studies of HIV/AIDS and Aging.

Date: December 11, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine;

93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 17, 2015.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29738 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Recombinant DNA Advisory Committee.

Date: December 4, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: The NIH Recombinant DNA Advisory Committee (RAC) will review and discuss selected human gene transfer protocols and related data management activities. For more information, please check the meeting agenda at OSP Web site, OBA Meetings Page (available at the following URL: *https://auth.osp.od.nih.gov/office-biotechnology-activities/event/2015–12–04–130000–2015–12–04–220000/rac-meeting.*

Place: National Institutes of Health, Building 35, Conference Room 620/630, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Gene Rosenthal, Ph.D., Biotechnology Program Advisor, Office of Biotechnology Activities, Office of the Director, National Institutes of Health, Rockledge 1, Room 750, Bethesda, MD 20892, 301–496–9838.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://oba.od.nih.gov/rdna/rdna.html,* where an agenda and any additional information for the meeting will be posted when available.

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS).

Dated: November 17, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29736 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Application Re-review: Auditory System.

Date: December 8, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lynn E. Luethke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5166, MSC 7844, Bethesda, MD 20892, (301) 806–3323, *luethkel@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Biobehavioral Regulation, Learning and Ethology.

Date: December 14, 2015.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 17, 2015.

Sylvia Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29731 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HIV/AIDS R03 and R36 applications.

Date: December 1, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 2–3, 2015.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 3–4, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301–451–8754, *tuoj@nei.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Host Restriction Factors for HIV.

Date: December 4, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 17, 2015.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29737 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft National Toxicology Program Technical Reports; Availability of Documents; Request for Comments; Notice of Meeting

SUMMARY: The National Toxicology Program (NTP) announces the availability of two draft NTP Technical Reports (TRs) scheduled for peer review: Antimony trioxide and TRIM® VX. The peer review meeting is open to the public. Registration is requested for both public attendance and oral comment and required to access the webcast. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/36051.*

DATES:

Meeting: February 16, 2016, 9:00 a.m. to approximately 4:00 p.m. Eastern Standard Time (EST).

Document Availability: Draft TRs should be available by January 5, 2016, at *http://ntp.niehs.nih.gov/go/36051.*

Written Public Comment Submissions: Deadline is February 2, 2016.

Registration for Oral Comments: Deadline is February 9, 2016.

Registration for Meeting and/or to View Webcast: Deadline is February 16, 2016. Registration to view the meeting via the webcast is required.

ADDRESSES:

Meeting Location: Rodbell Auditorium, Rall Building, NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The draft TRs, preliminary agenda, registration, and other meeting materials will be at *http://ntp.niehs.nih.gov/go/36051.*

Webcast: The URL for viewing webcast will be provided to those who register.

FOR FURTHER INFORMATION CONTACT: Dr. Yun Xie, NTP Designated Federal Official, Office of Liaison, Policy, and Review, DNTP, NIEHS, P.O. Box 12233, MD K2–03, Research Triangle Park, NC 27709. Phone: (919) 541–3436, Fax: (301) 451–5455, Email: *yun.xie@nih.gov.* Hand Delivery/Courier: 530 Davis Drive, Room 2161, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION: Meeting and Registration: The meeting is open to the public with time set aside for oral public comment; attendance at the NIEHS is limited only by the space available. Registration to attend the meeting in-person and/or view webcast is by February 16, 2016, at *http://ntp.niehs.nih.gov/go/36051.* Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Visitor and security information for those attending in-person is available at *http://www.niehs.nih.gov/about/visiting/index.cfm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Yun Xie at phone: (919) 541–3436 or email: *yun.xie@nih.gov.* TTY users should contact the Federal TTY Relay Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

The preliminary agenda and draft TRs should be posted on the NTP Web site (*http://ntp.niehs.nih.gov/go/36051*) by January 5, 2016. Additional information will be posted when available or may be requested in hardcopy, see **FOR FURTHER INFORMATION CONTACT**. Following the meeting, a report of the peer review will be prepared and made available on the NTP Web site. Individuals are encouraged to access the meeting Web page to stay abreast of the most current information.

Request for Comments: The NTP invites written and oral public comments on the draft TRs. The deadline for submission of written comments is February 2, 2016, to enable review by the peer review panel and NTP staff prior to the meeting. Registration to provide oral comments is by February 9, 2016, at *http://ntp.niehs.nih.gov/go/36051.* Public comments and any other correspondence on the draft TRs should be sent to the **FOR FURTHER INFORMATION CONTACT**. Persons submitting written comments should include their name, affiliation, mailing address, phone, email, and sponsoring organization (if any) with the document. Written comments received in response to this

notice will be posted on the NTP Web site, and the submitter will be identified by name, affiliation, and/or sponsoring organization.

Public comment at this meeting is welcome, with time set aside for the presentation of oral comments on the draft TRs. In addition to in-person oral comments at the NIEHS, public comments can be presented by teleconference line. There will be 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open from 9:00 a.m. until approximately 4:00 p.m. EDT on February 16, 2016, although oral comments will be received only during the formal public comment periods indicated on the preliminary agenda. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Each organization is allowed one time slot for each draft TR. At least 7 minutes will be allotted to each time slot, and if time permits, may be extended to 10 minutes at the discretion of the chair.

Persons wishing to make an oral presentation are asked to register online at *http://ntp.niehs.nih.gov/go/36051* by February 9, 2016, indicate whether they will present comments in-person or via the teleconference line. If possible, oral public commenters should send a copy of their slides and/or statement or talking points at that time. Written statements can supplement and may expand the oral presentation. Registration for in-person oral comments will also be available at the meeting, although time allowed for presentation by on-site registrants may be less than that for registered speakers and will be determined by the number of speakers who register on-site.

Background Information on NTP Peer Review Panels: NTP panels are technical, scientific advisory bodies established on an ''as needed'' basis to provide independent scientific peer review and advise the NTP on agents of public health concern, new/revised toxicological test methods, or other issues. These panels help ensure transparent, unbiased, and scientifically rigorous input to the program for its use in making credible decisions about human hazard, setting research and testing priorities, and providing information to regulatory agencies about alternative methods for toxicity screening. The NTP welcomes nominations of scientific experts for upcoming panels. Scientists interested in serving on an NTP panel should provide current *curriculum vitae* to the **FOR FURTHER INFORMATION CONTACT**. The authority for NTP panels is provided by 42 U.S.C. 217a; section 222 of the Public Health Service (PHS) Act, as amended. The panel is governed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: November 17, 2015.

John R. Bucher,

Associate Director, NTP.

[FR Doc. 2015–29733 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–14–301: NIDDK Central Repositories Sample Access from Clinical Trials (X01).

Date: February 1, 2016.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–15–017: Adherence Studies in Adolescents with CKD or Urological Diseases (R01).

Date: February 8, 2016.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 17, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29739 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of 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 National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, 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 Advisory Neurological Disorders and Stroke Council.

Date: February 4–5, 2016.

Open: February 4, 2016, 8:00 a.m. to 3:30 p.m.

Agenda: Report by the Director, NINDS; Report by the Director, Division of Extramural Research; and Administrative and Program Developments.

Place: National Institutes of Health, Building 31, C Wing, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: February 4, 2016, 3:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: February 5, 2016, 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C Wing, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Robert Finkelstein, Ph.D., Director, Division of Extramural Research, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892, (301) 496–9248.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: *November 17, 2015.*

Sylvia Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–29729 Filed 11–20–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council; Meeting

AGENCY: Federal Emergency Management Agency, DHS

ACTION: Committee management; Notice of Federal advisory committee meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet via conference call on December 9 and 10, 2015. The meeting will be open to the public.

DATES: The TMAC will meet via conference call on Wednesday, December 9 from 10:00 a.m. to 5:30 p.m. Eastern Standard Time (EST), and on Thursday, December 10, 2015 from 10:00 a.m. to 4:30 p.m. EST. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: For information on how to access to the conference call, information on services for individuals with disabilities, or to request special assistance for the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible. Members of the public who wish to dial in for the meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (attention Mark Crowell) by 11 a.m. EST on Friday, December 4, 2015.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. The Agenda and other associated reports and material will be available for review at *www.fema.gov/TMAC* by Wednesday, December 2, 2015. Written comments to be considered by the committee at the time of the meeting must be received by Friday, December 4, 2015, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email TO: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- *Mail*: Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. *Docket:* For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on December 9, 2015, from 11:00–11:20 a.m. and December 10, 2015 from 11:00–11:20 a.m. EST. Speakers are requested to limit their comments to no more than two minutes. Each public comment period will not exceed 20 minutes. Please note that the public comment periods may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Friday, December 4, 2015.

FOR FURTHER INFORMATION CONTACT: Mark Crowell, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street Arlington, VA 22202, telephone (202) 646–3432, and email *mark.crowell@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5)(a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an Annual Report to the FEMA Administrator that contains: (1) a description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

The TMAC must also develop recommendations on how to ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks and ensure that FEMA uses the best available methodology to

consider the impact of the rise in sea level and future development on flood risk. The TMAC must collect these recommendations and present them to the FEMA Administrator in a Future Conditions Risk Assessment and Modeling Report (hereafter, Future Conditions Report). Further, in accordance with the *Homeowner Flood Insurance Affordability Act of 2014,* the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

Agenda: On December 9, 2015, there will be a review of the final Annual, and Future Conditions Reports. The final reports were voted upon and approved by the TMAC, subject to amendments agreed upon by the Council at the previous TMAC meeting, which was held on October 20 and 21, 2015. After a review of the content of the reports, a motion will be entertained to formally submit each report with executive summaries to the FEMA Administrator. On December 10, FEMA's Flood Mapping Integrated Project Team will brief the TMAC on the status of FEMA's mapping program. This briefing is intended to help the TMAC prepare for the review report required by the *Homeowner Flood Insurance Affordability Act of 2014.* A brief public comment period will take place at the beginning of the meeting each day. A more detailed agenda will be posted by December 4, 2015, at *http://www.fema.gov/TMAC.*

Dated: November 17, 2015.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2015–29807 Filed 11–20–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2004–17131]

Extension of Agency Information Collection Activity Under OMB Review: Aircraft Repair Station Security

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0060, abstracted below to OMB for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on September 1, 2015, 80 FR 52777. The collection involves recordkeeping requirements and petitions for reconsideration for certain aircraft repair stations.

DATES: Send your comments by December 23, 2015. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–3651; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Aircraft Repair Station Security.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0060.

Forms(s): [NA].

Affected Public: Aircraft Repair Stations.

Abstract: In accordance with TSA's authority and responsibility over aviation security, TSA conducts inspections of certain aircraft repair stations located within the United States, and outside of the United States to ensure compliance with the requirements of 49 CFR part 1554. This includes the collection of information relating to recordkeeping of employment history records, petitions for reconsideration, and compliance with the recordkeeping requirements of Security Directives.

TSA is revising the collection to exclude paper and desk audits. As required by 49 U.S.C. 44924, TSA has completed a security review and audit of the 707 repair stations outside the United States. Therefore, there is no further requirement in the regulations to perform these audits.

Number of Respondents: 15.[1]

Estimated Annual Burden Hours: An estimated 118 hours annually.

Dated: November 18, 2015.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–29809 Filed 11–20–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5849–N–07]

Notice of a Federal Advisory Committee; Manufactured Housing Consensus Committee; Structure and Design Subcommittee Teleconference

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of a Federal Advisory Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a

[1] In the 60 day notice, TSA estimated that it had a total of 432 respondents (152 respondent repair stations located in the United States and 280 respondent repair stations located outside the United States) and an estimated annual burden of 657 hours (355 outside the United States and 312 within the United States). Since the publication of the notice, TSA has moved from requesting a renewal of the collection to a revision. TSA will no longer be collecting information to complete paper and desk audits. Therefore, the respondents and annual burden have been significantly reduced.

teleconference meeting of the Manufactured Housing Consensus Committee (MHCC), Structure and Design Subcommittee. The teleconference meeting is open to the public. The agenda provides an opportunity for citizens to comment on the business before the MHCC.

DATES: The teleconference meeting will be held on December 10, 2015, 1:00 p.m. to 4:00 p.m. Eastern Standard Time (EST). The teleconference numbers are: US toll-free: 1–866–622–8461, Participant Code: 4325434.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator and Designated Federal Official (DFO), Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9166, Washington, DC 20410, telephone 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2) through implementing regulations at 41 CFR 102–3.150. The MHCC was established by the National Manufactured Housing Construction and Safety Standards Act of 1974, (42 U.S.C. 5401 et. seq.) as amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569). According to 42 U.S.C. 5403, as amended, the purposes of the MHCC are to:

- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards;
- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring; and
- Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment: Citizens wishing to make oral comments on the business of the MHCC are encouraged to register by or before December 4, 2015, by contacting Home Innovation Research Labs., 400 Prince Georges Boulevard, Upper Marlboro, MD 20774; Attention: Kevin Kauffman, or email to: *MHCC@homeinnovation.com* or call 1–888–602–4663. Written comments are encouraged. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda. Advance registration is strongly encouraged. The MHCC will also provide an opportunity for public comment on specific matters before the Structure and Design Subcommittee.

Tentative Agenda

December 10, 2015, from 1:00 p.m. to 4:00 p.m. Eastern Standard Time (EST)

I. Call to Order and Roll Call
II. Opening Remarks: Subcommittee Chair and DFO
III. Approve Minutes from July 15, 2015—Structure and Design Subcommittee Teleconference
IV. New Business:
- Log 87—Hallway Widths
- Log 115—UL 1995

V. Referenced Standards for Review
- AISC, (2011) Steel Construction Manual
- NER 272, (2015) National Evaluation Report, Power Driven Staples, Nails and Allied Fasteners for use in All Types of Building Construction
- APA H815E, (2013) Design & Fabrication of All—Plywood Beams

VI. Open Discussion
VII. Public Comments
VIII. Adjourn 4:00 p.m.

Dated: November 17, 2015.

Pamela Beck Danner,

Administrator, Office of Manufactured Housing Programs.

[FR Doc. 2015–29813 Filed 11–20–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5884–N–01]

Notice of Annual Factors for Determining Public Housing Agency Administrative Fees for the Section 8 Housing Choice Voucher, Mainstream, and Moderate Rehabilitation Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This Notice announces that HUD has posted on its Web site the monthly per unit fee rates for use in determining the on-going administrative fees for housing agencies administering the Housing Choice Voucher (HCV), 5-Year Mainstream, and Moderate Rehabilitation programs, including Single Room Occupancy, during calendar year (CY) 2015.

DATES: *Effective Date:* January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Miguel Fontanez, Director, Housing Voucher Financial Management Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4222, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone number 202–708–2934. (This is not a toll-free number). Hearing or speech impaired individuals may call TTY number 1 (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Background

This Notice announces that HUD has posted on its Web site the CY 2015 administrative fee rates and provides the Department's methodology used to determine the fee rates by area, which the Office of Housing Voucher Programs (OHVP) will use to compensate public housing agencies (PHAs) for administering the HCV programs. PIH Notice 2015–03, entitled ''Implementation of the Federal Fiscal Year (FY) 2015 Funding Provisions for the Housing Choice Voucher Program,'' (2015 HCV Funding Implementation Notice) issued on February 27, 2015, describes the advance and settlement processes for this compensation, which are a result of the mandate enacted in the ''Consolidated and Further Continuing Appropriations Act, 2015'' (Pub. L. 113–235), referred to hereinafter as ''the Act','' enacted on December 16, 2014. PIH Notice 2015–03 can be found at: *http://portal.hud.gov/hudportal/documents/huddoc?id=15-03pihn.pdf.*

B. CY 2015 Methodology

For CY 2015, in accordance with the Act, administrative fees will be earned on the basis of vouchers leased as of the first day of each month. This data will be extracted from the Voucher Management System (VMS) at the close of each reporting cycle and validated prior to use.

Two fee rates are provided for each PHA. The first rate, Column A, applies to the first 7200 voucher unit months leased in CY 2015. The second rate, Column B, applies to all remaining voucher unit months leased in CY 2015. In years prior to 2010, a Column C rate was also established, which applied to all voucher unit months leased in dwelling units owned by the PHA. For CY 2015, as in recent years, there are no Column C administrative fee rates. Fees for leasing HA-owned units will be earned in the same manner and at the

same Column A and Column B rates as for all other Voucher leasing.

The fee rates established for CY 2015, using the standard procedures, in some cases resulted in fee rates lower than those established for CY 2014. In those cases, the affected PHAs are being held harmless at the CY 2014 fee rates.

The fee rates for each PHA are generally those rates covering the fee areas in which each PHA has the greatest proportion of its participants, based on Public Housing Information Center (PIC) data submitted by the PHA. In some cases, PHAs have participants in more than one fee area. If such a PHA so chooses, the PHA may request that the Department establish a blended fee rate schedule that will consider proportionately all areas in which participants are located. Once a blended rate schedule is established, it will be used to determine the PHA's fee eligibility for all months in CY 2015. The PHAs were advised via the 2015 HCV Funding Implementation Notice to apply for blended fee rate by March 31, 2015. These applications were already reviewed and determinations were announced.

PHAs that operate over a large geographic area, defined as multiple counties, may request a higher administrative fee rate if eligible under the circumstance described in the CY 2015 implementation notice. The PHAs were advised via the 2015 HCV Funding Implementation Notice to apply for higher fee rates by March 31, 2015. These applications were already reviewed and determinations will be announced during early September 2015.

Accordingly, the Department issues the monthly per voucher unit fee rates to be used to determine PHA administrative fee eligibility for the programs identified in this Notice. These fee rates are posted on HUD's Web site at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv,* under Program Related Information.

Any questions concerning this Notice should be directed to the PHA's assigned representative at the Financial Management Center or to the Financial Management Division at *PIH.Financial.Management.Division@hud.gov.*

C. MTW Agencies

Where MTW Agencies have alternative formula for calculating HCV Administrative Fees in Attachment A of their MTW Agreements, HUD will continue to calculate the HCV Administrative Fees in accordance with that MTW Agreement provision.

Dated: November 8, 2015.

Lourdes Castro Ramírez,

Principal Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 2015–29812 Filed 11–20–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2015–N221; FXRS1263040000–156–FF04R08000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; National Wildlife Refuge Visitor Check-In Permit and Use Report

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on December 31, 2015. 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. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before December 23, 2015.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail), or *hope_grey@fws.gov* (email). Please include ''1018–0153'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

Information Collection Request

OMB Control Number: 1018–0153.

Title: National Wildlife Refuge Visitor Check-In Permit and Use Report.

Service Form Number: 3–2405.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Individuals who visit national wildlife refuges.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Estimated Annual Number of Respondents: 650,000.

Estimated Annual Number of Responses: 650,000.

Estimated Completion Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 54,167.

Abstract: The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) govern the administration and uses of national wildlife refuges and wetland management districts. We are authorized to allow public uses on lands of the National Wildlife Refuge System, including hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation, and other visitor uses, when we find that the activities are compatible and appropriate with the purpose or purposes for which the refuges were established.

We collect information on hunters and anglers and other visitors to help us protect refuge resources and administer and evaluate the success of visitor programs. Because of high demand and limited resources, we often provide visitor opportunities by permit, based on dates, locations, or type of public use. We may not allow all opportunities on all refuges, and harvest information differs for each refuge. We use FWS Form 3–2405 (Self-Clearing Check-In Permit) to collect this information. Not all refuges will use the form, and some refuges may collect the information in a nonform format. We collect:

- Information on the visitor (name, address, and contact information). We use this information to identify the visitor or driver/passengers of a vehicle while on the refuge. Having this information readily available is critical in a search and rescue situation. We do not maintain or record this information.
- Information on whether or not hunters/anglers were successful (number and type of harvest/caught).

• Purpose of visit (hunting, fishing, wildlife observation, wildlife photography, auto touring, birding, hiking, boating/canoeing, visitor center, special event, environmental education class, volunteering, other recreation).

• Date of visit.

The above information is a vital tool in meeting refuge objectives and maintaining quality visitor experiences. It will help us:

• Administer and monitor visitor programs and facilities on refuges.

• Distribute visitor permits to ensure safety of visitors.

• Ensure a quality visitor experience.

• Minimize resource disturbance, manage healthy game populations, and ensure the protection of fish and wildlife species.

• Assist in Statewide wildlife management and enforcement and develop reliable estimates of the number of all game fish and wildlife.

• Determine facility and program needs and budgets.

Comments Received and Our Responses

On June 23, 2015, we published in the **Federal Register** (80 FR 35969) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 24, 2015. We received one comment. The commenter objected to the requirement to sign in to enter a refuge and objected to the use of taxpayer dollars to collect this information. We use this information to identify the visitor or driver/passengers of a vehicle while on the refuge. Having this information readily available is critical in a search and rescue situation. We have not made any changes to our requirements, based on this comment.

Request for Public Comments

We again 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. 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 OMB or us in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: November 18, 2015.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–29769 Filed 11–20–15; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15NM00FU50100]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a revision of a currently approved information collection (1028–0094).

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on 03/31/2016.

DATES: To ensure that your comments are considered, we must receive them on or before January 22, 2016.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0094, Energy Cooperatives to Support the National Coal Resources Data System (NCRDS) in all correspondence.

FOR FURTHER INFORMATION CONTACT: Joseph East, Eastern Energy Resources Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 956, Reston, VA 20192 (mail); 703–648–6450 (phone); or *jeast@usgs.gov* (email). You may also find information about this IC at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The primary objective of the National Coal Resources Data System (NCRDS) is to advance the understanding of the energy endowment of the United States (U.S.) by gathering and organizing digital geologic information related to coal, coal bed gas, shale gas, conventional and unconventional oil and gas, geothermal, and other energy resources and related information regarding these resources, along with environmental impacts from using these resources. These data are needed to support regional or national assessments concerning energy resources. Requesting external cooperation is a way for NCRDS to collect energy data and perform research and analyses on the characterization of geologic material, and obtain other information (including geophysical or seismic data, sample collection for generation of thermal maturity data) that can be used in energy resource assessments and related studies.

The USGS will issue a call for proposals to support researchers from State Geological Surveys and associated accredited universities that can provide geologic data to support NCRDS and other energy assessment projects being conducted by the USGS.

Data submitted to NCRDS by external cooperators constitute more than two-thirds of the USGS point-source stratigraphic database (USTRAT) on coal occurrence. In 2015, NCRDS supported 21 projects in 19 States. This program is conducted under various authorities, including 30 U.S.C. 208–1, 42 U.S.C. 15801, and 43 U.S.C. 31 *et seq.* This collection will consist of applications, proposals and reports (annual and final).

II. Data

OMB Control Number: 1028–0094.

Form Number: Various if many different forms or screen shots, otherwise provide the form number.

Title: Energy Cooperatives to Support the National Coal Resources Data System (NCRDS).

Type of Request: Renewal of existing collection.

Affected Public: Individuals; State, local and tribal governments; State Geological Surveys, universities, and businesses.

Respondent's Obligation: Required to obtain or retain benefits. *Frequency of Collection:* One time every 5 years for applications and final reports; annually for progress reports.

Estimated Total Number of Annual Responses: 21.

Estimated Time per Response: 25 hours.

Estimated Annual Burden Hours: 525 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Jonathan Kolak,

Acting Program Coordinator, USGS Energy Resources Program.

[FR Doc. 2015–29770 Filed 11–20–15; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00560.L58530000.EU0000.241A; N–63293–01; 12–08807; MO# 4500082456; TAS:15X5232]

Notice of Realty Action: Change of Use for Recreation and Public Purposes Act Lease N–63293–01, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Las Vegas Field Office, has determined that land located in Clark County, Nevada is suitable for a change of use to the City of Las Vegas under the authority of the Recreation and Public Purposes (R&PP) Act of 1926, as amended. The City of Las Vegas has requested that the BLM change the current use from a metropolitan police substation and fire station to a public park and fire station.

DATES: Comments regarding the proposed change of use must be submitted to the BLM on or before January 7, 2016.

ADDRESSES: Send written comments concerning the proposed change of use to the BLM, Las Vegas Assistant Field Manager, Division of Lands, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Roger Ketterling, at 702–515–5087, or by email at *rketterling@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The City of Las Vegas submitted the following described parcel for change of use under the authority of the R&PP Act on August 16, 2007. The parcel is located south of Grand Teton Drive and west of Hualapai Way in Las Vegas, Nevada.

Mount Diablo Meridian, Nevada

Sec. 13, T. 19 S., R. 59 E.,
NW¼NE¼NE¼NE¼, S½NE¼NE¼NE¼.

The area described contains 7.5 acres, in Clark County, Nevada.

According to the City of Las Vegas, since the lease issuance, a new location was secured for the metropolitan police substation, but the area is lacking in recreational facilities since it is surrounded by two, large master planned communities that have yet to be fully developed. The fire station is still needed in order to fill response time gaps for the existing and proposed developments.

The new public park use will consist of picnic shelters, children's splash pad play area, children's shaded play area with equipment, walking path/trail, desert landscaping, turf open play area, basketball courts, restrooms, and a parking lot. The fire station plan of development remains the same with meeting rooms, offices, kitchen facilities, landscaping, and parking, as well as fire personnel living quarters and fire engine vehicle bays.

The proposed change of use is in conformance with the BLM Las Vegas Resource Management Plan and the Record of Decision approved on October 5, 1998. Authority for the transfer and change of use is in conformance with Section 202 of the Federal Land Policy and Management Act of October 21, 1976, (FLPMA) as amended, and Section 203, when the Secretary determines that the sale of the parcels meets the following disposal criteria: Such tract is difficult and uneconomic to manage because of its location or other characteristics—such as the subject's history of use, current level of development, and is not suitable for management by another Federal department or agency. The parcel of land is surrounded by a Master Planned community with residences and local businesses. The lands proposed for the change of use are not needed for Federal purposes and the United States has no present interest in the property.

Should it be approved, the change of use for the 7.5 acres will be made subject to the provisions of FLPMA, the applicable regulations of the Secretary of the Interior, and will contain the following terms, conditions and reservations:

1. A condition that the lease will be subject to all valid existing rights of record.

2. A condition that the conveyance will be subject to all reservations, conditions, and restrictions in authorized lease N–63293–01, including, but not limited to, all mineral deposits in the land so leased, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

3. An appropriate indemnification clause protecting the U.S. from claims arising out of the lessee's use, occupancy, or operations on the patented lands.

4. Additional terms and conditions that the authorized officer deems appropriate.

Detailed information concerning the proposed partial transfer of patent/change of use is available for review at the location identified in **ADDRESSES** above.

Public comments regarding the proposed change of use for the subject 7.5 acres may be submitted in writing to the BLM Las Vegas Field office (see **ADDRESSES** above) on or before January

7, 2016. Any comments regarding the proposed partial change of use will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become final determination of the Department of the Interior.

Before including your address, phone number, email, address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2711.1–2.

Vanessa L. Hice,

Assistant Field Manager, Las Vegas Field Office.

[FR Doc. 2015–29829 Filed 11–20–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–BOHA–19759; PPMPSPD1Z.YM0000] [PPNEBOHAS1]

Boston Harbor Islands National Recreation Area Advisory Council

AGENCY: National Park Service, Interior.

ACTION: Notice of quarterly meeting.

SUMMARY: This notice announces a quarterly meeting of the Boston Harbor Islands National Recreation Area Advisory Council (Council). The agenda includes planning for the annual meeting, reactivation of the nominating committee, report by park managers on the past season and their plans for next season, and an update on plans for celebrating the 10th anniversary of the opening of Spectacle Island, the 20th anniversary of the park, and the NPS Centennial and the Boston Light Tricentennial in 2016.

DATES: December 9, 2015, 4:00 p.m. to 6:00 p.m. (Eastern).

ADDRESSES: National Park Service, 15 State Street, 2nd floor Conference Room, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Giles Parker, Superintendent and Designated Federal Official, Boston Harbor Islands National Recreation Area, 15 State Street, Suite 1100, Boston, MA 02109, telephone (617) 223–8669, or email *giles_parker@nps.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Those wishing to submit written comments may contact the DFO for the Council, Giles Parker, by mail at National Park Service, Boston Harbor Islands, 15 State Street, Suite 1100, Boston, MA 02109. Before including your address, telephone 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 may 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.

The Council was appointed by the Director of the National Park Service pursuant to 16 U.S.C. 460kkk(g). The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the implementation of a management plan and park operations. Efforts have been made locally to ensure that the interested public is aware of the meeting dates.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–29823 Filed 11–20–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02800000, 15XR0680A1, RX.1786894.60000000]

Notice of Availability of the Final Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has made available the Final Environmental Impact Statement (EIS) on the impacts of implementing the 2008 U.S. Fish and Wildlife Service Biological Opinion and the 2009 National Marine Fisheries Service Biological Opinion, including the Reasonable and Prudent Alternatives, for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project. The preferred alternative identified in the Final EIS will be to continue the operation of the Central Valley Project in coordination with the State Water Project, and implement the 2008 U.S. Fish and Wildlife Service and 2009 National Marine Fisheries Service biological opinions and reasonable and prudent alternatives stated in the No Action Alternative. The Final EIS is in response to the November 16, 2009 and March 5, 2010 rulings by the United States District Court for the Eastern District of California that the Bureau of Reclamation failed to conduct a National Environmental Policy Act review prior to accepting and implementing the Reasonable and Prudent Alternatives from the 2008 U.S. Fish and Wildlife Service and 2009 National Marine Fisheries Service Biological Opinions.

DATES: The Bureau of Reclamation will not make a decision on the proposed action until at least 30 days after release of the Final EIS. After the 30-day waiting period, the Bureau of Reclamation will complete a Record of Decision (ROD) that will state the action that will be implemented and discuss all factors leading to the decision.

ADDRESSES: To request a compact disc of the Final EIS, please contact Mr. Ben Nelson, Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, CA 95814–2536; telephone at (916) 414–2424; or via email at *bcnelson@usbr.gov.* The Final EIS may be viewed at the Bureau of Reclamation's Web site at *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=21883,* or at the following locations:

1. Bureau of Reclamation, Bay-Delta Office, 800 I Street, Suite 140, Sacramento, CA 95814.
2. Bureau of Reclamation, Regional Library, 2800 Cottage Way, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Nelson, Bureau of Reclamation, via email at *bcnelson@usbr.gov,* or at (916) 414–2424.

SUPPLEMENTARY INFORMATION: The Central Valley Project (CVP) is the largest Federal Reclamation project. The Bureau of Reclamation operates the CVP in coordination with the State Water Project (SWP), under the Coordinated Operation Agreement between the Federal Government and the State of California (authorized by Pub. L. 99–546). In August 2008, the Bureau of Reclamation submitted a biological assessment on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (LTO) to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) for

consultation. Continued operation of the CVP and the SWP is needed to provide river regulation; improvement of navigation; flood control; water supply for irrigation and domestic uses; fish and wildlife mitigation, protection, restoration, and enhancement; and power generation. The CVP and SWP facilities are also operated to provide recreation benefits and in accordance with the water rights and water quality requirements adopted by the State Water Resources Control Board.

In December 2008, the USFWS issued a Biological Opinion (BO) analyzing the effects of the coordinated long-term operation of the CVP and SWP on Delta Smelt and its designated critical habitat. In June 2009, NMFS issued a BO analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, green sturgeon and southern resident killer whale and their designated critical habitats. The 2008 USFWS and 2009 NMFS BOs concluded that ''. . . operation of the CVP and SWP, as proposed, was likely to jeopardize. . .'' multiple listed species. Both the USFWS and NMFS Reasonable and Prudent Alternatives (RPA) for CVP and SWP operations were designed to allow the projects to continue operating without causing jeopardy or adverse modification.

Several lawsuits were filed in the United States District Court for the Eastern District of California (District Court) challenging various aspects of the USFWS and NMFS BOs and the Bureau of Reclamation's provisional acceptance and implementation of the associated RPAs. The cases were consolidated into two primary cases, one addressing the 2008 FWS BO and one addressing the 2009 NMFS BO. In both cases, Reclamation's action of accepting and implementing the BOs and RPAs was found to be a violation of NEPA. The Ninth Circuit affirmed this finding on appeal of the litigation challenging the 2008 FWS BO. The District Court required the Bureau of Reclamation to evaluate the 2008 and 2009 BOs under the National Environmental Policy Act (NEPA). The Final EIS assesses the environmental effects of five alternatives being considered as compared to the No Action Alternative. The No Action Alternative proposes management of the CVP and SWP with implementation of the 2008 and 2009 BO RPAs. All alternatives consider modifications to operational components from the 2008 USFWS and the 2009 NMFS BO RPAs. All alternatives addressed continued operation of the CVP, in coordination with the SWP.

The No Action Alternative assumes continuation of existing policy and management direction through Year 2030, including implementation of the RPAs included in the 2008 USFWS and 2009 NMFS BOs. Many of the RPAs were implemented prior to 2009 under other programs, such as the Central Valley Project Improvement Act, or are currently being implemented in accordance with the 2008 USFWS and 2009 NMFS BOs. The Bureau of Reclamation has identified the No Action Alternative as the Preferred Alternative in the Final EIS.

In response to scoping comments, the Final EIS also includes a Second Basis of Comparison that assumes coordinated operation of the CVP and SWP as if the 2008 USFWS and 2009 NMFS BOs had not been implemented. Each action alternative is evaluated against both the No Action Alternative and the Second Basis of Comparison. The Second Basis of Comparison includes several actions that were included in the RPAs of the 2008 USFWS and 2009 NMFS BOs and that would have occurred without the BOs, including projects that were being initiated prior to 2009 (*e.g.,* Red Bluff Pumping Plant, Battle Creek Restoration and Suisun Marsh Habitat Management, Preservation, and Restoration Plan), legislatively mandated projects (*e.g.,* San Joaquin River Restoration Program), and projects with substantial progress that would have occurred without implementation of the BOs.

Alternative 1 was informed by scoping comments from CVP and SWP water users. Alternative 1 is identical to the Second Basis of Comparison and provides an opportunity to select an alternative with the same assumptions as the Second Basis of Comparison as the Preferred Alternative.

Alternative 2 is similar to the No Action Alternative because it includes the RPA actions, except for actions that consist of projects to be evaluated for future implementation. For example, Alternative 2 does not include fish passage programs to move fish from the Sacramento River downstream of Keswick Dam to the Sacramento River upstream of Shasta Dam.

Alternative 3 was informed by scoping comments from CVP and SWP water users. Alternative 3 is similar to the Second Basis of Comparison and Alternative 1 because it generally does not include the RPA actions, but it includes additional restrictions on CVP and SWP Delta exports to reduce negative flows in the south Delta during critical periods for aquatic resources. Alternative 3 also includes provisions to reduce losses to fish that use the Delta due to predation, commercial and sport fishing ocean harvest, and fish passage through the Delta.

Alternative 4 was informed by scoping comments from CVP and SWP water users. Alternative 4 is similar to the Second Basis of Comparison and Alternative 1 because it generally does not include the RPA actions, but it includes provisions to reduce losses to fish that use the Delta due to predation, commercial and sport fishing ocean harvest, and fish passage through the Delta.

Alternative 5 was informed by scoping comments from environmental interest groups. Alternative 5 includes assumptions similar to the No Action Alternative regarding the incorporation of RPA actions, with additional provisions to provide for positive Old and Middle River (OMR) flows and increased Delta outflow from reduced exports in April and May; and modified operations for New Melones Reservoir.

A Notice of Availability of the Draft EIS was published in the **Federal Register** on July 31, 2015 (80 FR 45681). The comment period on the Draft EIS ended on September 29, 2015. The Final EIS contains responses to all comments received and reflects comments and any additional information received during the review period.

Statutory Authority

NEPA [42 U.S.C. 4321 *et seq.*] requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment.

Public Disclosure

Before including your name, address, phone number, email address or other personal identifying information in any correspondence, you should be aware that your entire correspondence—including your personal identifying information—may be made publicly available at any time. While you can ask us in your correspondence to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 8, 2015.

Pablo R. Arroyave,

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 2015–29719 Filed 11–20–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a second amended complaint entitled *Certain Woven Textile Fabrics and Products Containing Same, DN 3088;* the Commission is soliciting comments on any public interest issues raised by the second amended complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the second amended complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a second amended complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of AAVN, Inc. on November 12, 2015. The second amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain woven textile fabrics and products containing same. The second amended complaint names as respondents AQ Textiles, LLC of Greensboro, NC; Creative Textile Mills Pvt. Ltd. of India; Indo Count Industries Ltd. of India; Indo Count Global, Inc. of New York, NY; GHCL Limited of India; Grace Home Fashions LLC of New York, NY; E & E Company, Ltd. of India; E & E Company, Ltd., d/b/a JLA Home of Fremont, CA; Welspun Global Brands Ltd. of India; Welspun USA Inc. of New York, NY; Pradip Overseas, Ltd. of India; Elite Home Products, Inc. of Saddle Brook, NJ; Pacific Coast Textiles, Inc. of Garden Grove, CA; Amrapur Overseas, Inc. of Garden Grove, CA; and Westport Linens, Inc. of New York, NY. The complainant requests that the Commission issue a permanent general exclusion order, a permanent cease and desist order, and a bond upon the alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the second amended complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3088'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 17, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–29700 Filed 11–20–15; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Arrowheads with Deploying Blades and Components Thereof, DN 3101;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of FeraDyne Outdoors LLC and Out RAGE LLC on November 17, 2015. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain arrowheads with deploying blades and components thereof. The complaint names as respondents Linyi Junxing Sports Equipment Co., Ltd. of China; Ningbo Faith Sports Co., Ltd. of China; Ningbo Forever Best Import & Export Co., Ltd. of China; Ningbo Linkboy Outdoor Sports Co., Ltd. of China; Shenzhen Zowaysoon Trading Company Ltd. of China; Xiamen Xinhongyou Industrial Trade Co. Ltd of China; Xiamen Zhongxinyuan Industry & Trade Ltd. of China; Zhengzhou IRQ Trading Limited Company of China; and Zhengzhou Paiao Trade Co., Ltd. of China. The complainant requests that the Commission issue a general exclusion order and a cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3101'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 17, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–29742 Filed 11–20–15; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Requests Submitted for Public Comment

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA

95) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed 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. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) contained in the documents described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at *reginfo.gov* (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the Addresses section on or before January 22, 2016.

ADDRESSES: G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210, *cosby.chris@dol.gov,* (202) 693–8410, FAX (202) 693–4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules and prohibited transactions described below. The Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICRs and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans, PTE 76–1, PTE 77–10, PTE 78–6.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0058.

Affected Public: Businesses or other for-profits, not-for-profit institutions.

Respondents: 5,718.

Responses: 5,718.

Estimated Total Burden Hours: 1,430.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: This ICR covers information collections contained in three related prohibited transaction class exemptions: PTE 76–1, PTE 77–10, and PTE 78–6. All three of these exemptions cover transactions that were recognized by the Department as being well-established, reasonable, and customary transactions in which collectively bargained multiple employer plans (principally, multiemployer plans, but also including other collectively bargained multiple employer plans) frequently engage in order to carry out their purposes.

PTE 76–1 provides relief, under specified conditions, for three types of transactions: (1) Part A of PTE 76–1 permits collectively bargained multiple employer plans to take several types of actions regarding delinquent or uncollectible employer contributions; (2) Part B of PTE 76–1 permits collectively bargained multiple employer plans, under specified conditions, to make construction loans to participating employers; and (3) Part C of PTE 76–1 permits collectively bargained multiple employer plans to share office space and administrative services, and the costs associated with such office space and services, with parties in interest. PTE 77–10 complements Part C of PTE 76–1 by providing relief from the prohibitions of subsection 406(b)(2) of ERISA with respect to collectively bargained multiple employer plans sharing office space and administrative services with parties in interest if specific conditions are met. PTE 78–6 provides an exemption to collectively bargained multiple employer apprenticeship plans for the purchase or leasing of personal property from a contributing employer (or its wholly owned subsidiary) and for the leasing of real property (other than office space within the contemplation of section 408(b)(2) of ERISA) from a contributing employer (or its wholly owned subsidiary) or an employee organization any of whose members' work results in contributions being made to the plan.

Each of these PTEs requires, as part of its conditions, either written agreements, recordkeeping, or both. The Department has combined the information collection provisions of the three PTEs into one ICR because it believes that the public benefits from having the opportunity to collectively review these closely related exemptions and their similar information collections. The Department previously submitted an ICR to OMB for approval of the information collections in PTEs 76–1, 77–10, and 78–6 and received OMB approval under OMB Control No. 1210–0058. The current approval is scheduled to expire on February 29, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: HIPAA Notice of Enrollment Rights.

Type of Review: Extension of a currently approved information collection.

OMB Number: 1210–0101.

Affected Public: Businesses or other for-profits, not-for-profit institutions.

Respondents: 2,283,712.

Responses: 3,636,426.

Estimated Total Burden Hours: 1.

Estimated Total Burden Cost (Operating and Maintenance): $65,000.

Description: Subsection (c) of 29 CFR 2590.701–6 requires group health plans to provide a notice describing the plan's special enrollment rules to each employee who is offered an initial opportunity to enroll in the group health plan. The special enrollment rules described in the notice of special enrollment generally provide enrollment rights to employees and their dependents in specified circumstances occurring after the employee or dependent initially declines to enroll in the plan. EBSA previously submitted an ICR concerning the notice of special enrollment to OMB for review under the PRA and received approval under OMB Control No. 1210–0101. The current ICR approval is scheduled to expire on February 29, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Annual Report for Multiple Employer Welfare Arrangements (Form M–1).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0116.

Affected Public: Businesses or other for-profits, not-for-profit institutions.

Respondents: 484.

Responses: 484.

Estimated Total Burden Hours: 130.

Estimated Total Burden Cost (Operating and Maintenance): $91,996.

Description: The Health Insurance Portability and Accountability Act of 1996 (HIPAA), codified as Part 7 of Title I of the Employee Retirement Security Act of 1974 (ERISA), was enacted to improve the portability and continuity of health care coverage for participants and beneficiaries of group health plans. In the interest of assuring compliance with Part 7, section 101(g) of ERISA, added by HIPAA, further permits the Secretary of Labor (the Secretary) to require multiple employer welfare arrangements (MEWAs), as defined in

section 3(40) of ERISA, to report to the Secretary in such form and manner as the Secretary might determine. The Department published a final rule providing for such reporting on an annual basis, together with a form (Form M–1) to be used by MEWAs for the annual report. The reporting requirement enables the Secretary to determine whether the requirements of Part 7 of ERISA are being carried out.

The Patient Protection and Affordable Care Act (Pub. L. 111–148, 124 Stat. 119) and the Health Care and Education Reconciliation Act of 2010 (Pub. L.111–152, 124 Stat. 1029) (these are collectively known as the ''Affordable Care Act'') amended section 101(g) of ERISA. Under this amendment, MEWAs providing benefits consisting of medical care (within the meaning of section 733(a)(2) of ERISA, 29 U.S.C. 1191b(a)(2)), which are not group health plans must now register with the Secretary prior to operating in a State.

EBSA previously submitted an ICR for the information collection in Form M–1 to OMB for review under the PRA and received approval under OMB control number 1210–0116. This current approval is scheduled to expire on February 29, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: MEWA ALJ Administrative Hearing Procedures.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0148.

Affected Public: Businesses or other for-profits.

Respondents: 10.

Responses: 10.

Estimated Total Burden Hours: 20.

Estimated Total Burden Cost (Operating and Maintenance): $548,900.

Description: Congress enacted section 6605 of the Affordable Care Act, Public Law 111–148, 124 Stat. 119, 780 (2010), which adds section 521 to ERISA, to give the Secretary additional enforcement authority to protect plan participants, beneficiaries, employees or employee organizations, or other members of the public against fraudulent, abusive, or financially hazardous Multiple Employer Welfare Arrangements (MEWAs). This section authorizes the Secretary to issue ex parte cease and desist orders when it appears to the Secretary that the alleged conduct of a MEWA is ''fraudulent, or creates an immediate danger to the public safety or welfare, or is causing or can be reasonably expected to cause significant, imminent, and irreparable public injury.'' 29 U.S.C. 1151(a). A person that is adversely affected by the issuance of a cease and desist order may request an administrative hearing regarding the order. This request for an administrative hearing is an information collection under the Paperwork Reduction Act.

The Department previously submitted this information collection to OMB in an ICR that was approved under OMB Control Number 1210–0148. The current approval is scheduled to expire on February 29, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: National Medical Support Notice—Part B.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0113.

Affected Public: Businesses or other for-profits.

Respondents: 492,000.

Responses: 12,400,000.

Estimated Total Burden Hours: 1,000,000.

Estimated Total Burden Cost (Operating and Maintenance): $6,800,000.

Description: Section 609(a) of ERISA, requires each group health plan, as defined in ERISA section 607(1), to provide benefits in accordance with the applicable requirements of any ''qualified medical child support order'' (QMCSO). A QMCSO is, generally, an order issued by a state court or other competent state authority that requires a group health plan to provide group health coverage to a child or children of an employee eligible for coverage under the plan. In accordance with Congressional directives contained in the Child Support Performance and Incentive Act of 1998 (CSPIA), EBSA and the Federal Office of Child Support Enforcement (OCSE) in the Department of Health and Human Services (HHS) cooperated in the development of regulations to create a National Medical Support Notice (NMSN or Notice). The Notice simplifies the issuance and processing of qualified medical child support orders issued by state child support enforcement agencies, provides for standardized communication between state agencies, employers, and plan administrators, and creates a uniform and streamlined process for enforcement of medical child support obligations ordered by state child support enforcement agencies. The NMSN comprises two parts: Part A was promulgated by HHS and pertains to state child support enforcement agencies and employers; Part B was promulgated by the Department and pertains to plan administrators pursuant to ERISA. This solicitation of public comment relates only to Part B of the NMSN, which was promulgated by the Department. In connection with promulgation of Part B of the NMSN, the Department submitted an ICR to OMB for review, and OMB approved the information collections contained in Part B under OMB control number 1210–0113. OMB's current approval of this ICR is scheduled to expire on March 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Securities Lending by Employee Benefit Plans (PTE 2006–16).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0065.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 85.

Responses: 850.

Estimated Total Burden Hours: 163.

Estimated Total Burden Cost (Operating and Maintenance): $4,943.

Description: This ICR covers information collections contained in PTE 2006–16. In 1981 and 1982, the Department issued two related prohibited transaction class exemptions, PTE 81–6 and PTE 82–63, that permit employee benefit plans to lend securities owned by the plans as investments to banks and broker-dealers and to make compensation arrangements for lending services provided by a plan fiduciary in connection with securities loans. In 2006, the Department promulgated PTE 2006–16, which combines and amends the exemptions previously provided under PTE 81–6 and PTE 82–63. The new exemption expands the categories of exempted transactions to include securities lending to foreign banks and broker-dealers that are domiciled in specified countries and to allow the use of additional forms of collateral, all subject to specified conditions.

Among other conditions, the class exemption requires a bank or broker-dealer that borrows securities from a plan to provide the plan with its most recent audited financial statement. The borrower must also affirm, when the loan is negotiated, that there has been no material adverse change in its financial condition since the previously audited statement.

The exemption also requires the agreements regarding the securities loan transaction or transactions and the compensation arrangement for the lending fiduciary to be contained in written documents. Individual agreements are not required for each transaction; rather the compensation agreement may be made in the form of

a master agreement covering a series of transactions. The ICRs contained in PTE 2006–16 were approved by OMB under OMB Control No. 1210–0065, which currently is scheduled to expire on May 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Employee Retirement Income Security Act of 1974 Investment Manager Electronic Registration.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0125.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 15.

Responses: 15.

Estimated Total Burden Hours: 18.

Estimated Total Burden Cost (Operating and Maintenance): $1,040.

Description: Section 3(38)(B) of ERISA imposes certain registration requirements on an investment adviser that wishes to be considered an investment manager under ERISA. In 1997, section 3(38) was amended to permit advisers to satisfy the registration requirements by registering electronically with the Investment Adviser Registration Depository (IARD) established and maintained by the Securities Exchange Commission (SEC). The Department promulgated a final regulation (69 FR 52120, Aug. 24, 2004) to implement the statutory change. The final regulation is codified at 29 CFR 2510.3–38. EBSA submitted an ICR requesting OMB approval of the information collection contained in 29 CFR 2510.3–38, and OMB approved the information collection under OMB control number 1210–0125. The current approval is scheduled to expire on May 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Access to Multiemployer Plan Information.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0131.

Affected Public: Not-for-profit institutions, Businesses or other for-profits.

Respondents: 2,826.

Responses: 445,000.

Estimated Total Burden Hours: 32,800.

Estimated Total Burden Cost (Operating and Maintenance): $526,000.

Description: Section 101(k) of ERISA, as amended by the Pension Protection Act of 2006 requires the administrator of a multiemployer plan to provide copies of certain actuarial and financial documents about the plan to participants, beneficiaries, employee representatives and contributing employers upon request. The rule affects plan administrators, participants and beneficiaries and contributing employers of multiemployer plans. The Department previously submitted an ICR to OMB for approval of this information collection and received OMB approval under OMB Control No. 1210–0131. The current approval is scheduled to expire on May 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Summary Plan Description Requirements Under the Employee Retirement Income Security Act of 1974, as Amended.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0039.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 2,984,011.

Responses: 106,376,000.

Estimated Total Burden Hours: 260,000.

Estimated Total Burden Cost (Operating and Maintenance): $295,771,000.

Description: Section 104(b) of ERISA requires the administrator of an employee benefit plan to furnish plan participants and certain beneficiaries with a Summary Plan Description (SPD) that describes, in language understandable to an average plan participant, the benefits, rights, and obligations of participants in the plan. The information required to be contained in the SPD is set forth in section 102(b) of ERISA. To the extent there is a material modification in the terms of the plan or a change in the required content of the SPD, section 104(b)(1) of ERISA requires the plan administrator to furnish participants and specified beneficiaries with a summary of material modifications (SMM) or summary of material reductions (SMR). The Department has issued regulations providing guidance on compliance with the requirements to furnish SPDs, SMMs, and SMRs. These regulations, which are codified at 29 CFR 2520.102–2, 102–3, and 29 CFR 104b–2 and 104b–3, contain information collections for which the Department has obtained OMB approval under OMB Control No. 1210–0039. The current approval is scheduled to expire on June 30, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Employee Benefit Plan Claims Procedure Under the Employee Retirement Income Security Act.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0053.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 5,770,307.

Responses: 333,612,550.

Estimated Total Burden Hours: 523,000.

Estimated Total Burden Cost (Operating and Maintenance): $568,700,000.

Description: Section 503 of ERISA requires each employee benefit plan to provide, pursuant to regulations promulgated by the Secretary of Labor, notice in writing to any participant or beneficiary whose claim for benefits under the plan has been denied. The notice must set forth the specific reasons for the denial and must be written in a manner calculated to be understood by the claimant. Plans must also give a participant or beneficiary whose claim has been denied a reasonable opportunity to obtain a full and fair review of any benefit claim denial by the appropriate named fiduciary.

The Department issued a regulation pertaining to benefit claims procedures in 1977 and amended that regulation in a Notice of Final Rulemaking (NFRM) published on November 21, 2000 (65 FR 70246). The regulation pertaining to benefit claims procedures is codified at 29 CFR 2560.503–1. The regulation requires plans to establish reasonable claims procedures that meet specified standards governing the timing and content of notices and disclosures. EBSA submitted an ICR for the information collections in 29 CFR 2560.503–1 to OMB for review and clearance in connection with publication of the NFRM, and OMB approved the information collections under OMB control number 1210–0053. That current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: PTE 80–83—Sale of Securities To Reduce Indebtedness of Party in Interest.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0064.

Affected Public: Businesses or other for-profits.

Respondents: 25.

Responses: 25.

Estimated Total Burden Hours: 15.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: PTE 80–83 provides an exemption from certain prohibited

transaction provisions of ERISA and from certain taxes imposed by the Internal Revenue Code of 1986 (Code) for transactions in which an employee benefit plan purchases securities when the proceeds from such purchase may be used to reduce or retire a debt owed by a party in interest with respect to such plan, provided that specified conditions are met. Among other conditions, PTE 80–83 requires that adequate records pertaining to an exempted transaction be maintained for six years. The Department has received approval from OMB for this ICR under OMB Control No. 1210–0064. The current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 75–1, Security Transactions With Broker-Dealers, Reporting Dealers, and Banks.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0092.

Affected Public: Businesses or other for-profits.

Respondents: 7,492.

Responses: 7,492.

Estimated Total Burden Hours: 1,249.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: PTE 75–1 provides exemptions from certain prohibited transaction provisions of ERISA, and the Code for specified types of transactions between employee benefit plans and broker-dealers, reporting dealers and banks relating to securities purchases and sales, provided specified conditions are met. The exempted transactions include an employee benefit plan's purchase of securities from broker-dealers' inventories of stocks, from underwriting syndicates in which a plan fiduciary is a member, from banks, from reporting dealers, and from a market-maker even if a market-maker is a plan fiduciary. The exempted transactions also include, under certain conditions, a plan's accepting an extension of credit from a broker-dealer for the purpose of facilitating settlement of a securities transaction. Among other conditions, PTE 75–1 requires that a party seeking to rely on the exemption with respect to a transaction maintain adequate records of the transaction for a period of six years. The Department has obtained approval from the OMB for this information collection under OMB Control No. 1210–0092. The current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 88–59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0095.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 2,187.

Responses: 10,936.

Estimated Total Burden Hours: 911.

Estimated Total Burden Cost (Operating and Maintenance): $0.

Description: PTE 88–59 provides an exemption from certain prohibited transaction provisions of ERISA and from certain taxes imposed by the Code for transactions in which an employee benefit plan provides mortgage financing to purchasers of residential dwelling units, provided specified conditions are met. Among other conditions, PTE 88–59 requires that adequate records pertaining to exempted transactions be maintained for the duration of the pertinent loan. This recordkeeping requirement constitutes an information collection within the meaning of the PRA, for which the Department has obtained approval from the Office of Management and Budget (OMB) under OMB Control No. 1210–0095. The OMB approval is currently scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Petition for Finding Under Employee Retirement Income Security Act Section 3(40).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0119.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 10.

Responses: 10.

Estimated Total Burden Hours: 50.

Estimated Total Burden Cost (Operating and Maintenance): $38,454.

Description: Rules codified beginning at 29 CFR 2570.150 set forth an administrative procedure (''procedural rules'') for obtaining a determination by the Department as to whether a particular employee benefit plan is established or maintained under or pursuant to one or more collective bargaining agreements for purposes of section 3(40) of ERISA. These procedural rules concern specific criteria set forth in 29 CFR 2510.3–40 (''criteria rules''), which, if met, constitute a finding by the Department that a plan is collectively bargained. Plans that meet the requirements of the criteria rules are not subject to state law. Among other requirements, the procedural rules require submission of a petition and affidavits by parties seeking a finding. The Department has obtained approval from OMB, under OMB Control No. 1210–0119, for the information collections contained in its rules for a finding under section 3(40). The current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers under Prohibited Transaction Exemption 84–14.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0128.

Affected Public: Businesses or other for-profits.

Respondents: 5,100.

Responses: 5,151.

Estimated Total Burden Hours: 122,438.

Estimated Total Burden Cost (Operating and Maintenance): $51,000,000.

Description: PTE 84–14, a class exemption that permits various parties that are related to employee benefit plans to engage in transactions involving plan assets if, among other conditions, the assets are managed by ''qualified professional asset managers'' (QPAMs) that are independent of the parties in interest and which meet specified financial standards. The exemption provides additional exemptive relief for employers to furnish limited amounts of goods and services to a managed fund in the ordinary course of business. Limited relief also is provided for leases of office or commercial space between managed funds and QPAMs or contributing employers. Finally, relief is provided for transactions involving places of public accommodation owned by a managed fund. QPAMs are permitted to manage an investment fund containing the assets of the QPAM's own plan or an affiliate's plan.

The Department has obtained approval for the information collections from OMB under OMB Control No. 1210–0128. The current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Statutory Exemption for Cross-Trading of Securities.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0130.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 315.

Responses: 2,834.

Estimated Total Burden Hours: 3,290.

Estimated Total Burden Cost (Operating and Maintenance): $14,000.

Description: The Interim Final Rule on Statutory Exemption for Cross-Trading of Securities implements the content requirements for the written cross-trading policies and procedures required under section 408(b)(19)(H) of ERISA, as added by section 611(g) of the Pension Protection Act of 2006, Public Law 109–280 (PPA). Section 611(g)(1) of the PPA created a new statutory exemption, added to section 408(b) of ERISA as subsection 408(b)(19), that exempts from the prohibitions of sections 406(a)(1)(A) and 406(b)(2) of ERISA those cross-trading transactions involving the purchase and sale of a security between an account holding assets of a pension plan and any other account managed by the same investment manager, provided that certain conditions are satisfied. Section 611(g)(3) of the PPA further directed the Secretary to issue regulations, within 180 days after enactment, regarding the content of the policies and procedures to be adopted by an investment manager to satisfy the conditions of the new statutory exemption.

The Department issued a final cross-trading regulation on October 7, 2008. The recordkeeping requirement in the regulation constitutes an information collection within the meaning of the PRA, for which the Department has obtained approval from OMB under OMB Control No. 1210–0130. The current approval is scheduled to expire on July 31, 2016.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Plan Asset Transactions Determined by In-House Asset Managers under Prohibited Transaction Class Exemption 96–23.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0145.

Affected Public: Businesses or other for-profits.

Respondents: 40.

Responses: 20.

Estimated Total Burden Hours: 940.

Estimated Total Burden Cost (Operating and Maintenance): $400,000.

Description: PTE 96–23, a class exemption, permits various transactions involving employee benefit plans whose assets are managed by in-house asset managers (INHAMs), provided the conditions of the exemption are met. The Department submitted the ICR included in the Proposed Amendment to PTE 96–23 for Plan Asset Transactions Determined by In-House Asset Managers to OMB for review and clearance at the time the Notice of the proposed exemption was published in the **Federal Register** (June 14, 2010, 75 FR 33642). OMB most recently approved the amendment under OMB control number 1210–0145, on July 26, 2013. The current approval will expire on July 31, 2016.

II. Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are 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 collections of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICRs for OMB approval of the extension of the information collection; they will also become a matter of public record.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 2015–29746 Filed 11–20–15; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15–110)]

NASA Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Monday, December 14, 2015, 3:30 p.m. to 3:45 p.m., Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Hamilton, Aerospace Safety Advisory Panel Interim Executive Director, NASA Headquarters, Washington, DC 20546, (202) 358–1857, or email at *carol.j.hamilton@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold a brief meeting via teleconference. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Discussion on possible ASAP Recommendation(s) for the 2015 ASAP Annual Report.

This meeting is open to the public telephonically. Any interested person may call the USA toll free conference call number (800) 857–5746; passcode 4124668. Attendees will be required to give their name and affiliation at the beginning of the teleconference. Note: please ''mute'' your telephone. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015–29767 Filed 11–20–15; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on December 1, 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:

Tuesday, December 1, 2015—8:30 a.m. Until 5:00 p.m.

The Subcommittee will hold a meeting to discuss if a potential societal

safety goal needs to be revisited after the Fukushima Dai-ichi accident. The Subcommittee will hear presentations by and hold discussions with all 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), John Lai (Telephone 301–415–5197 or Email: *John.Lai@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 21, 2015 (80 FR 63846).

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, Maryland. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: November 13, 2015.

Michael Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–29773 Filed 11–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on December 2, 2015, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, December 2, 2015—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. 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), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that 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 21, 2015 (80 FR 63846).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained 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 the DFO 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 (240–888–9835) to be escorted to the meeting room.

Dated: November 13, 2015.

Michael Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–29774 Filed 11–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0203]

Ultimate Heat Sink for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory Guide Issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 to Regulatory Guide (RG) 1.27, ''Ultimate Heat Sink for Nuclear Power Plants.'' This RG describes methods and procedures acceptable to the NRC staff that nuclear power plant facility licensees and applicants may use to implement general design criteria (GDC) that are applicable to the ultimate heat sink (UHS) features of plant systems.

DATES: Revision 3 to RG 1.27 is available on November 23, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0203 when contacting the NRC about the availability of information regarding this document. You may obtain pubically-available information related to this document using the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0203. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 3 to Regulatory Guide 1.27 and the regulatory analysis are available in ADAMS under Accession Nos. ML14107A411 and ML14107A409, respectively.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Bruce Lin, telephone: 301–415–2446, email: *Bruce.Lin@nrc.gov;* and Steve Burton, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 3 to RG 1.27 was issued with a temporary identification of Draft Regulatory Guide, DG–1275. Regulatory Guide 1.27 addresses revisions in regulations and lessons learned from operating experience since the guide was last revised in January 1976, including system design considerations, natural phenomena and site hazards design criteria, and periodic inspection and maintenance considerations. This revised guide contains information applicable to both current operating plants and new plants being licensed under both parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

II. Additional Information

The DG–1275 was published in the **Federal Register** on September 9, 2013 (78 FR 55117), for a 60-day public comment period. The public comment period closed on November 8, 2013. Public comments on DG–1275 and the NRC staff responses to the public comments are available in ADAMS under Accession No. ML14107A410.

III. Congressional Review Act

This regulatory guide is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Regulatory Guide 1.27 provides guidance on one possible means for meeting the NRC's regulatory requirements of the GDC in appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR part 50, which are applicable to the ultimate heat sink features of nuclear power plant systems. This regulatory guide does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' The NRC's position is based upon the following considerations.

Regulatory Guide 1.27 may be applied to current applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52, with certain exclusions discussed below, were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever a combined license applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC does not, at this time, intend to impose the positions represented in RG 1.27 on combined license applicants in a manner that is inconsistent with any issue finality provisions. If, in the future, the NRC seeks to impose a position in RG 1.27 in a manner which does not provide issue finality as described in the applicable issue finality provision, then the NRC must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Existing 10 CFR part 50 construction permit holders and 10 CFR part 50 operating license holders would not be required to comply with the positions set forth in RG 1.27, unless the construction permit or operating license holder makes a voluntary change to its licensing basis with respect to the UHS features of plant systems and the NRC determines that the safety review must include consideration of the UHS features of plant systems.

Existing design certification rules would not be required to be amended to comply with the positions set forth in RG 1.27, unless the NRC addresses the issue finality provisions in 10 CFR 52.63(a).

Existing combined license holders (referencing the AP1000 design certification rule in 10 CFR part 52, appendix D), would not be required to comply with the positions set forth in RG 1.27, unless the NRC addresses the issue finality provisions in 10 CFR 52.63(a).

Further information on the NRC staff's use of the regulatory guidance is contained in Section D., ''Implementation,'' of RG 1.27.

Dated at Rockville, Maryland, this 17th day of November 2015.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2015–29691 Filed 11–20–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of The ACRS Subcommittee on Power Uprates; Notice of Meeting

The ACRS Subcommittee on Power Uprates will hold a meeting on December 2, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, December 2, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review the Peach Bottom Maximum Extended Load Line Limit Analysis Plus License Amendment Request and the associated safety evaluation report. The Subcommittee will hear presentations by and hold discussions with Exelon Corporation, 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), Weidong Wang (Telephone 301–415–6279 or Email: *Weidong.Wang@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 21, 2015 (80 FR 63846).

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 13, 2015.

Michael Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–29775 Filed 11–20–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–15 and CP2016–20; Order No. 2823]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Global Expedited Package Services 5 Contracts to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 24, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Global Expedited Package Services 5 Contracts to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.,* Attachment 4.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers. Request at 2.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–15 and CP2016–20 to consider the Request pertaining to the proposed Global Expedited Package Services 5 Contracts product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than November 24, 2015. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–15 and CP2016–20 for consideration of the matters raised by the Postal Service's Request.
2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceeding (Public Representative).
3. Comments are due no later than November 24, 2015.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

Commissioner Goldway, abstaining.

[FR Doc. 2015–29724 Filed 11–20–15; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data

[1] Request of the United States Postal Service to Add Global Expedited Package Services 5 Contracts to the Competitive Products List, and Notice of Filing (Under Seal) of Contract and Application for Non-Public Treatment of Materials Filed Under Seal, November 16, 2015 (Request).

collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Request for Medicare Payment; OMB 3220–0131 Under Section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. The collection obtains the information needed by Palmetto GBA, the Medicare carrier for railroad retirement beneficiaries, to pay claims for payments under Part B of the Medicare program. Authority for collecting the information is prescribed in 42 CFR 424.32.

The RRB currently utilizes Forms G–740S, Patient's Request for Medicare Payment, along with Centers for Medicare & Medicaid Services Form CMS–1500, to secure the information necessary to pay Part B Medicare Claims. One response is completed for each claim. Completion is required to obtain a benefit. The RRB proposes no changes to Form G–740S.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form number	Annual responses	Time (minutes)	Burden (hours)
G–740S	100	15	25

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.* Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or emailed to *Charles.Mierzwa@RRB.GOV.* Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2015–29838 Filed 11–20–15; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76453; File No. SR–EDGX–2015–56]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees

November 17, 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 November 9, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to EDGX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a fee schedule which would be applicable to the Exchange's options platform (''EDGX Options''). Specifically, the fee schedule would establish select fees applicable to Members trading options on and using services provided by EDGX Options. The Exchange proposes to implement these amendments to its fee schedule immediately.[6]

Definitions

The Exchange proposes to include general defined terms in its fee schedule. The proposed definitions are designed to provide greater transparency with regard to how the Exchange assesses fees and are based on and nearly identical to those currently provided for in the fee schedule for the equity options platform operated by BATS Exchange, Inc. (''BZX Options'').[7] Each of these definitions are as follows:

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] The Exchange initially filed the proposed fees on October 30, 2015 (SR–EDGX–2015–54). On November 9, 2015, the Exchange withdrew that filing and submitted this filing.

[7] The Exchange notes that although there is no substantive difference between the definitions, instead of ''Away Market Maker'', which is the proposed term for EDGX Options, BZX Options uses the term ''Non-BATS Market Maker.''

• *Per Contract.* All references to ''per contract'' within the fee schedule are to mean ''per contract executed''.

• *Broker Dealer.* Applies to any order for the account of a broker dealer, including a foreign broker dealer, that clears in the Customer range at the Options Clearing Corporation (''OCC'').

• *Customer.* Applies to any transaction identified by a Member for clearing in the Customer range at the OCC, excluding any transaction for a Broker Dealer or a ''Professional'' as defined in Exchange Rule 16.1.

• *Firm.* Applies to any transaction identified by a Member for clearing in the Firm range at the OCC, excluding any Joint Back Office transaction.

• *Joint Back Office.* Applies to any transaction identified by a Member for clearing in the Firm range at the OCC that is identified with an origin code as Joint Back Office. A Joint Back Office participant is a Member that maintains a Joint Back Office arrangement with a clearing broker-dealer.

• *Market Maker.* Applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37).

• *Non-Customer.* Applies to any transaction that is not a Customer order.

• *Away Market Maker.* Applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is not registered with the Exchange as a Market Maker, but is registered as a market maker on another options exchange.

• *Professional.* Applies to any transaction identified by a Member as such pursuant to Exchange Rule 16.1.

• *Penny Pilot Securities.* Are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01.[8]

Standard Transaction Fees

The Exchange proposes to implement a fee structure under which standard rates are applied, the amount of which depend on whether the order is for a Customer, Non-Customer, or Market Maker as well as the capacity of the order with which such order trades. The standard rates and applicable fee codes described below would apply unless a Member's transaction is assigned a fee code other than a standard fee code. A fee code other than a standard fee code would only be applied to a Member's transaction that is routed to and executed on another options exchange or where it is to participate in the EDGX Options opening process under Exchange Rule 21.7. Like on BZX Options, an order that participates in the EDGX Options opening process would yield fee code OO and would not be charged a fee nor receive any rebate.[9]

Initially, the Exchange does not propose to implement a tiered pricing structure under which it would provide enhanced rebates or reduced fees based on the Member's monthly trading activity. Nor does the Exchange propose to implement ''maker-taker'' pricing (*i.e.,* providing a rebate to the side of the transaction that added liquidity and a fee to the side of the transaction that removed liquidity).

Customer vs. Customer. Neither side of a transaction will be charged a fee where both sides trade in a Customer capacity. Such Customer orders would yield either fee code PA or NA where they add liquidity and PR or NR where they remove liquidity, depending on whether the order is in a Penny Pilot Security or not.

Customer vs. Non-Customer. An order that trades in a Customer capacity will receive a rebate of $0.21 per contract where it executes against a contra-side order that trades in a Non-Customer capacity. Such Customer orders would yield either fee code PY or NY where they add liquidity and PC or NC where they remove liquidity, depending on whether the order is in a Penny Pilot Security or not.

Market Maker vs. Customer. An order that trades in a Market Maker capacity will be charged a fee of $0.21 per contract where it executes against a contra-side order that trades in a Customer capacity. Such Market Maker orders would yield either fee code PM or NM where they add liquidity and PP or NP where they remove liquidity, depending on whether the order is in a Penny Pilot Security or not.

Non-Customer (other than Market Maker) vs. Customer. For Penny Pilot Securities, an order that trades in a Non-Customer capacity, other than a Market Maker, will be charged a fee of $0.46 per contract where it executes against a contra-side order that trades in a Customer capacity. Such Non-Customer orders in Penny Pilot Securities would yield fee code PO where they add liquidity and PQ where they remove liquidity. Such Non-Customer orders in Non-Penny Pilot Securities would be charged a fee of $0.86 per contract and yield fee code NO where they add liquidity and NQ where they remove liquidity.

Non-Customer vs. Non-Customer. Neither side of a transaction will be charged a fee where both sides trade in a Non-Customer capacity. Such Non-Customer orders would yield either fee code PF or NF where they add liquidity and PN or NN where they remove liquidity, depending on whether the order is in a Penny Pilot Security or not.

Routing Fees

The Exchange proposes to adopt rates for routed orders that approximate the cost of routing to other options exchanges based on the cost of transaction fees assessed by each venue as well as costs to the Exchange for routing (*i.e.,* clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, ''Routing Costs''). The Exchange intends to monitor the fees charged as compared to the costs of its routing services and adjust its routing fees to ensure that the Exchange's fees do indeed result in a rough approximation of overall Routing Costs, and are not significantly higher or lower in any area. The proposed rates are based on the rates charged by the Exchange's affiliate, BZX Options, for routing services.

Marketing Fees

The Exchange will assess a marketing fee to all Market Makers for contracts they execute in their assigned classes when the contra-party to the execution is a Customer. The marketing fee is charged only in a Market Maker's assigned classes because it is in these classes that the Market Maker has the general obligation to attract order flow to the Exchange. Each Primary Market Maker (''PMM'')[10] and Directed Market Maker (''DMM'')[11] will have a marketing fee pool into which the Exchange will deposit the applicable per-contract marketing fee. For orders directed to DMMs, the applicable marketing fees are allocated to the DMM pool. For non-directed orders, the applicable marketing fees are allocated to the PMM pool. All Market Makers that participated in such transaction will pay the applicable marketing fees to the Exchange, which will allocate such funds to the Market Maker that controls the distribution of the marketing fee pool. Each month the Market Maker will provide instruction to the Exchange

[8] Exchange Rule 21.5, Interpretation and Policy .01 states that the Exchange will operate a pilot program set to expire on June 30, 2016 to permit options classes to be quoted and traded in increments as low as $.01. A list of option classes included in the pilot program is available on the Exchange's Web site.

[9] *See* the BZX Options fee schedule *available at http://www.batsoptions.com/support/fee_schedule/bzx/.*

[10] *See* Exchange Rule 21.8(g).

[11] *See* Exchange Rule 21.8(f).

describing how the Exchange is to distribute the marketing fees in the pool to the order flow provider, who submit as agent, Customer orders to the Exchange.

Undisbursed marketing fees will be reimbursed to the Market Makers that contributed to the pool based upon their pro-rata portion of the entire amount of marketing fee collected. In order to provide PMMs and DMMs flexibility in the timing of their disbursements to Electronic Exchange Members, PMMs and DMMs may choose to disburse the Market Fees collected in one month over a three month period. Reimbursement of undisbursed Marketing Fees will take this into consideration.

The amount of the Marketing Fee would depend upon whether the affected option class is a Penny Pilot Security. A Marketing Fee of $0.25 per contract will be assessed to Market Makers for transactions in Penny Pilot Securities. A Marketing Fee of $0.65 per contract will be assessed to Market Makers for transactions in Non-Penny Pilot Securities. A list of option classes included in the Penny Pilot Program is available on the Exchange's Web site. The Exchange's marketing fees are the same as Miami International Securities Exchange, Inc. (''MIAX''), Chicago Board Options Exchange, Inc. (''CBOE''), International Securities Exchange, Inc. (''ISE''), the NYSE MKT LLC (''NYSE MKT''), and the Nasdaq OMX PHLX LLC (''PHLX'') for transactions in option classes that are Penny Pilot Securities. For option classes that are Non-Penny Pilot Securities, the Exchange's Marketing Fees is less than MIAX and PHLX ($0.70 each respectively) and equal to CBOE, ISE and the NYSE MKT ($0.65 each respectively).

Port Fees

The Exchange proposes to: (i) offer logical ports free of charge; and (ii) adopt fees for physical connectivity.

Logical Ports. The Exchange proposes to provide logical ports (including Multicast PITCH Spin Server and GRP ports), as well as ports with bulk quoting capabilities, free of charge. A logical port represents a port established by the Exchange within the Exchange's system for trading and billing purposes. Each logical port established is specific to a Member or non-Member and grants that Member or non-Member the ability to operate a specific application, such as FIX order entry or PITCH data receipt. The Exchange's Multicast PITCH data feed [12] is available from two primary feeds, identified as the ''A feed'' and the ''C feed'', which contain the same information but differ only in the way such feeds are received. The Exchange also offers two redundant feeds, identified as the ''B feed'' and the ''D feed.'' The Exchange also offers a bulk-quoting interface which allows Users [13] of EDGX Options to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting. The bulk-quoting application would allow Users to provide quotations in many different options.

Physical Connectivity. The Exchange does, however, propose to adopt fees for physical connectivity. A physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange proposes to assess the following physical connectivity fees for Members and non-Members on a monthly basis: $2,000 per physical port that connects to the System via 1 gigabyte circuit; and $4,000 per physical port that connects to the System via 10 gigabyte circuit. The Exchange will pass-through in full any fees or costs in excess of $1,000 incurred by the Exchange to complete a cross-connect. These proposed fees are identical to those currently provided for in the fee schedule applicable to the Exchange's equities trading platform (''EDGX Equities'') and those of its affiliates, BATS Exchange, Inc. (''BZX'') (including BZX Options), EDGA Exchange, Inc. (''EDGA''), and BATS Y-Exchange, Inc. (''BYX'').[14]

Market Data Definitions and Product

The Exchange proposes to include in its fee schedule the following defined terms that relate to the Exchange's market data fees. The proposed definitions are designed to provide greater transparency with regard to how the Exchange provides for market data. The Exchange notes that none of the proposed definitions are designed to adopt any fee. Instead, the Exchange is adopting definitions to avoid confusion for Members and non-Members who are familiar with market data fees on other exchanges, including the Exchange's affiliates. Each of these definitions are identical to those currently provided for in the Exchange's equities fee schedule and those of its affiliates.[15]

First, a ''Distributor'' of an Exchange Market Data product would be defined as any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party. An ''Internal Distributor'' of an Exchange Market Data product would be defined as a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. Meanwhile, an ''External Distributor'' of an Exchange Market Data product would be defined as a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.

A ''User'' of an Exchange Market Data product would be defined as a natural person, a proprietorship, corporation, partnership, or entity, or device (computer or other automated service), that is entitled to receive Exchange data. A ''Non-Professional User'' of an Exchange Market Data product would be defined as a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt. Lastly, a ''Professional User'' of an Exchange Market Data product would be defined as any User other than a Non-Professional User.

The Exchange will offer a market data product called Multicast PITCH.[16] Multicast PITCH is an uncompressed data feed that offers depth of book quotations and execution information based on options orders entered into the System. The Exchange proposes to offer the Multicast PITCH feed free of charge.

[12] *See* Exchange Rule 21.15(b)(1).

[13] A User on EDGX Options is either a member of EDGX Options or a sponsored participant who is authorized to obtain access to the Exchange's system pursuant to Exchange Rule 11.3.

[14] *See* fee schedules for EDGX Equities, BZX, BZX Options, EDGA, and BYX.

[15] *Id.*

[16] *See* Exchange Rule 21.15(b)(1).

BATS Connect

In December 2014, the Exchange filed a proposed rule change with the Commission to adopt a communication and routing service now known as BATS Connect.[17] The Exchange now proposes to adopt fees related to the use of BATS Connect that are equal to the fees charged for an identical service, also called BATS Connect, offered by the Exchange's affiliates. The Exchange notes that BATS Connect is offered by all of the Exchange's affiliated exchanges. The Exchange believes that the fees should also be appropriately set forth on the fee schedule of EDGX Options because BATS Connect will be offered to all Exchange Members, including Members that participate primarily or exclusively on EDGX Options.

BATS Connect is offered by the Exchange on a voluntary basis in a capacity similar to a vendor. In sum, BATS Connect is a communication service that provides subscribers an additional means to receive market data from and route orders to any destination connected to the Exchange's network. BATS Connect does not provide any advantage to subscribers for connecting to the Exchange's affiliates as compared to other methods of connectivity available to subscribers. The servers of the subscriber need not be located in the same facilities as the Exchange in order to subscribe to BATS Connect. Subscribers may also seek to utilize BATS Connect in the event of a market disruption where other alternative connection methods become unavailable.

The Exchange will charge a monthly connectivity fee to subscribers utilizing BATS Connect to route orders to other exchanges and broker-dealers that are connected to the Exchange's network. The amount of the connectivity fee varies based solely on the bandwidth selected by the subscriber. Specifically, the Exchange proposes to charge $350 for 1 Mb, $700 for 5 Mb, $950 for 10 Mb, $1,500 for 25 Mb, $2,500 for 50 Mb, and $3,500 for 100 Mb.

BATS Connect allows subscribers to receive market data feeds from the exchanges connected to the Exchange's network. In such case, the subscriber would pay the Exchange a connectivity fee, which varies and is based solely on the amount of bandwidth required to transmit the selected data product to the subscriber. The proposed connectivity fees are set forth in the Exhibit 5 attached hereto and range from no charge to $11,500 based on the market data product the subscriber selects.

The Exchange also proposes to adopt a discounted fee of $4,160 per month for subscribers who purchase connectivity to a bundle of select market data products. The following market data products would be included in the bundle: UQDF/UTDF/OMDF, CQS/CTS, Nasdaq TotalView, Nasdaq BX TotalView, Nasdaq PSX TotalView, NYSE ArcaBook, NYSE MKT OpenBook Ultra, and BBS/TTDS. Absent the discount, a subscriber purchasing connectivity through BATS Connect for each of these market data products would pay a total monthly fee of $5,200. As proposed, a subscriber who purchases connectivity to each of the above market data products would be charged a monthly fee of $4,160, which represents a 20% discount. The subscribers would pay any fees charged by the exchange providing the market data feed directly to that exchange.

The Exchange notes that it will not charge a fee to subscribers utilizing BATS Connect to route orders to or receive market data products from the Exchange's affiliates, EDGA, BZX (including BZX Options), and BYX. BATS Connect provides subscribers a means to access exchanges and market centers on the Exchange's network. In all cases, BATS Connect subscribers would continue to be liable for the necessary fees charged by that exchange or market center, including any required connectivity fees. Market participants who chose a method other than BATS Connect to connect to another exchange or market center would also pay any required connectivity fees directly to that exchange or market center. Likewise, BATS Connect subscribers would be liable for any connectivity fees charged by the Exchange's affiliate.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[18] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[19] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

Standard Rates and Routing Rates

The Exchange believes its proposed standard rates as well as rates for routed orders are equitable and reasonable. The Exchange will operate in a highly competitive market in which market participants may readily send order flow to any of twelve competing venues if they deem fees at the Exchange to be excessive. Initially, the Exchange does not propose to implement a tiered pricing structure under which it would provide enhanced rebates or reduced fees based on the Member's monthly trading activity. Nor does the Exchange propose to implement ''maker-taker'' pricing. As a new options exchange, the proposed fee structure is intended to attract order flow to the Exchange by offering market participants a competitive and simplified pricing structure.

The Exchange believes it is equitable, reasonable and non-discriminatory to implement a fee structure under which standard rates are applied, the amount of which depend on whether the order is for a Customer, Non-Customer, or Market Maker as well as the capacity of the order with which such order trades. The Exchange believes that application of a simple pricing structure that groups participants together is advantageous to all Members of EDGX Options.

The Exchange believes it is equitable, reasonable and non-discriminatory to charge fees to Non-Customers (including Market Makers) and provide a rebate to Customers when their orders execute against each other. Non-Customer accounts generally engage in increased trading activity as compared to Customer accounts. This level of trading activity draws on a greater amount of Exchange system resources than that of Customers. Simply, the more orders submitted to the Exchange, the more messages sent to and received from the Exchange, and the more Exchange system resources utilized. This level of trading activity by Non-Customer accounts results in greater ongoing operational costs to the Exchange.[20] As such, the Exchange aims to recover its costs by fees to Non-Customers when they execute against a Customer order. Sending orders to and trading on the Exchange are entirely voluntary. Under these circumstances, Exchange transaction fees must be competitive to attract order flow, execute orders, and grow its market. Other options

[17] *See* the EDGX equities fee schedule *available at http://batstrading.com/support/fee_schedule/edgx/. See also* Securities Exchange Act Release Nos. 73780 (December 8, 2014), 79 FR 73942 (December 12, 2014) (SR–EDGX–2014–28); *and* 75150 (June 11, 2015), 80 FR 34772 (June 17, 2015) (SR–EDGX–2015–27).

[18] 15 U.S.C. 78f.

[19] 15 U.S.C. 78f(b)(4).

[20] The Exchange, however, does not propose to assess ongoing fess for EDGX Options market data or fees related to order cancellation.

exchanges also provide for varying rates based on the capacity of the order.[21] As such, the Exchange believes its proposed trading fees are fair and reasonable.

While Non-Customer orders will be assessed transaction fees when executing against Customer orders, as proposed, Non-Customer orders will be charged no fee when executing against other Non-Customer orders. The Exchange believes it is equitable, reasonable and not unfairly discriminatory to charge no fee to a Non-Customer order that interacts with another Non-Customer order. Providing the opportunity for a Non-Customer, including a Market Maker, to be charged no fee in such scenarios is designed to encourage Non-Customers to add liquidity to the Exchange. In turn, increased liquidity attracts should help attract Customer order flow, which is beneficial to all other market participants on the Exchange that seek executions against those Customer orders. As a new entrant into the options marketplace, the Exchange believes such a pricing incentive for Non-Customers is a reasonable means to attract order flow by offering market participants a competitive pricing structure.

The Exchange also believes it is equitable, reasonable and not unfairly discriminatory to charge Market Makers lower fees than Non-Customers who are not Market Makers when executing against a Customer order. The proposed differentiation between Market Makers and other market participants such as Non-Customers recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. Market Makers, unlike other market participants, have obligations to the market and regulatory requirements,[22] which normally do not apply to other market participants. A Market Maker has the obligation to make continuous markets, engage in course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with such course of dealings. On the other hand, Non-Customers and non-Market Makers, do not have such obligations on the Exchange.

Moreover, the Exchange believes it is equitable, reasonable and not unfairly discriminatory to charge no fee or provide a rebate to Customer orders that interacts with another Customer order. The securities markets generally, and the Exchange in particular, have historically aimed to improve markets for investors and develop various features within the market structure for Customer benefit. Like charging no fee to Non-Customer orders that execute against other Non-Customer orders described above, charging no fee or providing a rebate to Customers is designed to encourage Customers to add liquidity to the Exchange. In turn, increased liquidity is beneficial to all other market participants on the Exchange that seek executions against those Customer orders. As such, the Exchange believes the proposed Customer transaction pricing is equitably allocated, reasonable and not unfairly discriminatory.

As explained above, the Exchange's proposal with respect to routing rates is to approximate the cost of routing to other options exchanges, including other applicable costs to the Exchange for routing. The Exchange believes that a pricing model based on approximate Routing Costs is a reasonable, fair and equitable approach to pricing. Specifically, the Exchange believes that its proposal to modify fees is fair, equitable and reasonable because the proposed fees are generally an approximation of the cost to the Exchange for routing orders to such exchanges. As a general matter, the Exchange believes that the proposed fees will allow it to recoup and cover its costs of providing routing services to such exchanges. The Exchange notes that routing through the Exchange is voluntary. The Exchange also believes that the proposed fee structure for orders routed to and executed at these away options exchanges is fair and equitable and not unreasonably discriminatory in that it applies equally to all Members.

The Exchange reiterates that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels to be excessive or providers of routing services if they deem fee levels to be excessive. Finally, the Exchange notes that it will continually evaluate its routing fees, including profit and loss attributable to routing, as applicable, and would consider future adjustments to the proposed pricing structure to the extent it was recouping a significant profit or loss from routing to away options exchanges.

Marketing Fees

The Exchange notes that the U.S. options markets are highly competitive, and the marketing fee is intended to provide an incentive for Market Makers to enter into marketing agreements with Members so that they will provide order flow to the Exchange. The marketing fee is charged only in a Market Maker's assigned classes because it is in these classes that the Market Maker has the general obligation to attract order flow to the Exchange. The Exchange believes that its program of marketing fees, which is similar to marketing fee programs that have previously been implemented on other options exchanges,[23] will enhance the Exchange's competitive position and will result in increased liquidity on the Exchange, thereby providing more of an opportunity for customers to receive best executions. The Exchange believes that its marketing fee is reasonable since the amount of the Exchange's marketing fee is the same as other exchanges for Penny Pilot Securities and less than or equal to other exchanges for Non-Penny Pilot Securities.

Port Fees

The Exchange believes that the proposed logical port and physical connection fees further the objectives of Section 6(b)(4),[24] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its fees for physical connectivity are reasonably constrained by competitive alternatives. If a particular exchange charges excessive fees for connectivity, affected Members and non-Members may opt to terminate their connectivity arrangements with that exchange, and

[21] *See* Nasdaq OMX PHLX LLC (''PHLX'') fee schedule *available at http://nasdaqtrader.com/Micro.aspx?id=PHLXPricing* (charging no fee to customer orders and variable rates non-customer orders). *See also* Nasdaq OMX BX, Inc. fee schedule *available at http://nasdaqtrader.com/Micro.aspx?id=BXOptionsPricing.*

[22] *See* Exchange Rule 21.5, Obligations of Market Makers.

[23] *See e.g.,* Securities Exchange Act Release Nos. 98415 (December 12, 2012), 77 FR 74905 (December 18, 2012) (SR–MIAX–2012–01); 53969 (June 9, 2006), 71 FR 34973 (June 16, 2006) (SR–CBOE–2006–53); 55265 (February 9, 2007), 72 FR 7697 (February 16, 2007) (SR–CBOE–2007–11); 55271 (February 12, 2007), 72 FR 7699 (February 16, 2007) (SR–ISE–2007–08); and 54152 (July 14, 2006), 71 FR 41488 (July 21, 2006). *See also,* Securities Exchange Act Release Nos. 53841 (May 19, 2006), 71 FR 30461 (May 26, 2006) (SR–Phlx–2006–33); 54297 (August 9, 2006), 71 FR 47280 (August 16, 2006) (SR–Phlx–2006–47); 54485 (September 22, 2006), 71 FR 57017 (September 28, 2006) (SR–Phlx–2006–56); 55290 (February 13, 2007), 72 FR 8051 (February 22, 2007) (SR–Phlx–2007–05); and 55473 (March 14, 2007), 72 FR 13338 (March 21, 2007) (SR–Phlx–2007–12).

[24] 15 U.S.C. 78f(b)(4).

adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity. The Exchange believes that the proposed fees are reasonable in that they are identical to those included on the Exchange's equities fee schedule and those of its affiliates.[25]

Finally, the Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members and non-Members. Members and non-Members will continue to choose whether they want more than one physical port and choose the method of connectivity based on their specific needs. All Exchange Members that voluntarily select various service options will be charged the same amount for the same services. As is true of all physical connectivity, all Members and non-Members have the option to select any connectivity option, and there is no differentiation with regard to the fees charged for the service.

Market Data Definitions and Products

The Exchange believes that the proposed definitions are reasonable because they are designed to provide greater transparency to Members and non-Members with regard to how the Exchange provides for market data. The Exchange believes that Members would benefit from clear guidance in its fee schedule that describes the manner in which the Exchange may assess fees if such fees are proposed in the future. These definitions are intended to make the fee schedule clearer and less confusing for Members and non-Members and eliminate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. Lastly, the proposed definitions are identical to those included in the Exchange's equities fee schedule and those of its affiliates.[26]

The Exchange believes that its proposal to provide its Multicast PITCH feed free of charge is consistent with Section 6(b)(4) of the Act [27] because it provides for an equitable allocation of reasonable dues, fees, and other charges among its members and other recipients of Exchange data. The Exchange also believes the proposal to provide Multicast PITCH free of charge is reasonable and equitable in light of the Exchange being a new entrant into the options exchange space and would enable the Exchange to attract additional order flow. Lastly, the Exchange also believes that the proposed amendments to its fee schedule are reasonable and non-discriminatory because it will apply uniformly to all Members.

BATS Connect

The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act,[28] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. The Exchange notes that its fees proposed for BATS Connect are identical to those currently charged by its affiliates, all of which have been published for comment by the Commission.[29]

First, the Exchange will charge a connectivity fee to subscribers utilizing BATS Connect to route orders to other exchanges and market centers that are connected to the Exchange's network, which varies based solely on the amount of bandwidth selected by the subscriber. Second, with regard to utilizing BATS Connect to receive market data products from other exchanges, the Exchange would only charge subscribers a connectivity fee, the amount of which is based solely on the amount of bandwidth required to transmit that specific data product to the subscribers.

The Exchange believes it is reasonable to offer such discounted pricing to subscribers who purchase connectivity to a bundle of market data products as it would enable them to reduce their overall connectivity costs for the receipt of market data. As stated above, BATS Connect is offered and purchased on a voluntary basis and subscribers can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Moreover, the Exchange believes the proposed fees are reasonable and equitable because they continue to be based on the Exchange's costs to cover the amount of bandwidth required to provide connectivity to the select bundle of data feeds. The proposed fees will continue to allow the Exchange to recoup this cost, while providing subscribers with an alternative means to connect to the select bundle of data feeds at a discounted rate.

The subscribers would pay any fees: (i) Charged by the exchange providing the market data feed directly to that exchange (ii) charged by a market center to which they routed an order and an execution occurred directly to that market center. The Exchange itself would not charge any additional fees.[30] BATS Connect is offered and purchased on a voluntary basis, in that neither the Exchange nor subscribers are required by any rule or regulation to make this product available. Accordingly, subscribers can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged.

Moreover, the Exchange believes the proposed fees are reasonable and equitable because they are based on the Exchange's costs to cover hardware, installation, testing and connection, as well as expenses involved in maintaining and managing the service. The proposed fees allow the Exchange to recoup these costs, while providing subscribers with an alternative means to connect to other exchange and market centers. The Exchange believes that the proposed fees are reasonable and equitable in that they reflect the costs and the benefit of providing alternative connectivity.

The Exchange also believes it is equitable and reasonable to provide BATS Connect to subscribers for no charge to route orders to or receive market data products from the Exchange's affiliates. BATS Connect provides subscribers a means to access exchanges and market centers on the Exchange's network. In all cases, BATS Connect subscribers would continue to be liable for the necessary fees charged by the Exchange, its affiliate, or another exchange or market center, including any required connectivity fees. As stated above, BATS Connect is offered and purchased on a voluntary basis, and

[25] *See* fee schedules for EDGX Equities, BZX, BZX Options, EDGA, and BYX (charging fees for 1 gigabyte circuit of $2,000 per month and for 10 gigabyte circuit of $4,000 per month).

[26] *See* fee schedules for EDGX Equities, BZX, BZX Options, EDGA, and BYX.

[27] 15 U.S.C. 78f(b)(4).

[28] 15 U.S.C. 78f(b)(4).

[29] *See* fee schedules for EDGX Equities, BZX, BZX Options, EDGA, and BYX (charging identical fees to those proposed herein for the BATS Connect service).

[30] The Exchange's rules and fees would not address the fees or manner of operation of any destination to which the subscriber asked that an order be routed.

subscribers and market participants may choose an alternative method to connect to the Exchange, its affiliates, or another exchange or market center connected to the Exchange's network. Such other services may also offer at no charge connectivity to certain exchanges or a group of exchanges.[31] Therefore, the Exchange believes that providing BATS Connect to subscribers at no charge to route orders to or receive market data products from the Exchange's affiliates is reasonable and equitable as they will continue to be liable to the Exchange or its affiliate for any required connectivity fees.

Lastly, the Exchange also believes that the proposed fees for BATS Connect are non-discriminatory because they will apply uniformly to all subscribers. All subscribers that voluntarily select various service options will be charged the same amount for the same services. All subscribers have the option to select any connectivity option, and there is no differentiation among subscribers with regard to the fees charged for the service. Further, the benefits of selecting such services are the same for all subscribers, irrespective of whether their servers are located in the same facility as the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposed pass through rates for orders routed to and executed on an away options exchange would increase competition because they offer customers an alternative means to route to those destinations.

The Exchange believes that its program of marketing fees, which is similar to marketing fee programs that have previously been implemented on other options exchanges,[32] will enhance the Exchange's competitive position and will result in increased liquidity on the Exchange, thereby providing more of an opportunity for customers to receive best executions.

The Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, would serve to impair an exchange's ability to compete for order flow rather than burdening competition. The Exchange also does not believe the proposed rule change would impact intramarket competition as it would apply to all Members and non-Members equally.

Lastly, the Exchange does not believe the proposed fees for BATS Connect will result in any burden on competition. The proposed rule change is designed to provide subscribers with an alternative means to access other market centers on the Exchange's network if they choose or in the event of a market disruption where other alternative connection methods become unavailable. BATS Connect is not the exclusive method to connect to these market centers and subscribers may utilize alternative methods to connect to the product if they believe the Exchange's proposed pricing is unreasonable or otherwise. Therefore, the Exchange does not believe the proposed rule change will have any effect on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [33] and paragraph (f) of Rule 19b–4 thereunder.[34] 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–EDGX–2015–56 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–EDGX–2015–56. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2015–56 and should be submitted on or before December 14, 2015.

[31] *See* NYSE's SFTI Americas Product and Service List *available at http://www.nyxdata.com/docs/connectivity* (offering at no charge connectivity to the NYSE, NYSE MKT LLC, and NYSE Arca, Inc.).

[32] *See supra* note 23.

[33] 15 U.S.C. 78s(b)(3)(A).

[34] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29708 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76454; File No. SR–BX–2015–067]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Sponsored Access

November 17, 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 4, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Rule 4615 entitled, ''Sponsored Participants'' to: (1) Define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirements to comply with Rule 15c3–5 under the Securities Exchange Act of 1934 (''Market Access Rule''); and (3) remove the requirement that each Sponsored Participant and each Sponsoring Member must enter into certain agreements with the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the filing is to amend BX Rule 4615 entitled, ''Sponsored Participants'' to: (1) Define the term ''Sponsored Access,'' and specifically stating that compliance with the Market Access Rule is required, and defining ''Customer Agreement'' to refer to the agreement that must be executed between the Sponsoring Participant and the Sponsoring Member; (2) specify the requirements to comply with the Market Access Rule; and (3) remove the requirement that each Sponsored Participant and each Sponsoring Member must enter into certain agreements with the Exchange to streamline its rule and remove unnecessarily burdensome notice requirements to the Exchange.

Defining Sponsored Access

A Sponsored Participant may be a member or a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange[3] and trades under a Sponsoring Member's execution and clearing identity pursuant to sponsorship arrangements currently set forth in BX Rule 4615. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to BX Rule 4615. The Exchange proposes to amend BX Rule 4615(a) to add the following definition, ''Sponsored Access shall mean an arrangement whereby a member permits its customers to enter orders into the Exchange's System that bypass the member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition was derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[4] The Exchange believes that defining Sponsored Access in BX Rule 4615 will provide market participants with greater clarity concerning Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend BX Rule 4615(b)(i) to define the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the BX Market, as a ''Customer Agreement.''

Market Access Rule

Pursuant to BX Rule 4615, the Sponsoring Member is responsible for the activities of the Sponsored Participant. Sponsored Participants are required to have procedures in place to comply with Exchange rules, and the Sponsoring Member takes responsibility for the Sponsored Participant's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with BX Rule 4615, among other rules.[5] The Exchange proposes to specifically enumerate within BX Rule 4615 the member's obligation to comply with the Market Access Rule, which members are currently required to comply with respecting market access. The Exchange believes that specifying the obligation to comply with the Market Access Rule specifically will reinforce that BX Rule 4615 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

At this time, the Exchange proposes to remove requirements to submit certain forms to the Exchange. There are three forms that are currently required by BX Rule 4615: (1) An agreement between the Sponsored Participant and the Exchange (''Exchange Agreement''); (2) a

[35] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[4] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[5] The Exchange has a Regulatory Services Agreement with Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

User Agreement between the Sponsored Participant and its Sponsoring Member that is provided to the Exchange; and (3) a Notice of Consent provided to the Exchange by the Sponsoring Member. BX Rule 4615 will continue to require that each Sponsored Participants enter into a Customer Agreement with each Sponsoring member to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the BX Market. These Customer Agreement(s) must incorporate the Sponsorship Provisions set forth in paragraph (ii) in BX Rule 4615.[6] The Customer Agreement remains unaffected by this rule proposal. Also, the Exchange is proposing to amend BX Rule 4615 to identify the aforementioned agreement as the ''Customer Agreement.''

Today, only members may request connectivity to the Exchange. A member may obtain one or more ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and the member is responsible for the Sponsored Participant's activity on the Exchange. In all circumstances, the Exchange will only permit members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port.

First, the Exchange believes that completing and submitting the Exchange Agreement, User Agreement and Notice of Consent is unnecessarily burdensome in light of the current structure in place at the Exchange. Only members may request connectivity to the Exchange by contacting BX Subscriber Services. Such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is aware of the member responsible for each of its ports, however the Exchange may not be aware of the member's Sponsored Access arrangements due to varied ways that a member may utilize a port. The Exchange believes the requirement to also complete and submit an Exchange Agreement, User Agreement and Notice of Consent with our BX Membership Department is viewed as unnecessarily burdensome by members because of the multitude of relationships the member has with various customers. Members have expressed to the Exchange that they have multiple relationships with customers, which customer relationships change over time.[7] Members have indicated that the necessity to continuously disclose the updated customer relationships to the Exchange is burdensome and unnecessary as they remain responsible for all activity conducted on the Exchange through a port assigned to the member. Further such information is available to the Exchange upon Exchange request from its regulatory group.[8]

Second, the Exchange believes that the Exchange Agreement between the Sponsored Participant and the Exchange is also unnecessarily burdensome. The requirement to provide this form was intended to give the Exchange notification that such a relationship existed and to ensure that the Sponsored Participant was informed of the Exchange's Certificate of Incorporation, Bylaws, Rules and procedures. The agreements also provided the Exchange with contractual privity, which would no longer exist with the removal of the Exchange Agreement. The Exchange does not believe the loss of privity with the Sponsored Participant creates a concern as the Exchange has the ability to remove access to the port[9] at any time if the activity of the Sponsored Participant warrants such removal. In addition, as discussed below, the Sponsored Participant will be made aware of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's System and members responsible for all trades submitted through such ports. Pursuant to BX Rule 4615 the trading activity of a Sponsored Participant must be monitored by the Sponsoring Member for compliance with the terms of the Customer Agreement with the Sponsoring Participant.[10] Finally, the member continues to be obligated to comply with BX Rule 4615 and the Market Access Rule. The Sponsoring Member is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

BX Rule 4615 requires that the Sponsored Participant and the Sponsored Member maintain a Customer Agreement to ensure compliance with the Exchange's Rules and obligations related to security, among other things.[11] BX Rule 4615 requires that the Customer Agreement specify that the Sponsored Participant shall maintain, keep current and provide to the Sponsoring Member a list of individuals authorized to obtain access to the Exchange on behalf of the Sponsored Participant and provide appropriate training. In addition, pursuant to the Customer Agreement provisions, the Sponsored Participant is required to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Participant is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of authorized individuals, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange. The contents and the requirement for a Customer Agreement are unchanged.

Pursuant to BX Rule 4615 the Sponsoring Member must provide a Notice of Consent to the Exchange. The Exchange believes that a Notice of Consent provided to the Exchange by the Sponsoring Member is also unnecessarily burdensome. The Notice of Consent notifies the Exchange of the relationship between the Sponsoring Member and the Sponsored Participant. However, as noted above, the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary. [12] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member requests connectivity to the Exchange and the Members are responsible for all trading activity by its Sponsored Participant. In addition, the Exchange, through its Regulatory Services Agreement with the

[6] The Customer Agreement is required to include, among other language, all orders entered by the Sponsored Participants and any person acting on behalf of or in the name of such Sponsored Participant and any executions occurring as a result of such orders are binding in all respects on the Sponsoring Member and, also, Sponsoring Member is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

[7] For example, a broker-dealer's customers, which could include hedge funds, institutional investors, individual investors, and other broker-dealers.

[8] *See* BX Rule 8210.

[9] BX Rule 4611, entitled ''NASDAQ OMX BX Market Participant Registration'' permits BX to impose upon any BX Market Maker, BX ECN or Order Entry Firm such temporary restrictions upon the automated entry or updating of orders or Quotes/Orders as BX may determine to be necessary to protect the integrity of BX's systems.

[10] *See* BX Rule 4615(b)(ii)(G).

[11] *See* BX Rule 4615(b)(ii)(B).

[12] *See* BX Rule 8210.

Financial Industry Regulatory Authority (FINRA), reviews for member compliance with BX Rule 4615 and the Market Access Rule. The Exchange has the ability to remove access to the port [13] at any time if the activity of the Sponsored Participant would warrant such removal.

In light of the foregoing, the requirement to complete and submit an Exchange Agreement and Notice of Consent with the BX Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally and provides such information upon Exchange request.

Finally, the Exchange notes it is correcting a capitalization in BX Rule 4615(ii)(C).

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, by enhancing the risk protections available to Exchange members.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to BX Rule 4615 and such clarity will serve to promote just and equitable principles of trade. Members have indicated, and the Exchange believes, that adding the Sponsored Access definition will provide members with additional guidance with respect to BX Rule 4615.

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the BX Market, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

Members continue to be required to comply with Rule 4615 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule will provide member's with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirement to submit and complete an Exchange Agreement, User Agreement and Notice of Consent will remove impediments to and perfect the mechanism of a free and open market by removing a burdensome and time-consuming requirement for members. While elimination of the Exchange Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Participant, he Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Participant's access to a port [16] at any time it is warranted by the Sponsored Participant's trading activity. Also, members have indicated that customer relationships must be frequently updated and it is unnecessarily burdensome to continuously update the Exchange with this information that is available upon request. Connectivity to the Exchange is authorized by the Exchange and must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, BX Rule 4615 delineates the terms of the required contractual relationship between the Sponsoring Member and the Sponsored Participant in the Customer Agreement, which remains in effect. The Exchange believes that the Notice of Consent is unnecessary as Sponsoring Members must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Participant. Finally, as is the case with other Exchange Rules, the Exchange examines for compliance with BX Rule 4615 and may request information about any customer relationship which concerns the Exchange.

The requirement to also complete and submit an Exchange Agreement, User Agreement and a Notice of Consent with our BX Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally.

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 for the reasons below.

Defining Sponsored Access

The addition of a definition for Sponsored Access will assist market participants to understand the type of arrangement subject to BX Rule 4615 and such clarity will serve to promote just and equitable principles of trade.

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the BX Market, as a ''Customer Agreement'' does not create an undue burden on competition as this amendment is non-substantive and the Exchange believes that providing guidance concerning the type of arrangement subject to BX Rule 4615 will facilitate member compliance and does not unduly burden competition.

Market Access Rule

In addition, the Exchange believes that specifically enumerating the member's obligation to comply with the Market Access Rule does not create an undue burden on competition, but rather reinforces the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirement to complete an Exchange Agreement, User Agreement and Notice of Consent under BX Rule 4615 does not create an undue burden on competition. The Exchange believes that this requirement is unnecessarily burdensome as the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary.[17] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member requests connectivity to the Exchange and the

[13] *See* note 9.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* note 9.

[17] *See* BX Rule 8210.

Members are responsible for all trading activity by its Sponsored Participant. In order to obtain connectivity to the Exchange, members are required to contact BX Subscriber Services and request a connection to the market. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. Only members are permitted to request connectivity to the Exchange. The requirement to also complete and submit an Exchange Agreement, User Agreement and a Notice of Consent with our BX Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally. Additionally, the Exchange examines for compliance with BX Rule 4615 and may request information about any customer relationship which concerns the Exchange.

The Sponsoring Member remains responsible for customer activity conducted on the Exchange through the Customer Agreement, among other obligations. Additionally, Sponsored Participants that obtain access to the Exchange's System are required to take reasonable security precautions and prevent unauthorized use or access to the BX Market, including unauthorized entry of information into the BX Market,[18] pursuant to the Customer Agreement. Further, the Sponsored Participants is responsible to establish adequate procedures and controls that permit it to effectively monitor its employees', agents' and customers' use and access to the BX Market for compliance with the terms of this agreement.[19] In addition, the Exchange, through its Regulatory Services Agreement with FINRA conducts reviews of members for compliance with BX Rule 4615 and the Market Access Rule. The Exchange has the ability to remove access to the port[20] at any time if the activity of the Sponsored Participant would warrant such removal. Finally, BX Rule 4615 is currently applicable to all BX members that desire to sponsor access for its customers and applies to trading in all securities on the Exchange.

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.

[18] *See* BX Rule 4615(b)(ii)(G).

[19] *See* BX Rule 4615(b)(ii)(H).

[20] *See* note 9.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest; does not impose any significant burden on competition; and by its terms does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)[21] of the Act and Rule 19b–4(f)(6) thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: necessary or appropriate in the public interest; for the protection of investors; or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2015–067 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2015–067. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2015–067 and should be submitted on or December 14, 2015.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29709 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76455; File No. SR–EDGA–2015–42]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11, Routing to Away Trading Centers

November 17, 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 November 9, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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 Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

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 filed a proposal to amend Rule 11.11, Routing to Away Trading Centers, to adopt a new routing option to be known as ALLB.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.11, Routing to Away Trading Centers, to adopt a new routing option to be known as ALLB. As proposed, ALLB would be a routing option under which the order checks the System [5] for available shares and is then sent to the BATS Exchange, Inc. (''BZX''), BATS Y-Exchange, Inc. (''BYX''), and the EDGX Exchange, Inc. (''EDGX'' collectively with the Exchange, BZX, and BYX, the ''BGM Affiliated Exchanges''). Specifically, an order subject to the ALLB routing option would execute first against contra-side displayed and non-displayed liquidity on the EDGA Book [6] at the National Best Bid or Offer (''NBBO'') or better. Any remainder, would then be routed to BZX, BYX, and/or EDGX in accordance with the System routing table.[7] If shares remain unexecuted after routing, they are posted to the EDGA Book, unless otherwise instructed by the User.[8] In such case, the User may instruct the Exchange to cancel the remaining shares. ALLB is designed to comply with Rule 611 and all other provisions of Regulation NMS.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(5) of the Act [11] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 proposed rule change promotes just and equitable principles of trade because it would provide Users with greater flexibility in routing orders consistent with Regulation NMS without developing complicated order routing strategies on their own. The Exchange believes that the proposed routing option will also accomplish those ends by providing market participants with an additional voluntary routing option that will enable them to easily access liquidity available on all of the national securities exchanges operated by BGM Affiliated Exchanges. The Exchange expects the routing strategy will benefit firms that do not employ routing or trading strategies under which the firm itself would rapidly access liquidity provided on the multiple venues. ALLB would not provide any advantage to Users when routing to the EDGX, BZX, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange.

Lastly, the Exchange also notes that routing options enabling the routing of orders between affiliated exchanges is not unique and that the ALLB routing option is similar to routing options offered by other exchange groups that permit routing between affiliates. Specifically, the Nasdaq Stock Market LLC (''Nasdaq''), the Nasdaq OMX BX (''BX''), Nasdaq OMX PSX (''PSX'') offer routing options that enable an order, whether sent to Nasdaq, BX, or PSX, to check the Nasdaq, BX, and PSX books for liquidity before optionally posting to the Nasdaq, BX, or PSX book.[12] In addition, BZX previously offered a variation of a Destination Specific Order [13] which routed to and executed by its affiliate, BYX, known as the B2B routing.[14] Therefore, the Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. Encouraging competitors to provide higher quality and better value is the essence of a well-functioning competitive marketplace.

Lastly, ALLB would not provide any advantage to Users when routing to the BZX, EDGX, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange. Therefore, the Exchange does not believe the proposed rule change will

[5] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[6] The term ''EDGA Book'' is defined as ''the System's electronic file of orders.'' *See* Exchange Rule 1.5(d).

[7] 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. *See* Exchange Rule 11.11(g).

[8] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[9] 17 CFR 242.611.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release Nos. 63900 (February 14, 2011), 76 FR 9397 (February 17, 2011) (SR-Nasdaq-2011–026); 65470 (October 3, 2011), 76 FR 62489 (October 7, 2011) (SR–BX–2011–048); and 65469 (October 3, 2011), 76 FR 62486 (October 7, 2011) (SR–Phlx–2011–108) (Notices of Filing and Immediate Effectiveness to adopt the CART, BCRT, and PCRT routing options on Nasdaq, BX, and PSX respectively). *See also* Nasdaq Rule 4758(a)(1)(A)(xi); BX Rule 4758(a)(1)(A)(vii); and PSX Rule 3315(a)(1)(A)(vii).

[13] *See* Exchange Rule 11.11(g)(14).

[14] *See* Securities Exchange Act Release No. 63146 (October 21, 2010), 75 FR 66170 (October 27, 2010) (SR–BATS–2010–030). The Exchange notes that BYX offered similar routing capabilities to BZX. *See* Securities Exchange Act Release No. 63299 (November 10, 2010), 75 FR 70325 (November 17, 2010) (SR–BYX–2010–005).

result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate 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 [15] and paragraph (f)(6) of Rule 19b–4 thereunder.[16] The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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 states that having this additional voluntary routing option will give market participants greater flexibility in routing orders and allow them to more easily access liquidity on BGM Affiliated exchanges. In addition, the Exchange states that the proposed rule change is similar to a routing option offered by other exchanges and does not propose any new or unique functionality. Based on the foregoing, the Commission believes that the waiver of the operative delay is consistent with the protection of investors and the public interest.[17] Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors; or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EDGA–2015–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–EDGA–2015–42. 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 No. SR–EDGA–2015–42, and should be submitted on or December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29710 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] 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).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76449; File No. SR–NASDAQ–2015–140]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Sponsored Access

November 17, 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 4, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. 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

NASDAQ proposes to amend Nasdaq Rule 4615 entitled, ''Sponsored Participants'' to: (1) Define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirements to comply with Rule 15c3–5 under the Securities Exchange Act of 1934 (''Market Access Rule''); and (3) remove the requirement that each Sponsored Participant and each Sponsoring Member must enter into certain agreements with the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the filing is to amend Nasdaq Rule 4615 entitled, ''Sponsored Participants'' to: (1) Define the term ''Sponsored Access,'' and specifically stating that compliance with the Market Access Rule is required, and defining ''Customer Agreement'' to refer to the agreement that must be executed between the Sponsoring Participant and the Sponsoring Member; (2) specify the requirements to comply with the Market Access Rule; and (3) remove the requirement that each Sponsored Participant and each Sponsoring Member must enter into certain agreements with the Exchange to streamline its rule and remove unnecessarily burdensome notice requirements to the Exchange.

Defining Sponsored Access

A Sponsored Participant may be a member or a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange [3] and trades under a Sponsoring Member's execution and clearing identity pursuant to sponsorship arrangements currently set forth in Nasdaq Rule 4615. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to Nasdaq Rule 4615. The Exchange proposes to amend Nasdaq Rule 4615(a) to add the following definition, ''Sponsored Access shall mean an arrangement whereby a member permits its customers to enter orders into the Exchange's System that bypass the member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition was derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[4] The Exchange believes that defining Sponsored Access in Nasdaq Rule 4615 will provide market participants with greater clarity concerning Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend Nasdaq Rule 4615(b)(i) to define the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Nasdaq Market Center, as a ''Customer Agreement.''

Market Access Rule

Pursuant to Nasdaq Rule 4615, the Sponsoring Member is responsible for the activities of the Sponsored Participant. Sponsored Participants are required to have procedures in place to comply with Exchange rules, and the Sponsoring Member takes responsibility for the Sponsored Participant's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with Nasdaq Rule 4615, among other rules.[5] The Exchange proposes to specifically enumerate within Nasdaq Rule 4615 the member's obligation to comply with the Market Access Rule, which members are currently required to comply with respecting [sic] market access. The Exchange believes that specifying the obligation to comply with the Market Access Rule specifically will reinforce that Nasdaq Rule 4615 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

At this time, the Exchange proposes to remove requirements to submit certain forms to the Exchange. There are three forms that are currently required by Nasdaq Rule 4615: (1) An agreement between the Sponsored Participant and the Exchange (''Exchange Agreement''); (2) a User Agreement between the Sponsored Participant and its Sponsoring Member that is provided to the Exchange; and (3) a Notice of Consent provided to the Exchange by the Sponsoring Member. NASDAQ Rule 4615 will continue to require that each Sponsored Participants enter into a Customer Agreement with each Sponsoring member to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Nasdaq Market Center. These Customer Agreement(s) must incorporate the Sponsorship Provisions set forth in paragraph (ii) in Nasdaq Rule 4615.[6] The Customer Agreement remains unaffected by this rule proposal. Also, the Exchange is proposing to amend Nasdaq Rule 4615 to identify the aforementioned agreement as the ''Customer Agreement.''

Today, only members may request connectivity to the Exchange. A member may obtain one or more ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and the member is responsible for the Sponsored Participant's activity on the Exchange. In all circumstances, the Exchange will only permit members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port.

First, the Exchange believes that completing and submitting the Exchange Agreement, User Agreement and Notice of Consent is unnecessarily burdensome in light of the current structure in place at the Exchange. Only members may request connectivity to the Exchange by contacting Nasdaq

[3] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[4] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[5] The Exchange has a Regulatory Services Agreement with Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

[6] The Customer Agreement is required to include, among other language, all orders entered by the Sponsored Participants and any person acting on behalf of or in the name of such Sponsored Participant and any executions occurring as a result of such orders are binding in all respects on the Sponsoring Member and, also, Sponsoring Member is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

Subscriber Services. Such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is aware of the member responsible for each of its ports, however the Exchange may not be aware of the member's Sponsored Access arrangements due to varied ways that a member may utilize a port. The Exchange believes the requirement to also complete and submit an Exchange Agreement, User Agreement and Notice of Consent with our Nasdaq Membership Department is viewed as unnecessarily burdensome by members because of the multitude of relationships the member has with various customers. Members have expressed to the Exchange that they have multiple relationships with customers, which customer relationships change over time.[7] Members have indicated that the necessity to continuously disclose the updated customer relationships to the Exchange is burdensome and unnecessary as they remain responsible for all activity conducted on the Exchange through a port assigned to the member. Further such information is available to the Exchange upon Exchange request from its regulatory group.[8]

Second, the Exchange believes that the Exchange Agreement between the Sponsored Participant and the Exchange is also unnecessarily burdensome. The requirement to provide this form was intended to give the Exchange notification that such a relationship existed and to ensure that the Sponsored Participant was informed of the Exchange's Limited Liability Company Agreement, Bylaws, Rules and procedures. The agreements also provided the Exchange with contractual privity, which would no longer exist with the removal of the Exchange Agreement. The Exchange does not believe the loss of privity with the Sponsored Participant creates a concern as the Exchange has the ability to remove access to the port[9] at any time if the activity of the Sponsored Participant warrants such removal. In addition, as discussed below, the Sponsored Participant will be made aware of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's System and members responsible for all trades submitted through such ports. Pursuant to Nasdaq Rule 4615 the trading activity of a Sponsored Participant must be monitored by the Sponsoring Member for compliance with the terms of the Customer Agreement with the Sponsoring Participant.[10] Finally, the member continues to be obligated to comply with Nasdaq Rule 4615 and the Market Access Rule. The Sponsoring Member is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

Nasdaq Rule 4615 requires that the Sponsored Participant and the Sponsored Member maintain a Customer Agreement to ensure compliance with the Exchange's Rules and obligations related to security, among other things.[11] Nasdaq Rule 4615 requires that the Customer Agreement specify that the Sponsored Participant shall maintain, keep current and provide to the Sponsoring Member a list of individuals authorized to obtain access to the Exchange on behalf of the Sponsored Participant and provide appropriate training. In addition, pursuant to the Customer Agreement provisions, the Sponsored Participant is required to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Participant is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of authorized individuals, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange. The contents and the requirement for a Customer Agreement are unchanged.

Pursuant to Nasdaq Rule 4615 the Sponsoring Member must provide a Notice of Consent to the Exchange. The Exchange believes that a Notice of Consent provided to the Exchange by the Sponsoring Member is also unnecessarily burdensome. The Notice of Consent notifies the Exchange of the relationship between the Sponsoring Member and the Sponsored Participant. However, as noted above, the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary.[12] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member requests connectivity to the Exchange and the Members are responsible for all trading activity by its Sponsored Participant. In addition, the Exchange, through its Regulatory Services Agreement with the Financial Industry Regulatory Authority (FINRA), reviews for member compliance with Nasdaq Rule 4615 and the Market Access Rule. The Exchange has the ability to remove access to the port[13] at any time if the activity of the Sponsored Participant would warrant such removal.

In light of the foregoing, the requirement to complete and submit an Exchange Agreement and Notice of Consent with the Nasdaq Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally and provides such information upon Exchange request.

Finally, the Exchange notes it is correcting a capitalization in Nasdaq Rule 4615(ii)(C).

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, by enhancing the risk protections available to Exchange members.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to Nasdaq Rule 4615 and such clarity will serve to promote just and equitable principles of trade. Members have indicated, and the Exchange believes, that adding the Sponsored Access definition will provide members with additional guidance with respect to Nasdaq Rule 4615.

[7] For example, a broker-dealer's customers, which could include hedge funds, institutional investors, individual investors, and other broker-dealers.

[8] *See* Nasdaq Rule 8210.

[9] Nasdaq Rule 4611, entitled ''Nasdaq Market Center Participant Registration'' permits Nasdaq to impose upon any Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm such temporary restrictions upon the automated entry or updating of orders or Quotes/Orders as Nasdaq may determine to be necessary to protect the integrity of Nasdaq's systems.

[10] *See* Nasdaq Rule 4615(b)(ii)(G).

[11] *See* Nasdaq Rule 4615(b)(ii)(B).

[12] *See* Nasdaq Rule 8210.

[13] *See* note 9.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Nasdaq Market Center, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

Members continue to be required to comply with Rule 4615 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule will provide member's with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirement to submit and complete an Exchange Agreement, User Agreement and Notice of Consent will remove impediments to and perfect the mechanism of a free and open market by removing a burdensome and time-consuming requirement for members. While elimination of the Exchange Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Participant, he [sic] Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Participant's access to a port [16] at any time it is warranted by the Sponsored Participant's trading activity. Also, members have indicated that customer relationships must be frequently updated and it is unnecessarily burdensome to continuously update the Exchange with this information that is available upon request. Connectivity to the Exchange is authorized by the Exchange and must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, Nasdaq Rule 4615 delineates the terms of the required contractual relationship between the Sponsoring Member and the Sponsored Participant in the Customer Agreement, which remains in effect. The Exchange believes that the Notice of Consent is unnecessary as Sponsoring Members must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Participant. Finally, as is the case with other Exchange Rules, the Exchange examines for compliance with Nasdaq Rule 4615 and may request information about any customer relationship which concerns the Exchange.

The requirement to also complete and submit an Exchange Agreement, User Agreement and a Notice of Consent with our Nasdaq Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally.

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 for the reasons below.

Defining Sponsored Access

The addition of a definition for Sponsored Access will assist market participants to understand the type of arrangement subject to Nasdaq Rule 4615 and such clarity will serve to promote just and equitable principles of trade.

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Members to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Nasdaq Market Center, as a ''Customer Agreement'' does not create an undue burden on competition as this amendment is non-substantive and the Exchange believes that providing guidance concerning the type of arrangement subject to Nasdaq Rule 4615 will facilitate member compliance and does not unduly burden competition.

Market Access Rule

In addition, the Exchange believes that specifically enumerating the member's obligation to comply with the Market Access Rule does not create an undue burden on competition, but rather reinforces the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirement to complete an Exchange Agreement, User Agreement and Notice of Consent under Nasdaq Rule 4615 does not create an undue burden on competition. The Exchange believes that this requirement is unnecessarily burdensome as the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary.[17] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member requests connectivity to the Exchange and the Members are responsible for all trading activity by its Sponsored Participant. In order to obtain connectivity to the Exchange, members are required to contact Nasdaq Subscriber Services and request a connection to the market. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. Only members are permitted to request connectivity to the Exchange. The requirement to also complete and submit an Exchange Agreement, User Agreement and a Notice of Consent with our Nasdaq Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally. Additionally, the Exchange examines for compliance with Nasdaq Rule 4615 and may request information about any customer relationship which concerns the Exchange.

The Sponsoring Member remains responsible for customer activity conducted on the Exchange through the Customer Agreement, among other obligations. Additionally, Sponsored Participants that obtain access to the Exchange's System are required to take reasonable security precautions and prevent unauthorized use or access to the Nasdaq Market Center, including unauthorized entry of information into the Nasdaq Market Center,[18] pursuant to the Customer Agreement. Further, the Sponsored Participants is responsible to establish adequate procedures and controls that permit it to effectively monitor its employees', agents' and customers' use and access to the Nasdaq Market Center for compliance with the terms of this agreement.[19] In addition, the Exchange, through its Regulatory Services Agreement with FINRA conducts reviews of members for compliance with Nasdaq Rule 4615 and

[16] *See* note 9.

[17] *See* Nasdaq Rule 8210.

[18] *See* Nasdaq Rule 4615(b)(ii)(G).

[19] *See* Nasdaq Rule 4615(b)(ii)(H).

the Market Access Rule. The Exchange has the ability to remove access to the port [20] at any time if the activity of the Sponsored Participant would warrant such removal. Finally, Nasdaq Rule 4615 is currently applicable to all Nasdaq members that desire to sponsor access for its customers and applies to trading in all securities on the Exchange.

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 [21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

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. The Exchange has provided 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.

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–2015–140 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–2015–140. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–140 and should be submitted on or before December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29713 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[20] *See* note 9.

[21] 15 U.S.C. 78s(b)(3)(a)(iii).

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form N–8F, SEC File No. 270–136, OMB Control No. 3235–0157.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form N–8F (17 CFR 274.218) is the form prescribed for use by registered investment companies in certain circumstances to request orders of the Commission declaring that the registration of that investment company cease to be in effect. The form requests information about: (i) The investment company's identity, (ii) the investment company's distributions, (iii) the investment company's assets and liabilities, (iv) the events leading to the request to deregister, and (v) the conclusion of the investment company's business. The information is needed by the Commission to determine whether an order of deregistration is appropriate.

The Form takes approximately 5.2 hours on average to complete. It is estimated that approximately 150 investment companies file Form N–8F annually, so the total annual burden for the form is estimated to be approximately 780 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study.

The collection of information on Form N–8F is not mandatory. The information provided on Form N–8F is not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently-valid OMB control number.

Written comments are requested on: (i) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (ii) the

accuracy of the Commission's estimate of the burdens of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information collected; and (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: November 16, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29745 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76450; File No. SR–NASDAQ–2015–137]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Market Quality Incentive Program and Certain Other Fees and Credits for Execution and Routing

November 17, 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 3, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 the Substance of the Proposed Rule Change

Nasdaq is proposing to amend Nasdaq Rule 7014, concerning the Exchange's Market Quality Incentive Programs, and Nasdaq Rule 7018, governing fees and credits assessed for execution and routing of securities priced at $1 or more.

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com* at Nasdaq principal office [*sic*], and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to amend Rule 7014 to add new tiers to the Lead Market Maker (''LMM'') Program and to modify credits provided under Rule 7018(a).

Rule 7014

The Exchange is proposing to modify the benefits provided by the LMM Program under Rule 7014. Under the LMM Program, a LMM may receive a credit of $0.004 per share executed (or $0, in the case of executions against Quotes/Orders in the Nasdaq Market Center at less than $1.00 per share) if it provides displayed liquidity through the Nasdaq Market Center. The credit applies to transactions in a Qualified Security [3] and is provided in lieu of credits under Rules 7018 and 7014. A LMM is a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A LMM is selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded funds and index-linked securities, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. Nasdaq may limit the number of LMMs in a security, or modify a previously established limit, upon prior written notice to members.

Nasdaq sets minimum performance criteria to qualify as a LMM. These minimum performance standards are determined by Nasdaq from time to time and may vary depending on the price, liquidity, and volatility of the Qualified Security in which the LMM is registered. Nasdaq may apply performance measurements that include one or more of the following: (A) Percent of time at the national best bid (best offer) (''NBBO''); (B) percent of executions better than the NBBO; (C) average displayed size; and (D) average quoted spread (collectively, ''LMM Criteria''). The LMM Criteria will be established upon written notice to members. Currently, the established LMM Criteria requires a LMM to be at the NBBO more than 15% of the time.[4]

The Exchange is proposing to provide higher rebates to LMMs the greater percentage of the time they are at the NBBO. Specifically, the Exchange is creating three rebate tiers. The first tier will provide a LMM a rebate of $0.004 per share executed for displayed liquidity (for executions above $1) if the LMM is at the NBBO more than 15% of the time and up to 20% of the time. The second tier will provide a LMM a rebate of $0.0043 per share executed for displayed liquidity (for executions above $1) if the LMM is at the NBBO more than 20% of the time and up to 50% of the time. The third tier will provide a LMM a rebate of $0.0046 per share executed for displayed liquidity (for executions above $1) if the LMM is at the NBBO more than 50% of the time. As is the case currently under the LMM Program, a LMM will not receive a rebate for executions less than $1 per share.

Under each of the new tiers, the Exchange is also providing a new maximum fee for participation in the opening and closing crosses as additional incentive to LMMs. Under Rule 7018, a Participant,[5] including a LMM, is assessed a per share executed charge of $0.0015 to $0.0008 for participation in the Opening and Closing Crosses.[6] Under the LMM Program, the Exchange is proposing to cap the fee a LMM is charged if they qualify for one of the three new tiers. Specifically, Nasdaq will provide a maximum Opening and Closing Cross fee of $0.0010 per share executed to a LMM that qualifies under the first tier

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Qualified Security: (1) Is an exchange-traded fund or index-linked security listed on Nasdaq pursuant to Nasdaq Rules 5705, 5710, or 5720; and (2) has at least one Lead Market Maker. *See* Rule 7014(f)(1).

[4] *See* Equity Trader Alert 2015–109 (*http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2015-109*).

[5] As defined by Rule 4701(c).

[6] *See* Rule 7018(d) and (e).

under new Rule 7014(f)(4), and a maximum opening and Closing Cross fee of $0.0000 per share executed to a LMM that qualifies under the second or third tier under new Rule 7014(f)(4). A LMM that qualifies for a maximum charge under Rule 7014(f)(4) would not be precluded from taking advantage of a lower charge provided under Rules 7018(d) or (e).[7]

Nasdaq is also deleting rule text that concerns the performance standards applied under Rule 7014(f). The Exchange notes that it is applying the current established LMM criteria[8] under the first tier of Rule 7014(f)(4), and expanding the use of the criteria under the second and third tiers. Nasdaq may apply the other performance measurements noted currently under Rule 7014(f)(2) in the future and will amend the rule text to reflect the new criteria based on those performance measurements. Nasdaq is also making clarifying changes to the rule under Rule 7014(f)(3).

Rule 7018(a)

Rule 7018(a) concerns fees and credits provided for the use of the order execution and routing services of the Nasdaq Market Center by members for all securities priced at $1 or more that it trades. Under the proposed changes to the rule, Nasdaq is proposing to eliminate certain credit tiers, add new credit tiers and modify existing credit tier [*sic]*.

First, Nasdaq is proposing to delete four credit tiers that apply to securities of each of the three Tape securities. Specifically, Nasdaq is proposing to:

- Eliminate the $0.00305 per share executed credit provided to a member with (i) shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent 1.60% or more of Consolidated Volume during the month, or (ii) shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.60% or more of Consolidated Volume during the month, and shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent 0.75% or more of Consolidated Volume during the month.
- Eliminate the $0.0030 per share executed credit provided to a member with (i) shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent 1.20% or more of Consolidated Volume during the month, or (ii) shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.20% or more of Consolidated Volume during the month, and shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent 0.75% or more of Consolidated Volume during the month.
- Eliminate the $0.00295 per share executed credit provided to a member with shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent more than 0.90% of Consolidated Volume during the month.
- Eliminate the $0.00295 per share executed credit provided to a member (i) that is a registered market maker through one of its Nasdaq Market Center MPIDs in at least 7,000 securities, (ii) with shares of liquidity provided in all securities through one of its Nasdaq Market Center MPIDs that represent more than 0.75% of Consolidated Volume during the month, and (iii) with shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 0.90% of Consolidated Volume during the month.

Second, Nasdaq is proposing to add two new credits that apply to securities of each of the three Tape securities. Specifically, Nasdaq is proposing to:

- Add a new credit of $0.00305 per share executed to a member with shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 1.25% of Consolidated Volume during the month.
- Add a new credit of $0.0030 per share executed to a member with shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent more than 0.75% of Consolidated Volume during the month and member provides a daily average of at least 5 Million shares of non-displayed liquidity.

Lastly, the Exchange is proposing to amend the eligibility criteria for a credit applied to securities of each of the three Tape securities. Currently, Nasdaq provides a $0.0030 per share executed credit to a member (i) with shares of liquidity provided in all securities during the month representing at least 0.20% of Consolidated Volume during the month, through one or more of its Nasdaq Market Center MPIDs, and (ii) Adds Customer, Professional, Firm, Non-NOM Market Maker, NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non- Penny Pilot Options of 0.90% or more of total industry ADV in the customer clearing range for Equity and ETF option contracts per day in a month on the Nasdaq Options Market. Nasdaq is proposing to reduce the level of required Consolidated Volume under paragraph (i) of the tier from 0.20% to 0.15%. The Exchange is also limiting the type of liquidity allowed to qualify under paragraph (ii) of the tier to NOM Market Maker.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, for example, the Commission indicated that market forces should generally determine the price of non-core market data because national market system regulation ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[11] Likewise, in *NetCoalition* v. *NYSE Arca, Inc.,* 615 F.3d 525 (D.C. Cir. 2010), the DC Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress

[7] For example, if a LMM was eligible to receive a maximum charge of $0.0010 per share executed under the first tier of Rule 7014(f)(4), but also qualified for a charge of $0.0008 per share executed in the closing cross under Tier A of Rule 7018(d)(2), the Participant would receive the lower charge under Rule 7018(d)(2).

[8] *Supra* note 4.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Exchange Act Release No. 34–51808 (June 9, 2005) (''Regulation NMS Adopting Release'').

mandated a cost-based approach.[12] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [13]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [14]

Rule 7014

The Exchange believes that the proposed changes to Rule 7014(f) are reasonable because they provide greater incentives to LMMs to improve market quality. The proposed changes achieve this by increasing the rebate provided under the rule. Currently, a LMM only is provided an incentive to be at the NBBO greater than 15% of the time, but is not provided any further incentive to exceed the threshold beyond what is needed to receive the current credit. To provide an incentive to exceed the current 15% threshold, Nasdaq is adding additional higher credit tiers based on a greater percentage of time at the NBBO. Nasdaq is also providing an Opening and Closing Cross incentive under each new tier, which does not exist today. Nasdaq believes increasing the rebates available to LMMs and limiting the charge assessed for participation in the Opening and Closing Crosses will improve market quality for all market participants because it may provide incentive to LMMs to add liquidity in the opening and closing processes as well as during regular market hours. Nasdaq also believes deletion of the language concerning minimum performance standards under Rule 7014(f)(2) is reasonable because new Rule 7014(f)(4) now provides the performance criteria needed to receive the rebates and fees under the program, which is based on the current criteria in place. If Nasdaq determines to modify the criteria, it will do so through a rule change in lieu of written notice to members. Lastly, The [*sic*] Exchange believes that providing LMMs a reduced charge in the Opening and Closing Crosses is equitable and not unfairly discriminatory because, in return for the reduced charges, LMMs are providing beneficial displayed liquidity to the benefit of all market participants.

The Exchange believes that the proposed changes to Rule 7014(f) are an equitable allocation and is [*sic*] not unfairly discriminatory because the Exchange will apply the same fees and provide the same rebates to all similarly situated members. The rebates and fees under the amended rule are available to all LMMs that qualify under the new tiers of the program. The Exchange does not believe that the proposed changes are unfairly discriminatory because all LMMs have the opportunity to achieve the level of time at the NBBO if they so choose.

Rule 7018

The Exchange believes that the proposed changes to Rule 7018(a) are reasonable because the Exchange must, from time to time, adjust the level of credits provided, and the criteria required to receive them, to provide the most efficient allocation of credits in terms of market improving behavior. In this regard, Nasdaq is limited in the amount of credits that it can provide to market participants. The Exchange determined that the eliminated credit tiers no longer provided the most efficient and effective use of the credits it is able to provide. With regard to the eliminated $0.00295 credit tiers, Nasdaq observed that no Participants qualified for the fees recently, rendering them ineffective at providing incentive. With regard to the eliminated $0.00305 and $0.0030 credit tiers, Nasdaq does not believe that they are achieving an adequate level of qualifying beneficial market activity and is consequently replacing them with two new credit tiers of the same amount. The Exchange is now requiring a reduced level of Consolidated Volume to qualify for the new $0.00305 per share executed credit tier and is not applying the additional criteria of the deleted $0.00305 credit tier. Consequently, the Exchange believes that the change may provide a more attainable level of incentive thereby promoting Participants to provide the liquidity needed to qualify for the tier. To receive a $0.0030 per share executed credit under the proposed new tier, a Participant must provide a significantly reduced level of Consolidated Volume, but must also provide a daily average of at least 5 million shares of non-displayed liquidity. The Exchange believes that the criteria of the new tier may make it more attainable for Participants than the deleted $0.0030 tier. The Exchange believes that elimination of the $0.00295 credit tiers reasonable [*sic*] because no Participants have recently qualified under the tiers, and the Exchange may accordingly allocate its resources in more effective ways to encourage market improving activity. Lastly, the changes to eligibility criteria to receive a $0.0030 per share executed credit is [*sic*] reasonable because by reducing the amount of Consolidated Volume required to receive the credit but limiting the Nasdaq Options Market based criteria to market making activity, the Exchange believes that it may provide greater incentive for market makers to improve liquidity on the Nasdaq Options Market. In addition, because of a limited amount of credits it can provide, the Exchange chose to continue to provide this tier to NOM market makers because they actively provide liquidity to the benefit of all NOM participants. In sum, the Exchange believes that the changes to Rule 7018(a) are reasonable because the Exchange has determined that the new tiers may better promote provision of liquidity and use of non-displayed orders on the Exchange, which improves market quality for all market participants.

The Exchange believes that the proposed changes to Rule 7018(a) are an equitable allocation and are not unfairly discriminatory because the Exchange will provide the same credits to all similarly situated members. The credits Nasdaq provides are designed to improve market quality for all market participants, and Nasdaq allocates its credits in a manner that it believes are the most likely to achieve that result. Elimination of the existing credits under the rule is an equitable allocation and is not unfairly discriminatory because the credits were ineffective at providing adequate incentive to Participants to provide market improving order activity. Consequently, the Exchange is proposing to change the criteria needed to receive $0.00305 and $0.0030 credits by adopting new tiers it believes will be more effective. The Exchange believes that elimination of the $0.00295 credit tiers is an equitable allocation and is not unfairly discriminatory because no participants qualified under the tiers, therefore their removal will not impact any Participants. With regard to the changes to eligibility criteria to receive a $0.0030 per share executed credit, the Exchange believes that they are an equitable allocation and are not unfairly discriminatory because Nasdaq must be selective in providing credits to

[12] *See NetCoalition,* 615 F.3d at 534.

[13] *Id.* at 537.

[14] *NetCoalition I,* 615 F.3d at 539 (quoting ArcaBook Order, 73 FR at 74782–74783).

Participants, and allocates credits to where it believes it will receive the best result in terms of improvement to market quality. In this case, Nasdaq is limiting the credit to NOM market makers because it believes that market quality will be improved the most by market makers actively providing liquidity and this benefits both Nasdaq and NOM participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[15] Nasdaq notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, Nasdaq must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices. [*sic*]

In this instance, the proposed changes to the LMM Program and the charges assessed and credits available to Participants for execution of securities in securities of all three Tapes do not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. The Exchange is modifying a market improving incentive program and is also adjusting credit tiers provided Participants in return for market improving activity, in an effort to make them more effective. Such changes may foster competition among exchanges and other market venues to provide similar incentives, which would benefit all market participants. The Exchange must weigh the costs of offering incentives to market participants against the desired benefit the Exchange seeks to achieve. To the extent these incentives are inefficient or at [*sic*] fail to achieve these goals, the Exchange may from time to time adjust the level of incentive and/or the market improving activity required to qualify for the incentive credits and fees, or adopt an alternative incentive in lieu thereof. Such changes are reflective of robust competition among exchanges and other market venues. In sum, if the changes proposed herein are unattractive to market participants it is likely that Nasdaq will lose market share as a result. As such, the Exchange does not believe the proposed changes will place a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[16] and Rule 19b–4(f)(2) thereunder.[17] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[18] 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 No. SR–NASDAQ–2015–137 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NASDAQ–2015–137. 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 No. SR–NASDAQ–2015–137, and should be submitted on or before December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29705 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78fs(b)(3)(A)(ii).

[17] 17 CFR 240.19b–4(f)(2).

[18] 15 U.S.C. 78fs(b)(2)(B).

[19] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76452; File No. SR–Phlx–2015–93]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Sponsored Access

November 17, 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 4, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Rule 1094, entitled ''Sponsored Participants'' (1) define the term ''Sponsored Access'' and ''Customer Agreement;'' (2) specify the requirements to comply with Rule 15c3–5 under the Securities Exchange Act of 1934 (''Market Access Rule''); (3) remove the requirement that each Sponsored Participant and each Sponsoring Member Organization must enter into certain agreements with the Exchange; and (4) remove PSX Rule 3211 as well as certain definitions.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the filing is to amend Rule 1094 entitled, ''Sponsored Participants'' to: (1) Define the term ''Sponsored Access,'' and specifically stating that compliance with the Market Access Rule is required, and defining ''Customer Agreement'' to refer to the agreement that must be executed between the Sponsoring Participant and the Sponsoring Member Organization; (2) specify the requirements to comply with the Market Access Rule; (3) remove the requirement that each Sponsored Participant and each Sponsoring Member Organization must enter into certain agreements with the Exchange to streamline its rule and remove unnecessarily burdensome notice requirements to the Exchange; and (4) remove PSX Rule 3211, entitled ''Application of Other Rules of the Exchange,'' because Phlx Rule 1094 will be applicable to market participants trading on PSX, and remove the definitions of Sponsored Participant and Sponsoring Member Organization in Rule 1, which relate to PSX Rules.

Defining Sponsored Access

A Sponsored Participant may be a member or a non-member of the Exchange, such as an institutional investor, that gains access to the Exchange [3] and trades under a Sponsoring Member Organization's execution and clearing identity pursuant to sponsorship arrangements currently set forth in Phlx Rule 1094. The Exchange is proposing to define the term ''Sponsored Access'' to clarify the type of market access arrangement that is subject to Phlx Rule 1094. The Exchange proposes to amend Phlx Rule 1094(a) to add the following definition, ''Sponsored Access shall mean an arrangement whereby a member organization permits its customers to enter orders into the Exchange's trading system that bypass the member organization's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'' This definition was derived from the Commission's description of Sponsored Access used in the release approving the Market Access Rule.[4] The Exchange believes that defining Sponsored Access in Phlx Rule 1094 will provide market participants with greater clarity concerning Sponsored Access and their obligations with respect to this type of access arrangement.

Defining Customer Agreement

The Exchange proposes to amend Phlx Rule 1094(b)(i) to define the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Member Organizations to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Exchange, as a ''Customer Agreement.''

Market Access Rule

Pursuant to Phlx Rule 1094, the Sponsoring Member Organization is responsible for the activities of the Sponsored Participant. Sponsored Participants are required to have procedures in place to comply with Exchange rules, and the Sponsoring Member Organization takes responsibility for the Sponsored Participant's activity on the Exchange. Members may have multiple Sponsored Access relationships in place at a given time. The Exchange's examination program assesses compliance with Phlx Rule 1094, among other rules.[5] The Exchange proposes to specifically enumerate within Phlx Rule 1094 the member's obligation to comply with the Market Access Rule, which members are currently required to comply with respecting market access. The Exchange believes that specifying the obligation to comply with the Market Access Rule specifically will reinforce that Phlx Rule 1094 presupposes member compliance with the Market Access Rule.

Elimination of Certain Contract Requirements

At this time, the Exchange proposes to remove requirements to submit certain forms to the Exchange. There are three forms that are currently required by Phlx Rule 1094: (1) An agreement between the Sponsored Participant and the Exchange (''Exchange Agreement''); (2) an Access Agreement between the Sponsored Participant and its Sponsoring Member Organization that is provided to the Exchange; and (3) a Sponsored Participant Addendum to its Access Agrement (hereinafter ''addendum'') provided to the Exchange by the Sponsoring Member Organization. Phlx Rule 1094 will continue to require that each Sponsored Participants enter into a Customer Agreement with each Sponsoring member to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Exchange. These Customer Agreement(s) must incorporate the Sponsorship Provisions set forth in

[3] For example, a broker-dealer may allow its customer—whether an institution such as a hedge fund, mutual fund, bank or insurance company, an individual, or another broker-dealer—to use the broker-dealer's MPID, account or other mechanism or mnemonic used to identify a market participant for the purposes of electronically accessing the Exchange.

[4] The Market Access Rule, among other things, requires broker-dealers providing others with access to an exchange or alternative trading system to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of providing such access. *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2010).

[5] The Exchange has a Regulatory Services Agreement with Financial Industry Regulatory Authority (''FINRA'') to conduct regulatory examinations, among other obligations.

paragraph (ii) in Phlx Rule 1094.[6] The Customer Agreement remains unaffected by this rule proposal. Also, the Exchange is proposing to amend Phlx Rule 1094 to identify the aforementioned agreement as the ''Customer Agreement.''

Today, only members may request connectivity to the Exchange. A member may obtain one or more ports for the purpose of providing Sponsored Access. If separate ports are requested by a member for the purpose of providing Sponsored Access, the member must request those ports from the Exchange and the member is responsible for the Sponsored Participant's activity on the Exchange. In all circumstances, the Exchange will only permit members to request connectivity to the market and the member is responsible for all customer orders submitted through the member's port.

First, the Exchange believes that completing and submitting the Exchange Agreement, Access Agreement and Addendum is unnecessarily burdensome in light of the current structure in place at the Exchange. Only members may request connectivity to the Exchange by contacting Phlx Subscriber Services. Such connection by the member requires approval by the Exchange for the purpose of testing as well as other relevant information sharing with the Exchange by the member to obtain a port. The Exchange is aware of the member responsible for each of its ports, however the Exchange may not be aware of the member's Sponsored Access arrangements due to varied ways that a member may utilize a port. The Exchange believes the requirement to also complete and submit an Exchange Agreement, Access Agreement and Addendum with our Phlx Membership Department is viewed as unnecessarily burdensome by members because of the multitude of relationships the member has with various customers. Members have expressed to the Exchange that they have multiple relationships with customers, which customer relationships change over time.[7] Members have indicated that the necessity to continuously disclose the updated customer relationships to the Exchange is burdensome and unnecessary as they remain responsible for all activity conducted on the Exchange through a port assigned to the member. Further such information is available to the Exchange upon Exchange request from its regulatory group.[8]

Second, the Exchange believes that the Exchange Agreement between the Sponsored Participant and the Exchange is also unnecessarily burdensome. The requirement to provide this form was intended to give the Exchange notification that such a relationship existed and to ensure that the Sponsored Participant was informed of the Exchange's Limited Liability Company Agreement, By-Laws, Rules and procedures. The agreements also provided the Exchange with contractual privity, which would no longer exist with the removal of the Exchange Agreement. The Exchange does not believe the loss of privity with the Sponsored Participant creates a concern as the Exchange has the ability to remove access to the port[9] at any time if the activity of the Sponsored Participant warrants such removal. In addition, as discussed below, the Sponsored Participant will be made aware of its obligations through the Customer Agreement that it executed with the Sponsoring Member. As noted above, the Exchange only permits its members to request connectivity to the Exchange's System and members responsible for all trades submitted through such ports. Pursuant to Phlx Rule 1094 the trading activity of a Sponsored Participant must be monitored by the Sponsoring Member Organization for compliance with the terms of the Customer Agreement with the Sponsoring Participant.[10] Finally, the member continues to be obligated to comply with Phlx Rule 1094 and the Market Access Rule. The Sponsoring Member Organiztion is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

Phlx Rule 1094 requires that the Sponsored Participant and the Sponsored Member Organization maintain a Customer Agreement to ensure compliance with the Exchange's Rules and obligations related to security, among other things.[11] Phlx Rule 1094 requires that the Customer Agreement specify that the Sponsored Participant shall maintain, keep current and provide to the Sponsoring Member a list of individuals authorized to obtain access to the Exchange on behalf of the Sponsored Participant and provide appropriate training. In addition, pursuant to the Customer Agreement provisions, the Sponsored Participant is required to take reasonable security precautions to prevent unauthorized use or access to the Exchange, including unauthorized entry of information into the Exchange, or the information and data made available therein. Finally, the Customer Agreement must provide that the Sponsored Participant is responsible for any and all orders, trades and other messages and instructions entered, transmitted or received under identifiers, passwords and security codes of authorized individuals, and for the trading and other consequences thereof, including granting unauthorized access to the Exchange. The contents and the requirement for a Customer Agreement are unchanged.

Pursuant to Phlx Rule 1094 the Sponsoring Member Organization must provide an Addendum to the Exchange. The Exchange believes that the Addendum provided to the Exchange by the Sponsoring Member Organization is also unnecessarily burdensome. The Addendum notifies the Exchange of the relationship between the Sponsoring Member Organization and the Sponsored Participant. However, as noted above, the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary.[12] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member Organization requests connectivity to the Exchange and the Members are responsible for all trading activity by its Sponsored Participant. In addition, the Exchange, through its Regulatory Services Agreement with the Financial Industry Regulatory Authority (FINRA), reviews for member compliance with Phlx Rule 1094 and the Market Access Rule. The Exchange has the ability to remove access to the port[13] at any time if the activity of the Sponsored Participant would warrant such removal.

In light of the foregoing, the requirement to complete and submit an

[6] The Customer Agreement is required to include, among other language, all orders entered by the Sponsored Participants and any person acting on behalf of or in the name of such Sponsored Participant and any executions occurring as a result of such orders are binding in all respects on the Sponsoring Member Organization and, also, Sponsoring Member Organization is responsible for any and all actions taken by such Sponsored Participant and any person acting on behalf of or in the name of such Sponsored Participant.

[7] For example, a broker-dealer's customers, which could include hedge funds, institutional investors, individual investors, and other broker-dealers.

[8] *See* Phlx Rule 960.2.

[9] Phlx Rule 911, entitled ''Member and Member Organization Participation'' permits the Exchange to impose upon any member or member organization such temporary restrictions upon the automated entry or updating of orders or quotes/orders as the Exchange may determine to be necessary to protect the integrity of Exchange's systems.

[10] *See* Phlx Rule 1094(b)(ii)(G).

[11] *See* Phlx Rule 1094(b)(ii)(B).

[12] *See* Phlx Rule 960.2.

[13] *See* note 9.

Exchange Agreement and Addendum with the Phlx Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally and provides such information upon Exchange request.

PSX Rules

The Exchange proposes to remove PSX Rule 3211, entitled ''Application of Other Rules of the Exchange,'' because Phlx Rule 1094 will be applicable to market participants trading on PSX. The Exchange is adding Phlx Rule 1094 to the list of Phlx Rules for which PSX are responsible for compliance. Finally, the Exchange is removing the definitions of Sponsored Participant and Sponsoring Member Organization in Rule 1, which relate to PSX Rules.

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, by enhancing the risk protections available to Exchange members.

Defining Sponsored Access

Adding a definition of Sponsored Access will assist market participants to understand the type of arrangements that are subject to Phlx Rule 1094 and such clarity will serve to promote just and equitable principles of trade. Members have indicated, and the Exchange believes, that adding the Sponsored Access definition will provide members with additional guidance with respect to Phlx Rule 1094.

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Member Organizations to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Exchange, as a ''Customer Agreement'' will also serve to provide members with clarity on the agreement that the Exchange will continue to require and the obligations that are contained within the Customer Agreement. This amendment is non-substantive.

Market Access Rule

Members continue to be required to comply with Phlx Rule 1094 and the Market Access Rule. The Exchange believes that specifically enumerating the member's responsibility to comply with the Market Access Rule will provide member's with additional guidance concerning the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

Elimination of Certain Contract Requirements

Removing the requirement to submit and complete an Exchange Agreement, Access Agreement and Addendum will remove impediments to and perfect the mechanism of a free and open market by removing a burdensome and time-consuming requirement for members. While elimination of the Exchange Agreement requirement will also eliminate the Exchange's contractual privity with the Sponsored Participant, he Exchange notes that any potential concerns to the loss of privity are mitigated by the Exchange's ability to restrict the Sponsored Participant's access to a port [16] at any time it is warranted by the Sponsored Participant's trading activity. Also, members have indicated that customer relationships must be frequently updated and it is unnecessarily burdensome to continuously update the Exchange with this information that is available upon request. Connectivity to the Exchange is authorized by the Exchange and must be requested by a member of the Exchange. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. In addition, Phlx Rule 1064 delineates the terms of the required contractual relationship between the Sponsoring Member Organization and the Sponsored Participant in the Customer Agreement, which remains in effect. The Exchange believes that the Addendum is unnecessary as Sponsoring Member Organizations must request connectivity to the Exchange as well as enter into a Customer Agreement with the Sponsored Participant. Finally, as is the case with other Exchange Rules, the Exchange examines for compliance with Phlx Rule 1064 and may request information about any customer relationship which concerns the Exchange.

The requirement to also complete and submit an Exchange Agreement, Access Agreement and Addendum with our Phlx Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally.

PSX Rules

The Exchange's proposal to remove PSX Rule 3211, entitled ''Application of Other Rules of the Exchange,'' and add Phlx Rule 1094 to the list of Phlx Rules for which PSX are responsible for compliance will continue to treat both Phlx equities and options members in a similar manner, pursuant to the same rule. Eliminating the definitions of Sponsored Participant and Sponsoring Member Organization in Rule 1 will avoid confusion.

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 for the reasons below.

Defining Sponsored Access

The addition of a definition for Sponsored Access will assist market participants to understand the type of arrangement subject to Phlx Rule 1094 and such clarity will serve to promote just and equitable principles of trade.

Defining Customer Agreement

Defining the agreement that Sponsored Participants must enter into and maintain with one or more Sponsoring Member Organizations to establish proper relationship(s) and account(s) through which the Sponsored Participant may trade on the Exchange, as a ''Customer Agreement'' does not create an undue burden on competition as this amendment is non-substantive and the Exchange believes that providing guidance concerning the type of arrangement subject to Phlx Rule 1094 will facilitate member compliance and does not unduly burden competition.

Market Access Rule

In addition, the Exchange believes that specifically enumerating the member's obligation to comply with the Market Access Rule does not create an undue burden on competition, but rather reinforces the application of the Rule. This change is non-substantive as members are currently responsible to comply with the Market Access Rule.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* note 9.

Elimination of Certain Contract Requirements

Removing the requirement to complete an Exchange Agreement, Access Agreement and Addendum under Phlx Rule 1094 does not create an undue burden on competition. The Exchange believes that this requirement is unnecessarily burdensome as the Exchange's regulatory group may request information about a particular customer relationship as it deems necessary.[17] Further, the Exchange is made aware of the existence of ports when the Sponsoring Member Organization requests connectivity to the Exchange and the Members are responsible for all trading activity by its Sponsored Participant. In order to obtain connectivity to the Exchange, members are required to contact Phlx Subscriber Services and request a connection to the market. Such connection requires approval by the Exchange, testing and other security features as well as information sharing with the Exchange by the member. Only members are permitted to request connectivity to the Exchange. The requirement to also complete and submit an Exchange Agreement, Access Agreement and Addendum with our Phlx Membership Department is viewed as unnecessarily burdensome by members, who must update their customer relationships internally. Additionally, the Exchange examines for compliance with Phlx Rule 960.2 and may request information about any customer relationship which concerns the Exchange.

The Sponsoring Member Organization remains responsible for customer activity conducted on the Exchange through the Customer Agreement, among other obligations. Additionally, Sponsored Participants that obtain access to the Exchange's trading system are required to take reasonable security precautions and prevent unauthorized use or access the Exchange, including unauthorized entry of information to the Exchange,[18] pursuant to the Customer Agreement. Further, the Sponsored Participants is responsible to establish adequate procedures and controls that permit it to effectively monitor its employees', agents' and customers' use and access to the Exchange for compliance with the terms of this agreement.[19] In addition, the Exchange, through its Regulatory Services Agreement with FINRA conducts reviews of members for compliance with Phlx Rule 1094 and the Market Access Rule. The Exchange has the ability to remove access to the port[20] at any time if the activity of the Sponsored Participant would warrant such removal. Finally, Phlx Rule 1094 is currently applicable to all Phlx members that desire to sponsor access for its customers and applies to trading in all securities on the Exchange.

PSX Rules

The Exchange's proposal to remove PSX Rule 3211, entitled ''Application of Other Rules of the Exchange,'' and add Phlx Rule 1094 to the list of Phlx Rules for which PSX are responsible for compliance does not create an undue burden on competition because both Phlx equities and options members will be obligated similarly to Rule 1094. Eliminating the definitions of Sponsored Participant and Sponsoring Member Organization in Rule 1 does not create an undue burden on competition because it will avoid confusion.

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[21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

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–Phlx–2015–93 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–Phlx–2015–93. 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–Phlx–2015–93 and should be submitted on or before December 14, 2015.

[17] *See* Phlx Rule 960.2.

[18] *See* Phlx Rule 1094(b)(ii)(G).

[19] *See* Phlx Rule 1094(b)(ii)(H).

[20] *See* note 9.

[21] 15 U.S.C. 78s(b)(3)(a)(iii).

[22] 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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29707 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76459; File No. SR–BATS–2015–97)

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13, Order Execution and Routing

November 17, 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 November 9, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13, Order Execution and Routing, to adopt a new routing option to be known as ALLB.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.13, Order Execution and Routing, to adopt a new routing option to be known as ALLB. As proposed, ALLB would be a routing option under which the order checks the System[5] for available shares and is then sent to the EDGX Exchange, Inc. (''EDGX''), BATS Y-Exchange, Inc. (''BYX''), and the EDGA Exchange, Inc. (''EDGA'' collectively with the Exchange, EDGX, and BYX, the ''BGM Affiliated Exchanges''). Specifically, an order subject to the ALLB routing option would execute first against contra-side displayed and non-displayed liquidity on the BATS Book[6] at the National Best Bid or Offer (''NBBO'') or better. Any remainder would then be routed to EDGX, BYX, and/or EDGA in accordance with the System routing table.[7] If shares remain unexecuted after routing, they are posted to the BATS Book, unless otherwise instructed by the User.[8] In such case, the User may instruct the Exchange to cancel the remaining shares. ALLB is designed to comply with Rule 611 and all other provisions of Regulation NMS.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act[10] in general, and furthers the objectives of section 6(b)(5) of the Act[11] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 proposed rule change promotes just and equitable principles of trade because it would provide Users with greater flexibility in routing orders consistent with Regulation NMS without developing complicated order routing strategies on their own. The Exchange believes that the proposed routing option will also accomplish those ends by providing market participants with an additional voluntary routing option that will enable them to easily access liquidity available on all of the national securities exchanges operated by BGM Affiliated Exchanges. The Exchange expects the routing strategy will benefit firms that do not employ routing or trading strategies under which the firm itself would rapidly access liquidity provided on the multiple venues. ALLB would not provide any advantage to Users when routing to the EDGA, EDGX, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange.

Lastly, the Exchange also notes that routing options enabling the routing of orders between affiliated exchanges is not unique and that the ALLB routing option is similar to routing options offered by other exchange groups that permit routing between affiliates. Specifically, the Nasdaq Stock Market LLC (''Nasdaq''), the Nasdaq OMX BX (''BX''), Nasdaq OMX PSX (''PSX'') offer routing options that enable an order, whether sent to Nasdaq, BX, or PSX, to check the Nasdaq, BX, and PSX books for liquidity before optionally posting to the Nasdaq, BX, or PSX book.[12] In addition, the Exchange previously offered a variation of a Destination Specific Order[13] which routed to and executed by its affiliate, BYX, known as the B2B routing.[14] Therefore, the

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[6] The term ''BATS Book'' is defined as ''the System's electronic file of orders.'' *See* Exchange Rule 1.5(e).

[7] 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. *See* Exchange Rule 11.13(b)(3).

[8] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(cc).

[9] 17 CFR 242.611.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release Nos. 63900 (February 14, 2011), 76 FR 9397 (February 17, 2011) (SR-Nasdaq-2011–026); 65470 (October 3, 2011), 76 FR 62489 (October 7, 2011) (SR–BX–2011–048); and 65469 (October 3, 2011), 76 FR 62486 (October 7, 2011) (SR–Phlx–2011–108) (Notices of Filing and Immediate Effectiveness to adopt the CART, BCRT, and PCRT routing options on Nasdaq, BX, and PSX respectively). *See also* Nasdaq Rule 4758(a)(1)(A)(xi); BX Rule 4758(a)(1)(A)(vii); and PSX Rule 3315(a)(1)(A)(vii).

[13] *See* Exchange Rule 11.13(b)(3)(E).

[14] *See* Securities Exchange Act Release No. 63146 (October 21, 2010), 75 FR 66170 (October 27, 2010) (SR–BATS–2010–030). The Exchange notes that

Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. Encouraging competitors to provide higher quality and better value is the essence of a well-functioning competitive marketplace.

Lastly, ALLB would not provide any advantage to Users when routing to the EDGA, EDGX, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate 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 [15] and paragraph (f)(6) of Rule 19b–4 thereunder.[16] The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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 states that having this additional voluntary routing option will give market participants greater flexibility in routing orders and allow them to more easily access liquidity on BGM Affiliated exchanges. In addition, the Exchange states that the proposed rule change is similar to a routing option offered by other exchanges and does not propose any new or unique functionality. Based on the foregoing, the Commission believes that the waiver of the operative delay is consistent with the protection of investors and the public interest.[17] Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors; or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2015–97 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2015–97. 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 provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2015–97, and should be submitted on or before December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29727 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

BYX offered similar routing capabilities to the Exchange. *See* Securities Exchange Act Release No. 63299 (November 10, 2010), 75 FR 70325 (November 17, 2010) (SR–BYX–2010–005).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] 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).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76457; File No. SR–BYX–2015–46]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13, Order Execution and Routing

November 17, 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 November 9, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13, Order Execution and Routing, to adopt a new routing option to be known as ALLB.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.13, Order Execution and Routing, to adopt a new routing option to be known as ALLB. As proposed, ALLB would be a routing option under which the order checks the System[5] for available shares and is then sent to the EDGX Exchange, Inc. (''EDGX''), BATS Exchange, Inc. (''BZX''), and the EDGA Exchange, Inc. (''EDGA'' collectively with the Exchange, EDGX, and BZX, the ''BGM Affiliated Exchanges''). Specifically, an order subject to the ALLB routing option would execute first against contra-side displayed and non-displayed liquidity on the BATS Book[6] at the National Best Bid or Offer (''NBBO'') or better. Any remainder, would then be routed to EDGX, BZX, and/or EDGA in accordance with the System routing table.[7] If shares remain unexecuted after routing, they are posted to the BATS Book, unless otherwise instructed by the User.[8] In such case, the User may instruct the Exchange to cancel the remaining shares. ALLB is designed to comply with Rule 611 and all other provisions of Regulation NMS.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 proposed rule change promotes just and equitable principles of trade because it would provide Users with greater flexibility in routing orders consistent with Regulation NMS without developing complicated order routing strategies on their own. The Exchange believes that the proposed routing option will also accomplish those ends by providing market participants with an additional voluntary routing option that will enable them to easily access liquidity available on all of the national securities exchanges operated by BGM Affiliated Exchanges. The Exchange expects the routing strategy will benefit firms that do not employ routing or trading strategies under which the firm itself would rapidly access liquidity provided on the multiple venues. ALLB would not provide any advantage to Users when routing to the EDGA, EDGX, or BZX as compared to other methods of routing or connectivity available to Users by the Exchange.

Lastly, the Exchange also notes that routing options enabling the routing of orders between affiliated exchanges is not unique and that the ALLB routing option is similar to routing options offered by other exchange groups that permit routing between affiliates. Specifically, the Nasdaq Stock Market LLC (''Nasdaq''), the Nasdaq OMX BX (''BX''), Nasdaq OMX PSX (''PSX'') offer routing options that enable an order, whether sent to Nasdaq, BX, or PSX, to check the Nasdaq, BX, and PSX books for liquidity before optionally posting to the Nasdaq, BX, or PSX book.[12] In addition, BZX previously offered a variation of a Destination Specific Order[13] which routed to and executed by its affiliate, BYX, known as the B2B routing.[14] Therefore, the Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[6] The term ''BATS Book'' is defined as ''the System's electronic file of orders.'' *See* Exchange Rule 1.5(e).

[7] 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. *See* Exchange Rule 11.13(b)(3).

[8] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(cc).

[9] 17 CFR 242.611.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release Nos. 63900 (February 14, 2011), 76 FR 9397 (February 17, 2011) (SR–Nasdaq–2011–026); 65470 (October 3, 2011), 76 FR 62489 (October 7, 2011) (SR–BX–2011–048); and 65469 (October 3, 2011), 76 FR 62486 (October 7, 2011) (SR–Phlx–2011–108) (Notices of Filing and Immediate Effectiveness to adopt the CART, BCRT, and PCRT routing options on Nasdaq, BX, and PSX respectively). *See also* Nasdaq Rule 4758(a)(1)(A)(xi); BX Rule 4758(a)(1)(A)(vii); and PSX Rule 3315(a)(1)(A)(vii).

[13] *See* Exchange Rule 13(b)(3)(E).

[14] *See* Securities Exchange Act Release No. 63146 (October 21, 2010), 75 FR 66170 (October 27, 2010) (SR–BATS–2010–030). The Exchange notes it offered similar routing capabilities to BZX. *See* Securities Exchange Act Release No. 63299 (November 10, 2010), 75 FR 70325 (November 17, 2010) (SR–BYX–2010–005).

general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. Encouraging competitors to provide higher quality and better value is the essence of a well-functioning competitive marketplace.

Lastly, ALLB would not provide any advantage to Users when routing to the EDGA, EDGX, or BZX as compared to other methods of routing or connectivity available to Users by the Exchange. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate 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 [15] and paragraph (f)(6) of Rule 19b-4 thereunder.[16] The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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 states that having this additional voluntary routing option will give market participants greater flexibility in routing orders and allow them to more easily access liquidity on BGM Affiliated exchanges. In addition, the Exchange states that the proposed rule change is similar to a routing option offered by other exchanges and does not propose any new or unique functionality. Based on the foregoing, the Commission believes that the waiver of the operative delay is consistent with the protection of investors and the public interest.[17] Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors; or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BYX–2015–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BYX–2015–46. 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 No. SR–BYX–2015–46, and should be submitted on or before December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29712 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] 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).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76458; File No. SR–NSCC–2015–005]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change To Permit Trades in Eligible Fixed Income Securities Scheduled To Settle on Day After Trade Date To Be Processed for Settlement at National Securities Clearing Corporation

November 17, 2015.

On October 7, 2015, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–NSCC–2015–005 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] to allow certain fixed-income securities trades that that are scheduled to settle on the day after trade date (''T+1'') to settle either through NSCC's Continuous Net Settlement (''CNS'') system, or through its Balance Order Accounting Operation on a trade-for-trade basis. The proposed rule change was published for comment in the **Federal Register** on October 15, 2015.[3] The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description of the Proposed Rule Change

The following is a description of the proposed rule change, as provided by NSCC:

The proposed rule change consists of amendments to NSCC's Rules & Procedures (''Rules'') in order to permit trades in fixed income securities (corporate and municipal bonds, and unit investment trusts, collectively ''CMU'') that are T+1 to settle either through its CNS system, as described below, or through its Balance Order Accounting Operation on a trade-for-trade basis, as described below, when eligible for settlement through these services.[4]

Background

CMU transactions that are effected in the over-the-counter markets and submitted to NSCC directly by Members on a bilateral basis are processed through NSCC's Real Time Trade Matching (''RTTM'') platform. Within RTTM, the buy and sell sides of a transaction are validated and matched, resulting in a compared trade that is reported to Members. This process is called ''trade comparison.''

Today, with the exception of CMU trades that are submitted to NSCC to settle on a timeframe that is shorter than T+2,[5] CMU trades submitted to NSCC through RTTM are first compared within RTTM, and then are processed into NSCC's Universal Trade Capture (''UTC'') system, where they are checked for eligibility for settlement either through NSCC's CNS system[6] or through its Balance Order Accounting Operation on a trade-for-trade basis.[7] These CMU trades, those that are scheduled to settle on a T+2 or longer timeframe, are then processed for settlement through the settlement service for which they are eligible, *i.e.* either the CNS system or the Balance Order Accounting Operation on a trade-for-trade basis. If a CMU trade is not eligible for settlement through either CNS or the Balance Order Accounting Operation, or if it is marked as ''comparison-only'' when it is submitted to NSCC, it is only processed for trade comparison through RTTM and then it must settle away from NSCC.

Today, all CMU trades submitted to NSCC through RTTM that are scheduled to settle on T+1 are automatically processed as comparison-only in RTTM, and must settle away from NSCC. T+1 CMU trades are processed this way because, historically, NSCC's systems were not able to adequately risk manage CMU trades that settled on this shortened timeframe. NSCC has proposed to amend its Rules so that, following trade comparison through RTTM, T+1 CMU trades will be processed into UTC, where they will be checked for eligibility to settle through either CNS or the Balance Order Accounting Operation on a trade-for-trade basis. If eligible, these CMU trades will settle through the settlement service for which they are eligible, *i.e.* either the CNS system or the Balance Order Accounting Operation on a trade-for-trade basis.

Pursuant to Addendum K of the Rules, NSCC guarantees the completion of CNS settling trades that have reached the later of midnight of T+1 or midnight of the day they are reported to Members, and guarantees the completion of shortened process trades, such as same-day and next-day settling trades, upon comparison or trade recording processing.[8] Therefore, for those T+1 CMU trades that are eligible for settlement through CNS, NSCC will guarantee the completion of these trades upon comparison or trade recording processing. T+1 CMU trades that settle through CNS will be subject to all appropriate risk management measures and margining, pursuant to the existing risk management methodology and policies and procedures, including the Specified Activity charge component of its Clearing Fund charges, which applies to trades settling at NSCC on a shortened processing cycle.[9] NSCC estimates that CMU trades that are designated to settle on T+1 and will be eligible to settle through CNS represent less than half of a percent of all CMU trades processed at NSCC, and less than 2% of the total value of all CMU trades processed at NSCC.[10] In order to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76112 (October 8, 2015), 80 FR 62121 (October 15, 2015) (SR–NSCC–2015–005).

[4] Terms not defined herein are defined in the Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[5] The settlement timeframe of a trade, *i.e.* when the trade will settle relative to the trade date, is determined by the counterparties to that trade, and is indicated on the trade record when the trade is submitted to NSCC.

[6] CNS and its operation are described in Rule 11 and Procedure VII. Rules, *supra* note 4. To be eligible for CNS settlement, a transaction must be in a security that is eligible for book-entry transfer on the books of The Depository Trust Company, and must be capable of being processed in the CNS system; for example, securities may be ineligible for CNS processing due to certain transfer restrictions (*e.g.,* 144A securities) or due to the pendency of certain corporate actions.

[7] The Balance Order Accounting Operation is described in Procedure V. Rules, *supra* note 4. CMU trades that are processed through the Balance Order Accounting Operation are processed on a trade-for-trade basis, as described in Section B of Procedure V, such that Receive and Deliver Orders, as defined in the Rules, are created instructing the counterparties to the transaction to deliver or receive a quantity of securities to or from their counterparty to that transaction. These transactions are not netted and are not subject to NSCC's risk management measures, as NSCC's central counterparty guarantee does not attach to these trades.

[8] NSCC guarantees the completion of trades that settle through CNS pursuant to Addendum K of the Rules. Rules, *supra* note 4.

[9] The components of NSCC's Clearing Fund are described in Procedure XV, and the Specified Activity charge is described in Section I(A)(1)(g) for trades settling through CNS. Rules, *supra* note 4.

[10] Based on data from the first quarter of 2015, an approximate daily average of 45,000 CMU trades are processed at NSCC, with an approximate total daily value of an average of $8.3 billion. Of the approximate daily average of 45,000 CMU trades processed at NSCC, an approximate daily average of 200 CMU trades are designated to settle on T+1 and are in securities that are eligible for settlement in CNS. Of the approximate daily value of an average of $8.3 billion in CMU trades processed at NSCC, CMU trades that are designated to settle on T+1 and are in securities that are eligible for settlement in CNS have an approximate total daily value of an average of $145 million. The average daily CMU transaction volume is less than 1% of NSCC's overall daily volume.

implement this proposed rule change, NSCC will amend Procedure II (Trade Comparison and Recording Service). In particular, these amendments will provide that CMU T+1 transactions will be handled in the same manner as CMU T+2 trades and trades submitted for regular way (or T+3) settlement. Procedure II will also be amended to remove reference to CMU T+1 transactions from the section that identifies those trades that are accepted by NSCC for comparison-only processing.

Implementation

The effective date of the proposed rule change will be announced via an NSCC Important Notice.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. The Commission believes the proposal is consistent with section 17A(b)(3)(F) of the Act.[12]

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, as well as, in general, protect investors and the public interest.[13] By permitting T+1 CMU transactions to settle through CNS or the Balance Order Accounting Operation, the transactions will receive the benefit of NSCC's settlement services, including, in the case of CNS, a trade guarantee. Thus, the proposal will protect investors and the public interest by mitigating NSCC Members' settlement risk and counterparty risk. As such, the Commission believes that the proposal is consistent with section 17A(b)(3)(F) of the Act.[14]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act [15] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that proposed rule change SR–NSCC–2015–005 be, and hereby is, *approved.*[16]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29726 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] *Id.*

[14] *Id.*

[15] 15 U.S.C. 78q–1.

[16] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76462; File No. SR–NSCC–2015–004]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change To Require Real-Time Trade Submission and To Prohibit Pre-Netting Practices Through NSCC's Correspondent Clearing Service

November 17, 2015.

On September 30, 2015, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–NSCC–2015–004 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] to require correspondent clearing trades to be submitted in real-time. The proposed rule change was published for comment in the **Federal Register** on October 14, 2015.[3] The Commission did not receive comment letters regarding the proposed change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description of the Proposed Rule Change

The following is a description of the proposed rule change, as provided by NSCC:

The proposed rule change consists of amendments to NSCC's Rules & Procedures (''Rules'') in order to require that trade data submitted to NSCC through its Correspondent Clearing service, other than position movements between NSCC Members that are Affiliates and Client Custody Movements, as described further below, be submitted in real-time, and to prohibit pre-netting and other practices that prevent real-time trade submission.[4]

Background

Requiring trades to be submitted in real-time facilitates efficient risk management for both NSCC and its Members, enables same-day bookkeeping and reconciliation, and, therefore, significantly reduces risk to the industry. Receipt of trade data on a real-time basis permits NSCC's risk management processes to monitor trades closer to trade execution on an intra-day basis, and to identify and risk manage any issues relating to exposures earlier in the day. Contract information is currently reported out to submitting firms by NSCC's Universal Trade Capture (''UTC'') system upon trade comparison and validation, and receipt of trade data in real-time enables NSCC to report to Members trade data as it is received, thereby promoting intra-day reconciliation of transactions at the Member level. The majority of trades submitted to NSCC for clearing are currently being submitted in real-time on a trade-by-trade basis, and NSCC is operationally capable of managing trade volumes that are multiple times larger than the historical peak volumes.

NSCC will require that trade data submitted through its Correspondent Clearing service, as described below, be submitted in real-time and to prohibit pre-netting and other practices that prevent real-time trade submission (''pre-netting practices''). NSCC will exclude from this requirement position movements between NSCC Members that are Affiliates and Client Custody Movements, as described below. The term ''real-time,'' when used with respect to trade submission, is defined in Procedure XIII (Definitions) of the Rules as the submission of trade data on a trade-by-trade basis promptly after trade execution, in any format and by any communication method acceptable to NSCC.

NSCC's UTC system receives and validates transactions that are submitted to it, reports trade details back out to the submitting firm, and prepares those transactions for netting and settlement by routing transactions to netting and settlement systems, such as Continuous Net Settlement Accounting Operation, the Balance Order Accounting Operation, or the Foreign Security Accounting Operation, as applicable. Transactions are submitted to UTC

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76099 (October 7, 2015), 80 FR 61860 (October 14, 2015) (SR–NSCC–2015–004).

[4] Terms not defined herein are defined in the Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

either on a locked-in basis by self-regulatory organizations (including national and regional exchanges and marketplaces) (''SROs'') and Qualified Special Representatives (''QSRs''),[5] or are submitted to UTC as a part of NSCC's Correspondent Clearing service, which allows for post-execution position movements between two clearing firms. Currently all transactions submitted to NSCC on a locked-in basis by SROs and QSRs, which constitute approximately 95% of all transactions processed at NSCC,[6] are required to be submitted in real-time and may not be pre-netted or batched prior to submission.[7]

NSCC's Correspondent Clearing service is designed to provide an automated method by which a Member, acting as a Special Representative, may move a position that has been submitted to NSCC for clearing to the account of another Member (the submitting Member's correspondent) on whose behalf the original trade was executed.[8] Members participating in the Correspondent Clearing service for post-execution position movements and those participating as a QSR for submission of original, locked-in trades are required to apply for status as a Special Representative or as a QSR, and to establish relationships with other NSCC Members that will be designated as their correspondents. While NSCC encourages Special Representatives to submit Correspondent Clearing submissions to NSCC as soon as possible following execution, currently these position movements may be sent to NSCC either in real-time, intraday, or at the end of the day.

NSCC has continued to engage widely with its Members about the benefits of expanding the requirements to submit transactions in real-time and, as a result of these continuing discussions, will modify its Rules to require that trade data submitted through its Correspondent Clearing service also be submitted in real-time. The proposed rule change will also prohibit pre-netting practices that prevent real-time trade submission through Correspondent Clearing.

NSCC's Rules currently prohibit pre-netting practices that preclude real-time submission with respect to submissions by QSRs and SROs. Pre-netting practices that are currently prohibited include ''summarization'' (a technique in which the clearing broker nets all trades in a single CUSIP by the same correspondent broker into fewer submitted trades), ''compression'' (a technique to combine submissions of data for multiple trades to the point where the identity of the party actually responsible for the trades is masked), netting, or any other practice that combines two or more trades prior to their submission to NSCC.

NSCC will extend the prohibition against pre-netting practices to submissions through Correspondent Clearing because pre-netting practices prevent the submission to NSCC of transactions on a trade-by-trade basis, and cause Special Representatives to delay submission of their trades, thereby undermining the risk mitigation benefits of real-time trade submission. Pre-netting practices disrupt NSCC's ability to accurately monitor market and credit risks as they evolve during the trading day.

NSCC will exclude from the requirements of this proposal any position movements between Members that are Affiliates, as identified within NSCC's membership management records. As defined in Rule 4A, ''Affiliate'' means a person that controls or is controlled by or is under common control with another person.[9] Position movements between Affiliates do not introduce the risk management concerns that are mitigated by real-time trade submission. As such, Members will not be required to submit these position movements in real-time, but will continue to be encouraged to do so. Positions movements between Affiliates represent fewer than 5% of trade data submitted through Correspondent Clearing to NSCC.[10]

In order to submit trade data through Correspondent Clearing outside of the real-time trade submission requirements, Special Representatives will need to identify a transaction as an Affiliate position movement. NSCC will validate the Affiliates' relationship between the counterparties by a check against the information within NSCC's membership management records as of the time of the trade submission. Members continue to be required to provide NSCC with current information regarding their corporate ownership structure. If an Affiliate relationship is not reflected on NSCC's records at the time of the trade submission, the transaction will be rejected.

NSCC will also exclude from the requirements of this proposal position movements that occur between two unaffiliated clearing brokers, typically at the end of the day, on behalf of a common customer for custody purposes (''Client Custody Movements''). These movements, which today represent approximately 1% of submissions through Correspondent Clearing, will be exempt from the requirement because they necessarily take place at the end of the day, after the common client has reviewed its end of day positions and has instructed the clearing brokers as to which positions it will move for custody purposes.

NSCC will amend Rule 7 (Comparison and Trade Recording Operation), Procedure II (Trade Comparison and Recording Service), and Procedure IV (Special Representative Service) to require that trades submitted by Special Representatives for trade recording through NSCC's Correspondent Clearing service be submitted on a real-time basis and to make clear that trade data submitted to NSCC through Correspondent Clearing service must be submitted on a trade-by-trade basis, in the original form executed, and that pre-netting practices are prohibited. The proposed rule change will also make clear that these requirements will not

[5] QSRs are defined in section 3 of Rule 7 as NSCC Members that have applied to NSCC to be a Special Representative, and either (i) operate an automated execution system where they are always the contra side of every trade, (ii) are the parent or affiliate of an entity operating such an automated system, where they are the contra side of every trade, or (iii) clear for a broker/dealer that operates such a system and the subscribers to the system acknowledge the clearing Member's role in the clearance and settlement of these trades. Rules, *supra* note 4.

[6] Based on data from the second quarter of 2015, which show an approximate daily average of 41 million transactions processed at NSCC, with an approximate total daily value of an average of $455 billion; and an approximate average of 1.1 million submissions through Correspondent Clearing, with an approximate total daily value of an average of $57 billion. The average daily volume of submissions through Correspondent Clearing is less than 5% of NSCC's overall daily volume.

[7] Securities Exchange Act Release No. 69890 (June 28, 2013), 78 FR 40538 (July 5, 2013) (File No. SR–NSCC–2013–05). *See also* Rule 7 (Comparison and Trade Recording Operation), Procedure II (Trade Comparison and Recording Service), and Procedure IV (Special Representative Service), *supra* note 4.

[8] The term ''original trade'' is used within the Rules describing the Correspondent Clearing service solely to distinguish between trades executed in the marketplace by the Special Representative, and transactions booked for accounting purposes to accommodate the movement of positions between Members as provided for in Section C of Procedure IV. Original trades may not be submitted through NSCC's Correspondent Clearing service. Rules, *supra* note 4.

[9] Control of a person means the direct or indirect ownership or power to vote more than 50% of any class of the voting securities or other voting interests of any person. Rule 4A, *supra* note 4.

[10] Based on data from the second quarter of 2015, which show an approximate daily average of 1.1 million submissions through Correspondent Clearing at NSCC, with an approximate total daily value of an average of $57 billion; and an approximate average of 52,000 position movements through Correspondent Clearing between Affiliates, with an approximate total daily value of an average of $13 billion. The average daily volume of position movements through Correspondent Clearing between Affiliates is less than 1% of NSCC's overall daily volume.

apply to position movements between NSCC Members that are Affiliates or to Client Custody Movements.

Implementation

The effective date of the proposed rule change will be announced via a NSCC Important Notice. The proposed rule change will not be implemented earlier than ten business days from the date of Commission approval.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. The Commission believes the proposal is consistent with section 17A(b)(3)(F) of the Act [12] and Rule 17Ad–22(d)(4) [13] under the Act, as described in detail below.

Consistency with Section 17A(b)(3)(F) of the Act. Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, as well as, in general, protect investors and the public interest.[14] The Commission believes that the receipt of locked-in trade data on a real-time basis through NSCC's Correspondent Clearing service will enable NSCC's risk management processes to monitor such trades closer to trade execution and, thus, better identify and manage related risk exposure on an intra-day basis. Further, receiving such transactions in real-time will promote intra-day reconciliation and, in return, more timely reporting of Member transactions back to Members, thereby enabling Members to manage their exposure to certain operational, market, and credit risks, all of which helps facilitate the prompt and accurate clearance and settlement of securities transactions. As such, the Commission believes that the proposal is consistent with section 17A(b)(3)(F) of the Act.[15]

Consistency with Rule 17Ad–22(d)(4). Rule 17Ad–22(d)(4) under the Act requires a central counterparty, such as NSCC, to ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [i]dentify sources of operational risk and minimize them through the development of appropriate systems, controls, and procedures . . . .'' [16] As stated above, the Commission believes that the receipt of locked-in trade data on a real-time basis through NSCC's Correspondent Clearing service will enable NSCC's risk management processes to monitor such trades closer to trade execution, on an intra-day basis, and, thus, identify and manage related risk exposure earlier, thereby potentially minimizing a source of operational risk. As such, the Commission believes that the proposal is consistent with Rule 17Ad–22(d)(4).[17]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act [18] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that proposed rule change SR–NSCC–2015–004 be, and hereby is, *Approved.*[19]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29728 Filed 11–20–15; 8:45 am]

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[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q-1(b)(3)(F).

[13] 17 CFR 240.17Ad–22(d)(4).

[14] 15 U.S.C. 78q-1(b)(3)(F).

[15] *Id.*

[16] 17 CFR 240.17Ad–22(d)(4).

[17] *Id.*

[18] 15 U.S.C. 78q–1.

[19] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of African Copper Corp., Genmed Holding Corp., and Yanglin Soybean, Inc., Order of Suspension of Trading

November 19, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of African Copper Corp. (CIK No. 1526185), a revoked Nevada corporation with its principal place of business listed as Mowbray, Cape Town, South Africa, with stock quoted on OTC Link (previously, ''Pink Sheets'') operated by OTC Markets Group, Inc. (''OTC Link'') under the ticker symbol ACCS, because it has not filed any periodic reports since the period ended January 31, 2013. On October 22, 2014, the Division of Corporation Finance sent African Copper a delinquency letter requesting compliance with their periodic filing obligations, but the letter was returned because of African Copper's 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 Genmed Holding Corp. (CIK No. 1061688), a revoked Nevada corporation with its principal place of business listed as Zoetermeer, The Netherlands, with stock quoted on OTC Link under the ticker symbol GENM, because it has not filed any periodic reports since the period ended December 31, 2012. On October 22, 2014, the Division of Corporation Finance sent Genmed Holding a delinquency letter requesting compliance with their periodic filing obligations, but the letter was returned because of Genmed Holdings' 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 Yanglin Soybean, Inc. (CIK No. 1368745), a revoked Nevada corporation with its principal place of business listed as Heilongjiang Province, China, with stock quoted on OTC Link under the ticker symbol YSYB, because it has not filed any periodic reports since the period ended December 31, 2012. On November 7, 2014, the Division of Corporation Finance sent Yanglin Soybean a delinquency letter requesting compliance with their periodic filing obligations, but the letter was returned because of Yanglin Soybean's 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).

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 19, 2015, through 11:59 p.m. EST on December 3, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–29870 Filed 11–19–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76456; File No. SR–EDGX–2015–53]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11, Routing to Away Trading Centers

November 17, 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 November 9, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.11, Routing to Away Trading Centers, to adopt a new routing option to be known as ALLB.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.11, Routing to Away Trading Centers, to adopt a new routing option to be known as ALLB. As proposed, ALLB would be a routing option under which the order checks the System[5] for available shares and is then sent to the BATS Exchange, Inc. (''BZX''), BATS Y-Exchange, Inc. (''BYX''), and the EDGA Exchange, Inc. (''EDGA'' collectively with the Exchange, BZX, and BYX, the ''BGM Affiliated Exchanges''). Specifically, an order subject to the ALLB routing option would execute first against contra-side displayed and non-displayed liquidity on the EDGX Book[6] at the National Best Bid or Offer (''NBBO'') or better. Any remainder, would then be routed to BZX, BYX, and/or EDGA in accordance with the System routing table.[7] If shares remain unexecuted after routing, they are posted to the EDGX Book, unless otherwise instructed by the User.[8] In such case, the User may instruct the Exchange to cancel the remaining shares. ALLB is designed to comply with Rule 611 and all other provisions of Regulation NMS.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 proposed rule change promotes just and equitable principles of trade because it would provide Users with greater flexibility in routing orders consistent with Regulation NMS without developing complicated order routing strategies on their own. The Exchange believes that the proposed routing option will also accomplish those ends by providing market participants with an additional voluntary routing option that will enable them to easily access liquidity available on all of the national securities exchanges operated by BGM Affiliated Exchanges. The Exchange expects the routing strategy will benefit firms that do not employ routing or trading strategies under which the firm itself would rapidly access liquidity provided on the multiple venues. ALLB would not provide any advantage to Users when routing to the EDGA, BZX, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange.

Lastly, the Exchange also notes that routing options enabling the routing of orders between affiliated exchanges is not unique and that the ALLB routing option is similar to routing options offered by other exchange groups that permit routing between affiliates. Specifically, the Nasdaq Stock Market LLC (''Nasdaq''), the Nasdaq OMX BX (''BX''), Nasdaq OMX PSX (''PSX'') offer routing options that enable an order, whether sent to Nasdaq, BX, or PSX, to check the Nasdaq, BX, and PSX books for liquidity before optionally posting to the Nasdaq, BX, or PSX book.[12] In addition, BZX previously offered a variation of a Destination Specific Order[13] which routed to and executed by its affiliate, BYX, known as the B2B routing.[14] Therefore, the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[6] The term ''EDGX Book'' is defined as ''the System's electronic file of orders.'' *See* Exchange Rule 1.5(d).

[7] 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. *See* Exchange Rule 11.11(g).

[8] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[9] 17 CFR 242.611.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release Nos. 63900 (February 14, 2011), 76 FR 9397 (February 17, 2011) (SR–Nasdaq–2011–026); 65470 (October 3, 2011), 76 FR 62489 (October 7, 2011) (SR–BX–2011–048); and 65469 (October 3, 2011), 76 FR 62486 (October 7, 2011) (SR–Phlx–2011–108) (Notices of Filing and Immediate Effectiveness to adopt the CART, BCRT, and PCRT routing options on Nasdaq, BX, and PSX respectively). *See also* Nasdaq Rule 4758(a)(1)(A)(xi); BX Rule 4758(a)(1)(A)(vii); and PSX Rule 3315(a)(1)(A)(vii).

[13] *See* Exchange Rule 11.11(g)(14).

[14] *See* Securities Exchange Act Release No. 63146 (October 21, 2010), 75 FR 66170 (October 27, 2010) (SR–BATS–2010–030). The Exchange notes that

believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. Encouraging competitors to provide higher quality and better value is the essence of a well-functioning competitive marketplace.

Lastly, ALLB would not provide any advantage to Users when routing to the BZX, EDGA, or BYX as compared to other methods of routing or connectivity available to Users by the Exchange. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate 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 [15] and paragraph (f)(6) of Rule 19b–4 thereunder.[16] The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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 states that having this additional voluntary routing option will give market participants greater flexibility in routing orders and allow them to more easily access liquidity on BGM Affiliated exchanges. In addition, the Exchange states that the proposed rule change is similar to a routing option offered by other exchanges and does not propose any new or unique functionality. Based on the foregoing, the Commission believes that the waiver of the operative delay is consistent with the protection of investors and the public interest.[17] Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors; or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EDGX–2015–53 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–EDGX–2015–53. 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 No. SR–EDGX–2015–53, and should be submitted on or before December 14, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29711 Filed 11–20–15; 8:45 am]

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BYX offered similar routing capabilities to BZX. *See* Securities Exchange Act Release No. 63299 (November 10, 2010), 75 FR 70325 (November 17, 2010) (SR–BYX–2010–005).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] 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).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76451; File No. SR–ISE–2015–37)

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

November 17, 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 November 2, 2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, 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 ISE proposes to amend the Schedule of Fees to introduce a per trade and per month fee cap for strategy orders as described in more detail below. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 Schedule of Fees to introduce a strategy fee cap program that provides a cap on Market Maker, Non-ISE Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer fees charged for six types of strategy trades: Reversals, conversions, jelly rolls, mergers, short stock interest, and box spreads. These strategy trades are defined below:

''Reversal''—A reversal strategy is defined as transactions that employ calls, puts and the underlying security to lock in a nearly risk free profit. Reversals are established by combining a short security position with a short put and a long call position that shares the same strike and expiration.

''Conversion''—A conversion strategy is defined as transactions that employ calls, puts and the underlying security to lock in a nearly risk free profit. Conversions employ long positions in the underlying security that accompany long puts and short calls sharing the same strike and expiration.

''Jelly Roll''—A jelly roll strategy is defined as a long calendar call spread combined with the same short calendar put spread, or vice versa. This option strategy aims to profit from a time value spread through the purchase and sale of two call and two put options, each with different expiration dates. A jelly roll is created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but a different expiration from the first position.

''Merger''—A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.,* cash or stock.

''Short Stock Interest''—A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class.

''Box Spread''—A box spread strategy is defined as transactions involving a long call option and a short put option at one strike, combined with a short call option and long put at a different strike, to create synthetic long and synthetic short stock positions, respectively.

Because the strategy trades referenced above are commonly executed in large volumes with profit margins that are generally narrow, the Exchange proposes to cap the transaction fees associated with such executions at $750 per trade for orders executed on the same day in the same option class.[3] In addition, strategy trades will be subject to a monthly cap of $25,000 per member for all strategy executions. All eligible volume from affiliated members will be aggregated for purposes of the fee cap, provided there is at least 75% common ownership between the members as reflected on each member's Form BD, Schedule A. If a member submits an order that qualifies for the per trade or per month fee cap for strategy orders, only the amount actually paid for those trades (*i.e.,* the capped amounts) will be counted towards the Crossing Fee Cap, if applicable.[4]

Several other options exchanges offer similar strategy cap programs that reduce members' fees when executing strategy trades.[5] The Exchange believes that by adopting a similar program to lower fees for strategy trades, the Exchange will be able to attract additional liquidity to the benefit of all market participants that trade on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and Section 6(b)(4) of the Act,[7] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that it is reasonable and equitable to introduce a per trade and per month fee cap for strategy trades as this will reduce the fees charged to members that execute their strategy trades on the Exchange. The proposed strategy fee cap is designed to compete with fee caps in place on other options exchanges. By lowering the cost of strategy executions on the Exchange, the Exchange intends to attract this order flow, which will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Members must submit a form provided by the Exchange to identify their strategy trades.

[4] For example, if a member submits a strategy order that would normally incur a fee of $2,000 but is capped at $750 per trade, only the $750 that is actually paid by the member is counted towards the Crossing Fee Cap, if applicable.

[5] *See e.g.* Nasdaq OMX Phlx (''Phlx'') Schedule of Fees, Section II, Multiply Listed Options Fees, Strategies Defined.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

increase available liquidity to the benefit all members and investors that trade on the Exchange. The Exchange further believes that adopting a fee cap for strategy trades is not unfairly discriminatory because all Market Maker, Non-ISE Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer that execute strategy trades on the Exchange will have an opportunity to benefit from this cap. The Exchange does not believe that it is unfairly discriminatory not to apply a similar cap for Priority Customer orders as Priority Customers do not generally enter strategy orders, which involve large volume trades, and already receive free or heavily discounted execution fees and therefore would not benefit from a strategy trade fee cap.

The Exchange also believes that it is reasonable equitable and not unfairly discriminatory to aggregate affiliates for purposes of the monthly fee cap for strategy orders as the language permitting aggregation of volume amongst corporate affiliates is intended to avoid disparate treatment of firms that have divided their various business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity. In this regard, the Exchange notes that the proposed definition of ''affiliate'' is consistent with the definition used in other parts of the Schedule of Fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed strategy cap is pro-competitive as it is designed to compete with strategy caps already in place on other markets, and will lower the fees charged to members that execute strategy trades on the Exchange. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

[8] 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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[9] and subparagraph (f)(2) of Rule 19b–4 thereunder,[10] because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml);* or
- Send an Email to *rule-comments@sec.gov.* Please include File No. SR–ISE–2015–37 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–ISE–2015–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commissions Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 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 ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2015–37 and should be submitted by December 14, 2015.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–29706 Filed 11–20–15; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day Notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before December 23, 2015.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis

Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: In accordance with 13 CFR 124.604, as part of its annual review submission, each Participant owned by a Tribe, ANC, NHO or CDC must submit to SBA information showing how they have provided benefits to their members and communities. This data includes information relating to funded cultural programs, employment assistance, jobs, scholarships, internships, subsistence activities, and other services provided.

Title: 8(A) Participant Benefits Report.

Description of Respondents: 8(a) Program Participants—Entity Owned (Indian Tribe, Alaskan Native Corporations, Native Hawaiian Organizations, and Community Development Corporations.

Form Number: 2456.

Estimated Annual Responses: 329.

Estimated Annual Hour Burden: 165.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–29693 Filed 11–20–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Meeting: RTCA Program Management Committee (PMC)

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

ACTION: Notice of RTCA Program Management Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a RTCA Program Management Committee meeting.

DATES: The meeting will be held December 15th from 8:30 a.m.–4:30 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036, Tel: (202) 330–0680.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Karan Hofmann, Program Director, RTCA, Inc., *khofmann@rtca.org,* (202) 330–0680.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the RTCA Program Management Committee. The agenda will include the following:

Tuesday, December 15, 2015

1. Welcome and Introductions
2. Review/Approve
   a. Meeting Summary September 22, 2015, RTCA Paper No. 181–15/PMC–1362
   b. Summary of Electronic Approvals since last PMC
   i. Revised TOR SC–147—MOPS for Traffic Alert and Collision Avoidance Systems Airborne Equipment
   ii. Revised TOR SC–224—Standards for Airport Security Access Control Systems
3. Publication Consideration/Approval
   a. Final Draft, Revised Document, DO–300A—Minimum Operational Performance Standards (MOPS) for Traffic Alert and Collision Avoidance System II (TCAS II) Hybrid Surveillance, prepared by SC–147
   b. Change 2 to DO–300—Minimum Operational Performance Standards (MOPS) for Traffic Alert and Collision Avoidance System II (TCAS II) Hybrid Surveillance, prepared by SC–147
   c. Final Draft, Revised Document, DO–262B—Minimum Operational Performance Standards for Avionics Supporting next Generation Satellite System (NGSS) Iridium Specific Appendix D, prepared by SC–222
   d. Final Draft, Revised Document, DO–230E—Standards for Airport Security Access Control Systems, prepared by SC–224
   e. Final Draft, Revised Document, DO–283A—Minimum Operational Performance Standards for Required Navigation Performance for Area Navigation, prepared by SC–227
4. Integration and Coordination Committee (ICC)
   a. Need for IP Standards—Update
5. Past Action Item Review
   a. DO–361 Disclaimer—Discussion
   b. PMC Ad-Hoc MASPS vs. guidance ''discontinuity'' between RTCA and EUROCAE documentation—Discussion
   c. Review of RTCA Document Types—Discussion
   d. Industry Interest in Runway Overrun Alerting—possible new Special Committee (SC)—Discussion
   e. Planning Forward Session—Discussion
   f. Wireless Avionics Intra Communication—possible new Special Committee (SC)—Discussion
   g. UPS GPS issue—Update
6. Discussion
   a. SC–206—Aeronautical Information and Meteorological Data Link Services—Discussion—Revised TOR
   b. SC–209—Air Traffic Control Radar Beacon System/Mode Select (ATCRBS/Mode S) Transponder—Discussion—Revised TOR
   c. SC–213—Enhanced Flight Vision Systems/Synthetic Vision Systems—Discussion—Revised TOR
   d. SC–225—Rechargeable Lithium Batteries and Battery Systems—Discussion—Status Update on DO–311 Revision
   e. SC–233—Addressing Human Factors/Pilot Interface Issues for Avionics—Discussion—Status Update
   f. SC–234—Portable Electronic Devices—Discussion—Revised TOR
   g. Design Assurance Guidance for Airborne Electronic Hardware—Status—Possible New Special Committee to Update RTCA DO–254
   h. Forum of Aeronautical Software—Discussion—Update
   i. NAC—Status Update
   j. TOC—Status Update
   k. FAA Actions Taken on Previously Published Documents—Report
   l. Special Committees—Chairmen's Reports and Active Inter-Special Committee Requirements Agreements (ISRA)—Review
   m. European/EUROCAE Coordination—Status Update
   n. Planning Forward—Discussion
7. Other Business
8. Schedule for Committee Deliverables and Next Meeting Date
9. New Action Item Summary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 18, 2015.

Latasha Robinson,

Management & Program Analyst, NextGen, Enterprise Support Services Division, Federal Aviation Administration.

[FR Doc. 2015–29828 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

U.S. Fish and Wildlife Service Long Range Transportation Plan for Service-Managed Lands

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of availability; request for comments.

Authority: 23 U.S.C. 204.

SUMMARY: The Federal Highway Administration, along with the U.S. Fish and Wildlife Service (Service), announce the availability of a draft Service Long Range Transportation Plan (LRTP) for public review and comment. The Draft LRTP outlines a strategy for improving and maintaining transportation assets that provide access to Service-managed lands nationally over the next 20 years. Preparing this document helps the Service meet transportation planning requirements under the Moving Ahead for Progress in the 21st Century Act (MAP–21).

DATES: Please provide your comments by December 23, 2015.

ADDRESSES: See Supplementary Information section for address to obtain copies or make comments.

FOR FURTHER INFORMATION CONTACT:

U.S. Fish and Wildlife Service (FWS), DOI: Steve Suder, (703) 358–1752

Federal Highway Administration (FHWA), DOT: Roxanne Bash, (360) 619–7558

SUPPLEMENTARY INFORMATION: After nearly three years of collaboration and planning, the U.S. Fish and Wildlife Service developed the Service's Long Range Transportation Plan for managed lands, including national wildlife refuges and national fish hatcheries. As the first national level, long range transportation planning document (called PLAN 2035) for a federal land management agency, completing this plan marks a significant achievement for transportation planning in the public lands arena.

U.S. Fish and Wildlife Service is tasked with managing a transportation system that provides mobility and access to sensitive habitats and natural resources in rural landscapes, urban areas, wetlands, coastal plains, mountain highlands and everything in between.

With more than 150 million acres, 560 national wildlife refuges, 70 national fish hatcheries, and 38 wetland management districts, the task is daunting in scope alone. PLAN 2035 is our Agency's answer to solving challenges through transportation solutions. Safety toolkits, roadway design standards, multi-modal access opportunities and a myriad of other strategies and practices not only let us connect to and move freely about our lands, but also help us improve these legacy resources for generations of visitors to come.

The Service envisions a transportation system of not just roads and parking lots, but foot and bicycle paths, transit systems, bridges and water trails that lay lightly on the landscape, yet are resilient to the consequences of natural disasters. The guidance and strategies contained in PLAN 2035 will set the stage for achieving this lofty vision while establishing the transportation program as a progressive, innovative and integral part of the Service.

The draft LRTP is available on the following Web site: *http://flh.fhwa.dot.gov/programs/flpp/documents/2035-national-lrtp.pdf* . Submit comments electronically at *fwslrtpcomments@fws.gov*.

We also have a limited number of printed and CD–ROM copies of the draft plans. You may request a copy or submit written comments at the following address: Steve Suder; Attn: FWS National LRTP; US Fish and Wildlife Service, 5275 Leesburg Pike, MS–NWRS, Falls Church, VA 22041

Next Steps—After this comment period ends, we will analyze the comments and address them in the form of final LRTP.

Public Availability of Comments—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 16, 2015.

Sandra Otto,

Division Director, Western Federal Lands Highway Division, FHWA, Vancouver, Washington.

[FR Doc. 2015–29779 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–36–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0047]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 8, 2015, the Stewartstown Railroad (STRT) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards; Part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses; and Part 224, Reflectorization of Rail Freight Rolling Stock. FRA assigned the petition Docket Number FRA–2015–0047.

STRT owns 7.4 miles of railroad between Stewartstown and New Freedom, PA. The last revenue trains were operated in 2004. Over the last several years, volunteers have made repairs and upgrades to track, locomotives, and rolling stock. STRT initially intends to operate six-tenths of a mile out of Stewartstown and gradually expand services as more track is rehabilitated to Class 1 condition. Initial service will be provided by a 35-ton Plymouth locomotive and Caboose PRR 478173 to carry passengers for tourist railroad operations conducted at speeds not exceeding 10 mph. Caboose PRR 478173 is the subject of the present waiver petition.

STRT indicates that this car was built in February 1951, which makes the current date more than 50 years from the date of original construction, and STRT will therefore require relief from 49 CFR 215.203, *Restricted cars,* to continue the car in service. Because the caboose is not equipped with compliant glazing, SRTR also requests relief from the requirements of 49 CFR 223.13, *Requirements for existing cabooses.* STRT notes that there is no history of vandalism and that retrofitting the caboose with compliant glazing would be cost prohibitive. Since STRT does not interchange equipment with any of the railroad, the railroad also requests relief from the requirements of 49 CFR 215.303, *Stenciling of restricted cars.*

STRT notes that there is no freight service on this line and none is anticipated in the near future. As the caboose will be used only in excursion passenger service, the railroad requests relief from the requirements of 49 CFR part 224.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 23, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on November 13, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–29686 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35965 (Sub-No. 1)]

Indiana Southern Railroad, LLC—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

By petition filed on October 5, 2015, Indiana Southern Railroad, LLC (ISRR), requests that the Board partially revoke the trackage rights class exemption, 49 CFR 1180.2(d)(7), as it pertains to the trackage rights arrangement exempted in Docket No. FD 35965, to permit those trackage rights to expire on January 1, 2020.

ISRR states that the temporary trackage rights agreement (Agreement) between ISSR and Norfolk Southern Railway Company (NS) exempted in Docket No. FD 35965 is intended to grant ISRR limited overhead temporary trackage rights to operate over and provide rail service to one customer on a portion of NS's rail line between milepost 0.8 EJ at Oakland City Junction, Ind., and milepost 4.8 EJ at Enosville, Ind. Notice of the exemption in FD 35965 was served and published in the **Federal Register** on October 21, 2015 (80 FR 63871). The transaction may be consummated on or after November 4, 2015, the effective date of ISSR's exemption.

Discussion and Conclusions

Although ISRR and NS have expressly agreed on the duration of the proposed Agreement, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, however, trackage rights exemptions have been granted for a limited time period rather than in perpetuity. See, *e.g.,* Union Pac. R.R.—Trackage Rights Exemption—Burlington N. & Santa Fe Ry., FD 34242 (Sub-No. 1) (STB served Oct. 7, 2002).

Under 49 U.S.C. 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that: (1) Continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

ISRR's temporary trackage rights were already authorized under the class exemption at 49 CFR 1180.2(d)(7). Granting partial revocation in these circumstances will promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreement expires, thereby promoting rail transportation policy goals at 49 U.S.C. 10101(2), (4), (5), (7), and (15). Moreover, limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted. Therefore, we will grant the petition and permit the trackage rights exempted in Docket No. FD 35965 to expire on January 1, 2020.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, we will impose the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho (Oregon Short Line), 360 I.C.C. 91 (1979).

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. 10502, the trackage rights described in Docket No. FD 35965 are exempted, as discussed above, to permit the trackage rights to expire on January 1, 2020, subject to the employee protective conditions set forth in Oregon Short Line.

3. Notice will be published in the **Federal Register** on November 23, 2015.

4. This decision is effective on December 23, 2015. Petitions to stay must be filed by December 3, 2015. Petitions for reconsideration must be filed by December 14, 2015.

Decided: November 17, 2015.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Miller.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2015–29794 Filed 11–20–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2004–16951]

Agency Request for Renewal of a Previously Approved Information Collection: Exemptions for Air Taxi Operations

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB)'s approval to renew an information collection. The collection involves a classification of air carriers known as air taxi operators and their filings of a one-page form that enables them to obtain economic authority from DOT. The information to be collected is necessary for DOT to determine whether an air taxi operator meets DOT's criteria for an economic authorization in accordance with DOT rules. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by January 22, 2016.

ADDRESSES: You may submit comments [identified by Docket No. DOT–OST–2004–16951] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Vanessa R. Balgobin, (202) 366–9721, Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0565.

Title: Exemptions for Air Taxi Operations.

Form Numbers: OST Form 4507.

Type of Review: Renewal of an information collection.

Background: Part 298 of Title 14 of the Code of Federal Regulations, Exemptions for Air Taxi Registration, establishes a classification of air carriers known as air taxi operators that offer on-demand passenger service. The regulation exempts these small operators from certain provisions of the Federal statute to permit them to obtain economic authority by filing a one-page, front and back, OST Form 4507, Air Taxi Operator Registration, and Amendments under Part 298 of DOT's Regulations.

DOT expects to receive 200 new air taxi registrations and 2,200 amended air taxi registrations each year, resulting in 2,400 total respondents. Further, DOT expects filers of new registrations to take 1 hour to complete the form, while it should only take 30 minutes to prepare amendments to the form. Thus, the total annual burden is expected to be 1,300 hours.

Respondents: U.S. air taxi operators.

Number of Respondents: 2,400.

Frequency: On occasion.

Number of Responses: 2,400.

Total Annual Burden: 1,300 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for [your office]'s performance; (b) the accuracy of the estimated burden; (c) ways for [your office] to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC on November 16, 2015.

Lauralyn J. Remo,

Chief, Air Carrier Fitness Division, Office of Aviation Analysis.

[FR Doc. 2015–29780 Filed 11–20–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Publication of the Tier 2 Tax Rates

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: Publication of the tier 2 tax rates for calendar year 2016 as required by section 3241(d) of the Internal Revenue Code (26 U.S.C. 3241). Tier 2 taxes on railroad employees, employers, and employee representatives are one source of funding for benefits under the Railroad Retirement Act.

DATES: The tier 2 tax rates for calendar year 2016 apply to compensation paid in calendar year 2016.

FOR FURTHER INFORMATION CONTACT: Kathleen Edmondson, CC:TEGE:EOEG:ET1, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Telephone Number (202) 317–6798 (not a toll-free number). TIER 2 TAX RATES: The tier 2 tax rate for 2016 under section 3201(b) on employees is 4.9 percent of compensation. The tier 2 tax rate for 2016 under section 3221(b) on employers is 13.1 percent of compensation. The tier 2 tax rate for 2016 under section 3211(b) on employee representatives is 13.1 percent of compensation.

Dated: November 13, 2015.

Victoria A. Judson,

Associate Chief Counsel (Tax Exempt and Government Entities).

[FR Doc. 2015–29718 Filed 11–20–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0099]

Proposed Information Collection (Dependents' Request for Change of Program or Place of Training) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the revision of the form to remove the statement that chapter 35 recipients cannot choose Electronic Funds Transfer (EFT).

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 22, 2016.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to

Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0099'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), 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, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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.

Title: Dependents' Request for Change of Program or Place of Training, VA Form 22–5495.

OMB Control Number: 2900–0099.

Type of Review: Revision of a currently approved collection.

Abstract: Spouses, surviving spouses, and children who are eligible for Survivor's and Dependent's Educational Assistance (DEA) benefits under chapter 35, and children eligible for the Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) under chapter 33, title 38, U.S. Code, complete VA Form 22–5495 to change their program of education or place of training. VA uses the information collected to determine if the new program is suitable to their abilities, aptitudes, and interest; and to verify the new place of training is approved for benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 36,038 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 144,333

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. 2015–29723 Filed 11–20–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Requirement To Present Certain Health Information for a Service Dog; Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed for Veterans, Veteran Representatives and health care providers to request reimbursement from the federal government for emergency services at a private institution.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 22, 2016.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or Brian McCarthy, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Brian.McCarthy4@va.gov.* Please refer to ''Requirement to Present Certain Health Information for a Service Dog under 38 CFR 1.218(a)(11), OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 461–6345.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 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.

Titles: Requirement to Present Certain Health Information for a Service Dog under 38 CFR 1.218(a)(11).

OMB Control Number: 2900–NEW.

Type of Review: New Collection Request.

Abstract: Pursuant to 38 U.S.C. 901, VA may prescribe rules to provide for the maintenance of law and order and the protection of persons and property on VA property. VA implements this authority in regulations at 38 CFR 1.218 pertaining to security and law enforcement. This final rule will amend § 1.218(a)(11) to require VA facilities to permit service animals on VA property consistent with 40 U.S.C. 3103 (section 3103) and Public Law 112–154, § 109, 126 Stat. 1165 (2012) (section 109). Section 3103(a) provides that guide dogs or other service animals accompanying individuals with disabilities and especially trained for that purpose shall be admitted to any building or other property owned or controlled by the Federal Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property. Section 109 provides that VA specifically may not prohibit the use of a covered service dog in any VA facility, on any VA property, or in any facility or on any property that receives funding from VA, and further defines a covered service dog as a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs. Current 38 CFR 1.218(a)(11), however, reads that dogs

and other animals, except seeing-eye dogs, shall not be brought upon property except as authorized by the head of the facility or designee. Our current regulation can be interpreted to allow the head of a VA facility or designee to bar access to all animals other than seeing-eye dogs, which is inconsistent with both section 3103(a) and section 109. We therefore revise our regulation to be consistent with the requirements in section 3103(a) and section 109. The collection associated with this regulation revision only applies to those service dogs that would be staying on VA property with a Veteran for extended periods of time while that Veteran is being treated in a residential treatment setting. This collection is not associated with the basic entry of a service dog generally on VA property. This collection is also associated with the entry of Animal Assisted Therapy and Animal Assisted Activity animals on VA property, and residential animals on VA residential units.

Affected Public: Individuals or Households.

Estimated Annual Burden: 125 burden hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,500.

By direction of the Secretary.

Kathleen M. Manwell,

VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–29694 Filed 11–20–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Net Value Percentage Update

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: This notice provides information to lenders and mortgage holders in the U.S. Department of Veterans Affairs (VA) home loan guaranty program concerning the percentage to be used in calculating the purchase price of a property that secured a terminated loan. The new percentage is 15.95 percent.

DATES: The new percentage is effective December 23, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew Trevayne, Assistant Director for Loan and Property Management, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 632–8795 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The VA home loan guaranty program, authorized by 38 U.S.C. chapter 37, offers a partial guaranty against loss to loan holders who are the holders of home loans to veterans. When a veteran borrower defaults on a VA-guaranteed loan, VA is obligated to pay a guaranty claim to the loan holder. See 38 U.S.C. 3732. If the requirements of 38 U.S.C. 3732(c) are satisfied, a foreclosing loan holder also has the option of conveying a foreclosed property to VA. Requirements related to conveyance of properties are found at 38 CFR 36.4322 through 36.4326. A key component in the conveyance of a property to VA is the net value of the property to the Government. Net value is prescribed in 38 U.S.C. 3732(c) and further defined at 38 CFR 36.4301.

Essentially, net value is the fair market value of the property, minus the total costs the Secretary estimates would be incurred by VA resulting from the acquisition and disposition of the property for property operating expenses, selling expenses, and administrative cost. See 38 CFR 36.4301. The costs of acquisition and disposition are represented by a percentage that VA computes annually. Id. VA refers to the computed percentage as the cost factor. Id.

In computing the cost factor, VA determines the average operating expenses incurred for managing properties that were sold during the preceding fiscal year, as well as the average administrative cost to VA associated with the property management activity. The cost factor calculation also includes an amount equal to the gain or loss experienced by VA on the resale of those properties. VA annually analyzes its property management results and computes a new cost factor. The cost factor that is applicable to program participants is the cost factor most recently published in the Notices section of the **Federal Register**. See 38 CFR 36.4301.

The published cost factor remained unchanged at 11.87 percent between 1999 and 2012, as VA was concerned that a dramatic increase would have caused risk-averse lenders to significantly limit VA lending, impose stricter credit overlays, or cease making VA-guaranteed loans altogether. The net effect would have diminished the ability of veteran borrowers to use their VA home loan guaranty benefit, and the no-downpayment option and foreclosure-avoidance protections associated with it.

As market conditions improved, and in an effort to more closely reflect the costs of real property disposition, VA began a measured approach to increasing the cost factor in FY 2012, by raising it to 14.95 percent.

VA is continuing its measured approach to align its published cost factor with property disposition costs. In order to more accurately reflect the costs of acquiring, managing, and reselling properties in the home loan guaranty program, VA is revising the net value cost factor to 15.95 percent. Accordingly, the loan holder (or its authorized servicing agent) will use a 15.95 percent cost factor to calculate the subtraction from the fair market value to arrive at the net value of the property under the provisions of 38 CFR 36.4322(c). This revised cost factor will be used in net value calculations made by loan holders and servicers, beginning on December 23, 2015.

Dated: November 18, 2015.

Jeffrey M. Martin,

Program Manager, Regulation Policy and Management, Office of the General Counsel.

[FR Doc. 2015–29787 Filed 11–20–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Monday,

No. 225 November 23, 2015

Part II

Federal Communications Commission

47 CFR Parts 2, 15, 27, et al.

Unlicensed Use of TV Band and 600 MHz Band Spectrum; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 27, 74, and 95

[ET Docket No. 14–165; FCC 15–99]

Unlicensed Use of TV Band and 600 MHz Band Spectrum

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission recently adopted rules to repurpose broadcast television spectrum for new wireless services via an incentive auction. This document modifies Commission rules for unlicensed wireless devices and wireless microphones in the reconstituted TV bands and the new 600 MHz band. This document modifies the Commission's rules for unlicensed operations in the frequency bands that are now and will continue to be allocated and assigned to broadcast television services (TV bands), including fixed and personal/portable white space devices and unlicensed wireless microphones. It adopts technical and operational rules for unlicensed devices and wireless microphones in the 600 MHz guard bands, including the duplex gap, and in the 600 MHz band that will be repurposed for new wireless services. It also adopts rules for fixed and personal/portable white space device operation on channel 37 and for the operation of unlicensed wireless microphones in the TV bands. This document modify the white space database rules to implement certain decisions, including protecting areas where new 600 MHz service licensees commence operation and areas used by incumbent services on channel 37.

DATES: Effective December 23, 2015, except for the amendments to §§ 15.713(b)(2)(iv) through (v), (j)(4), (j)(10), and (j)(11), 15.715(n) through (q), 27.1320, and 95.1111(d), which contain new or modified information collection requirements that require approval by the OMB under the Paperwork Reduction Act (PRA). The Commission will publish a document in the **Federal Register** announcing the effective date when approved by OMB. The incorporation by reference listed in the rules is approved by the Director of the Federal Register as of December 23, 2015.

FOR FURTHER INFORMATION CONTACT: Hugh L. Van Tuyl, Office of Engineering and Technology, (202) 418–7506, email: *Hugh.VanTuyl@fcc.gov,* TTY (202) 418–2989.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report & Order* (*R&O*), ET Docket No. 14–165, FCC 15–99, adopted August 6, 2015, and released August 11, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* 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).

Summary of Report and Order

1. The *R&O* makes rule changes for unlicensed white space devices in the television broadcasting band and the 600 MHz band, while protecting licensed users from harmful interference. It modifies the Commission's part 15 rules to permit fixed and personal/portable devices to use TV channels previously unavailable to them while continuing to protect TV services from harmful interference by adjusting the technical and operational rules. It also adopts rules for white space device operations in the 600 MHz band—including the duplex gap, guard bands, 600 MHz service band and channel 37. White space devices will continue to access the white space databases for channel assignments in the TV bands, as well as in the 600 MHz band and channel 37.

2. The *R&O* also takes actions that will continue to accommodate unlicensed wireless microphone use in the TV bands and the 600 MHz band, while protecting licensed users from harmful interference. By codifying part 15 rules for unlicensed wireless microphone use, it brings these devices under the traditional policy tenets for unlicensed devices, *i.e.,* they are not entitled to interference protection and they must not cause harmful interference to authorized services. Unlicensed wireless microphones will access the white space databases to identify frequencies available for their use in the TV bands, duplex gap, guard bands and 600 MHz service band.

3. The *R&O* reserves four megahertz of spectrum in the duplex gap for wireless microphones licensed under part 74 of the Commission's rules where they can operate on an as-needed basis that is not shared with white space devices. Operation will be limited to the same technical requirements as unlicensed wireless microphones operating in the guard bands. It also adopts rules to permit, for a limited time, operation of licensed wireless microphones in the new 600 MHz service band.

4. The *R&O* also expands location and frequency information in the white space databases and makes other changes to database procedures. Finally, it adopts transition periods for the certification, manufacturing and marketing of white space devices and unlicensed wireless microphones to comply with the new requirements.

A. TV Bands

5. The Commission modifies the part 15 rules to specify technical requirements for fixed device operation at power levels below four watts permitting them to operate closer to or adjacent to occupied TV channels. The Commission expands the permissible frequencies for fixed operation to include TV channels 3 and 4 and for personal/portable operation to include spectrum below TV channel 20. Both types of devices may also operate on the vacant channels above and below channel 37 that are now available only for wireless microphone use. The Commission also adopts part 15 rules for unlicensed wireless microphone operations in the TV bands. In addition, the Commission modifies the part 15, Subpart H rules to replace the terms ''television band device'' or ''TVBD'' with the term ''white space device'' throughout.

1. Fixed White Space Devices

a. Operation in Less Spectrum

6. *Adjacent to occupied channels.* The Commission will allow fixed white space devices to operate adjacent to occupied TV channels (within their service contour) at a power level of 40 milliwatts EIRP. This action provides consistent treatment of similarly powered fixed and portable devices and will allow the use of fixed devices in more locations than the current rules allow, *i.e.,* where there are fewer than three contiguous vacant channels, while at the same time protecting licensed users from harmful interference. It will also allow fixed white space devices to operate in the 600 MHz guard band immediately adjacent to the remaining TV spectrum. The Commission will limit the height of 40 milliwatt fixed devices to 10 meters above ground level (AGL) to limit their interference potential to TV reception on adjacent channels. This provides for comparable rules (*i.e. 40 milliwatts)* between fixed and personal portable white space devices for adjacent to TV channel operation. By limiting antenna height to

10 meters AGL rather than 30 meters AGL as the rules currently allow, the Commission can limit the distance at which a fixed white space device could potentially cause interference to television reception.

7. There are additional factors that will limit fixed devices' potential for causing harmful interference to TV reception. The situation where a directional TV antenna and a directional fixed white space device antenna would be oriented such that the maximum white space signal would be received by a TV antenna is a low probability event, and the height disparity between TV receive and white space transmit antennas will ensure some additional discrimination between the two signals. Also, the Commission is requiring 40 milliwatt fixed devices to meet the same out-of-band emission as 40 milliwatt personal/portable devices and to incorporate transmit power control to operate at the minimum power necessary, which will reduce the likelihood of harmful interference to adjacent channel TV reception to short distances, making identification of a fixed device that may be causing harmful interference fairly straightforward since those devices' locations must be registered in the database.

8. *Two contiguous vacant channels.* To increase spectrum efficiency while protecting incumbent TV broadcast operations, the Commission will allow fixed white space devices to operate with a maximum of 100 milliwatts EIRP at locations where there are at least two contiguous vacant TV channels and the white space device's signal occupies one or more six megahertz bands, provided that there is at least three megahertz separating the white space emissions from the edge of lowest and highest vacant TV channels on which it is operating. This corresponds to a white space device operating with 50 milliwatts EIRP in a three megahertz segment of the lowest and highest vacant TV channel being used, leaving a frequency separation of three megahertz between the white space device's operating frequency and the edges of a adjacent TV channel being used for broadcast services.

9. The 100 milliwatt power level that the Commission adopts for operation across multiple vacant TV channels is based on a 2.9 dB lower susceptibility of television receivers to harmful interference from a white space signal three megahertz away from the edge of an occupied television channel than to a white space signal with no frequency separation from an occupied TV channel. This limit (50 milliwatts in a three megahertz segment of the highest and lowest channel being used) is only 1 dB higher than the 40 milliwatt limit the Commission is allowing for fixed devices operating with no frequency separation from occupied TV channels and is therefore within the margin of additional interference protection provided by the three megahertz separation. The out-of-band emissions limit for white space devices will serve to reduce the amount of out-of-band emissions that appear in the pass-band of a television receiver and further reduce the potential for interference. To provide an additional measure of interference protection to TV reception, the Commission is limiting such operation to antenna heights of 10 meters AGL or less, consistent with its decision to limit 40 milliwatt fixed devices operating adjacent to an occupied TV channel to antenna heights of 10 meters or less.

10. The Commission is not adopting its proposed four watt EIRP limit for white space device operation at the center of two contiguous vacant channels. However, should new studies and information become available in the future showing that higher power operation is possible without causing interference to TV reception, the Commission may revisit this issue.

11. The Commission will allow fixed white space devices to aggregate multiple available channels and transmit at a maximum of 100 milliwatts EIRP per channel so long as the white space signal occupies only three megahertz of the lowest and highest channel and the power spectral density (PSD) requirements, the antenna AGL limit of 10 meters, and all separation criteria are met for each occupied channel. Where available, such operation will greatly increase the data rates available to white space device users.

b. Operation at Lower Power Levels

12. The Commission is providing flexibility for white space device users by defining a number of lower power levels for fixed white space devices with correspondingly shorter separation distances than the current rules allow, and defining maximum conducted, PSD and adjacent channel emission limits at each power level. The Commission is defining separation distances for fixed devices at EIRP levels of 40 milliwatts, 100 milliwatts, 250 milliwatts, 625 milliwatts and 1600 milliwatts (*i.e.,*16 dBm, 20 dBm, 24 dBm, 28 dBm and 32 dBm, respectively) in addition to the current separation distances at 4000 milliwatts (36 dBm).

13. The Commission is adopting a requirement to adjust the conducted power limits when higher gain antennas (greater than 6 dBi) are used to limit the maximum radiated emissions. Specifically, it will require that when the maximum gain of a fixed device antenna exceeds 6 dBi, the maximum conducted power, PSD and adjacent channel emission limits for each EIRP level be reduced by the amount in dB that the maximum antenna gain exceeds 6 dBi. This requirement is consistent with the current white space rules and is necessary to limit the maximum radiated power from white space devices. The Commission is also adopting a requirement that when a white space device operates between defined EIRP levels, the conducted power and PSD limits must be linearly interpolated between the defined values. This requirement provides flexibility to operate at precise power levels appropriate for an application while taking advantage of a 6 dBi gain antenna. The Commission is also adopting a requirement that when a white space device operates between two defined power levels, it comply with the adjacent channel emission limit for the higher power level. This requirement is consistent with the adjacent channel emission limits previously adopted by the Commission. The Commission does not believe that a reduction in adjacent channel emission limits will significantly affect equipment costs because the lower emission limits apply only to equipment operating at lower power levels, so there is no increase in the amount of attenuation required to comply with the limits.

14. The Commission will require that fixed white space devices supply their geographic coordinates and antenna height AGL when querying a database for the list of available channels at their location. The database will supply the list of available channels and the maximum power level for each channel. The Commission believes that this approach is more efficient than the proposed requirement that devices specify a power level in advance, because it will allow devices to obtain a list of all available channels at a location along with the maximum permissible power levels in a single query. The Commission will also require that white space devices not contain an interface that would allow users to select higher power levels than the database indicates are available for a channel at a given location.

c. Channel Bonding

15. The Commission is making several rule changes that will enable devices to use multiple contiguous and non-contiguous vacant channels (channel ''bonding'' or ''aggregation'') which will permit the development of devices that transmit at higher data rates, thus making higher speed equipment available to consumers. With respect to channel bonding, the Commission is modifying § 15.709 to specify that the adjacent channel emissions limits do not apply within an adjacent channel that is being used by the same white space device, since in such cases there would be no TV station or other authorized service to protect on the adjacent channel. Instead, the Commission will require that white space devices meet these limits within the six megahertz bands immediately above and below the edges of the band of contiguous channels used by the white space device. It is also modifying the rules to require that a white space device must meet the § 15.209 limits at frequencies more than six megahertz above and below the edges of the highest and lowest channels used in the device, except when the device uses multiple non-contiguous channels. These requirements will also apply to fixed devices that operate centered on the boundary of two channels as discussed above, since that is a form of channel bonding. With respect to channel aggregation, the modified rules in § 15.709(d)(1) require that when a white space device transmits on multiple non-contiguous channels simultaneously, it must comply with the adjacent channel emission limits in the six megahertz bands above and below each of the single channels or channel groups used by the white space device, and with the § 15.209 limits beyond these six megahertz bands.

d. Operation in Less Congested Areas

16. The Commission is modifying the rules to allow fixed white space devices in less congested areas to operate up to 10 watts EIRP to increase their service range. This power increase will provide increased opportunities for white space operators to serve more distant customers at less cost and provide point to point backhaul services, while at the same time protecting authorized operations from harmful interference and avoiding any adverse effect on the ability of white space devices to successfully share spectrum among themselves. The Commission is using the term ''less congested'' to describe areas where television spectrum is largely available to white space devices, rather than relying on a population based metric which may not correlate to the same areas. In the TV bands, fixed white space devices will be allowed to operate in the low VHF, high VHF, and UHF bands under the higher power limit in less congested locations where, within the TV band of intended operation, at least half the allocated television channels are unused for broadcast services and available for white space use, and the fixed white space devices are sufficiently separated from protected operations to avoid causing interference to them.

17. The Commission is also allowing operation at up to 10 watts EIRP in the 600 MHz service band in areas where licensees have not yet commenced operation. As this band will have been repurposed from the current television band, it will be similar in propagation characteristics to the UHF television band. The Commission is defining ''less congested'' areas in this band to be the same areas that will be available in the newly repacked UHF television band. In addition, fixed white space devices in the 600 MHz service band will need to adhere to the separation distances specified in the rules to protect new mobile broadband services.

18. The Commission is not modifying the rule limiting transmitter conducted power to one watt, which necessitates the use of high gain antennas to achieve radiated power levels up to 10 watts in less congested areas. It is also not altering the rules limiting antenna height above ground or HAAT to 30 meters and 250 meters respectively. To ensure that television stations, 600 MHz service licensees, and other protected operations are protected from interference due to a fixed white space device operating at more than four watts EIRP, the Commission is increasing the minimum separation distances between those services and the locations where fixed white space devices operate at higher power. The Commission is not increasing the maximum allowable power for personal/portable white space devices in less congested areas.

19. For purposes of calculating less congested areas, the Commission includes as ''broadcast services'' broadcast TV—including full power, Class A, low power television, and TV booster stations—and the registered protected receive sites of broadcast auxiliary, TV translator, and Multi-channel Video Programming Distributor (MVPD) services. The Commission does not include non-broadcast services such as land mobile operations in the 11 metropolitan areas where such use is permitted under § 90.303 of the rules, nor any areas where such operations are permitted by waiver; the offshore radio service; channel 37; or channel 17 in Hawaii. It is not including licensed low power auxiliary devices such as wireless microphones in the definition of broadcast service for this limited purpose because such equipment typically is used on a transient basis and thus is not licensed to a specific transmitter site. White space databases will determine whether a location is a less congested area based on whether at least half the total number of TV channels in the band of intended operation in an area are unused for broadcast services and are available for fixed devices operating with 40 milliwatts at 3 meters HAAT, which will provide the greatest opportunity for operation at the higher power levels.

20. Because white space device operations are controlled by the white space database in all bands, white space devices will be able to operate at higher power in less congested areas that will be allocated and assigned for 600 MHz service after the incentive auction, both during and after the post-auction transition period. The database will be updated to include the required separation distances from base stations or other radio facilities deployed by the 600 MHz service licensees, and, after the licensees provide the polygonal shape encompassing those facilities, the database will be able to determine whether frequencies in the 600 MHz service band are available for white space use at the device's location. As television stations are repacked and 600 MHz service licensees commence operations, there may be a change in which areas are less congested and on which channels in those areas white space devices are permitted to operate with higher power, but those changes will be transparent to users.

21. The interference potential of fixed white space devices operating at EIRP levels up to 10 watts will extend somewhat farther than that of fixed devices operating at four watts EIRP. Thus, the Commission is adding provisions for the 10 watt EIRP limit in § 15.712 of the rules, which contains the protection criteria and separation distances for each of the services operating in the TV bands. The distances for 10 watt EIRP operation were calculated using the same method that the Commission previously used in calculating the minimum separation distances between white space fixed devices and television contours.

22. Private land mobile radio services (PLMRS) and commercial mobile radio service operations on TV channels 14–20 in 11 major markets and some additional areas under waivers of the

rules are protected from interference from white space devices through circular exclusion zones. Using the same methodology previously used to determine the protection zones for four watt operation, the Commission finds that fixed white space devices operating at 10 watts EIRP in less congested areas must not operate within a circular exclusion zone of 136 kilometers co-channel and 131.5 kilometers adjacent channel for the 11 major markets where PLMRS stations are permitted to operate, and within 56 kilometers co-channel and 51.5 kilometers adjacent channel from PLMRS base stations operating outside the 11 major markets under a waiver.

23. The rules also protect the receive sites of broadcast auxiliary service (BAS) facilities, TV translators, low power TV stations, Class A TV stations and multichannel video program distributors (MVPDs) by prohibiting white space devices from operating within a keyhole shaped exclusion zone with the long end of the keyhole aligned between the protected receiver and its associated transmitter. To protect these sites from white space devices that are located outside the main beam of the receive antenna (*i.e.,* the long end of the keyhole), the Commission is adjusting those distances to prohibit fixed devices operating at 10 watts EIRP from operating within 10.2 kilometers co-channel and 2.5 kilometers adjacent channel from the protected received site.

24. To protect sensitive radio astronomy operations and safety-of-life wireless medical telemetry devices that use channel 37, the Commission is not allowing fixed devices to operate with EIRP higher than four watts on channel 37 or channels 36 and 38 at any locations.

2. Calculating White Space Device Separation Distances From a TV Station Contour

a. Fixed and Personal/Portable Devices

25. The Commission is amending the table of separation distances in § 15.712(a)(2) to reflect a range of fixed device power levels below four watts EIRP and modifying the separation distances for personal/portable devices based on 40 milliwatts and 100 milliwatts EIRP at the lowest antenna HAAT. The Commission is also specifying separate tables for co-channel and adjacent channel separation distances and adding entries showing which separation distances apply to personal/portable devices. The changes the Commission is adopting will permit fixed white space devices to operate in more locations than the current rules allow without causing harmful interference, *i.e.,* closer to a television station service contour, since the current separation distances were based on the assumption that a fixed device always operates at the maximum power level of four watts. In addition, since the current separation distances for personal/portable devices were also based on four watts EIRP, they are greater than necessary since personal/portable devices may operate with a maximum EIRP of 100 milliwatts, or 40 milliwatts if they are on a channel adjacent to an occupied channel. Thus, these changes will also permit personal/portable devices to operate in more locations.

26. The Commission declines to allow the use of the Longley-Rice methodology or other alternative methodologies for determining white space channel availability as a number of parties requested. The Commission did not propose any change in the use of the F(50,50) and F(50,90) curves for calculating the protected contours of TV stations, and stated that the use of the Longley-Rice methodology was not appropriate for determining whether a white space device would cause harmful interference to TV reception as it is computationally intensive and would significantly slow the ongoing real-time determination of available TV channels by the white space databases. No parties provided technical analyses showing how other alternative methodologies could be used to determine white space channel availability.

27. The Commission declines to allow white space device operators and databases to consider the directivity of fixed white space device antennas in determining channel availability since there is not sufficient information in the record to show how it could be used without causing harmful interference to authorized services. The Commission could consider this issue again in the future if parties are able to develop a standard to address implementation and the Commission gains experience with the more flexible, but more complex, rules it is adopting herein.

b. Mode I Operation

28. The Commission finds that its decision to allow lower power white space devices to operate at closer distances to TV station contours necessitates some modifications to the rules for Mode I devices. By adopting more realistic separation distances based on a range of operating power, the separation distances for lower power operations become shorter than those currently in the rules, and thus the location uncertainty inherent in a Mode I device becomes more significant. That is, because their controlling station may now operate closer to TV contours than under current rules, the Mode I device could locate such that it is even closer to those same TV contours, increasing its potential to cause harmful interference to TV reception. The Commission will require that a fixed or Mode II device that provides a list of available channels to a Mode I device comply with slightly greater separation distances from the TV contours of stations on the channel or channels that it indicates are available to the Mode I device.

29. The rules require white space devices to operate with the minimum power necessary for communications. Under this condition, to have a balanced link, the Commission assumes that Mode I devices communicating with Mode II devices will operate at similar power levels. Thus, the necessary separation to protect TV reception from a Mode I device will be identical to the necessary separation for the controlling Mode II device. Given the location uncertainty of a Mode I device, the Commission can ensure that a Mode I device complies with the separation distance rules by requiring the Mode II controlling device to operate at twice the required distance in the table of separation distances for a personal/portable white space device at the allowed power levels. In this manner, a Mode I device operating at its maximum range from a controlling Mode II device should still comply with the minimum distance separation required to protect TV reception. This action will ensure that Mode I devices operate sufficiently far outside the protected contours of co-channel TV stations to prevent harmful interference. The Commission will similarly require Mode II personal/portable white space devices to double the adjacent channel separation distance when operating at 100 milliwatts and serving Mode I devices.

30. The Commission finds that increasing the separation distance from a co-channel protected TV contour by a factor of two for a fixed device controlling a Mode I personal/portable white space device would be overly protective since Mode I devices are portable and would operate at low antenna heights, thus limiting the range at which they could communicate with a fixed device. Instead, the Commission will increase the separation distances that a fixed device must meet on channels provided to a Mode I device by the same amount as added for a controlling Mode II device, *i.e.,* 1.7

kilometers greater for 100 milliwatt Mode I devices and 1.3 kilometers greater for 40 milliwatt Mode I devices. Similarly, the Commission will require such fixed devices to also exceed the adjacent channel separation distances specified in the table by 0.1 kilometers. The Commission is not changing the requirement that only fixed devices with an HAAT of 106 meters or less may provide lists of available channels to Mode I devices.

c. Location Accuracy

31. The Commission will allow fixed and Mode II personal/portable devices to use location technologies that have a lower degree of accuracy than ±50 meters. This change will expand the areas in which white space devices may operate without causing harmful interference to licensed services by permitting their use at indoor or other locations where a GPS signal that can provide location information to ±50 meters is not available. The Commission will require fixed and Mode II devices to inform the database of their location uncertainty with a 95% confidence level when requesting a list of available channels, and require that the database consider this uncertainty in determining the list of available channels at the device's location. This requirement is consistent with the standard adopted for use across Europe and implemented by Ofcom in the United Kingdom. The Commission anticipates that its adoption of the same requirement will lead to harmonized devices and lower equipment costs for consumers.

32. To implement this requirement, the databases will increase the minimum separation distances from all protected services by the amount that the location uncertainty exceeds ±50 meters. For example, no increase in separation distances will be required for a device that meets the ±50 meter level of accuracy, while an adjustment of 50 meters would be required for a device with an accuracy of ±100 meters. The Commission will work with the white space database administrators to ensure that separation distances are calculated appropriately. It will require that applicants for certification of fixed and Mode II devices provide details regarding the technologies used by a device to determine its location and how, in the case of technologies other than GPS, the location uncertainty is calculated with a 95% confidence level. As part of the certification process, the Commission will test to ensure that these parameters are correctly transmitted to the databases.

3. Frequencies of Operation for White Space Devices

33. *Fixed devices on channels 3 and 4.* The Commission modifies the part 15 rules to permit fixed white space devices to operate on TV channels 3 and 4. This action makes available an additional 12 megahertz of contiguous spectrum for their use in areas where they are not occupied by authorized users. Because this spectrum is immediately adjacent to channel 2, this rule change provides an opportunity for fixed devices to use the lower VHF band at maximum permitted power in areas where all three channels are not occupied.

34. The Commission originally prohibited white space device operation on channels 3 and 4 to protect TV interface devices and TV receivers from direct pickup interference on channels 3 and 4. The number of these devices has been declining since 2008. The transition from analog to digital TV in 2009 spurred many consumers to replace their old analog TV receivers with digital receivers that have multiple inputs that allow the connection of external devices without requiring the use of a channel 3 or 4 input signal, and the price of new TV receivers has dropped significantly since that time, resulting in many more consumers replacing their old analog TV receivers. TV receivers also have been required to come equipped with digital TV tuners for a number of years, thus eliminating the need to use an external converter box to receive over-the-air signals.

35. *Personal/portable devices on channels 14–20.* The Commission modifies the part 15 rules to permit personal/portable white space devices to operate on TV channels 14–20, but will not permit them to operate below TV channel 14. This decision will make an additional 42 megahertz of spectrum potentially available for personal/portable devices. In adopting the prohibition on personal/portable white space devices on TV channels 14–20 in 2008, the Commission anticipated that channels 21–51 would provide adequate spectrum resources for personal/portable white space devices. In light of the repurposing of the TV bands, this conclusion is no longer valid. Moreover, the Commission concludes that continuing the prohibition on personal/portable device use on channels 14–20 is not necessary to protect PLMRS/CMRS operations. Several white space databases have become operational over the past few years, and the locations where the PLMRS/CMRS is used are already in the databases since that information is used to protect those operations from fixed white space operations. Personal/portable devices rely on database access to determine their list of available channels, so they can protect the PLMRS/CMRS in the same manner as fixed devices.

36. The Commission will not permit personal/portable white space devices to operate below channel 14, including channels 3 and 4, as requested by many unlicensed proponents. The Commission believes that it is better to maintain the current overall scheme, which limits the frequencies where both personal/portable and fixed white space devices may operate, with personal/portable devices operating in higher frequency channels than fixed devices. Devices that operate at the lower frequencies typically require larger antennas that are better suited for use by fixed white space devices than personal/portable devices; thus there is no clear advantage to permitting personal/portable devices below channel 14.

37. *White space devices on channels above and below channel 37.* The Commission will permit white space devices to operate on the vacant channels above and below channel 37 that are now available only for wireless microphone use, beginning 18 months after the effective date of this rule, but no later than release of the *Channel Reassignment Public Notice (PN)* at the conclusion of the incentive auction. Before this rule change becomes effective, the Commission will have implemented the revised procedures for the immediate reservation and notification of wireless microphone use of vacant channels that it adopts in this proceeding. This will ensure that licensed wireless microphone users, particularly broadcasters and others who cover breaking news events, will have a procedure in place that will enable them to get immediate access to needed spectrum.

38. The Commission does not revisit is decision in the *Incentive Auction R&O* to permit unlicensed white space devices to operate on these two vacant channels. NAB's suggestion that the Commission hold out two vacant TV channels until the end of the post-auction transition period is not practical because the Commission will not know until after the incentive auction how much spectrum will be repurposed and which frequency bands will remain allocated to broadcasting services. The transition from broadcasting to wireless services will occur market by market over a period of time, and the now vacant TV channels for microphone use will be phased out as markets transition, making it impossible to identify

channels in each market for exclusive microphone use. The Commission concludes that it is better to modify the procedures for microphone users to reserve vacant TV channels for immediate use because such a procedure is adaptable to the changing circumstances across the TV bands and the 600 MHz band during the post-auction transition period.

4. Unlicensed Wireless Microphones

39. *Definition of unlicensed wireless microphones in part 15.* The Commission adopts its proposed definition of wireless microphone as a device that converts sound into electrical audio signals that are transmitted using radio signals to a receiver which converts the radio signals back into audio signals that are sent through a sound recording or amplifying system. The Commission also adopts its proposals that wireless microphones may be used for cue and control communications and synchronization of TV camera signals as defined in section 74.801 of the rules, and that the definition of wireless microphone does not include auditory assistance devices as defined in § 15.3(a) of the rules. This definition encompasses the types of wireless microphones that currently operate within the TV bands, but is not so broad as to encompass other types of unlicensed devices that already have provisions in part 15 for operation outside the TV bands. The Commission declines the request of the Nuclear Energy Institute and Utilities Telecom Council to expand the definition of unlicensed wireless microphone to specifically include wireless headsets used at nuclear power plants for bi-directional audio communications between and among personnel. To the extent that a party wishes to use wireless microphones for specialized uses that would not be acceptable under the Commission's definition, such uses would be more appropriately authorized through a waiver rather than by adopting a broader definition of wireless microphone.

40. *Permissible frequencies of operation.* The Commission will allow unlicensed wireless microphones to operate in the TV spectrum on channels 2–51, excluding channel 37 in all locations and channel 17 in Hawaii, which is allocated for non-broadcast purposes. This action will make the maximum number of TV channels available for unlicensed wireless microphones. The Commission is also adding an advisory to the rules indicating that the highest channel available for unlicensed wireless microphones will ultimately be determined by the outcome of the incentive auction, and the rules will be modified consistent with the auction results. Consistent with the rules for wireless microphones licensed under part 74, the Commission will require unlicensed wireless microphones to operate at least four kilometers outside the protected service contours of co-channel TV stations as defined in the final rules.

41. The Commission will not prohibit the operation of wireless microphones on channels 14–20 to protect the Private Land Mobile Radio and Commercial Mobile Radio Services (PLMRS/CMRS) because both licensed and unlicensed wireless microphones have operated on these channels for years without interference to the PLRMS/CMRS.

42. *Technical requirements for unlicensed wireless microphones.* Consistent with the current technical rules that apply to unlicensed wireless microphones under the existing part 15 waiver, the Commission will permit wireless microphones to operate with a power level of up to 50 milliwatts EIRP in both the VHF and UHF TV bands. The Commission is specifying the power limit in terms of EIRP, which it bases on a 50 milliwatt conducted power limit and an assumed antenna gain of 0 dBi. The Commission expects that this power level is appropriate for most users, particularly because parties using part 15 wireless microphones will commonly be entities operating in smaller venues that do not require the longer range operation that higher power allows. The Commission is specifying EIRP rather than conducted power as proposed in the Notice of Proposed Rule Making (*NPRM*) for several reasons. First, specifying the power limit in terms of EIRP ensures uniformity in the maximum radiated power for all unlicensed wireless microphones. If the Commission were to specify a conducted power limit without any antenna gain requirement, different devices operating at the same conducted power level could in fact be radiating at higher or lower power levels depending on their antenna gain. Specifying the power limit in terms of EIRP will be particularly beneficial in the VHF band, where the efficiency of antennas is lower due to the longer radio wavelengths, since this approach will allow manufacturers to adjust the radiated power to partially compensate for low antenna efficiency. Also, specifying EIRP is consistent with other part 15 rules, which generally specify radiated emission limits in a form that considers both power and antenna gain, *e.g.,* field strength, EIRP, or a combination of conducted power and antenna gain. To reduce the compliance burden on wireless microphone operators, the Commission is specifying power limits for these devices only in terms of EIRP, rather than allowing the use of either EIRP or conducted measurements as Shure suggests.

43. As proposed in the *NPRM,* the Commission will require unlicensed wireless microphones to comply with the same channelization, frequency stability, and bandwidth requirements as part 74 wireless microphones. Specifically, it will require that operation be offset from the upper or lower channel edge by 25 kHz or an integral multiple thereof and that the operating frequency tolerance be 0.005 percent. The Commission will permit the combination of multiple adjacent 25 kHz segments within a TV channel to form an operating channel with a maximum bandwidth not to exceed 200 kHz. Consistent with the measurement requirements for other part 15 transmitters, the Commission will require that the frequency tolerance be maintained over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, for a variation in the supply voltage from 85 percent to 115 percent of the rated supply voltage at a temperature of 20 degrees C, and that battery operated equipment be tested using a new battery. The 25 kHz offset requirement will prevent wireless microphones from operating at the edge of a TV channel where they could interfere with TV stations on adjacent channels, and the frequency tolerance requirement will ensure that devices do not drift from the designated frequencies. The limit on the bandwidth that a wireless microphone may occupy will leave room for the operation of multiple microphones within a TV channel.

44. The Commission will require that unlicensed wireless microphones comply with the same emission mask as licensed part 74 wireless microphones. Specifically, it will require that emissions from analog and digital unlicensed wireless microphones comply with the emission masks in section 8.3 of ETSI EN 300 422–1 v1.4.2 (2011–08), *Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; Part 1: Technical characteristics and methods of measurement.* Requiring wireless microphones to meet these tighter emission requirements will protect authorized services in adjacent bands from harmful interference, and will improve spectrum sharing by wireless microphones. Outside of the

frequency range where the ETSI masks are defined (one megahertz above and below the wireless microphone carrier frequency), the Commission will require that emissions comply with same limit as the edge of the ETSI masks, specifically, 90 dB below the level of the unmodulated carrier. The Commission is incorporating the ETSI EN 300 422–1 standard into the part 15 rules by reference and adding it to the list of measurement procedures in §§ 15.31 and 15.38.

B. 600 MHz Guard Bands and Duplex Gap

1. Guard Bands

a. Protecting Adjacent TV Bands

45. *White space devices.* The Commission is adopting its proposal to allow fixed and personal/portable white space devices to operate at 40 milliwatts EIRP in a six megahertz frequency band within the guard bands and duplex gap. This power level and bandwidth will be useful for unlicensed devices, and the Commission's analysis shows that operation at this power level will not cause harmful interference to television services in adjacent bands. As discussed fixed white space devices can operate in the TV bands with a power level of 40 milliwatts EIRP and an antenna height of 10 meters AGL on channels immediately adjacent to occupied TV channels. The Commission will therefore also allow fixed white space devices to operate in the guard band adjacent to the remaining TV spectrum at the same power level and antenna height as in the TV bands. In the event that market variation necessitates placing TV stations in the guard bands in some markets, the Commission will require that white space devices operating in the guard bands comply with the same requirements (*e.g.,* minimum separation distances) that apply to white space devices operating in the TV bands.

46. *Wireless microphones.* The Commission will allow wireless microphones to operate in the guard bands and duplex gap with a maximum power of 20 milliwatts EIRP. Consistent with the treatment of unlicensed wireless microphones in the TV bands, the Commission is specifying the power limit in terms of EIRP rather than conducted power. However, wireless microphone power limits in the guard bands will be lower than the levels permitted under the current part 74 rules (50 milliwatts in the VHF TV band and 250 milliwatts in the UHF TV band) or under the part 15 waiver (50 milliwatts in both the VHF and UHF TV bands). This power level is necessary to protect adjacent band wireless downlink services from harmful interference. Where the guard band is immediately adjacent to TV spectrum, wireless microphones operating at 20 milliwatts EIRP or less will not cause harmful interference to TV reception because they already operate in such a manner (*i.e.,* with no frequency separation) at the higher 50 milliwatt power level without causing interference.

b. Protecting Adjacent Wireless Downlink Bands

(i) White Space Devices

47. The Commission is adopting its proposal to require that white space devices operating at 40 milliwatts EIRP in a six megahertz frequency band within the guard bands provide at least a three megahertz frequency separation from wireless downlink spectrum. The Commission is selecting three megahertz as the minimum frequency separation because filter attenuation increases beyond a three megahertz frequency separation, thus reducing the potential for white space devices to cause harmful interference to wireless downlink services. In addition, the out-of-band emissions from white space devices, which are a potential source of harmful interference to wireless handsets, tend to fall further below the limits required by the rules as the frequency separation from a white space device increases. Thus, a frequency separation of three megahertz will reduce the likelihood of a wireless handset receiving harmful interference.

48. As explained the rules the Commission is adopting create an environment where the potential for white space devices to cause harmful interference to adjacent wireless downlink bands is low. Accordingly, the Commission finds no basis to adopt significantly tighter out-of-band emission limits, lower power levels, or a five megahertz frequency buffer to protect wireless downlink receivers from harmful interference from white space devices, as advocated by CTIA and AT&T.

49. The Commission assesses the potential for harmful interference from 40 milliwatt white space devices to wireless downlink services in adjacent bands. Because there are neither 600 MHz band wireless devices nor portable white space devices currently available, the analyses are based on the predicted performance of such equipment. The analyses also rely on predictions of other factors, including propagation and body losses, which affect whether harmful inference will occur. These losses can vary significantly in practice, so the Commission must make reasonable assumptions concerning these factors based on its experience. The purpose of the analyses is to determine whether the rules the Commission is adopting comply with the Spectrum Act's requirement that the Commission not permit any use of a guard band that it determines would cause harmful interference to licensed services.

50. Harmful interference is defined by the Commission's part 2 rules as ''interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with [the ITU] Regulations.'' The Commission finds it appropriate to use the existing definition of harmful interference. Applying this definition to the Spectrum Act, the Commission finds that it may not permit any use of the guard bands that it determines would cause serious degradation, obstruction, or repeated interruption to new 600 MHz service. The Commission further finds that it need not set technical rules so restrictive as to prevent all instances of interference, as opposed to harmful interference. Determining *ex ante* when operations in one band will seriously degrade, obstruct, or repeatedly interrupt operations in another band necessarily involves the Commission examining the particular interference scenario that is likely to arise and exercising its predictive judgment. In this circumstance, the Commission establishes technical rules for white space devices and microphones that will permit their use without causing harmful interference (although not necessarily eliminating all interference) to new 600 MHz service licensees.

51. The Commission's analyses show little potential for harmful interference to wireless handsets from portable white space devices. It believes that portable devices represent the worst case for harmful interference because these types of devices would operate in the closest proximity to each other. By contrast, the Commission expects that white space devices used in fixed applications, such as access points or for providing point-to-point communications, would typically have a greater physical separation distance from licensed wireless handsets, thus posing even less risk of harmful interference. The Commission first considers the impact of out-of-band emissions from white space devices into the frequency bands that are received by wireless handsets, since out-of-band emissions from a transmitter in an

adjacent band appear as co-channel emissions within the band of a service potentially receiving harmful interference. Second, the Commission considers the effect of ''blocking'' from a white space transmitter to wireless receivers in the adjacent wireless downlink band. Blocking interference occurs because a receiver has limits on the level of adjacent channel emissions it can tolerate due to the selectivity of its internal filters.

52. *Out-of-band emission interference.* With respect to harmful interference to wireless handsets from white space device out-of-band emissions, the Commission makes several assumptions detailed below. For the reference sensitivity of the handset receiver, the Commission used −97 dBm at the antenna input as specified the applicable 3GPP standard. This is the weakest signal level at which a receiver can meet a minimum specified throughput. It is not unreasonable to assume that a handset will typically operate at a level that is at least 10 dB higher than the minimum. Thus, using the −97 dBm reference sensitivity specified in the 3GPP standard is conservative.

53. An LTE handset will typically use an antenna with a gain of less than 0 dBi due to size and efficiency constraints, so the Commission assumes an antenna gain of -6 dBi. Antennas built into deployed equipment are often mass produced and do not conform to the same exacting specification as a 0 dBi reference antenna, and embedded handset antennas can experience several dBs of loss because they are not one hundred percent efficient. In addition, antennas may also experience some loss due to impedance mismatch, and the radiation pattern of an antenna is not uniform in all directions and will have less than the maximum gain (or loss) in many directions. For these reasons, the Commission believes that assuming -6 dBi of antenna gain represents a realistic representation of the embedded antenna that will be installed on LTE handsets in the 600 MHz band.

54. Because the separation distances between unlicensed and licensed devices the Commission is considering are short (*i.e.,* on the order of several meters maximum), a free space signal propagation model is appropriate. Free space path loss is the propagation loss that results from a line of sight path through space. When the transmitter and receiver are very close together, there is a high probability that they have a clear line of sight, and free space path loss provides a bound on the loss of the transmission system.

55. The Commission assumes several other factors will attenuate the signal transmitted from the unlicensed device. First, it assumes that there will be 2 dB signal loss due to polarization mismatch between transmit and receive antennas due to the orientation of transmit and receive antennas not being in the same plane. Second, the Commission assumes that there will be 3 dB body loss at both the unlicensed transmitter and at the LTE handset since the analysis considers portable devices that are typically held in the hand or carried on a person. In the case where a device may be placed on a table and not held, other losses, such as absorption and reflection from the table, often in excess of the 6 dB assumed here (3 dB each for the white space device and the LTE device) substitute for body loss. Third, the Commission assumes that there will typically be 3.5 dB or more in propagation losses due to multipath (0.5 dB) and shadowing (3 dB) from nearby walls, objects or persons in the room. Taken together, the losses described will be present to varying degrees and in most cases at values above the conservative values chosen for analysis purposes.

56. To account for the reduction in emissions level of white space devices in the LTE channel, the Commission conservatively assumes a 3 dB slope loss. The white space out-of-band emission mask requires the emissions to attenuate to the § 15.209 levels within six megahertz of the channel on which it is operating, so these emissions will attenuate over the three, to five megahertz buffer provided by the guard bands and duplex gap to a level below the Commission's limit before reaching the edge of the LTE channel.

57. The Commission believes that using a 3 dB desensitization level as the interference threshold is more appropriate than a 1 dB level. The Commission stated in the H Block Order, WT Docket No. 12–357, 78 FR 50214, August 16, 2013, that a 1 dB desensitization criterion is too restrictive for modern cellular systems. It further noted that the 3GPP standard for UMTS and LTE devices specifies an in-band blocking requirement that sets the interfering signal level 6 dB or more above the reference sensitivity level. In that proceeding, for determining mobile interference, the Commission found that the 3 dB desensitization level is a more appropriate metric for determining the presence of harmful interference.

58. Based on the foregoing assumptions, and using the out-of-band emission limits for 40 milliwatt white space devices, the Commission calculates that for a 3 dB desensitization level, interference could begin to occur at 0.8 meters. In the interest of completeness, the Commission notes that this distance rises to 1.7 meters for a 1 dB desensitization level. Thus, the Commission believes that using even the more stringent 1 dB desensitization criterion, the probability of harmful interference occurring would be an extremely unlikely event due to a variety of factors that would need to occur simultaneously. For example, a wireless device would have to be receiving in a frequency block immediately adjacent to the guard band or duplex gap, the received wireless signal would have to be at an extremely low level, a white space device would have to be located in very close proximity to a wireless device, the antenna patterns of both the transmitter and receiver would have to be closely aligned to maximize the white space device signal at the receiver, and there would have to be very low body and other propagation losses. While situations like this could occur, the Commission believes that the probability is very low. Even in such situations, there are other mitigating factors that could prevent harmful interference from occurring. For example, white space devices must incorporate transmit power control, so they often operate below the maximum allowable power, and wireless networks manage operating channels and handset power in noisy conditions to ensure the best possible quality of service. Thus, the Commission believes that the criteria it is adopting for white space devices will protect the 600 MHz service from harmful interference.

59. *Blocking interference.* With respect to blocking interference, the Commission also considers interference between portable devices. Blocking interference results from limitations on a receiver's ability to reject signals in an adjacent band. The Commission once again assumes a reference sensitivity for the LTE receiver of −97 dBm/5 MHz. The Commission also considered the 3GPP standard which specifies a minimum receiver adjacent channel selectivity of 33 dB. The Commission further assumed an additional 10 dB for adjacent channel selectivity beyond the edge of the channel in which a white space device operates (three to five megahertz removed from the edge of the wireless downlink band).

60. The Commission makes many of the same assumptions as in the out-of-band emission interference analysis, including the use of a free space propagation model, 2 dB for antenna polarization mismatch, 3 dB body loss at both the white space device and the

wireless handset, 3.5 dB loss for shadowing and multipath, 3 dB for OOBE slope loss, and a receiver antenna gain of −6 dBi. Consistent with the analysis above, the Commission also assumed that real-world devices would operate with a 10 dB stronger signal than the minimum in the 3GPP standard. Using a 3 dB desensitization criterion, the Commission assumes that interference will begin to occur to a handset at a level greater than −54 dBm (the reference sensitivity plus the adjacent channel selectivity plus 10 dB). The Commission calculates that an LTE handset would receive an adjacent channel signal level of −54 dBm at a distance of 3.4 meters. For a 1 dB desensitization level, this distance would increase to 6.8 meters. This result requires some context. First, the 3GPP standard defines blocking as the point at which throughput falls below 95% of the maximum throughput. As Google showed in their measurements, variations of greater than 5% throughput typically occur under normal usage conditions. This can be due to a variety of reasons, such as movement of a handset and a continuously changing electromagnetic environment. Therefore, even though an LTE handset may experience some blocking interference from a white space device as close as 3.4 meters (or even 6.8 meters), the Commission does not believe this rises to the level of harmful interference as the LTE handset will continue to function, just at a slightly slower data rate, which it believes in the vast majority of instances would not be perceptible to the user, since a user would likely experience similar fluctuations in data rates under normal usage conditions.

61. In sum, the Commission finds that the likelihood of harmful interference from 40 milliwatt white space devices to wireless downlink services is extremely low. It is not possible to ensure that harmful interference will never occur, as wireless interests apparently request. The part 15 rules recognize this fact, indicating that the limits in part 15 will not prevent harmful interference under all circumstances and that it is the obligation of the unlicensed device to eliminate the interference or cease operations. Nevertheless, as described above, the Commission finds that actual harmful interference from white space devices to wireless systems at the technical limits it is adopting would be an extremely unlikely event due to a variety of factors that would need to occur simultaneously. For example, one factor noted above is that white space devices must incorporate transmit power control, so they often operate below the maximum allowable power to conserve battery power. The Commission does not believe it is appropriate to establish technical requirements for white space devices based on the absolute worst case situation which will happen only rarely in the real world.

62. While the Commission's technical analysis shows that there is a low probability that unlicensed devices will cause harmful interference to licensed wireless services, it nonetheless reminds parties that the rules prohibit unlicensed devices from causing harmful interference, even devices that comply with the technical rules. In the event white space devices cause harmful interference to licensed wireless services, there are steps that the Commission could take to eliminate the interference. If a licensed wireless service provider believes that an unlicensed device is causing harmful interference to its licensed service, the Commission requires all relevant parties to work collaboratively and in good faith to address those concerns in a timely manner. To that end, the Commission plans on providing guidance in the future about how a licensed wireless service provider can contact a party responsible for the unlicensed device to discuss interference concerns. In addition, a licensed wireless provider can ask the Commission to adjudicate any claims of harmful interference and the Commission can take immediate corrective action upon determining that there is harmful interference, including by directing the database administrator(s) to deny the offending device(s) access to spectrum.

63. Finally, the Commission concludes that because its analysis shows that out-of-band emissions from white space devices have a low probability of causing harmful interference to wireless services, there is no need for tighter out-of-band emissions from white space devices. Additionally, the Commission observes that the out-of-band emission limits that licensed wireless handsets must meet are higher than the out-of-band emission limits it is requiring white space devices to meet. No party has addressed the inconsistency of why these higher out-of-band emission limits from handsets are not problematic while white space device emissions will allegedly cause harmful interference. Therefore, the Commission finds it both unnecessary and inequitable to require white space devices to meet even tighter out-of-band emission limits.

64. The Commission further concludes that based on its analysis, it need not designate any 600 MHz service spectrum blocks as ''impaired'' due to the potential presence of unlicensed white space devices operating in the guard bands or duplex gap. The analysis provided above shows that 600 MHz service licensees will not experience harmful interference due to the presence of unlicensed devices operating in the guard bands or duplex gap. The Commission believes licensees operating on those bands will enjoy a similar spectrum environment as 600 MHz service licensees operating on non-adjacent spectrum blocks and be able to deliver competitive broadband service to the U.S. public free from harmful interference.

(ii) Wireless Microphones

65. The Commission will allow unlicensed wireless microphones to operate in the guard bands with a maximum power of 20 milliwatts EIRP and at least one megahertz frequency separation from wireless downlink spectrum. This power level will be useful for wireless microphone operators because many wireless microphones operate at power levels between 10 and 20 milliwatts. The Commission finds that this power limit for wireless microphones is necessary in the guard bands and duplex gap to protect licensed wireless services outside these frequency bands. In addition, because the Commission is allowing white space devices to operate in the guard bands and duplex gap at power levels of 40 milliwatts EIRP, limiting the power of unlicensed wireless microphones can help enable coexistence between unlicensed wireless microphones and white space devices by making both types of devices operate at more comparable power levels. The fact that the Commission is specifying wireless microphone power in terms of EIRP, rather than conducted power as proposed in the *NPRM,* will benefit wireless microphone manufacturers by ensuring that they can design equipment that operates with a maximum radiated power of 20 milliwatts, even if the design of a device requires the use of a less efficient antenna.

66. The Commission rejects arguments that a nine megahertz frequency buffer is necessary to protect wireless downlink spectrum from wireless microphones. It is requiring a one megahertz buffer because the ETSI out-of-band emission limits that it is requiring wireless microphones to meet specifies that out-of-band emissions roll off over a one megahertz frequency

span. Thus, a one megahertz buffer ensures that wireless microphone out-of-band emissions will be at or below the ETSI limits in the wireless downlink band. The Commission performed analyses on the interference potential of wireless microphones to wireless downlinks that are similar to those for white space devices. Specifically, the Commission considered both interference from out-of-band emissions as well as blocking interference.

67. *Out-of-band emissions interference.* With respect to harmful interference to wireless handsets from wireless microphone out-of-band emissions, the Commission uses many of the same assumptions it used in its analysis of white space device emissions into the wireless downlink band. Specifically, it uses a handset receiver reference sensitivity of −97 dBm at the antenna input and assumes a handset antenna gain of −6 dBi. It also uses a free space signal propagation model and assumes that several factors will act to attenuate the signal transmitted from the wireless microphone, including a 2 dB signal loss due to polarization mismatch between the transmit and receive antennas, 3.5 dB in propagation losses due to multipath and shadowing from nearby walls, objects or nearby people, and 3 dB of body loss at the wireless handset. Based on information submitted into the record regarding wireless microphone body loss, the Commission assumes a larger body loss for a wireless microphone (8 dB for a body worn wireless microphone and 18 dB for a handheld wireless microphone) than it assumes for a white space device (3 dB). In addition, a wireless microphone's frequency band of operation will be at least one megahertz removed from the LTE downlink band where emissions are at the ETSI limit. The Commission expects that wireless microphone emissions will continue to roll-off beyond the ETSI limit as frequency separation continues, but because equipment certification measurement reports do not currently contain measurement data based on the ETSI limits, the Commission is not assuming a 3 dB slope loss for wireless microphones as it does for white space devices. Finally, as with white space devices, the Commission bases its analysis on an interference criterion of a 3 dB rise in the noise floor.

68. Based on the foregoing assumptions, and using the ETSI −90 dBc out-of-band emission limits for a 20 milliwatt (13 dBm) 200 kilohertz wireless microphone at a frequency separation of one megahertz and greater, the Commission calculates the distance at which the interference criterion is exceeded. These distances (less than a tenth of a meter) are so short that the Commission believes OOBE interference from wireless microphones poses little risk of causing harmful interference to 600 MHz service downlinks even when multiple wireless microphones are used in close proximity. Because the necessary separation distances are so short, it is unlikely that multiple wireless microphones could be used in such close proximity to a 600 MHz service band handset. Even if several microphones were to be used near a wireless handset, they could not all use the same frequency in order to avoid causing interference to other wireless microphones. As wireless microphones spread throughout the guard bands and duplex gap, they will use frequencies farther from wireless downlink spectrum and the Commission predicts that out-of-band emissions from those additional wireless microphones will decline as the emission levels roll-off due to increased frequency separation.

69. *Blocking interference.* With respect to blocking interference from wireless microphones, the Commission again assumes a reference sensitivity for the LTE receiver of −97 dBm and an adjacent channel selectivity of 33 dB. Because the Commission is allowing wireless microphones to operate at a closer frequency separation than white space devices (one megahertz instead of three megahertz), it is assuming a conservative handset receive filter rejection of 3 dB. In addition, the Commission makes many of the same assumptions as in the out-of-band emission interference analysis for wireless microphones, including the use of a free space propagation model, 3 dB body loss at the wireless handset, 8 dB of body loss for body worn wireless microphones and 18 dB of body loss for handheld wireless microphones, 3.5 dB loss for shadowing and multipath, and a receiver antenna gain of −6 dBi. Consistent with the analyses above, the Commission also assumes that real world devices would operate with a 10 dB stronger signal than the minimum specified in the 3GPP standard. Also, the Commission assumes a 3 dB rise in the noise floor as the appropriate interference criterion. In this case, the distances at which the interference criterion may be exceeded are 6.6 meters for body worn microphones, and 2.1 meters for hand held microphones. For a 1 dB rise in the noise floor, the distances at which the interference criterion may be exceeded are 13.2 meters for body worn microphones and 4.2 meters for hand held microphones.

70. As with white space devices, this result requires some context. The Commission again points out that the 3GPP standard defines blocking as the point at which throughput falls below 95% of the maximum throughput, and as Google showed in their measurements, variations of greater than 5% throughput typically occur under normal usage conditions. Therefore, even though an LTE handset may experience some blocking interference from a wireless microphone as close as 6.6 meters, the Commission does not believe this rises to the level of harmful interference. Handsets will continue to function, albeit at a slightly slower data rate, which the Commission believes would generally not be perceptible to the user as that user would likely experience similar fluctuations in data rates under normal usage conditions. In addition, the Commission does not believe that even with multiple microphones operating within a close area, 600 MHz service handsets would experience harmful interference. First, the wireless microphones would themselves need to spread over many different frequencies to avoid interfering with each other. Thus, it is unlikely that more than one microphone would be operating at the frequency next to the one megahertz buffer in the guard bands or duplex gap within a given area. Second, to conserve battery power, wireless microphones, like white space devices and mobile handsets, generally operate below the maximum allowable power which reduces the likelihood of interference. Third, as with the analysis for white space devices, the analysis here considers the worst case which is unlikely to actually occur. Aside from the analysis assuming the wireless microphone is operating at maximum power, inherent in the worst case situation is that the mobile handset is operating at the edge of coverage near its sensitivity level, on the frequency closest to the guard bands or duplex gap, the antenna patterns of both the wireless microphone and wireless receiver would have to be closely aligned to maximize the wireless microphone signal at the receiver, and there would have to be *de minimis* body and other propagation losses; a scenario that is not likely to occur often, if at all. Finally, the Commission notes that wireless microphones are generally used in specific places—theaters, arenas, churches, etc. and not likely to be found in all areas where mobile handsets are in heavy use. Even at breaking news events, where there may be a mix of mobile handsets and wireless microphones, the Commission believes

it unlikely that all the factors needed to cause interference would occur simultaneously. Thus, the Commission finds that the likelihood of wireless microphones in the guard bands and duplex gap causing harmful interference to 600 MHz wireless downlink service to be very low.

c. Frequencies of Operation

71. *White space devices.* In the case of a nine megahertz guard band, a white space device with three megahertz separation from wireless downlink spectrum will be immediately adjacent to a TV channel. Such operation is consistent with the analysis detailed above showing that a three megahertz guard band will protect wireless handsets from white space devices and that no guard band is needed to protect adjacent channel TV operations. If the guard band is 11 megahertz, the Commission will apportion the spectrum such that white space devices will be required to operate at the lower end of the guard band, immediately adjacent to TV spectrum and five megahertz from wireless handsets. This will correspondingly provide a contiguous four megahertz block of spectrum not shared with white space devices for wireless microphone use and a one megahertz guard band between wireless microphones and wireless handsets. Distributing usage across an 11 megahertz guard band reduces the burden on white space devices, which will always operate in the same portion of the guard band, thus making channel availability checks simpler than if white space devices could operate anywhere within the guard band where they maintain at least a three megahertz separation from wireless downlink spectrum. Finally, this plan is consistent with the plan the Commission is adopting for the 11 megahertz duplex gap.

72. The Commission is also adopting rules to allow white space device operation in a seven megahertz guard band. It will permit 40 milliwatt white space devices to operate in the lower four megahertz portion of a seven megahertz guard band, *i.e.*, the portion immediately adjacent to television spectrum. This will leave a three megahertz frequency separation from wireless downlink spectrum above the guard band. The Commission will require that white space devices operating under these provisions comply with the same technical requirements as 40 milliwatt white space devices in nine or 11 megahertz guard bands, with the exception of the channel bandwidth and the PSD limit. The current PSD limit would prevent a white space device in a four megahertz channel from attaining the full 40 milliwatts EIRP because the power is concentrated in a narrower bandwidth than was used in establishing the limit. The Commission will therefore allow such devices to comply with a PSD limit of 0.6 dBm/100 kHz EIRP. It will also require that a 40 milliwatt fixed device operating in a four megahertz channel comply with a conducted PSD limit of −5.4 dBm, since the conducted power limit for fixed devices is 6 dB less than the EIRP limit. These limits are about 2 dB higher than the limits for white space devices in a six megahertz channel. Because the out-of-band emission limits are not being modified for this narrower white space channel, the total radiated power adjacent to TV remains at 40 milliwatts. The Commission also maintaining the three megahertz separation to 600 MHz band wireless downlinks. Thus, Commission does not believe that white space devices operating in a seven megahertz guard band will cause harmful interference to either television reception or wireless downlinks.

73. The Commission does not adopt rules to allow white space devices to operate in a three megahertz guard band adjacent to channel 37. A guard band that size would be too small to permit white space device operation, because at least a three megahertz frequency separation is required to protect wireless downlink services.

74. *Wireless microphones.* The Commission will allow unlicensed wireless microphones to operate in certain segments of the guard bands. In the guard band between television and wireless downlink spectrum, the Commission will allow unlicensed wireless microphones to operate across the guard band regardless of its eventual size (determined by the results of the auction) with the exception of a one megahertz segment at the upper end that would act as a buffer between unlicensed wireless microphone operations and wireless downlink services. If the guard band is 11 megahertz wide, unlicensed wireless microphones will be allowed to operate in the lower ten megahertz segment of the band; if the guard band is nine megahertz wide, unlicensed wireless microphones will be allowed to operate in the lower eight megahertz segment; and if the guard band is seven megahertz wide, unlicensed wireless microphones will be allowed to operate in the lower six megahertz segment.

75. In the three megahertz guard bands adjacent to channel 37, the Commission will allow unlicensed wireless microphones to operate in the two megahertz segment closest to channel 37, leaving a one megahertz buffer to protect wireless downlink services adjacent to these guard bands. Wireless microphones currently operate on channels 36 and 38 at up to 250 milliwatts without causing harmful interference to WMTS and RAS operations on channel 37. The Commission thus concludes that there is no need for any frequency separation between unlicensed wireless microphones operating in the guard bands and channel 37 because it is limiting the maximum permitted power in this spectrum to 20 milliwatts to protect wireless downlink services.

2. Duplex Gap

a. Protecting Adjacent Wireless Downlink and Uplink Bands

76. Wireless downlink bands will be protected from harmful interference by requiring that unlicensed white space devices operate at 40 milliwatts EIRP with at least three megahertz frequency separation from wireless downlink bands and that wireless microphones operate at 20 milliwatts EIRP with at least one megahertz separation from wireless downlink bands. The Commission will require that licensed wireless microphones operating in the duplex gap comply with the same technical requirements as unlicensed wireless microphones in the guard bands. The split of the duplex gap described below will provide for a one megahertz frequency separation between licensed wireless microphones and wireless downlink spectrum. It will also provide for a frequency separation of five megahertz, rather than three megahertz, from wireless downlink spectrum. Thus, wireless downlink services will be protected from harmful interference.

77. Regarding wireless uplink bands, the Commission concludes that that it is not necessary to provide any frequency separation between white space devices and unlicensed wireless microphones and wireless uplink spectrum to prevent harmful interference to base station receivers. Base station antennas are generally mounted high on a tower, providing distance separation between them and white space devices and wireless microphones. Also, base stations can take advantage of better receive filters to minimize the potential for adjacent channel interference. These factors lead to very little risk of harmful interference to wireless base stations even when white space devices and unlicensed wireless microphones operate immediately adjacent to wireless uplink spectrum.

b. Frequencies of Operation

78. The Commission is adopting the proposed 1–4–6 split of the duplex gap. A six megahertz band for unlicensed devices, which will be used by both unlicensed white space devices and unlicensed wireless microphones, is supported by the record and is consistent with the current white space device rules. Additionally, a four megahertz segment of the duplex gap is designated for licensed wireless microphones users only, thus enabling them to access spectrum for quick-breaking events without having to reserve channels in the white space databases. This plan maximizes the frequency separation between the six megahertz segment of the duplex gap for white space device use and wireless downlink spectrum, thereby reducing the risk of harmful interference to those adjacent band services as required by the Spectrum Act. The one megahertz buffer at the lower end of the duplex gap provides a margin of interference protection to wireless handsets from licensed wireless microphones. The Commission will allow unlicensed wireless microphones to operate in the same six megahertz portion of the duplex gap as white space devices, and licensed wireless microphone use will be permitted in the four megahertz segment of the lower duplex gap designated for their operation. This plan balances the spectrum needs of unlicensed white space and wireless microphone users, by making spectrum available for both wireless microphones and white space devices, while minimizing the likelihood of harmful interference to licensed wireless services.

79. The Commission concludes that it is not necessary to provide a guard band between the four megahertz designated for licensed wireless microphones and the six megahertz designated for unlicensed white space devices and unlicensed wireless microphones. Recognizing that the rules require low emissions from white space devices outside their channel of operation, the record indicates that the risk of adjacent channel interference to licensed wireless microphones is low. Wireless microphones currently operate adjacent to white space devices as well as full power television stations with no adverse effects as their narrow bandwidths and receiver selectivity provide interference protection. Thus, there is a low risk of unlicensed white space devices or unlicensed wireless microphones causing harmful interference to licensed wireless microphones in the adjacent band.

80. The Commission disagrees with parties requesting a one megahertz buffer at the upper end of the duplex gap to protect white space devices from possible interference from wireless uplinks (handset transmitters) in the adjacent band. As discussed, a one megahertz frequency separation is necessary to protect licensed operations in wireless downlink spectrum (handset receivers) from wireless microphones operating in an adjacent frequency band, and the Commission declines to eliminate this buffer from the lower end of the duplex gap. To add a one megahertz buffer at the upper end of the duplex gap would reduce the spectrum available for licensed wireless microphones in order to maintain six megahertz for white space devices. Given the Commission's objective to balance the interests of different users, it is not reducing the amount of spectrum designated for licensed wireless microphones in the duplex gap.

3. Database Access

81. The Commission will require that unlicensed white space devices and unlicensed wireless microphones operating in the 600 MHz guard bands, including the duplex gap, rely on database access to identify vacant channels for their use. This requirement is necessary because the Spectrum Act requires that unlicensed use of the guard bands ''must rely on a database or subsequent methodology as determined by the Commission.'' The Commission concludes that this requirement is not unduly burdensome because there are several white space databases available, and unlicensed wireless microphone users will have an incentive to check a database to identify available frequencies for their use. The Commission will not require that licensed wireless microphone users in the duplex gap rely on the white space databases to determine if those frequencies are available for their use at their location prior to operation.

82. Because the Spectrum Act does not define the terms ''rely on a database'' or ''subsequent methodology,'' the Commission concludes that the Spectrum Act gives it discretion to determine how unlicensed white space devices and unlicensed wireless microphone users should ''rely on'' the white space databases to identify available frequencies in the guard bands for their use. Unlicensed white space devices will rely on a database for identifying channels available for their use in the guard bands and duplex gap as they do now in the TV bands.

83. The Commission concludes that unlicensed wireless microphone users can satisfy the Spectrum Act's requirement to ''rely on'' a database by manually checking it via a separate Internet connection which can be done using a smart phone, laptop, or other similar telecommunications devices. The Commission will require that unlicensed microphone users check the databases prior to beginning operation at a given location (*e.g.*, prior to beginning a performance). Because the databases will identify available channels based on the location where a microphone will be used (latitude and longitude), the user will need to re-check the databases for available channels if it moves from the earlier location.

84. The Commission will not require licensed wireless microphone users of the four megahertz segment in the duplex gap to access a database before beginning operation. During the post-auction transition period while TV stations are in the process of vacating their channels in the 600 MHz band, a licensed wireless microphone user may need to determine whether the duplex gap is available in an area. After the end of this transition period, the duplex gap will generally be available nationwide, except possibly in a limited number of locations if the auction outcome necessitates repacking some TV stations into the duplex gap. Broadcasters and cable programming network entities that will be licensed to operate in the duplex gap are sophisticated users that are capable of determining whether the duplex gap is available at their location. Since the Commission is limiting operation in this four megahertz segment to licensed users, the Spectrum Act's requirement that unlicensed devices rely on database access or a subsequent methodology as determined by the Commission does not apply.

C. 600 MHz Service Band

1. White Space Devices

a. Permissible Types of Operation

85. The Commission will allow fixed, Mode I and Mode II white space devices to operate in the 600 MHz service band under the same technical requirements (*e.g.*, power, antenna height, database access) that apply to operation in the TV bands. Additionally, it will require that white space devices comply with separation distances from the areas where a wireless licensee has commenced operations.

86. The Commission rejects arguments that white space devices in the duplex gap and 600 MHz service band should have the same power limit.

White space devices will be limited to 40 milliwatts in the duplex gap because they will operate in the same geographic areas where 600 MHz service licensees have commenced operation, and on frequencies adjacent to wireless uplink and downlink spectrum with small or no frequency separations and, potentially, at short physical separation distances from wireless handsets. In contrast, white space devices will be allowed to operate in the 600 MHz service band only at locations where a wireless licensee has not commenced operations, so the Commission can allow higher power levels for white space devices in the 600 MHz service band than in the duplex gap. Issues pertaining to the definition of ''commence operations'' will be addressed separately in response to the *Commence Operations PN.*

87. The Commission rejects arguments that the Spectrum Act prohibits unlicensed use of the 600 MHz service band. The Spectrum Act specifically permits unlicensed use of the guard bands, but does not contain any prohibition on continued unlicensed use of the 600 MHz service spectrum prior to a 600 MHz service licensee commencing operations. Thus, the Commission finds that such operations are not prohibited by the Spectrum Act.

b. Protection Criteria

(i) Wireless Uplinks

88. The Commission adopts the proposed minimum separation distances that white space devices must meet when operating in spectrum that is also used for licensed 600 MHz wireless uplinks or downlinks. While these distances were calculated by determining the minimum separation from base stations that white space devices must meet to avoid causing harmful interference, consistent with the proposals in the *Notice*, the Commission is requiring that white space devices comply with these distances from any point along the edge of the polygon representing the outer edge of base station deployment, rather than from just the points that define the polygon in the database. This requirement is necessary because the points defining a polygon could in some instances be farther apart than the protection distances, thus possibly under-protecting base stations that are just inside the polygon and between the defined points. The co-channel and adjacent channel separation distances to protect wireless uplinks are listed in the final rules.

89. The Commission adopts its proposals to define co-channel operation as any frequency overlap between a TV channel used by a white space device and a five megahertz spectrum block used by a 600 MHz service licensee, and adjacent channel operation as a frequency separation of zero to four megahertz between the edge of a channel used by a white space device and the edge of a five megahertz spectrum block used by a 600 MHz service licensee. Consistent with the rules for operation in the duplex gap, the Commission is not requiring adjacent channel separation distances to protect wireless uplink services from white space devices operating at 40 milliwatts since it determined that adjacent channel separation distances are not necessary in that case. However, the Commission is requiring adjacent channel separation distances for white space devices operating at higher power levels.

90. In addition, consistent with the rules for operation in the TV bands, the Commission is requiring that a fixed or Mode II device that supplies a list of available channels to a Mode I device must comply with increased separation distances on any channels that are indicated as available to the Mode I device. As with operation in the TV bands, the Commission will base the increases in separation distance on the minimum co-channel separation distances at 40 and 100 milliwatts. Therefore, if a Mode I device operates at greater than 40 milliwatts, the co-channel and adjacent channel separation distances must be increased by 6 kilometers and 0.14 kilometers, respectively. Similarly, if a Mode I device operates 40 milliwatts or less, the co-channel separation distance must be increased by 5 kilometers.

91. The Commission reject arguments that use of the TM–91–1 model is inappropriate due to the range of distances and antenna heights over which it is defined. While TM–91–1 was specifically developed for a limited range of distances and antenna heights, it has a broader range of application by the virtue of the fact that it is identical to the Egli model, which is valid over a greater range of distances and antenna heights than specified in TM 91–1.

92. The Commission also rejects arguments that it should use the Longley-Rice model instead of the TM–91–1 model for consistency with the ISIX methodology. The Longley-Rice methodology uses detailed, site specific terrain information and performs complex, computational intensive calculations to determine signal coverage. In contrast, the Commission here develops a general table of separation distances that can be used by the white space databases to protect licensed wireless services in a wide variety of locations, so the simpler TM–91–1 model is more appropriate for this purpose. The Commission rejects arguments that it should protect wireless base stations from white space devices at distances beyond 60 kilometers and no specific larger distances were suggested in the record.

(ii) Wireless Downlinks

93. The Commission adopts the proposed minimum separation distances of 35 kilometers (co-channel) and 31 kilometers (adjacent channel) between white space devices operating in spectrum used by 600 MHz band wireless downlinks and the boundary of a polygon representing the outer edge of base station deployment. The Commission also adopts the same definitions of co-channel and adjacent channel operation that apply with respect to wireless uplinks. The separation distances that the Commission adopts do not vary with EIRP or HAAT because analysis showed that increasing the EIRP or HAAT has only a small effect on the total required separation distance. These distances are also sufficient to provide protection from white space devices operating at 10 watts EIRP.

94. The Commission will require 40 milliwatt white space devices to meet adjacent channel separation distances from the service areas where a wireless licensee has commenced operations, at any frequency separation from zero to four megahertz from wireless downlink spectrum. This is because the Commission is allowing fixed devices to operate with antenna heights of up to 250 meters HAAT, which increases their potential for causing harmful interference to wireless services. As discussed, white space devices operating in the guard band adjacent to wireless downlink spectrum at low antenna heights (10 meters or less AGL) and a minimum frequency separation of three megahertz will not cause harmful interference to wireless handsets and thus do not specify a separation distance for such operations. While the Commission could allow for operation of such white space devices in the 600 MHz service band without an adjacent channel separation distance, it adopts a different approach in order to reduce the compliance burdens and provide for bright-line rules for the 600 MHz service band. Specifically, for the 600 MHz service band, the Commission will require all white space devices to comply with a single adjacent channel

separation distance, independent of white space device power, antenna height or frequency offset.

2. Wireless Microphones

95. The Commission will require that licensed and unlicensed wireless microphones operating in the 600 MHz service band comply with minimum co-channel and adjacent channel separation distances from the areas where 600 MHz service licensees are operating because this requirement is necessary to protect licensed wireless operations in the 600 MHz service band. However, the Commission agrees with Sennheiser that the separation distances proposed in the *NPRM* are larger than necessary to protect licensed wireless services in some instances. The Commission is reducing the required separation distance for wireless microphones operating in the portion of the 600 MHz service band used for wireless uplinks, *i.e.*, base station receive frequencies. However, it is not reducing the proposed separation distances in the portion of the 600 MHz service band used for wireless downlinks (35 kilometers co-channel, 31 kilometers adjacent channel). The reason is that the primary component of those distances is an assumed base station communication radius of 30 kilometers, so the reduction in these separation distances would be relatively small if recalculated assuming a lower power for wireless microphones. While the Commission could allow for operation of wireless microphones in the repurposed 600 MHz downlink band without any adjacent channel separation distance in some cases similar to its actions in the guard bands and duplex gap, it adopts a different approach in order to reduce the compliance burdens and provide for bright-line rules for the 600 MHz service band. Specifically, for the 600 MHz service band, the Commission will require all wireless microphones to comply with the same adjacent channel separation distance as white space devices.

96. With regard to protecting wireless uplinks, the Commission assumes a lower total power for wireless microphones than 4,000 milliwatts. While licensed wireless microphones are permitted to operate with power levels of up to 250 milliwatts, most wireless microphones operate with a power level of less than 50 milliwatts. Based on ten wireless microphones operating at 50 milliwatts, the total power in a six megahertz channel would be less than 500 milliwatts. The actual EIRP that could affect a wireless system would be less than that for two reasons. First, wireless spectrum blocks are five megahertz wide, so depending on the overlap between a repurposed six megahertz TV channel and a wireless spectrum block, the maximum power that could fall into a five megahertz block would be 5/6 of the total, or 417 milliwatts. In most cases, a smaller overlap would occur and the power that could fall into a five megahertz block will be less than 417 milliwatts. Second, the EIRP of an individual wireless microphone is often less than the 50 milliwatt conducted power limit due to antenna efficiency limitations, and because wireless microphones are often operated using less than the maximum allowable power to achieve greater battery life and spectral efficiency. Because these two conditions are likely to create a situation where the overlapping power is much less than 417 milliwatts, the Commission will base the separation distances that wireless microphones must meet to protect wireless uplinks on the nearest white space device power level that is less than 417 milliwatts, which is 250 milliwatts. The co-channel and adjacent channel separation distances that apply at that power level with a three meter antenna height are 7 kilometers and 0.2 kilometers. While the Commission could allow for operation of wireless microphones in the repurposed 600 MHz uplink band without any adjacent channel separation distance in some cases similar to its actions in the duplex gap, the Commission adopts a different approach in order to reduce the compliance burdens and provide for bright-line rules for the 600 MHz service band. Specifically, for the 600 MHz service band, the Commission will require all wireless microphones to comply with the same adjacent channel separation distance as white space devices.

97. Licensed and unlicensed wireless microphones can continue to operate in the 600 MHz service band during the post-auction transition period, consistent with their secondary or unlicensed status, provided they do not cause harmful interference to incumbent TV services or new wireless services. However, they have a hard date by which they must cease operating in the band. The white space databases will enable unlicensed wireless microphone users to determine whether their operating location is at least four kilometers outside the protected contour of TV stations that continue to operate in that band and also to identify areas where 600 MHz service licensees are operating so they can avoid causing harmful interference to them. The 600 MHz service licensees rely on the deployment of multiple base stations to provide service, and expand the number and locations of base stations as they increase their service areas. This is a dynamic set of circumstances that necessitates periodic checking of the databases to identify the appropriate locations where wireless services are protected from harmful interference as required by the *Incentive Auction R&O.* The Commission will require that unlicensed wireless microphone users rely on the white space databases to ensure that their intended operating frequencies in the 600 MHz service band are available at the locations where they will be used. Operation in the 600 MHz service band requires that unlicensed wireless microphone users check the databases more frequently than they would in the guard bands and duplex gap, *i.e.*, always prior to beginning operation at a given location and not just if the microphone user moves from an earlier location.

D. Channel 37

1. Power Limits and Separation Distances

a. General Technical Requirements and Power Limits

98. The Commission will allow fixed devices to operate on channel 37 at power levels up to four watts and with antennas ranging up to 250 meters HAAT. It will also allow both Mode I and Mode II personal/portable devices to operate at power levels up to 100 milliwatts. As with the rules described above that require an adjustment in separation distance when fixed or Mode II devices are controlling a Mode I device, the Commission will require the same here.

99. Although the Commission will allow fixed devices at up to four watts, the results of the incentive auction along with the white space rules will determine the maximum power allowed on channel 37. If the incentive auction recovers exactly 84 megahertz of spectrum, there will be a three megahertz guard band above channel 37, and if more than 84 megahertz is recovered, there will be a three megahertz guard band on each side of channel 37. In either case, only a three megahertz guard band will separate white space devices operating on channel 37 from the mobile handset receive band, so consistent with the rules for the duplex gap and the guard bands, white space device operation on channel 37 would be limited to 40 milliwatts to protect mobile handsets. If the incentive auction recovers less than 84 megahertz, then channels 36 and 38 would remain available for TV, allowing

a fixed white space device to operate at power levels above 100 milliwatts. Finally, if channels 36 and/or 38 remain available for TV, a white space device could operate at up to 100 milliwatts so long as it straddles channels 36 and 37 or channels 37 and 38 and it meets the separation distances being adopted for channel 37 as well as all other protection requirements specified in the rules. The Commission will not permit, at this time, white space devices operating on channel 37 in less congested areas to operate with higher power than four watts since there should already be sufficient spectrum available in those areas to operate at higher power on other channels. As the Commission gains experience with higher power operations, it could revisit this issue and adjust the rules accordingly so long as WMTS and RAS are protected from harmful interference.

b. Determination of WMTS Separation Distances

100. In consideration of the most recent information filed to the record and the Commission's goal to be conservative in the determination of protection distances to protect WMTS, the Commission is basing its analysis on a −100 dBm receiver sensitivity level and a 12.5 kilohertz bandwidth. Using these criteria ensures that the analysis provides sufficient protection for WMTS devices produced by all manufacturers.

101. The Commission believes that the TM–91–1 propagation model is the most appropriate model to use for determining the separation distances necessary to protect WMTS systems from white space devices at the various power/antenna height combinations permitted by the rules. The TM–91–1 model, which has been used previously to model white space interference potential, was developed for modelling propagation loss at relatively short distance to provide capability where the F curves are no longer appropriate. The Commission believes this model, which predicts propagation loss in excess of free space loss, is appropriate in this case as free space loss will underestimate actual signal loss. In addition, signals from white space devices will generally suffer from additional loss due to ground clutter, multipath effects and building penetration losses. To balance the use of this model and its loss predictions against the WMTS proponents' claim that health care facilities often have distributed antenna systems (DAS) installed near windows where there may be little building penetration loss, the Commission set the building penetration loss parameter of the model to zero. There will still be some building loss even for a DAS installed near clear windows, but the Commission uses zero here to ensure that the results are conservative and will protect WMTS systems from harmful interference. The Commission believes that this is likely to be unrealistic in many cases, but given that this is the first time it is authorizing co-channel operation of unlicensed portable devices on channel 37, it elects this conservative approach. To the extent that this results in unreasonably large separation distances in individual cases, parties can seek a waiver, as discussed below. Finally, with respect to the TM–91–1 model, it was developed based on suburban area data and that usage in urban areas with more densely packed buildings is likely to experience losses beyond those predicted here. While the model in general may under predict losses for rural areas, the Commission's implementation, such as setting the building penetration loss parameter to zero should offset the effects of some longer line-of-sight distances between white space devices and WMTS systems.

102. The Commission also rejects the argument that the TM–91–1 model is inappropriate to use because it is not valid at the antenna heights and distances under consideration here and returns results based on a median signal level. Although the TM–91–1 model was developed to study a particular range of distances and antenna heights, it is based on the Egli model which has an applied range of up to 40 miles from the transmitter, a transmit antenna height of 5000 feet and a receive antenna height of 1000 feet. A comparison of the TM–91–1 model, equation 5, and Egli's model, equation 2 shows that they are identical when compared in the same units. Thus, while TM–91–1 was specifically developed for limited range by the virtue of the fact that it is identical to Egli's model, it has a broader range of application than stated in the report. In addition, the TM–91–1 model may actually overstate the interference potential somewhat because it does not account for terrain features, buildings, and land cover that have an effect on the strength of received signals, nor does it consider multipath effects. In particular, a comparison between predicted free space path loss and actual measured path loss for several test sites at two hospitals submitted by the WMTS coalition shows that in many cases the actual path loss is substantially more than the prediction and compares favorably with the predictions of the TM–91–1 model.

103. The Commission calculated the minimum co-channel separation distances that would be required for white space devices to protect WMTS devices based on the assumptions stated, basing protection on receiver sensitivity of −100 dBm, a 12.5 kHz bandwidth, and a frequency of 611 MHz (the center of the WMTS channel). The Commission also assumes an antenna aggregation gain of 3 dB to account for the possibility of multiple antennas receiving a WMTS signal. To provide additional protection, the Commission will not assume any additional building penetration loss for WMTS signals, using 0 dB, which is in addition to setting the building penetration loss variable in the model to 0. The Commission assumes an aggregate 2 dB of loss due to antenna mismatch, polarization effects, line loss, etc., which it believes to be reasonable for modelling WMTS protection and less than losses likely to be experienced in actual system deployments. Finally, to protect WMTS, the Commission assumes an I/N value of −6, providing for a 1 dB rise in the noise floor. The Commission used the TM–91–1 propagation model and white space device power levels that range from 40 milliwatts to 4,000 milliwatts in four dB steps.

104. The Commission used the same range of HAAT currently specified in the rules for fixed white space devices and assumed that the WMTS receiver would be at a 10 meter height AGL. The Commission concludes that a large number of WMTS devices using channel 37 are installed at or below the assumed 10 meter height. To assume a greater height in the analysis would be unreasonable because it would produce greater separation distances than are needed to protect WMTS devices in many cases. Moreover, multipath and other reflections off the walls of a taller facility would result in more of the signal being reflected, which were not accounted for in the analysis.

105. The results of the analysis, as shown in the final rules, provide for slightly longer separation distances than those proposed. The Commission believes these values represent a conservative evaluation of providing protection to WMTS, and along with the procedures discussed below, provide opportunity for white space devices to deploy using channel 37. The distances provided in the rules will apply to fixed devices and Mode II personal/portable devices that are communicating with other fixed and/or Mode II devices. However, to account for some location

uncertainty for Mode I devices, the Commission will, consistent with its decision for the duplex gap and guard bands, require that these distances be doubled when the controlling device is a Mode II personal portable device, and increased by 380 meters and 480 meters for fixed white space devices serving 40 milliwatt and 100 milliwatt personal/portable Mode I white space devices, respectively.

106. The Commission is also adopting separation distances to protect WMTS systems from adjacent channel white space device operations on channels 36 or 38. It is basing the adjacent channel protection distances on an analysis similar to that used to determine co-channel separation distance (10 meter WMTS antenna height, 3 dB antenna aggregation, 3 dB antenna mismatch, 0 dB building attenuation). For the out-of-band interference analysis, the Commission used the same −100 dBm/12.5 kHz receiver sensitivity and I/N protection criteria of −6. For the blocking interference analysis, because the white space device would be operating immediately adjacent to channel 37, the Commission assumed 0 dB loss due to the receive filter and a blocking threshold of −37.8 dBm/MHz. The analysis showed that the protection distances to protect from blocking interference were larger than to protect from out-of-band interference, so the Commission is basing the adjacent channel protection distances on the distances shown in the final rules that were calculated to protect WMTS from blocking interference.

107. The Commission adopts adjacent channel protection distances that apply for any antenna height at a given power level. Because the distances are so short, the Commission assumes that it is likely that the transmitter and receiver are both at approximately the same antenna height. Thus, under the assumed condition of the WMTS receiver being 10 meters AGL, if a white space device was operating at the maximum of 30 meters AGL allowed by the rules, they would be at most 20 meters apart. Under these conditions, that separation distance is larger than necessary to provide protection. However, to reduce compliance burdens and to ensure that WMTS receivers are protected in all cases, such as when the antennas are closer in height above ground level, the Commission adopts the calculated values for all instances at the various power levels.

108. Finally, as with co-channel separation distance, the Commission is providing additional distance to be added to fixed and Mode II white space device separation distances when they are controlling Mode I devices. When a Mode II or fixed white space device is providing channel lists for Mode I white space devices, they must comply with separation distances to 16 meters and 26 meters when serving 40 milliwatt and 100 milliwatt devices, respectively.

109. Because the white space databases are already designed to provide for polygonal exclusion zones, and a building perimeter is a polygon that can be defined as a series of latitude and longitude coordinates, these distances will apply from the perimeter of each health care facility containing channel 37 WMTS systems (or if several facilities containing channel 37 WMTS systems are clustered closely together, the Commission will allow them to be defined as a single entity). Obtaining the coordinates defining the perimeter of a facility will be a simple, straightforward process.

110. Several commenters suggested that a more nuanced approach that takes into account site-specific propagation conditions may best balance the competing interests of health care facilities and white space proponents. The separation distance and protection procedures set out here is a default approach. There is ongoing dialogue among the stakeholders and should those parties reach a consensus that differs from this approach, the Commission invites those parties to submit an alternative approach for streamlined consideration. The Commission will monitor the use of channel 37 and may adjust the separation distances as experience is gained. If parties believe a distance other than that provided in the rules either over or under protects WMTS systems, they may file waiver requests with the Commission to modify the distance for a particular facility or group of similarly situated facilities. To ensure that WMTS systems are protected from the potential for harmful interference, the Commission will immediately require the database administrators to expand the separation distance for reasonable requests for a particular facility, until it has completed its analysis and can render a final decision on the waiver. The Commission commits to expeditiously resolving any such waiver request.

111. To implement the necessary protection, the Commission has strived to provide a procedure that is simple, straightforward, and easy to implement for all parties. A health care facility will register a representation of the perimeter the building to a white space database administrator. That information will be entered into the database and shared with the other white space database administrators. White space system operators will then avoid operating within the protection zones of health care facilities through instructions from the database.

112. While the Commission will not generally prohibit operation in rural areas, it recommends that unlicensed devices should only operate in channel 37 in areas where there are fewer than three channels available for unlicensed use between the UHF channels and the 600 MHz guard bands, including the duplex gap. The Commission expects rural areas, where there are already plenty of channels available for white space devices, will continue to have channels available after the incentive auction. Thus, prioritizing the available channels in this manner will balance the interference protection needs of WMTS facilities against the needs of white space system operators to have sufficient spectrum on which to operate.

113. The distances the Commission is setting to protect WMTS systems will generally protect against harmful interference, but adjustments may be necessary based on the unique characteristics of a health care facility and path loss relative to the potential locations of the white space deployment. The Commission underscores for white space device operators that in all cases, they always have the obligation to protect WMTS systems from harmful interference and to eliminate such interference if it should occur. As an added measure of protection, the Commission will work with the interested parties to explore procedures whereby if interference to WMTS occurs, white space devices would be excluded from operating near that health care facility until such time as the interference has been fully resolved.

114. To ensure that the separation distances and procedures the Commission adopts will provide the intended protection to WMTS systems, the Commission intends to limit initial deployment of white space devices using channel 37 to one or two areas. By limiting initial roll-out to just a few areas, the Commission jointly with the FDA can work with white space device operators and health care facilities to validate and, if needed, adjust the approach so that critical WMTS systems do not experience harmful interference. Once the rules become effective and the deadline for health care facility registration has passed, the Commission encourages parties interested in deploying white space devices on channel 37 to contact OET to discuss the intended deployment and a test plan. At the successful conclusion of

testing of these initial deployments, the Commission will issue a public notice to inform interested parties that they may deploy white space devices nationwide on channel 37.

c. Determination of RAS Separation Distances

115. The Commission is adopting criteria to protect the ten very long baseline array (VLBA) radio astronomy observatories. The Commission agrees with commenters that a site specific terrain based protection criteria is better than a single fixed distance for each site because these sites are often in rural areas and constructed to take advantage of terrain features to provide a very low noise environment for radio observations. To conduct the analysis, the Commission used the Longley-Rice version 1.2.2 propagation model and the protection criteria of ITU–R RA–769–2 (-212 dB (W/m^2 Hz)) which assuming an isotropic receive antenna equates to -131 dB (W/m^2 6 MHz) or a receiver interference threshold of 1.54 dBuV/m) along with F(50,2) propagation. For each VLBA receive site, the Commission used the coordinates specified in § 15.713(h) and a radio astronomy receive antenna height of 27 meters AGL. To perform the analysis, the Commission assumed white space transmitters with 40 milliwatts EIRP, 3 meters antenna height AGL, 611 MHz transmitter frequency, and an omni-directional transmit antenna pattern every 2 kilometers along 72 radials spaced every 5 degrees extending from the Radio Astronomy (RA) receiver site out to 300 kilometers. Using F(50,2) propagation along the path from each white space transmitter to the radio astronomy site, the Commission could determine, based on the terrain profile of each path, which transmit sites produced a field strength above the protection criteria at the radio astronomy receiver. Those transmit sites are used to determine the site specific protection zone for each VLBA site. The use of the F(50,2) propagation statistics for this analysis provides a conservative determination of protection zones to ensure that VLBA sites do not receive interference from white space devices.

116. For each site, the Commission provides a best fit polygon connecting the farthest points from each site beyond which the protection criteria is always satisfied. The Commission is using this best fit polygon rather than connecting a point along each radial to reduce the burdens in implementation. The Commission does not believe that there would be much difference in available spectrum for white space devices if it were to create the polygons based on connecting a point on each radial (for a total of 72 points per polygon). To avoid overprotecting VLBA sites by prohibiting white space devices within a large circle centered on each site, the Commission is instead requiring that white space devices be prohibited from transmitting within a polygon that encompasses only those areas that are predicted to have the potential to cause harmful interference. The polygon approach is not burdensome to implement, and white space databases already possess the capability to provide polygonal exclusion zones. The final rules provide the coordinates defining each polygon.

117. The Commission disagrees that it needs to consider white space device signal aggregation when fashioning the separation distances. The VLBA is comprised of 25-meter dish antennas which have very high gain and very narrow beamwidth, and these antennas generally are aimed skyward. However, in the instance that an antenna is pointed towards the horizon, its antenna beam is still so narrow that it is unlikely that it will see more than a single white space device.

118. The Commission will not prohibit the use of channel 37 in rural areas and areas where more than 10% of the TV channels are available for white space devices as requested by CORF. As stated above, the Commission is advising that white space systems only use channel 37 in areas where there are fewer UHF channels available for unlicensed devices than would meet that users spectrum requirements. Because most RAS sites are located in rural areas, the Commission expects that in most cases white space device system operators will have access to sufficient spectrum so as to not need to use channel 37. The Commission will continue to require white space devices operating on channels 36 and 38 to comply with a separation distance of at least 2.4 kilometers from VLBA sites.

119. The Commission will prohibit white space devices from operating within the quiet zone around the National Radio Astronomy Observatory at Green Bank West Virginia and on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra. The Commission believes that it would be unreasonable for operators of white space devices to coordinate with these observatories, and the separation distances required to protect these observatories would be extremely large.

2. Guard Bands Adjacent to Channel 37

120. The Commission declines to provide the ability for white space devices to use the three megahertz guard bands that may be created adjacent to channel 37. The Commission has decided in this proceeding that a three megahertz guard band is necessary to protect new 600 MHz mobile handsets from harmful interference from white space devices. If spectrum is recovered in sufficient quantity to require the creation of these guard bands adjacent to channel 37, they will function to provide this protection and will be unavailable for use by white space devices.

3. Out-of-Band Emission Limits on Channels 36–38

121. The Commission is removing the strict emission mask into channel 37 which also hampers the ability of white space devices to operate on channels 35, 36, 38, and 39. The rules will require all white space devices to meet the same emission mask for all channels in the TV and 600 megahertz bands, including channel 37. The Commission has determined the required separation distances for various power levels and rejects the WMTS Coalition's position that the adjacent channels should have the same separation requirement as for co-channel operations on channel 37. This rule change, which eliminates the need for additional filters to be incorporated into devices, will reduce development and manufacturing costs and lead to lower prices to consumers.

E. White Space Databases

1. Expanding Location and Frequency Information

a. 600 MHz Service Band Operations

122. The Commission is adopting the proposed requirements for entering and storing information on the locations where 600 MHz Band licensees have commenced operation in the white spaces database. Specifically, it is requiring that database administrators allow 600 MHz Band licensees to enter the coordinates of a minimum of eight points and a maximum of 120 points representing the corners of a polygon of the minimum size necessary to encompass all base stations or other radio facilities used to determine the area where a licensee is commencing operations, consistent with the Commission's decision in a separate future proceeding, as well as the frequencies that a licensee will use in that area. The white spaces databases will use this information along with the separation distances described to ensure that white space devices operate at a sufficient distance outside the border of the defined polygon to prevent harmful interference to wireless services. This approach will provide wireless

licensees with sufficient flexibility to describe different areas of operation. For example, a licensee can enter the coordinates of multiple polygons in cases where it plans to commence service in multiple non-contiguous areas. A licensee can also specify shapes more complex than an eight-sided polygon to designate an area that includes irregular boundaries within a PEA or a PEA boundary so that the protected area in the database stops at the edge of a carrier's licensed area.

123. The Commission will also require that a 600 MHz service licensee enter contact information (company name, contact person's name, address, phone number) and the date it plans to commence operations when it registers a polygonal area and operating frequencies with the white space database. Requiring the database to include this data will allow a licensee to define its operations area well in advance without limiting the ability of white space devices to operate until the actual date when the 600 MHz service wireless licensee commences operation. The database will disregard the registration information prior to the service commencement date when determining which channels are available for white space devices. Some licensees may not wish to make available details of their intended plans far in advance, and they could register their information closer to the actual date when they intend to commence operations.

124. The Commission will not require database administrators to provide a user interface to generate multi-sided polygons for 600 MHz license areas, and instead will require only that database administrators make provisions to allow 600 MHz service licensees to upload the required registration information, including the polygon information which a licensee can generate using readily available software tools. However, database administrators are free to develop a user interface if they choose. The Commission will also require that white space database administrators provide a means to update or to remove and replace a previous registration when it needs to be updated or corrected. The Commission will further require that database administrators share on a daily basis the data registered by 600 MHz licensees, as they do for other services.

125. The Commission disagrees that the requirement for 600 MHz service licensees to notify the white space database of the areas where they are commencing operation is overly burdensome or complicated. This requirement does not diminish a licensee's rights to provide service anywhere in its licensed areas. It is intended to ensure that licensees receive the interference protection to which they are entitled under the terms of their license. The method the Commission is adopting requires the submission of only a minimal amount of information to the database (geographic coordinates, frequencies of operation, date of commencement of operation, and contact information), and this information is well known to licensees. 600 MHz service licensees will need to update this information as they commence operations in additional areas, but this is something that they will need to do only when they increase their coverage area. No additional information will need to be submitted to the white space database if a licensee adds additional facilities within an area that is already registered with the database, since that entire area would already be protected. The Commission will work with the database administrators as necessary to ensure that this registration process works in an efficient manner for all parties involved.

126. The Commission finds that the safeguards associated with carriers' provision of this information address their concerns about competitively sensitive information. 600 MHz service licensees may provide certain prescribed information—including geographic coordinates specifying their service area, frequencies of operation, date of commencement of operation, and contact information—to the white space database administrator in order to protect their operations from interference from white space devices. The licensees exercise significant discretion as to when they make these disclosures, and may choose to do so directly before they commence operations. The Commission also will direct the database administrators not to make information of the carriers' operational areas publicly available. In addition, database administrators are prohibited from ''us[ing] their capacity as a database manager to engage in any discriminatory or anti-competitive practices or any practices that may compromise the privacy of users.'' The Commission finds that the foregoing factors mitigate concern over the potential for anticompetitive use of 600 MHz service licensees' deployment information.

b. WMTS Location Information

127. The Commission will protect registered WMTS operations on channel 37 from harmful interference from white space devices operating on the same or adjacent channels by requiring the unlicensed devices to comply with the default separation distances that it is adopting. The separation distances specified in the rules are from the perimeter of each health care facility or from the combined perimeter of several closely-spaced health care facilities. The Commission will permit only the health care facility that has registered with a white space database to update its record if any changes to the coordinates that define its perimeter are warranted. To implement the protection criteria, the Commission will require that health care facilities that operate WMTS networks on channel 37 provide to a white space database the following information:

- Name and address of the health care facility
- Name, address, phone number and email address of a contact person
- Location of each facility where a WMTS network is installed (*i.e.*, multiple latitude and longitude coordinates in NAD 83 that define the perimeter of the facility)

128. The Commission concludes that it cannot rely on the information in the WMTS database to implement the methodology it adopts for separation distances because the WMTS database does not in all cases have the geographic location for each facility where a WMTS network is installed, nor does it have the coordinates that define the perimeter of each facility. The Commission staff will work with the WMTS database coordinator and other parties as necessary to develop a plan for working with healthcare facilities to register their information with the white space databases.

129. Under the current rules, a database administrator does not function as a frequency coordinator and thus is not responsible for resolving interference claims. If there is a claim of harmful interference, a database administrator, upon request from the Commission, must provide the white space device's identifying information. If a device is found to be causing harmful interference, the Commission may then require that the party responsible for the unlicensed device take corrective actions or cease operating the device until the interference is resolved. If a representative of the Commission is unable to contact the person responsible for a device that is causing harmful interference, the Commission may require the white space database to return a message of ''no channels available'' to the device at its next scheduled re-check to shut it down until the interference can be resolved. The

Commission staff will work with the WMTS database coordinator and other parties as necessary to explore how these procedures may be modified so that a health care facility could notify the database administrators to immediately expand the protection zone around its facility, effectively suspending the operation of unlicensed devices closer to its facility that could be causing harmful interference until the interference has been resolved.

c. RAS Location Information

130. The Commission will require the databases administrators to modify their databases to implement the polygonal exclusion areas on channel 37 specified above, which it believes should be relatively easy to implement. The database administrators will also be able to easily accommodate the requirement to protect the two single dish RAS observatories by excluding white space devices from operating within the National Radio Quiet Zone at Green Bank, WV and on the islands of Puerto Rico, Desecheo, Mona, Vieques and Culebra around the Arecibo observatory. The Commission deletes from rule § 15.712(h)(3) the Allen Telescope Array and the Very Large Array since they do not receive signals in the TV bands or the 600 MHz band.

d. Canadian and Mexican Stations

131. The Commission makes no change to the process by which it receives information on Canadian TV stations in the border areas that need to be protected and passes the information on to the white space database administrators. Canada recently finalized white space device rules but has not yet authorized their use as no databases have yet been approved. Because the Commission has rules that provide for registration and protection of certain operations that are not in a Commission database (*e.g.*, cable headends, BAS receive sites), an efficient method for transferring this data to Canadian database administrators as well as passing such information from Canada to U.S. database administrators is needed to ensure that such operations receive interference protection. The Commission will continue discussions with its counterparts in Canada to develop the most efficient procedures to share registered entity information among various databases and provide information and procedures to the database administrators as agreements are reached. At such time that Mexico develops white space device rules, the Commission will engage with its counterparts there to work out similar arrangements.

e. Private Land Mobile Radio Service

132. The Commission is adopting its proposal to modify the information required to be included in the white space database to protect PLMRS/CMRS base stations in the TV bands that are located more than 80 kilometers from the geographic centers of the 13 metropolitan areas defined in § 90.303(a) of the rules. Specifically, it is modifying § 15.713(h)(4) of the rules to require the white space databases to include the TV channel number on which a PLMRS/CMRS base station operates, and to remove the requirement for the white space databases to include the effective radiated power and antenna height information for each base station. The Commission finds that the changes are needed to effectively protect the PLMRS/CMRS and to avoid the collection of unnecessary information in the white space databases.

2. Changes to Database Procedures

a. White Space Device Registration and Fees

133. The Commission is adopting its proposed requirement that fixed white space devices must register with the database if they operate in the 600 MHz service band, the guard bands duplex gap, or channel 37. It is also modifying the rule that permits the white space database administrators to charge a fee for providing lists of available channels to white space devices and registering fixed white space devices to clearly state that this rule applies to white space devices that would operate in the TV bands, the 600 MHz service band, and the 600 MHz guard bands, including the duplex gap, and channel 37. The Commission is taking these actions for consistency with the current part 15 rules which require that fixed white space devices operating in the TV bands must register with the white space databases.

134. The Commission is also modifying the rules to require that a fixed white space device registration be removed from the white space databases if the device has not checked the database for at least three months to update its channel list. This rule will help ensure the integrity of the white space databases by requiring the removal of entries for fixed devices that are registered but are no longer in operation. The Commission is also clarifying that a database administrator may charge a new registration fee for a fixed white space device that is removed from the database under this provision but is later re-registered.

b. Unlicensed Wireless Microphone Registration and Fees

135. The Commission will eliminate the part 15 rule that permits unlicensed wireless microphone users to register their operating locations, channels and times in the white space databases to reserve channels for their use and to protect these operations from possible interference from white space devices. This change will be effective 18 months after the effective date of the rules but in any event no later than the release of the *Channel Reassignment PN* after the conclusion of the incentive auction. Unlicensed wireless microphones will not be permitted to register channels for protection in the TV bands, the 600 MHz guard bands or duplex gap, and the 600 MHz service band.

136. In order for the database administrators to provide unlicensed wireless microphone users with information about available frequencies and required separation distances at the location where they intend to operate, the Commission will require that microphone users register with a database administrator and provide their identifying information and locations. Database administrators will be permitted to charge a fee for providing unlicensed microphone users with information about available frequencies and required separation distances at the locations where they intend to operate.

137. The Commission makes these changes because in 2014 it expanded eligibility for part 74 LPAS licenses to include professional sound companies and the owners and operators of large venues that routinely use 50 or more wireless microphones. The Commission also makes these changes because it is adopting new rules for unlicensed wireless microphones that are consistent with rules applicable to white space devices in the 600 MHz guard band, duplex gap and MHz service band. Specifically, wireless microphones will operate with similar technical requirements to white space devices (*i.e.,* maximum power), operate on a non-interference basis to authorized services, and will be required to access a database to determine the available channels at their location. The Commission finds that it would be inequitable to continue to provide interference protection to one unlicensed user over another and it would be unfair to licensed microphone users because it would effectively eliminate any distinction between licensed and unlicensed microphone

users in gaining access to spectrum and interference protection.

138. The purpose of the white space database is two-fold: To protect authorized services and facilities that are entitled to interference protection under the Commission's rules, and to identify for unlicensed devices channels available for their use without causing harmful interference to authorized users. The database administrators incur costs to not only maintain data but also to calculate and provide lists of available channels for unlicensed users. Because both unlicensed white space devices and unlicensed wireless microphone users will benefit equally from the information provided by the databases, the Commission believes that they should be equally responsible for supporting the ongoing operation of the databases. The database administrators may charge fees to register fixed unlicensed white space devices and to provide lists of available channels to white space devices. To enable unlicensed wireless microphone users to register with a database, the Commission will require that they provide a database administrator with the same information that they have provided to reserve a channel under current rule § 15.713(h)(9), namely: (a) Name of the individual or business that owns the unlicensed wireless microphone; (b) an address for the contact person; (c) an email address for the contact person; (d) a phone number for the contact person; and (e) coordinates where the device will be used (latitude and longitude in NAD 83).

c. Frequency of White Space Device Check Times and Databases Sharing Registration Information

139. The Commission finds that requiring all white space devices to re-check a database for a list of available channels every twenty minutes as proposed in the *NPRM* would unnecessarily burden the database administrators and white space device users and is not necessary. The Commission already has in place a procedure whereby licensed wireless microphone users can register with a database and reserve channels for their use well in advance of their intended date of operation. The issue that needs to be addressed is making channels available for licensed wireless microphone use for events that cannot be anticipated, such as late-breaking news events, within minutes or hours of when they occur. When two vacant channels above and below channel 37 are no longer available for exclusive use by wireless microphones, licensed wireless microphone users will have to contact a database and request channels for immediate use. The Commission concludes that for these occasions, it will require that database administrators ''push'' information to white space devices in the area where the licensed wireless microphones will be used, notifying them of changes in channel availability, rather than require all white space devices to re-check a database every twenty minutes. This approach balances the needs of both white space device and wireless microphone proponents. It satisfies the objective of the proposal to make spectrum available for licensed wireless microphone use for late-breaking events, but it does not burden all white space users with unnecessary frequent database re-checking in meeting this objective.

140. When a database administrator receives a request for immediate access to channels for licensed wireless microphone use, the Commission will require that the database administrators share licensed wireless microphone's channel registration information among themselves within ten minutes. The Commission will also require that the database administrators ''push'' information about changes in channel availability for fixed and Mode II personal/portable white space devices within 20 minutes of receiving it, identifying for the white space device other vacant channels that it could use instead. The database administrators need to push this information only to white space devices that are located within the separation distances, specified in rule § 15.712(f)(1), from the location specified by the wireless microphone registrant. To provide the database administrators with sufficient time to modify their systems, the Commission will require their compliance with these requirements 12 months after the effective date of these new rules.

141. The Commission concludes that requiring all white space devices in the country to re-check channel availability in their area every twenty minutes would unnecessarily burden the white space databases, drive up costs for database management and white space devices users, and is overly-broad in satisfying the objective of the original proposal to ensure that white space devices clear a channel needed for licensed wireless microphone users for late-breaking events in a specific area. The Commission also rejects the suggestion to designate a few ''fast polling'' channels because it could not determine until after the post-auction transition period which vacant channels will be available for wireless microphones and white space devices in any given area. Also, because only a few channels would be designated for ''fast polling,'' this approach is less flexible in meeting the needs of wireless microphone users for immediate access to spectrum.

142. By adopting a requirement for ''push'' notifications to white space devices of wireless microphone registrations to enable more immediate protection when reserving channels, such as for late-breaking events, the Commission concludes that it does not need to eliminate § 15.711(b)(3)(iii) which allows a white space device to continue operating until 11:59 p.m. on the following day if it cannot establish contact with the database. The Commission will continue to require that white space devices re-check the database at least once per day to obtain the list of available TV channels at the location where the device operates. This way the channel lists they receive each day will include those channels that wireless microphone users reserve in advance, and they will be able to continue to operate on any of those available channels unless they receive a ''push'' notification. The Commission emphasizes that the ''push'' procedure should only be used by wireless microphone users when circumstances prevent them from reserving vacant channels in advance of their expected use, because unnecessary and frequent use of the ''push'' procedure would be disruptive to broadband services being provided by white space devices.

F. Equipment Certification and Marketing

1. White Space Devices

143. The changes that the Commission is adopting to require fixed and Mode II personal/portable devices to accept updated channel lists ''pushed'' by the database require changes to devices that were previously approved, since the method that a device uses to communicate with the database is a function of a device. Based on the Commission's experience with certifying fixed white space devices and testing white space databases prior to permitting them to offer service, it believes that this change can be implemented through software updates and no hardware changes, so only a short transition time period is necessary. Also, the Commission wants these procedures in place well before white space devices gain access to the two vacant TV channels now reserved for wireless microphone use, to reassure licensed microphone users requiring access to spectrum for late-breaking

events. Accordingly, it is requiring that devices for which a certification application is filed beginning six months after the effective date of the rules comply with the new channel push requirements. The Commission will also require that within nine months after the effective date of the rules, all white space devices imported and marketed within the United States must comply with these requirements, regardless of when they were certified. It will further require that white space devices that do not comply with the new channel push requirements must cease operating within one year of the effective date of the rules.

2. Wireless Microphones

144. The Commission adopts transition rules for the TV bands, the guard bands (including the duplex gap), and the 600 MHz service band that will allow it to gradually phase out older microphones and introduce new ones that are compliant with the technical rules for unlicensed and licensed wireless microphones that it adopts in this proceeding, and for licensed wireless microphone that it adopts in the Wireless Microphone R&O. The Commission is aligning the transition periods as closely as possible with the post-auction transition schedule because this will ensure compliance with the post-auction 600 MHz Band Plan and be less disruptive to wireless microphone manufacturers and users.

145. Regarding unlicensed wireless microphones, the Commission will permit users of such equipment to operate part 74 wireless microphones in the TV bands under the waivers already in place and in the 600 MHz service band until they must cease those operations no later than 39 months after release of the *Channel Reassignment PN.* Although these microphones are certified as compliant with part 74 rules, the waiver requires that they be operated consistent with the part 15 rules which the Commission is adopting in this proceeding. Thus, their continued use in the TV bands and in the 600 MHz band during the post-auction transition period is unlikely to cause harmful interference to licensed services.

146. The Commission will accept applications to certify wireless microphones under new Part 15 rules as soon as those rules are effective, and will require applications to certify wireless microphones under new part 15 rules nine months after the release of the *Channel Reassignment PN* or no later than 24 months after the effective date of the new rules, whichever occurs first. The Commission will require that manufacturing and marketing of all wireless microphones that would not comply with the rules for operation in the 600 MHz band cease 18 months after release of the *Channel Reassignment PN* or no later than 33 months after the effective date of the new rules, whichever occurs first. If a wireless microphone is certified to operate in any portion of the 600 MHz service band, it may no longer be marketed or operated after the specified cutoff dates by an unlicensed wireless microphone user, even if it could be tuned to operate outside the 600 MHz service band.

147. The Commission recognizes that it is important to provide manufacturers with sufficient time to design new products, obtain equipment certification, and commence manufacturing, and that it is equally important to allow manufacturers to sell existing devices that allow the public to continue providing service until new products are available in the marketplace. The cutoff dates that the Commission adopts for certification, manufacturing and marketing of wireless microphones appropriately balance these two goals. Manufacturers will not know what band plan they need to design and manufacture to until after the incentive auction is concluded, and it would be unreasonable to require that only certification applications complying with the new rules be accepted at the time the *Channel Reassignment PN* is released. Broadcast stations will be vacating the 600 MHz band over a 39 month period after the release of the *Channel Reassignment PN,* and new wireless operations will be built out gradually as broadcast stations leave the band and most likely continuing beyond the 39 month transition period. It would be unreasonable to cut off manufacturing and marketing six months into the 39 month transition period since this would deny the public access to devices that would allow them to continue to provide service. The Commission concludes that the cutoff dates it has chosen will encourage manufacturers to concentrate on developing wireless microphones that operate in compliance with new rules and ensure that manufacturers cease making and marketing equipment that cannot be legally used after a certain date.

148. The Commission is adopting different transition rules for wireless microphones in the 600 MHz service band than for white space devices because in the *Incentive Auction R&O* the Commission decided that wireless microphones would have a hard date for ceasing operations in that band, but that white space devices could continue operating at locations where wireless licenses have not commenced operations. The Commission understands that consumers may not understand the need to forego the use of equipment in the 600 MHz band that could otherwise be used for many years, but it had to balance this harm to individual users against the need to protect new wireless services from harmful interference.

Procedural Matters

149. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rule Making* (*NPRM*).[2] The Commission sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.[3]

A. Need for, and Objectives of, the Report and Order

150. The Report and Order maximizes unlicensed white space devices' access to spectrum in the television broadcasting band and the 600 MHz band in a number of ways. It modifies the Part 15 rules to permit fixed and personal/portable devices to use TV channels previously unavailable to them while continuing to protect TV services from harmful interference by adjusting power limits, specifying separation distances, and specifying antenna heights. The Report and Order also adopts technical rules for white space device operations in the 600 MHz band—including the duplex gap, guard bands, repurposed 600 MHz band and channel 37—by establishing power limits and specifying frequency and distance separations as needed to protect authorized services in those bands from harmful interference. White space devices will continue to access the white space databases for channel assignments in the TV bands, as well as in the 600 MHz band and channel 37. The Report and Order also adopts rules for unlicensed wireless microphones

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 through 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[2] *See* Amendment of part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Guard Bands and Duplex Gap, and Channel 37, and Amendment of part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap; ET Docket No. 14–165; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12–268.

[3] *See* 5 U.S.C. 604.

operating in the TV bands, guard bands and duplex, and for licensed wireless microphones operating in the duplex gap.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

151. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

152. Pursuant to the Small Business Jobs Act of 2010, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

153. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[4] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [5] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[7]

154. Radio and Television Broadcasting and Wireless Communications *Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' [8] The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. Of this total, 912 had less than 500 employees and 17 had more than 1000 employees.[9] Thus, under that size standard, the majority of firms can be considered small.

155. *Television Broadcasting.* This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public.'' [10] The SBA has created the following small business size standard for Television Broadcasting firms: Those having $38.5 million or less in annual receipts.[11] The Commission has estimated the number of licensed commercial television stations to be 1,388.[12] In addition, according to Commission staff review of the BIA Advisory Services, LLC's *Media Access Pro Television Database* on March 28, 2012, about 950 of an estimated 1,300 commercial television stations (or approximately 73 percent) had revenues of $14 million or less.[13] We therefore estimate that the majority of commercial television broadcasters are small entities.

156. We note, however, that in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included.[14] Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive to that extent.

157. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 396.[15] These stations are non-profit, and therefore considered to be small entities.[16]

158. There are also 2,414 low power television stations, including Class A stations and 4,046 television translator stations.[17] Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

159. *Manufacturers of unlicensed devices.* In the context of this FRFA, manufacturers of Part 15 unlicensed devices that are operated in the UHF–TV band (channels 14–51) for wireless data transfer fall into the category of Radio and Television and Wireless Communications Equipment Manufacturing. The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communication equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television

[4] *See* 5 U.S.C. 603(b)(3).

[5] *See* 5 U.S.C. 601(6).

[6] *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[7] *See* 15 U.S.C. 632.

[8] The NAICS Code for this service 334220. *See* 13 CFR 121/201. *See also http://factfinder.census.gov/servlet/IBQTable?_bm=y&-fds_name=EC0700A1&-geo_id=&-_skip=300&-ds_name=EC0731SG2&-_lang=en.*

[9] *See http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-_skip=45000&-ds_name=EC0731SG3&-_lang=en.*

[10] U.S. Census Bureau, *2012 NAICS Definitions: 515120 Television Broadcasting,* (partial definition), *http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515120&search=2012* (last visited May 6, 2014).

[11] 13 CFR 121.201 (NAICS code 515120) (updated for inflation in 2010).

[12] *See FCC News Release,* Broadcast Station Totals as of December 31, 2013 (rel. January 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

[13] We recognize that BIA's estimate differs slightly from the FCC total given.

[14] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has to power to control both.'' 13 CFR 21.103(a)(1).

[15] *See FCC News Release,* Broadcast Station Totals as of December 31, 2013 (rel. January 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

[16] *See generally* 5 U.S.C. 601(4), (6).

[17] *See FCC News Release,* Broadcast Station Totals as of December 31, 2013 (rel. January 8, 2014), *http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0108/DOC-325039A1.pdf.*

equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' [18] The SBA has developed the small business size standard for this category as firms having 750 or fewer employees.[19] According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for the entire year.[20] Of this total, 912 had less than 500 employees and 17 had more than 1000 employees. Thus, under that size standard, the majority of firms can be considered small.

160. *Radio Broadcasting.* The SBA defines a radio broadcast station as a small business if such station has no more than $38.5 million in annual receipts.[21] Business concerns included in this industry are those ''primarily engaged in broadcasting aural programs by radio to the public.'' [22] According to review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of November 26, 2013, about 11,331 (or about 99.9 percent) of 11,341 commercial radio stations have revenues of $35.5 million or less and thus qualify as small entities under the SBA definition. The Commission notes, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations [23] must be included. This estimate, therefore, likely overstates the number of small entities that might be affected, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

161. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also, as noted, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

162. *Radio, Television, and Other Electronics Stores.* The Census Bureau defines this economic census category as follows: ''This U.S. industry comprises: (1) Establishments known as consumer electronics stores primarily engaged in retailing a general line of new consumer-type electronic products such as televisions, computers, and cameras; (2) establishments specializing in retailing a single line of consumer-type electronic products; (3) establishments primarily engaged in retailing these new electronic products in combination with repair and support services; (4) establishments primarily engaged in retailing new prepackaged computer software; and/or (5) establishments primarily engaged in retailing prerecorded audio and video media, such as CDs, DVDs, and tapes.'' [24] The SBA has developed a small business size standard for Electronic Stores, which is: All such firms having $32.5 million or less in annual receipts.[25] According to Census Bureau data for 2007, there were 11,358 firms in this category that operated for the entire year.[26] Of this total, 11,323 firms had annual receipts of under $25 million, and 35 firms had receipts of $25 million or more but less than $50 million.[27] Thus, the majority of firms in this category can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

163. White space devices are unlicensed devices that operate in the TV bands at locations where frequencies are not in use by licensed services. These devices may be either fixed or portable. Fixed devices may operate at power levels up to four watts, and portable devices operate at up to 100 milliwatts if they are outside the service contours of adjacent channel TV stations or 40 milliwatts within the service contour of an adjacent channel TV station. To prevent harmful interference to broadcast television stations and other authorized users of these bands, white space devices must obtain a list of available TV channels that may be used at their location from databases administered by private entities selected by the Commission.

164. Wireless microphones also operate in the TV bands. Certain entities may be issued licenses under Subpart H of part 74 of the rules to operate low power auxiliary stations in the TV bands. The Commission also allows the operation of part 74 certified wireless microphones in the VHF and UHF TV bands on an unlicensed basis under a waiver of the part 15 rules granted in the 2010 *TV Bands Wireless Microphones R&O and Further NPRM.*

165. In the *Incentive Auction R&O,* the Commission decided to repurpose a portion of the UHF TV spectrum for licensed wireless services (the ''600 MHz band''). The Commission's band plan provides for a guard band between television spectrum and 600 MHz downlink services, a guard band between 600 MHz uplink and downlink services (a duplex gap), and guard bands between 600 MHz downlink services and channel 37. In the TV bands that are repurposed for wireless services, the Commission decided to allow white space devices to continue operating indefinitely in areas where a 600 MHz band licensee has not commenced operations, and to allow wireless microphones to operate for 39 months after release of a public notice announcing channel reassignments as a result of the incentive auction.

166. Most RF transmitting equipment, including white space devices and wireless microphones, must be authorized through the certification procedure. Certification is an equipment authorization issued by the Commission or by a designated TCB based on an application and test data submitted by the responsible party (*e.g.,* the manufacturer or importer). The Report and Order does not change the

[18] U.S. Census Bureau, *2012 NAICS Definitions: 334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=334220&search=2012* (last visited Mar. 6, 2014).

[19] 13 CFR 121.201 (NAICS code 334220).

[20] U.S. Census Bureau, Table No. EC0731SG3, *Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2007* (NAICS code 334220), *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_31SG3.*

[21] 13 CFR 121.201, 2012 NAICS code 515112.

[22] U.S. Census Bureau, *2012 NAICS Definitions: 515112 Radio Broadcasting, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515112&search=2012* (last visited Mar. 6, 2014).

[23] *See* n.14.

[24] U.S. Census Bureau, *2012 NAICS Definitions, 443142 Electronics, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=443142&search=2012 NAICS Search* (last visited May 6, 2014).

[25] 13 CFR 121.201, NAICS code 443142.

[26] U.S. Census Bureau, *2007 Economic Census, Subject Series: Retail Trade, Estab & Firm Size: Summary Statistics by Sales Size of Firms for the United States: 2007,* NAICS code 443142 (released 2010), *http://www2.census.gov/econ2007/EC/sector44/EC0744SSSZ4.zip* (last visited May 7, 2014). Though the current small business size standard for electronic store receipts is $30 million or less in annual receipts, in 2007 the small business size standard was $9 million or less in annual receipts. In 2007, there were 11,214 firms in this category that operated for the entire year. Of this total, 10,963 firms had annual receipts of under $5 million, and 251 firms had receipts of $5 million or more but less than $10 million. *Id.*

[27] *Id.* An additional 33 firms had annual receipts of $50 million or more.

authorization procedure for white space devices and wireless microphones. However, it establishes new and modified technical requirements for white space devices and wireless microphones, as well as certification, marketing and operational cutoff dates for certain equipment.

167. With regard to white space devices, the Report and Order permits their operation at lower power levels and closer separation distances to TV stations in all areas, and at higher power with a greater separation distance from TV stations in less congested areas. It also permits the operation of white space devices on additional channels and frequencies where operation is not currently permitted, including TV channels 3 and 4 (fixed devices), channels 14–20 (portable devices), channel 37 (fixed and portable devices), and the 600 MHz guard bands and duplex gap (fixed and portable devices). In addition, the Report and Order allows for the operation of devices with less precise geo-location capabilities. These changes are permissive, meaning that manufacturers of white space devices may implement them in their equipment, but are not required to do so.

168. The Report and Order requires that white space devices and databases incorporate a ''push'' feature that allows updated channel information to be sent to a white space device in the event that a previously available channel becomes reserved for use by a wireless microphone. White space devices for which a certification application is filed beginning six months after the effective date of the rules must comply with the new channel push requirement. The Report and Order also requires that within nine months after the effective date of the rules, all white space devices imported and marketed within the United States must comply with these requirements, regardless of when they were certified. It further requires that white space devices that do not comply with the new channel push requirements must cease operating within one year of the effective date of the rules.

169. With regard to unlicensed wireless microphones, the Report and Order establishes cutoff dates for the certification, manufacturing and marketing of unlicensed wireless microphones in the TV bands, the guard bands (including the duplex gap), and the 600 MHz service band. It permits unlicensed wireless microphone users to continue to operate part 74 certified wireless microphones in the TV bands under waivers already in place and in the 600 MHz service band until they must cease those operations no later than 39 months after release of the *Channel Reassignment PN.* The Commission will accept applications to certify wireless microphones under new part 15 rules as soon as those rules are effective, and will require applicants to certify wireless microphones under new part 15 rules nine months after the release of the *Channel Reassignment PN,* or no later than 24 months after the effective date of the new rules, whichever occurs first. The Report and Order also requires that manufacturing and marketing of all wireless microphones that would not comply with the 600 MHz band cease 18 months after release of the *Channel Reassignment PN* or no later than 33 months after the effective date of the new rules, whichever occurs first.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

170. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.'' [28]

171. The rule changes adopted in the Report and Order give greater flexibility for fixed and personal/portable white space device operation in the TV bands. As noted above, the majority of these changes are permissive, meaning that manufacturers of white space devices are not required to incorporate them into previously approved equipment, with the exception of the channel ''push'' requirement. The Commission adopted this requirement as an alternative to its proposal in the *NPRM* to require that white space devices check the database every 20 minutes to determine which channels are available for use. The Commission determined that the push requirement would be less burdensome on equipment manufacturers, users, and white space database administrators than a 20 minute re-check interval. This change can be implemented in existing devices through a software update without hardware changes, so only a short transition time period is provided.

172. With regard to wireless microphones, unlicensed users may continue to use Part 74 certified wireless microphones under an existing waiver during the 39 month transition period rather than using part 15 certified equipment. The Commission took this action since manufacturers need time to certify wireless microphones under the new part 15 rules, and to permit users to continue using their existing equipment until the operational cutoff date previously established by the Commission.

173. *Incorporation by Reference.* The Office of Federal (OFR) recently revised the regulations to require that agencies must discuss in the preamble of the rule ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble of the rule must summarize the material. 1 CFR 51.5(b). In accordance with OFR's requirements, the discussion in this section summarizes European Telecommunications Standards Institute (ETSI). Copies of ETSI are available free of charge at *www.etsi.org,* or by requesting the document by mail at the following address: European Telecommunications Standards Institute, 650 Route des Lucioles, F–06921 Sophia Antipolis Cedex, France, or at *http://www.etsi.org/deliver/etsi_en/3004000_300499/30042201/01.04.02_60/en_30042201v01010402p.pdf.*

ETSI EN 300 422–1 V1.4.2 (2011–08): Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; Part 1: Technical characteristics and methods of measurement, August 2011, IBR approved for § 15.236(g).

This standard requires wireless microphones to meet certain emission requirements which will protect authorized services in adjacent bands from harmful interference, and will improve spectrum sharing by wireless microphones.

174. *Paperwork Reduction Act Analysis.* This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the

[28] *See* 5 U.S.C. 603(c)(1) through (c)(4).

Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

175. We have assessed the effects of the policies adopted in this Report and Order with regard to information collection burdens on small business concerns, and find that these policies will benefit many companies with fewer than 25 employees by providing unlicensed white space devices and unlicensed wireless microphones with access to spectrum in the television broadcasting band and the 600 MHz band, while at the same time protecting licensed users from harmful interference. In addition, we have described impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis.

176. *Congressional Review Act.* The Commission will send a copy of this *Memorandum Opinion and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

177. Pursuant to sections 4(i), 302, 303(e), 303(f), and 307 of the Communications Act of 1934, as amended, and sections 6403 and 6407 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 154(i), 302, 303(e), 303(f), 307, 1452, and 1454, this *Report and Order is adopted.*

178. Parts 2, 15, 27, 74 and 95 of the Commission's Rules, *are amended,* as set forth in the Final Rules. These revisions will be effective December 23, 2015 of this *Report and Order,* except for §§ 15.713(b)(2)(iv) through (v), 15.713(j)(4), 15.713(j)(10), 15.713(j)(11), 15.715(n), 15.715(o), 15.715(p), 15.715(q), 27.1320 and 95.1111(d) which contain new or modified information collection requirements that require approval by the OMB under the PRA and *will become effective* after the Commission publishes a notice announcing such approval and the relevant effective date.

179. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects

47 CFR Part 2

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 15

Communications equipment, Incorporation by reference, Radio, Reporting and recordkeeping requirements.

47 CFR Part 27

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 74

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 95

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2, 15, 27, 74, and 95 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106 is amended by revising footnote US246 to the table of allocations to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

US246 No station shall be authorized to transmit in the following bands: 73–74.6 MHz, 608–614 MHz, except for medical telemetry equipment [1] and white space devices,[2] 1400–1427 MHz, 1660.5–1668.4 MHz, 2690–2700 MHz, 4990–5000 MHz, 10.68–10.7 GHz, 15.35–15.4 GHz, 23.6–24 GHz, 31.3–31.8 GHz, 50.2–50.4 GHz, 52.6–54.25 GHz, 86–92 GHz, 100–102 GHz, 109.5–111.8 GHz, 114.25–116 GHz, 148.5–151.5 GHz, 164–167 GHz, 182–185 GHz, 190–191.8 GHz, 200–209 GHz, 226–231.5 GHz, 250–252 GHz.

[1] Medical telemetry equipment shall not cause harmful interference to radio astronomy operations in the band 608–614 MHz and shall be coordinated under the requirements found in 47 CFR 95.1119.

[2] White space devices shall not cause harmful interference to radio astronomy operations in the band 608–614 and shall not operate within the areas described in 47 CFR 15.712(h).

* * * * *

PART 15—RADIO FREQUENCY DEVICES

■ 3. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544A, and 549.

■ 4. Section 15.37 is amended by adding paragraphs (i) and (j) to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(i) Wireless microphones for which an application for certification is filed beginning nine months after the release of the *Channel Reassignment PN,* as defined in § 73.3700(a)(2) of this chapter, or no later than December 26, 2017, whichever occurs first, must comply with the requirements of § 15.236. Manufacturing and marketing of wireless microphones that would not comply with the rules for operation in § 15.236 of this part must cease 18 months after release of the *Channel Reassignment PN* or no later than September 24, 2018, whichever occurs first. A wireless microphone that is certified to operate in any portion of the 600 MHz service band as defined in § 15.236(a) may no longer be marketed or operated after the specified cutoff dates, even if it could be tuned to operate on frequencies outside of this band.

(j) White space devices for which a certification application is filed beginning June 23, 2016, must comply with the channel push requirements in § 15.711(i) of this part. White space devices that are imported or marketed beginning September 23, 2016, must comply with this requirement. White space devices that do not comply with this requirement must cease operation no later than December 23, 2016.

■ 5. Section 15.38 is amended by redesignating paragraphs (e) through (g) as paragraphs (f) through (h) and by adding a new paragraph (e) to read as follows:

§ 15.38 Incorporation by reference.

* * * * *

(e) The following document is available from the European Telecommunications Standards Institute, 650 Route des Lucioles, F–06921 Sophia Antipolis Cedex, France,

or at *http://www.etsi.org/deliver/etsi_en/300400_300499/30042201/01.04.02_60/en_30042201v010402p.pdf.*

(1) ETSI EN 300 422–1 V1.4.2 (2011–08): ''*Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; Part 1: Technical characteristics and methods of measurement,*'' Copyright 2011, IBR approved for § 15.236(g).

(2) [Reserved]

■ 6. Section 15.205 is amended by adding paragraph (d)(10) to read as follows:

§ 15.205 Restricted bands of operation.

* * * * *

(d) * * *

(10) White space devices operating under subpart H of this part are exempt from complying with the requirements of this section for the 608–614 MHz band.

* * * * *

■ 7. Add § 15.236 to read as follows:

§ 15.236 Operation of wireless microphones in the bands 54–72 MHz, 76–88 MHz, 174–216 MHz, 470–608 MHz and 614–698 MHz.

(a) *Definitions.* The following definitions apply in this section.

(1) *Wireless Microphone.* An intentional radiator that converts sound into electrical audio signals that are transmitted using radio signals to a receiver which converts the radio signals back into audio signals that are sent through a sound recording or amplifying system. Wireless microphones may be used for cue and control communications and synchronization of TV camera signals as defined in § 74.801 of this chapter. Wireless microphones do not include auditory assistance devices as defined in § 15.3(a) of this part.

(2) *600 MHz duplex gap.* An 11 megahertz guard band that separates part 27 600 MHz service uplink and downlink frequencies, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

(3) *600 MHz guard bands.* Designated frequency bands that prevent interference between licensed services in the 600 MHz service band and either the television bands or channel 37, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

(4) *600 MHz service band.* Frequencies that will be reallocated and assigned for 600 MHz services pursuant to part 27, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

Note to paragraphs (a)(2), (3) and (4): The specific frequencies will be determined in light of further proceedings pursuant to GN Docket No. 12–268 and the rules will be updated accordingly pursuant to a future public notice.

(5) *Spectrum Act.* Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96).

(b) Operation under this section is limited to wireless microphones as defined in this section.

(c) Operation is permitted in the following frequency bands.

(1) Channels allocated and assigned for the broadcast television service. The highest channel available will depend on the outcome of the incentive auction.

(2) Frequencies in the 600 MHz service band on which a 600 MHz service licensee has not commenced operations. Operation on these frequencies must cease no later than the end of the post-auction transition period as defined in § 27.4 of this chapter. Operation must cease immediately if harmful interference occurs to a 600 MHz service licensee.

(3) The upper six megahertz segment of the 600 MHz duplex gap.

(4) The 600 MHz guard band between television and 600 MHz service downlink services, excluding the upper one megahertz segment.

(5) The 600 MHz guard bands adjacent to channel 37, excluding the one megahertz segments furthest from channel 37.

(6) Prior to operation in the frequencies identified in paragraphs (c)(2) through (5) of this section, wireless microphone users shall rely on the white space databases in part 15, Subpart H to determine that their intended operating frequencies are available for unlicensed wireless microphone operation at the location where they will be used. Wireless microphone users must register with and check a white space database to determine available channels prior to beginning operation at a given location. A user must re-check the database for available channels if it moves to another location.

(d) The maximum radiated power shall not exceed the following values:

(1) In the bands allocated and assigned for broadcast television and in the 600 MHz service band: 50 mW EIRP

(2) In the 600 MHz guard bands including the duplex gap: 20 mW EIRP

(e) Operation is limited to locations separated from licensed services by the following distances.

(1) Four kilometers outside the following protected service contours of co-channel TV stations.

Type of station	Protected contour		
	Channel	Contour (dBu)	Propagation curve
Analog: Class A TV, LPTV, translator and booster	Low VHF (2–6)	47	F(50,50)
	High VHF (7–13)	56	F(50,50)
	UHF (14–51)	64	F(50,50)
Digital: Full service TV, Class A TV, LPTV, translator and booster	Low VHF (2–6)	28	F(50,90)
	High VHF (7–13)	36	F(50,90)
	UHF (14–51)	41	F(50,90)

(2) The following distances outside of the area where a 600 MHz service licensee has commenced operation.

Type of station	Separation distance in kilometers	
	Co-channel	Adjacent channel
Base	7	0.2
Mobile	35	31

(f) The operating frequency within a permissible band of operation as defined in paragraph (c) must comply with the following requirements.

(1) The frequency selection shall be offset from the upper or lower band limits by 25 kHz or an integral multiple thereof.

(2) One or more adjacent 25 kHz segments within the assignable frequencies may be combined to form a channel whose maximum bandwidth shall not exceed 200 kHz. The operating bandwidth shall not exceed 200 kHz.

(3) The frequency tolerance of the carrier signal shall be maintained within ±0.005% of the operating frequency over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. Battery operated equipment shall be tested using a new battery.

(g) Emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in Section 8.3 of ETSI EN 300 422–1 V1.4.2 (2011–08) (incorporated by reference, see § 15.38). Emissions outside this band shall comply with the limit specified at the edges of the ETSI mask.

■ 8. Subpart H is revised to read as follows:

Subpart H—White Space Devices

Sec.

15.701 Scope.
15.703 Definitions.
15.705 Cross reference.
15.706 Information to the user.
15.707 Permissible channels of operation.
15.709 General technical requirements.
15.711 Interference avoidance methods.
15.712 Interference protection requirements.
15.713 White space database.
15.714 White space database administration fees.
15.715 White space database administrator.
15.717 White space devices that rely on spectrum sensing.

§ 15.701 Scope.

This subpart sets forth the regulations for unlicensed white space devices. These devices are unlicensed intentional radiators that operate on available TV channels in the broadcast television frequency bands, the 600 MHz band (including the guard bands and duplex gap), and in 608–614 MHz (channel 37).

§ 15.703 Definitions.

(a) *600 MHz duplex gap.* An 11 megahertz frequency band that separates part 27 600 MHz service uplink and downlink frequencies, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

(b) *600 MHz guard bands.* Designated frequency bands that prevent interference between licensed services in the 600 MHz service band and either the television bands or channel 37, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

(c) *600 MHz service band.* Frequencies that will be reallocated and assigned for 600 MHz band services pursuant to part 27, in accordance with the terms and conditions established in GN Docket No. 12–268, pursuant to section 6403 of the Spectrum Act.

Note to paragraphs (a), (b) and (c): The specific frequencies will be determined in light of further proceedings pursuant to GN Docket No. 12–268 and the rules will be updated accordingly pursuant to a future public notice.

(d) *Available channel.* A channel which is not being used by an authorized service and is acceptable for use by the device at its geographic location under the provisions of this subpart.

(e) *Contact verification signal.* An encoded signal broadcast by a fixed or Mode II device for reception by Mode I devices to which the fixed or Mode II device has provided a list of available channels for operation. Such signal is for the purpose of establishing that the Mode I device is still within the reception range of the fixed or Mode II device for purposes of validating the list of available channels used by the Mode I device and shall be encoded to ensure that the signal originates from the device that provided the list of available channels. A Mode I device may respond only to a contact verification signal from the fixed or Mode II device that provided the list of available channels on which it operates. A fixed or Mode II device shall provide the information needed by a Mode I device to decode the contact verification signal at the same time it provides the list of available channels.

(f) *Fixed device.* A white space device that transmits and/or receives radiocommunication signals at a specified fixed location. A fixed device may select channels for operation from a list of available channels provided by a white space database, and initiate and operate a network by sending enabling signals to one or more fixed devices and/or personal/portable devices. Fixed devices may provide to a Mode I personal/portable device a list of available channels on which the Mode I device may operate, including channels on which the Mode I device but not the fixed device may operate.

(g) *Geo-location capability.* The capability of a white space device to determine its geographic coordinates and geo-location uncertainty. This capability is used with a white space database approved by the FCC to determine the availability of spectrum at a white space device's location.

(h) *Less congested area.* Geographic areas where at least half of the TV channels for the bands that will continue to be allocated and assigned only for broadcast service are unused for broadcast and other protected services and available for white space device use. Less congested areas in the UHF TV band are also considered to be less congested areas in the 600 MHz service band.

(i) *Mode I personal/portable device.* A personal/portable white space device that does not use an internal geo-location capability and access to a white space database to obtain a list of available channels. A Mode I device must obtain a list of available channels on which it may operate from either a fixed white space device or Mode II personal/portable white space device. A Mode I device may not initiate a network of fixed and/or personal/portable white space devices nor may it provide a list of available channels to another Mode I device for operation by such device.

(j) *Mode II personal/portable device.* A personal/portable device that uses an internal geo-location capability and access to a white space database, either through a direct connection to the Internet or through an indirect connection to the Internet by way of fixed device or another Mode II device, to obtain a list of available channels. A Mode II device may select a channel itself and initiate and operate as part of a network of white space devices, transmitting to and receiving from one or more fixed devices or personal/portable devices. A Mode II personal/portable device may provide its list of available channels to a Mode I personal/portable device for operation on by the Mode I device.

(k) *Network initiation.* The process by which a fixed or Mode II white space device sends control signals to one or more fixed white space devices or personal/portable white space devices and allows them to begin communications.

(l) *Operating channel.* An available channel used by a white space device for transmission and/or reception.

(m) *Personal/portable device.* A white space device that transmits and/or receives radiocommunication signals on available channels at unspecified locations that may change.

(n) *Receive site.* The location where the signal of a full service television station is received for rebroadcast by a television translator or low power TV station, including a Class A TV station, or for distribution by a Multiple Video Program Distributor (MVPD) as defined in 47 U.S.C. 602(13).

(o) *Sensing only device.* A personal/portable white space device that uses spectrum sensing to determine a list of available channels. Sensing only devices may transmit on any available channels in the frequency bands 512–608 MHz (TV channels 21–36) and 614–698 MHz (TV channels 38–51).

(p) *Spectrum Act.* Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96).

(q) *Spectrum sensing.* A process whereby a white space device monitors a television channel to detect whether the channel is occupied by a radio signal or signals from authorized services.

(r) *Television bands.* The portions of the broadcast television frequency bands at 54–72 MHz (TV channels 2–4), 76–88 MHz (TV channels 5–6), 174–216 MHz (TV channels 7–13), 470–608 MHz (channels 14–36) and 614–698 MHz (channels 38–51) that will be allocated and assigned to broadcast television licensees consistent with the outcome of the auction conducted pursuant to *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* Report and Order, GN Docket No. 12–268 (FCC 14–50) (rel. June 2, 2014). Channels 2–13 are in the VHF band, and channel 14–51 are in the UHF band.

(s) *White space database.* A database system approved by the Commission that maintains records on authorized services and provides lists of available channels to white space devices and unlicensed wireless microphone users.

§ 15.705 Cross reference.

(a) The provisions of subparts A, B, and C of this part apply to white space devices, except where specific provisions are contained in this subpart.

(b) The requirements of this subpart apply only to the radio transmitter contained in the white space device. Other aspects of the operation of a white space device may be subject to requirements contained elsewhere in this chapter. In particular, a white space device that includes a receiver that tunes within the frequency range specified in § 15.101(b) and contains digital circuitry not directly associated with the radio transmitter is also subject to the requirements for unintentional radiators in subpart B.

§ 15.706 Information to the user.

(a) In addition to the labeling requirements contained in § 15.19, the instructions furnished to the user of a white space device shall include the following statement, placed in a prominent location in the text of the manual:

This equipment has been tested and found to comply with the rules for white space devices, pursuant to part 15 of the FCC rules. These rules are designed to provide reasonable protection against harmful interference. This equipment generates, uses and can radiate radio frequency energy and, if not installed and used in accordance with the instructions, may cause harmful interference to radio communications. If this equipment does cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

(1) Reorient or relocate the receiving antenna.

(2) Increase the separation between the equipment and receiver.

(3) Connect the equipment into an outlet on a circuit different from that to which the receiver is connected.

(4) Consult the manufacturer, dealer or an experienced radio/TV technician for help.

(b) In cases where the manual is provided only in a form other than paper, such as on a computer disk or over the Internet, the information required by this section may be included in the manual in that alternative form, provided the user can reasonably be expected to have the capability to access information in that form.

§ 15.707 Permissible channels of operation.

(a)(1) All white space devices are permitted to operate on available channels in the frequency bands 470–698 MHz (TV channels 14–51), subject to the interference protection requirements in §§ 15.711 and 15.712, except as provided in paragraph (a)(2) of this section.

(2) White space devices are not permitted to operate on the first channel above and below TV channel 37 (608–614 MHz) that are available (*i.e.,* not occupied by an authorized service) until June 23, 2017, but no later than release of the Channel Reassignment Public Notice upon completion of the broadcast television spectrum incentive auction, as defined in § 73.3700(a) of this chapter. If a channel is not available both above and below channel 37, operation is prohibited on the first two channels nearest to channel 37. These channels will be identified and protected in the white space database(s).

(3) *600 MHz guard band.* In the 600 MHz guard band between television and 600 MHz service downlink bands, white space devices may only operate immediately adjacent to the television band with a maximum bandwidth of 6 megahertz. White space devices are prohibited from operating in the three megahertz segment adjacent to the 600 MHz service band.

(4) *600 MHz duplex gap.* In the 600 MHz duplex gap, white space devices shall only operate in the 6 megahertz segment immediately adjacent to the 600 MHz service uplink band.

(5) *600 MHz service band.* White space devices may operate on frequencies in the 600 MHz service band in areas where 600 MHz band licensees have not commenced operations, as defined in part 27 of this chapter.

(6) *Channel 37 guard band.* White space devices are not permitted to operate in either three megahertz segment above or below channel 37 if that spectrum is adjacent to the 600 MHz service band.

(b) Only fixed white space devices that communicate only with other fixed white space devices may operate on available channels in the bands 54–72 MHz (TV channels 2–4), 76–88 MHz (TV channels 5 and 6), and 174–216 MHz (TV channels 7–13), subject to the

interference protection requirements in §§ 15.711 and 15.712.

§ 15.709 General technical requirements.

(a) *Radiated power limits.* The maximum white space device EIRP per 6 MHz shall not exceed the limits of paragraphs (a)(2) through (4) of this section.

(1) *General requirements.* (i) White space devices may be required to operate with less power than the maximum permitted to meet the co-channel and adjacent channel separation requirements of § 15.712 of this part.

(ii) Mode I personal/portable devices are limited to 40 mW, if the white space device that controls it is limited to 40 mW.

(2) *TV bands and 600 MHz service band.* (i) Fixed devices: Up to 4 W (36 dBm) EIRP, and up to 10 W (40 dBm) EIRP in less congested areas in the TV bands and 600 MHz service band at locations where they meet the co-channel and adjacent channel separation distances of §§ 15.712(a)(2) and 15.712(i) of this part, respectively. Operation in the 602–620 MHz band is limited to a maximum of 4 W (36 dBm) EIRP.

(ii) Personal/Portable devices: Up to 100 mW (20 dBm) EIRP.

(3) *608–614 MHz band (channel 37).* (i) Fixed devices: Up to 4 W (36 dBm) EIRP.

(ii) Personal/Portable devices: Up to 100 mW (20 dBm) EIRP.

(4) *600 MHz duplex gap and guard bands.* Up to 40 mW (16 dBm) EIRP.

(b) *Technical limits*—(1) *Fixed white space devices.* (i) Technical limits for fixed white space devices are shown in the table and subject to the requirements of this section.

(ii) For operation at EIRP levels of 36 dBm (4000 mW) or less, fixed white space devices may operate at EIRP levels between the values shown in the table provided that the conducted power and the conducted power spectral density (PSD) limits are linearly interpolated between the values shown and the adjacent channel emission limit of the higher value shown in the table is met. Operation at EIRP levels above 36 dBm (4000 mW) shall follow the requirements for 40 dBm (10,000 mW).

EIRP (6 MHz)	Conducted power limit [1] (6 MHz)	Conducted PSD limit (100 kHz)	Conducted adjacent channel emission limit (100 kHz)
16 dBm (40 mW)	10 dBm (10 mW)	−7.4 dBm	−62.8 dBm
20 dBm (100 mW)	14 dBm (25 mW)	−3.4 dBm	−58.8 dBm
24 dBm (250 mW)	18 dBm (63 mW)	0.6 dBm	−54.8 dBm
28 dBm (625 mW)	22 dBm (158 mW)	4.6 dBm	−50.8 dBm
32 dBm (1600 mW)	26 dBm (400 mW)	8.6 dBm	−46.8 dBm
36 dBm (4000 mW)	30 dBm (1000 mW)	12.6 dBm	−42.8 dBm
40 dBm (10000 mW)	30 dBm (1000 mW)	12.6 dBm	−42.8 dBm

[1] The conducted power spectral density from a fixed white space device shall not be greater than the values shown in the table when measured in any 100 kHz band during any time interval of continuous transmission, except that a 40 mW fixed white space device operating in a four megahertz channel within a seven megahertz guard band must comply with a conducted power spectral density limit of −5.4 dBm.

(2) *Personal/Portable white space devices.* Technical limits for personal/portable white space devices are shown in the table and subject to the requirements of this section.

EIRP (6 MHz)	Radiated PSD limit EIRP [1] (100 kHz)	Radiated adjacent channel emission limit EIRP (100 kHz)
16 dBm (40 mW)	−1.4 dBm	−56.8 dBm
20 dBm (100 mW)	2.6 dBm	−52.8 dBm

[1] The radiated power spectral density from a personal/portable white space device shall not be greater than the values shown in the table when measured in any 100 kHz band during any time interval of continuous transmission, except that a 40 mW white space device operating in a four megahertz channel within a seven megahertz guard band must comply with a radiated power spectral density limit of 0.6 dBm.

(3) *Sensing-only devices.* Sensing-only white space devices are limited to 17 dBm (50 mW) EIRP and are subject to the requirements of this paragraph and of § 15.717 of this part.

(i) Radiated PSD limit: −0.4 dBm EIRP.

(ii) Adjacent channel emission limit: −55.8 dBm EIRP.

(c) *Conducted power limits.* (1) The conducted power, PSD and adjacent channel limits for fixed white space devices operating at up to 36 dBm (4000 milliwatts) EIRP shown in the table in paragraph (b)(1) of this section are based on a maximum transmitting antenna gain of 6 dBi. If transmitting antennas of directional gain greater than 6 dBi are used, the maximum conducted output power shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(2) The conducted power, PSD and adjacent channel limits for fixed white space devices operating at greater than 36 dBm (4000 milliwatts) EIRP shown in the table in paragraph (b)(1) of this section are based on a maximum transmitting antenna gain of 10 dBi. If transmitting antennas of directional gain greater than 10 dBi are used, the maximum conducted output power shall be reduced by the amount in dB that the directional gain of the antenna exceeds 10 dBi.

(3) Maximum conducted output power is the total transmit power over the occupied bandwidth delivered to all antennas and antenna elements averaged across all symbols in the signaling alphabet when the transmitter is operating at its maximum power level. Power must be summed across all antennas and antenna elements. The average must not include any time

intervals during which the transmitter is off or is transmitting at a reduced power level. If multiple modes of operation are possible (*e.g.,* alternative modulation methods), the maximum conducted output power is the highest total transmit power occurring in any mode.

(4) White space devices connected to the AC power line are required to comply with the conducted limits set forth in § 15.207.

(d) *Emission limits.* (1) The adjacent channel emission limits shown in the tables in paragraphs (b)(1) and (2) of this section apply in the six megahertz channel immediately adjacent to each white space channel or group of contiguous white space channels in which the white space device is operating.

(2) At frequencies beyond the six megahertz channel immediately adjacent to each white space channel or group of contiguous white space channels in which the white space device is operating the white space device shall meet the requirements of § 15.209.

(3) Emission measurements in the adjacent bands shall be performed using a minimum resolution bandwidth of 100 kHz with an average detector. A narrower resolution bandwidth may be employed near the band edge, when necessary, provided the measured energy is integrated to show the total power over 100 kHz.

(e) *Transmit power control.* White space devices shall incorporate transmit power control to limit their operating power to the minimum necessary for successful communication. Applicants for equipment certification shall include a description of the device's transmit power control feature mechanism.

(f) *Security.* White space devices shall incorporate adequate security measures to prevent the devices from accessing databases not approved by the FCC and to ensure that unauthorized parties cannot modify the device or configure its control features to operate in a manner inconsistent with the rules and protection criteria set forth in this subpart.

(g) *Antenna requirements*—(1) *Fixed white space devices*—(i) *Above ground level.* The transmit antenna height shall not exceed 30 meters above ground level, except that the antenna height may not exceed 10 meters above ground level for fixed white space devices operating in the TV bands or guard band at 40 mW EIRP or less or operating across multiple contiguous TV channels at 100 mW EIRP or less.

(ii) *Height above average terrain (HAAT).* The transmit antenna shall not be located where the height above average terrain is more than 250 meters. The HAAT is to be calculated by the white space database using the methodology in § 73.684(d) of this chapter.

(2) *Personal/portable white space devices.* Personal/portable devices shall have permanently attached transmit and receive antenna(s).

(3) *Sensing-only white space devices operating under the provisions of § 15.717 of this subpart.* (i) The provisions of § 15.204(c)(4) do not apply to an antenna used for transmission and reception/spectrum sensing.

(ii) Compliance testing for white space devices that incorporate a separate sensing antenna shall be performed using the lowest gain antenna for each type of antenna to be certified.

(h) *Compliance with radio frequency exposure requirements*—(1) *Fixed white space devices.* To ensure compliance with the Commission's radio frequency exposure requirements in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, fixed white space devices shall be accompanied by instructions on measures to take to ensure that persons maintain a distance of at least 40 cm from the device, as well as any necessary hardware that may be needed to implement that protection. These instructions shall be submitted with the application for certification.

(2) *Personal/portable white space devices.* Personal/portable white space devices that meet the definition of portable devices under § 2.1093 of this chapter and that operate with a source-based time-averaged output of less than 20 mW will not be subject to routine evaluation for compliance with the radio frequency exposure guidelines in §§ 1.1307(b), 2.1091, and 2.1093 of this chapter, while devices that operate with a source-based time-average output power greater than 20 mW will be subject to the routine evaluation requirements.

§ 15.711 Interference avoidance methods.

Except as provided in § 15.717 of this part, channel availability for a white space device is determined based on the geo-location and database access method described in paragraphs (a) through (e) of this section.

(a) *Geo-location required.* White space devices shall rely on a geo-location capability and database access mechanism to protect the following authorized service in accordance with the interference protection requirements of § 15.712: digital television stations, digital and analog Class A, low power, translator and booster stations; translator receive operations; fixed broadcast auxiliary service links; private land mobile service/commercial radio service (PLMRS/CMRS) operations; offshore radiotelephone service; low power auxiliary services authorized pursuant to §§ 74.801 through 74.882 of this chapter, including licensed wireless microphones; MVPD receive sites; wireless medical telemetry service (WMTS); radio astronomy service (RAS); 600 MHz service band licensees where they have commenced operations; and unlicensed wireless microphones used by venues of large events and productions/shows as provided under § 15.713(j)(9). In addition, protection shall be provided in border areas near Canada and Mexico in accordance with § 15.712(g).

(b) *Geo-location requirement*—(1) *Accuracy.* Fixed white space devices that incorporate a geo-location capability and Mode II devices shall determine their location and their geo-location uncertainty (in meters), with a confidence level of 95%.

(2) *Reference datum.* All geographic coordinates shall be referenced to the North American Datum of 1983 (NAD 83).

(c) *Requirements for fixed white space devices.* (1) The geographic coordinates and antenna height above ground level of a fixed white space device shall be determined at the time of installation and first activation from a power-off condition by either an incorporated geo-location capability or a professional installer. This information may be stored internally in the white space device. In the case of professional installation, the party who registers the fixed white space device in the database will be responsible for assuring the accuracy of the entered coordinates and antenna height. If a fixed white space device is moved to another location or if its stored coordinates become altered, the operator shall re-establish the device's:

(i) Geographic location and antenna height above ground level and store this information in the white space device either by means of the device's incorporated geo-location capability or through the services of a professional installer; and

(ii) Registration with the database based on the device's new coordinates and antenna height above ground level.

(2)(i) Each fixed white space device must access a white space database over the Internet to determine the available channels and the corresponding maximum permitted power for each available channel that is available at its geographic coordinates, taking into consideration the fixed device's antenna height above ground level and geo-

location uncertainty, prior to its initial service transmission at a given location.

(ii) Operation is permitted only on channels and at power levels that are indicated in the database as being available for each white space device. Operation on a channel must cease immediately or power must be reduced to a permissible level if the database indicates that the channel is no longer available at the current operating level.

(iii) Each fixed white space devices shall access the database at least once a day to verify that the operating channels continue to remain available. Each fixed white space device must adjust its use of channels in accordance with channel availability schedule information provided by its database for the 48-hour period beginning at the time the device last accessed the database for a list of available channels.

(iv) Fixed devices without a direct connection to the Internet: A fixed white space device may not operate on channels provided by a white space database for another fixed device. A fixed white space device that has not yet been initialized and registered with a white space database consistent with § 15.713 of this part, but can receive the transmissions of another fixed white space device, may transmit to that other fixed white space device on either a channel that the other white space device has transmitted on or on a channel which the other white space device indicates is available for use to access the database to register its location and receive a list of channels that are available for it to use. Subsequently, the newly registered fixed white space device must only use the channels that the database indicates are available for it to use.

(d) *Requirements for Mode II personal/portable white space devices.* (1) The geographic coordinates of a Mode II personal/portable white space device shall be determined by an incorporated geo-location capability prior to its initial service transmission at a given location and each time the device is activated from a power-off condition to determine the available channels and the corresponding maximum permitted power for each available channel at its geographic coordinates, taking into consideration the device's geo-location uncertainty. The location must be checked at least once every 60 seconds while in operation, except while in sleep mode, *i.e.,* in a mode in which the device is inactive but is not powered-down.

(2) Each Mode II personal/portable white space device must access a white space database over the Internet to obtain a list of available channels for its location. The device must access the database for an updated available channel list if its location changes by more than 100 meters from the location at which it last established its available channel list.

(3) Operation is permitted only on channels and at power levels that are indicated in the database as being available for the Mode II personal/portable white space device. Operation on a channel must cease immediately or power must be reduced to a permissible level if the database indicates that the channel is no longer available at the current operating level.

(4) A Mode II personal/portable white space device that has been in a powered state shall re-check its location and access the database daily to verify that the operating channel(s) and corresponding power levels continue to be available. Mode II personal/portable devices must adjust their use of channels and power levels in accordance with channel availability schedule information provided by their database for the 48-hour period beginning at the time of the device last accessed the database for a list of available channels.

(5) A Mode II personal/portable device may load channel availability information for multiple locations, (*i.e.,* in the vicinity of its current location) and use that information to define a geographic area within which it can operate on the same available channels at all locations. For example a Mode II personal/portable white space device could calculate a bounded area in which a channel or channels are available at all locations within the area and operate on a mobile basis within that area. A Mode II white space device using such channel availability information for multiple locations must contact the database again if/when it moves beyond the boundary of the area where the channel availability data is valid.

(e) *Requirements for Mode I personal/portable white space devices.* (1) A Mode I personal/portable white space device may only transmit upon receiving a list of available channels from a fixed or Mode II white space device. A fixed or Mode II white space device may provide a Mode I device with a list of available channels only after it contacts its database, provides the database the FCC Identifier (FCC ID) of the Mode I device requesting available channels, and receives verification that the FCC ID is valid for operation.

(2) A Mode II device must provide a list of channels to the Mode I device that is the same as the list of channels available to the Mode II device.

(3) A fixed device may provide a list of available channels to a Mode I device only if the fixed device HAAT as verified by the white space database does not exceed 106 meters. The fixed device must provide a list of available channels to the Mode I device that is the same as the list of channels available to the fixed device, except that a Mode I device may operate only on those channels that are permissible for its use under § 15.707 of this part. A fixed device may also obtain from a white space database and provide to a Mode I personal/portable white space device, a separate list of available channels that includes adjacent channels available to a Mode I personal/portable white space device, but not a fixed white space device.

(4) To initiate contact with a fixed or Mode II device, a Mode I device may transmit on an available channel used by the fixed or Mode II white space device or on a channel the fixed or Mode II white space device indicates is available for use by a Mode I device. At least once every 60 seconds, except when in sleep mode (*i.e.,* a mode in which the device is inactive but is not powered-down), a Mode I device must either receive a contact verification signal from the Mode II or fixed white space device that provided its current list of available channels or contact a Mode II or fixed white space device to re-verify/re-establish channel availability. A Mode I device must cease operation immediately if it does not receive a contact verification signal or is not able to re-establish a list of available channels through contact with a fixed or Mode II device on this schedule. If a fixed or Mode II white space device loses power and obtains a new channel list, it must signal all Mode I devices it is serving to acquire and use a new channel list.

(f) *Display of available channels.* A white space device must incorporate the capability to display a list of identified available channels and its operating channels.

(g) *Identifying information.* Fixed white space devices shall transmit identifying information. The identification signal must conform to a standard established by a recognized industry standards setting organization. The identification signal shall carry sufficient information to identify the device and its geographic coordinates.

(h) *Continuing operation.* If a fixed or Mode II personal/portable white space device fails to successfully contact the white space database during any given day, it may continue to operate until 11:59 p.m. of the following day at which time it must cease operations until it re-

establishes contact with the white space database and re-verifies its list of available channels.

(i) *Push notifications.* White space device manufacturers and database administrators must implement the push notification requirements of paragraphs (i)(1) and (2) of this section, and may also implement a system that pushes additional updated channel availability information from the database to white space devices.

(1) In response to a request for immediate access to a channel by a licensed wireless microphone user, white space database administrators are required to share the licensed microphone channel registration information to all other white space database administrators within 10 minutes of receiving each wireless microphone registration.

(2) White space database administrators shall push updated available channel lists to fixed and Mode II personal/portable white space devices within 20 minutes of receiving the notification required by paragraph (i)(1) of this section. The information need only be pushed to white space devices that are located within the separation distances, specified in § 15.712(f) of this part, for each licensed wireless microphone registration received.

(3) White space database administrators must update their systems to comply with these requirements no later than December 23, 2016.

(j) *Security.* (1) White space devices shall incorporate adequate security measures to ensure that they are capable of communicating for purposes of obtaining lists of available channels only with databases operated by administrators authorized by the Commission, and to ensure that communications between white space devices and databases are secure to prevent corruption or unauthorized interception of data. This requirement includes implementing security for communications between Mode I personal portable devices and fixed or Mode II devices for purposes of providing lists of available channels. This requirement applies to communications of channel availability and other spectrum access information between the databases and fixed and Mode II devices (it is not necessary for white space devices to apply security coding to channel availability and channel access information where they are not the originating or terminating device and that they simply pass through).

(2) Communications between a Mode I device and a fixed or Mode II device for purposes of obtaining a list of available channels shall employ secure methods that ensure against corruption or unauthorized modification of the data. When a Mode I device makes a request to a fixed or Mode II device for a list of available channels, the receiving device shall check with the white space database that the Mode I device has a valid FCC Identifier before providing a list of available channels. Contact verification signals transmitted for Mode I devices are to be encoded with encryption to secure the identity of the transmitting device. Mode I devices using contact verification signals shall accept as valid for authorization only the signals of the device from which they obtained their list of available channels.

(3) A white space database shall be protected from unauthorized data input or alteration of stored data. To provide this protection, the white space database administrator shall establish communications authentication procedures that allow fixed and Mode II white space devices to be assured that the data they receive is from an authorized source.

(4) Applications for certification of white space devices shall include a high level operational description of the technologies and measures that are incorporated in the device to comply with the security requirements of this section. In addition, applications for certification of fixed and Mode II white space devices shall identify at least one of the white space databases operated by a designated white space database administrator that the device will access for channel availability and affirm that the device will conform to the communications security methods used by that database.

§ 15.712 Interference protection requirements.

The separation distances in this section apply to fixed and personal/portable white space devices with a location accuracy of ±50 meters. These distances must be increased by the amount that the location uncertainty of a white space device exceeds ±50 meters.

(a) *Digital television stations, and digital and analog Class A TV, low power TV, TV translator and TV booster stations*—(1) *Protected contour.* White space devices must protect digital and analog TV services within the contours shown in the following table. These contours are calculated using the methodology in § 73.684 of this chapter and the R–6602 curves contained in § 73.699 of this chapter.

Type of station	Protected contour		
	Channel	Contour (dBu)	Propagation curve
Analog: Class A TV, LPTV, translator and booster	Low VHF (2–6)	47	F(50,50)
	High VHF (7–13)	56	F(50,50)
	UHF (14–69)	64	F(50,50)
Digital: Full service TV, Class A TV, LPTV, translator and booster	Low VHF (2–6)	28	F(50,90)
	High VHF (7–13)	36	F(50,90)
	UHF (14–51)	41	F(50,90)

(2) *Required separation distance.* White space devices must be located outside the contours indicated in paragraph (a)(1) of this section of co-channel and adjacent channel stations by at least the minimum distances specified in the following tables.

(i) If a device operates between two defined power levels, it must comply with the separation distances for the higher power level.

(ii) White space devices operating at 40 mW EIRP or less are not required to meet the adjacent channel separation distances.

(iii) Fixed white space devices operating at 100 mW EIRP or less per 6 megahertz across multiple contiguous TV channels with at least 3 megahertz separation between the frequency band occupied by the white space device and adjacent TV channels are not required to meet the adjacent channel separation distances.

(iv) Fixed white space devices may only operate above 4 W EIRP in less

congested areas as defined in § 15.703(h).

MODE II PERSONAL/PORTABLE WHITE SPACE DEVICES

	Required separation in kilometers from co-channel digital or analog TV (full service or low power) protected contour	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	1.3	1.7
Communicating with Mode I device	2.6	3.4

FIXED WHITE SPACE DEVICES

Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from co-channel digital or analog TV (full service or low power) protected contour*						
	16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)
Less than 3	1.3	1.7	2.1	2.7	3.3	4.0	4.5
3–10	2.4	3.1	3.8	4.8	6.1	7.3	8.5
10–30	4.2	5.1	6.0	7.1	8.9	11.1	13.9
30–50	5.4	6.5	7.7	9.2	11.5	14.3	19.1
50–75	6.6	7.9	9.4	11.1	13.9	18.0	23.8
75–100	7.7	9.2	10.9	12.8	17.2	21.1	27.2
100–150	9.4	11.1	13.2	16.5	21.4	25.3	32.3
150–200	10.9	12.7	15.8	19.5	24.7	28.5	36.4
200–250	12.1	14.3	18.2	22.0	27.3	31.2	39.5

* When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 1.3 kilometers if the Mode I device operates at power levels no more than 40 mW EIRP or 1.7 kilometers if the Mode I device operates at power levels above 40 mW EIRP.

PERSONAL/PORTABLE WHITE SPACE DEVICES

	Required separation in kilometers from adjacent channel digital or analog TV (full service or low power) protected contour
	20 dBm (100 mW)
Communicating with Mode II or Fixed device	0.1
Communicating with Mode I device	0.2

FIXED WHITE SPACE DEVICES

Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from adjacent channel digital or analog TV (full service or low power) protected contour>*					
	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)
Less than 3	0.1	0.1	0.1	0.1	0.2	0.2
3–10	0.1	0.2	0.2	0.2	0.3	0.4
10–30	0.2	0.3	0.3	0.4	0.5	0.6
30–50	0.3	0.3	0.4	0.5	0.7	0.8
50–75	0.3	0.4	0.5	0.7	0.8	0.9
75–100	0.4	0.5	0.6	0.8	1.0	1.1
100–150	0.5	0.6	0.8	0.9	1.2	1.3
150–200	0.5	0.7	0.9	1.1	1.4	1.5
200–250	0.6	0.8	1.0	1.2	1.5	1.7

* When communicating with a Mode I personal/portable white space device that operates at power levels above 40 mW EIRP, the required separation distances must be increased beyond the specified distances by 0.1 kilometers.

(3) *Fixed white space device antenna height.* Fixed white space devices must comply with the requirements of § 15.709(g) of this part.

(b) *TV translator, Low Power TV (including Class A) and Multi-channel Video Programming Distributor (MVPD) receive sites.* (1) MVPD, TV translator station and low power TV (including Class A) station receive sites located outside the protected contour of the TV station(s) being received may be

registered in the white space database if they are no farther than 80 km outside the nearest edge of the relevant contour(s). Only channels received over the air and used by the MVPD, TV translator station or low power/Class A TV station may be registered.

(2) White space devices may not operate within an arc of ±30 degrees from a line between a registered receive site and the contour of the TV station being received in the direction of the station's transmitter at a distance of up to 80 km from the edge of the protected contour of the received TV station for co-channel operation and up to 20 km from the registered receive site for adjacent channel operation, except that the protection distance shall not exceed the distance from the receive site to the protected contour.

(3) Outside of the ±30 degree arc defined in paragraph (b)(2) of this section:

(i) White space devices operating at 4 watts EIRP or less may not operate within 8 km from the receive site for co-channel operation and 2 km from the receive site for adjacent channel operation.

(ii) White Space devices operating with more than 4 watts EIRP may not operate within 10.2 km from the receive site for co-channel operation and 2.5 km from the receive site for adjacent channel operation.

(iii) For purposes of this section, a TV station being received may include a full power TV station, TV translator station or low power TV/Class A TV station.

(c) *Fixed Broadcast Auxiliary Service (BAS) links.* (1) For permanent BAS receive sites appearing in the Commission's Universal Licensing System or temporary BAS receive sites registered in the white space database, white space devices may not operate within an arc of ±30 degrees from a line between the BAS receive site and its associated permanent transmitter within a distance of 80 km from the receive site for co-channel operation and 20 km for adjacent channel operation.

(2) Outside of the ±30 degree arc defined in paragraph (c)(1) of this section:

(i) White space devices operating at 4 watts EIRP or less may not operate within 8 km from the receive site for co-channel operation and 2 km from the receive site for adjacent channel operation.

(ii) White Space devices operating with more than 4 watts EIRP may not operate within 10.2 km from the receive site for co-channel operation and 2.5 km from the receive site for adjacent channel operation.

(d) *PLMRS/CMRS operations.* (1) White space devices may not operate at distances less than those specified in the table below from the coordinates of the metropolitan areas and on the channels listed in § 90.303(a) of this chapter.

White space device transmitter power	Required separation in kilometers from areas specified in § 90.303(a) of this chapter	
	Co-channel operation	Adjacent channel operation
4 watts EIRP or less	134	131
Greater than 4 watts EIRP	136	131.5

(2) White space devices may not operate at distances less than those specified in the table below from PLMRS/CMRS operations authorized by waiver outside of the metropolitan areas listed in § 90.303(a) of this chapter.

White space device transmitter power	Required separation in kilometers from areas specified in § 90.303(a) of this chapter	
	Co-channel operation	Adjacent channel operation
4 watts EIRP or less	54	51
Greater than 4 watts EIRP	56	51.5

(e) *Offshore Radiotelephone Service.* White space devices may not operate on channels used by the Offshore Radio Service within the geographic areas specified in § 74.709(e) of this chapter.

(f) *Low power auxiliary services, including wireless microphones.* Fixed white space devices are not permitted to operate within 1 km, and personal/portable white space devices will not be permitted to operate within 400 meters, of the coordinates of registered low power auxiliary station sites on the registered channels during the designated times they are used by low power auxiliary stations.

(g) *Border areas near Canada and Mexico:* Fixed and personal/portable white space devices shall comply with the required separation distances in § 15.712(a)(2) from the protected contours of TV stations in Canada and Mexico. White space devices are not required to comply with these separation distances from portions of the protected contours of Canadian or Mexican TV stations that fall within the United States.

(h) *Radio astronomy services.* (1) Operation of fixed and personal/portable white space devices is prohibited on all channels within 2.4 kilometers at the following locations.

(i) The Naval Radio Research Observatory in Sugar Grove, West Virginia at 38 30 58 N and 79 16 48 W.

(ii) The Table Mountain Radio Receiving Zone (TMRZ) at 40 08 02 N and 105 14 40 W.

(iii) The following facilities:

Observatory	Latitude (deg/min/sec)	Longitude (deg/min/sec)
Arecibo Observatory	18 20 37 N	066 45 11 W
Green Bank Telescope (GBT)	38 25 59 N	079 50 23 W
Very Long Baseline Array (VLBA) Stations:		

Observatory	Latitude (deg/min/sec)	Longitude (deg/min/sec)
Pie Town, NM	34 18 04 N	108 07 09 W
Kitt Peak, AZ	31 57 23 N	111 36 45 W
Los Alamos, NM	35 46 30 N	106 14 44 W
Ft. Davis, TX	30 38 06 N	103 56 41 W
N. Liberty, IA	41 46 17 N	091 34 27 W
Brewster, WA	48 07 52 N	119 41 00 W
Owens Valley, CA	37 13 54 N	118 16 37 W
St. Croix, VI	17 45 24 N	064 35 01 W
Hancock, NH	42 56 01 N	071 59 12 W
Mauna Kea, HI	19 48 05 N	155 27 20 W

(2) Operation within the band 608–614 MHz is prohibited within the areas defined by the following coordinates (all coordinates are NAD 83):

(i) Pie Town, NM

North latitude (deg/min/sec)	West longitude (deg/min/sec)
35 25 56.28	107 44 56.40
35 15 57.24	107 41 27.60
33 52 14.16	107 30 25.20
33 22 39.36	107 49 26.40
33 57 38.52	109 36 10.80
34 04 46.20	109 34 12.00
34 27 20.88	109 12 43.20
35 15 30.24	108 25 55.20

(ii) Kitt Peak, AZ

North latitude (deg/min/sec)	West longitude (deg/min/sec)
34 08 18.24	111 36 46.80
33 54 10.08	109 38 20.40
32 09 25.56	113 42 03.60
31 29 15.72	111 33 43.20
33 20 36.60	113 36 14.40
34 09 20.52	112 34 37.20

(iii) Los Alamos, NM

North latitude (deg/min/sec)	West longitude (deg/min/sec)
36 25 54.12	106 06 07.20
36 32 26.88	105 59 27.60
36 45 23.40	105 48 03.60
36 48 10.44	105 30 21.60
36 13 37.92	105 26 38.40
35 38 40.92	105 48 36.00
35 36 51.48	105 49 30.00
34 06 17.28	107 10 48.00
34 16 18.12	107 17 16.80
35 21 22.68	106 51 07.20

(iv) Ft. Davis, TX

North latitude (deg/min/sec)	West longitude (deg/min/sec)
30 42 16.92	103 55 22.80
30 35 49.92	103 41 52.80
30 32 35.88	103 43 04.80
30 25 20.64	103 49 48.00
30 24 30.24	103 52 30.00
30 26 14.28	103 57 54.00
30 33 03.60	104 09 10.80
30 40 03.36	104 05 9.60
30 43 11.28	103 58 48.00

(v) N. Liberty, IA

North latitude (deg/min/sec)	West longitude (deg/min/sec)
42 03 27.00	90 54 16.56
41 59 03.12	90 46 49.44
41 34 19.20	90 51 11.16
41 19 27.12	90 58 58.80
41 02 09.96	91 07 18.84
41 07 51.24	92 03 44.64
41 50 03.12	92 36 20.16
42 28 50.16	91 44 35.16

(vi) Brewster, WA

North latitude (deg/min/sec)	West longitude (deg/min/sec)
48 18 00.36	119 35 27.60
48 16 40.08	119 34 51.60
48 15 20.52	119 34 33.60
48 12 26.64	119 34 08.40
48 07 51.96	119 34 33.60
48 06 44.64	119 34 48.00
47 58 44.40	119 36 03.60
47 55 06.60	119 37 40.80
47 52 48.72	119 39 03.60
48 00 49.68	119 59 06.00
48 26 59.64	119 46 04.80
48 26 08.52	119 43 22.80

(vii) Owens Valley, CA

North latitude (deg/min/sec)	West longitude (deg/min/sec)
37 05 49.56	118 02 13.20
37 03 27.36	118 01 08.40
36 29 09.96	118 06 50.40
36 30 48.60	118 11 56.40
36 37 08.04	118 16 37.20
37 25 12.72	118 41 16.80
37 27 30.24	118 41 02.40
37 44 45.96	118 39 03.60
37 59 49.92	118 32 09.60
37 46 12.72	118 20 09.60

(viii) St. Croix, VI

North latitude (deg/min/sec)	West longitude (deg/min/sec)
18 29 15.36	64 22 38.28
18 06 51.12	64 08 03.84
18 04 31.44	64 06 12.24
18 02 02.76	64 04 33.96
17 59 26.52	64 03 09.36
17 56 43.80	64 01 59.52
17 53 56.04	64 01 04.80
17 51 03.96	64 00 25.56
17 48 09.72	64 00 02.16
17 42 19.08	63 58 57.36
17 39 07.92	63 58 15.96
17 42 10.44	64 39 37.44
17 43 57.00	64 50 46.32
18 07 24.24	66 02 36.96
18 16 13.80	65 44 56.04

(ix) Hancock, NH

North latitude (deg/min/sec)	West longitude (deg/min/sec)
44 08 59.64	71 32 01.68
43 46 24.60	71 18 57.60
42 58 41.88	71 15 14.04
42 29 25.08	71 52 51.96
42 34 05.88	72 07 08.76
42 34 41.52	72 09 41.76
42 55 47.28	72 55 03.72

(x) Mauna Kea, HI

North latitude (deg/min/sec)	West longitude (deg/min/sec)
20 11 01.32	153 03 43.20
20 00 52.92	152 35 56.40
19 46 42.60	152 35 34.80
19 32 33.36	152 36 28.80
19 18 31.68	152 38 38.40
19 04 44.04	152 42 07.20
18 51 16.56	152 46 51.60
18 38 15.72	152 52 44.40
18 25 46.56	152 59 49.20
18 13 55.20	153 07 55.20
18 02 46.68	153 17 06.00
17 52 26.40	153 27 14.40
17 42 57.96	153 38 16.80
17 35 20.04	153 50 45.60
17 27 52.20	154 03 10.80
17 21 27.00	154 16 15.60
17 16 08.40	154 29 49.20
17 11 57.84	154 43 51.60
17 08 57.48	154 58 08.40
17 07 09.12	155 12 43.20
17 23 53.52	155 27 21.60
19 29 13.92	155 36 21.60
19 47 53.88	155 29 27.60
19 48 52.92	155 27 39.60
19 48 58.68	155 27 14.40

(3) Operation within the band 608–614 MHz is prohibited within the following areas:

(i) The National Radio Quiet Zone as defined in § 1.924(a)(1) of this chapter.

(ii) The islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra

(i) *600 MHz service band.* Fixed and personal/portable devices operating in the 600 MHz Service Band must comply with the following co-channel and adjacent channel separation distances outside the defined polygonal area encompassing the base stations or other radio facilities deployed by a part 27 600 MHz Service Band licensee that has commenced operation.

(1) Fixed white space devices may only operate above 4 W EIRP in less congested areas as defined in § 15.703(h).

(2) If a device operates between two defined power levels, it must comply with the separation distances for the higher power level.

(3) For the purpose of this rule, co-channel means any frequency overlap between a channel used by a white space device and a five megahertz spectrum block used by a part 27 600 MHz band licensee, and adjacent channel means a frequency separation of zero to four megahertz between the edge of a channel used by a white space device and the edge of a five megahertz spectrum block used by a part 27 600 MHz band licensee.

(4) On frequencies used by wireless uplink services:

MODE II PERSONAL/PORTABLE WHITE SPACE DEVICES

	600 MHz band wireless uplink spectrum Minimum co-channel separation distances in kilometers between white space devices and any point along the edge of a polygon representing the outer edge of base station or other radio facility deployment	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	5	6
Communicating with Mode I device	10	12

FIXED WHITE SPACE DEVICES

Antenna height above average terrain of unlicensed devices (meters)	600 MHz band wireless uplink spectrum Minimum co-channel separation distances in kilometers between white space devices and any point along the edge of a polygon representing the outer edge of base station or other radio facility deployment*						
	16 dBm (40mW)	20 dBm (100 mW)	24 dBm (250mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)
Less than 3	5	6	7	9	12	15	19
3—10	9	11	14	17	22	27	34
10—30	15	19	24	30	38	47	60
30—50	20	24	31	38	49	60	60
50—75	24	30	37	47	60	60	60
75—100	27	34	43	54	60	60	60
100—150	33	42	53	60	60	60	60
150—200	39	49	60	60	60	60	60
200–250	43	54	60	60	60	60	60

*When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 5 kilometers if the Mode I device operates at power levels no more than 40 mW EIRP or 6 kilometers if the Mode I device operates at power levels above 40 mW EIRP.

PERSONAL/PORTABLE WHITE SPACE DEVICES

	600 MHz band wireless uplink spectrum Minimum adjacent channel separation distances in kilometers between white space devices and any point along the edge of a polygon representing the outer edge of base station or other radio facility deployment
	20 dBm (100 mW)
Communicating with Mode II or Fixed device	0.1
Communicating with Mode I device	0.3

FIXED WHITE SPACE DEVICES

Antenna height above average terrain of unlicensed devices (meters)	600 MHz band wireless uplink spectrum Minimum adjacent channel separation distances in kilometers between white space devices and any point along the edge of a polygon representing the outer edge of base station or other radio facility deployment *					
	20 dBm (100 mW)	24 dBm (250mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)
Less than 3	0.1	0.2	0.2	0.3	0.4	0.4
3–10	0.3	0.3	0.4	0.5	0.6	0.8
10–30	0.4	0.6	0.7	0.9	1.1	1.4
30–50	0.6	0.7	0.9	1.2	1.4	1.8
50–75	0.7	0.9	1.1	1.4	1.8	2.2
75–100	0.8	1.0	1.3	1.6	2.0	2.6
100–150	1.0	1.3	1.6	2.0	2.5	3.1
150–200	1.2	1.4	1.8	2.3	2.9	3.6
200–250	1.3	1.6	2.0	2.6	3.2	4.1

* When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 0.1 kilometers.

(5) On frequencies used by wireless downlink services: 35 kilometers for co-channel operation, and 31 kilometers for adjacent channel operation.

(j) *Wireless Medical Telemetry Service.* (1) White space devices operating in the 608–614 MHz band (channel 37) are not permitted to operate within an area defined by the polygon described in § 15.713(j)(11) plus the distances specified in the tables below:

MODE II PERSONAL/PORTABLE WHITE SPACE DEVICES

	Required co-channel separation distances in kilometers from WMTS sites	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	0.38	0.48
Communicating with Mode I device	0.76	0.96

FIXED WHITE SPACE DEVICES

Antenna height above average terrain of unlicensed devices (meters)	Required co-channel separation distances in kilometers from WMTS sites *					
	16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 watts)
Less than 3	0.38	0.48	0.60	0.76	0.96	1.20
3–10	0.70	0.88	1.10	1.38	1.74	2.20
10–30	1.20	1.55	1.95	2.45	3.05	3.80
30–50	1.55	2.00	2.50	3.15	3.95	4.95
50–75	1.90	2.45	3.05	3.85	4.85	6.10
75–100	2.20	2.80	3.55	4.45	5.60	7.05
100–150	2.70	3.45	4.35	5.45	6.85	8.65
150–200	3.15	3.95	5.00	6.30	7.90	9.95
200–250	3.50	4.40	5.60	7.00	8.80	11.00

* When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 0.38 kilometers if the Mode I device operates at power levels no more than 40 mW EIRP, or 0.48 kilometers if the Mode I device operates at power levels above 40 mW EIRP.

(2) White space devices operating in the 602–608 MHz band (channel 36) and 614–620 MHz band (channel 38) are not permitted to operate within an area defined by the polygon described in § 15.713(j)(11) plus the distances specified in the tables below:

MODE II PERSONAL/PORTABLE WHITE SPACE DEVICES

	Required adjacent channel separation distances in meters from WMTS sites	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	8	13
Communicating with Mode I device	16	26

FIXED WHITE SPACE DEVICES

Required adjacent channel separation distances in meters from WMTS sites *					
16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 watts)
8	13	20	32	50	71

* When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 8 meters if the Mode I device operates at power levels no more than 40 mW EIRP, or 13 meters if the Mode I device operates at power levels above 40 mW EIRP.

(k) *488–494 MHz band in Hawaii.* White space devices are not permitted to operate in the 488–494 MHz band in Hawaii.

§ 15.713 White space database.

(a) *Purpose.* The white space database serves the following functions:

(1) To determine and provide to a white space device, upon request, the available channels at the white space device's location in the TV bands, the 600 MHz guard bands, the 600 MHz duplex gap, the 600 MHz service band, and channel 37. Available channels are determined based on the interference protection requirements in § 15.712. A database must provide fixed and Mode II personal portable white space devices with channel availability information that includes scheduled changes in channel availability over the course of the 48 hour period beginning at the time the white space devices make a re-check contact. In making lists of available channels available to a white space device, the white space database shall ensure that all communications and interactions between the white space database and the white space device include adequate security measures such that unauthorized parties cannot access or alter the white space database or the list of available channels sent to white space devices or otherwise affect the database system or white space devices in performing their intended functions or in providing adequate interference protections to authorized services operating in the TV bands. In addition, a white space database must also verify that the FCC identifier (FCC ID) of a device seeking access to its services is valid; under this requirement the white space database must also verify that the FCC ID of a Mode I device provided by a fixed or Mode II device is valid. A list of devices with valid FCC IDs and the FCC IDs of those devices is to be obtained from the Commission's Equipment Authorization System.

(2) To determine and provide to an unlicensed wireless microphone user, upon request, the available channels at the microphone user's location in the 600 MHz guard bands, the 600 MHz duplex gap, and the 600 MHz service band. Available channels are determined based on the interference protection requirements in § 15.236.

(3) To register the identification information and location of fixed white space devices and unlicensed wireless microphone users.

(4) To register protected locations and channels as specified in paragraph (b)(2) of this section, that are not otherwise recorded in Commission licensing databases.

(b) *Information in the white space database.* (1) Facilities already recorded in Commission databases. Identifying and location information will come from the official Commission database. These services include:

(i) Digital television stations.

(ii) Class A television stations.

(iii) Low power television stations.

(iv) Television translator and booster stations.

(v) Broadcast Auxiliary Service stations (including receive only sites), except low power auxiliary stations.

(vi) Private land mobile radio service stations.

(vii) Commercial mobile radio service stations.

(viii) Offshore radiotelephone service stations.

(ix) Class A television station receive sites.

(x) Low power television station receive sites.

(xi) Television translator station receive sites.

(2) Facilities that are not recorded in Commission databases. Identifying and location information will be entered into the white space database in accordance with the procedures established by the white space database administrator(s). These include:

(i) MVPD receive sites.

(ii) Sites where low power auxiliary stations, including wireless microphones and wireless assist video devices, are used and their schedule for operation.

(iii) Fixed white space device registrations.

(iv) 600 MHz service band operations in areas where the part 27 600 MHz service licensee has commenced operations.

(v) Locations of health care facilities that use WMTS equipment operating on channel 37 (608–614 MHz).

(c) *Restrictions on registration.* (1) Television translator, low power TV and Class A station receive sites within the protected contour of the station being received are not eligible for registration in the database.

(2) MVPD receive sites within the protected contour or more than 80 kilometers from the nearest edge of the protected contour of a television station being received are not eligible to register that station's channel in the database.

(d) *Determination of available channels.* The white space database will determine the available channels at a location using the interference protection requirements of § 15.712, the location information supplied by a white space device, and the data for protected stations/locations in the database.

(e) *White space device initialization.* (1) Fixed and Mode II white space devices must provide their location and required identifying information to the white space database in accordance with the provisions of this subpart.

(2) Fixed and Mode II white space devices shall not transmit unless they receive, from the white space database, a list of available channels and may only transmit on the available channels on the list provided by the database.

(3) Fixed white space devices register and receive a list of available channels from the database by connecting to the Internet, either directly or through another fixed white space device that has a direct connection to the Internet.

(4) Mode II white space devices receive a list of available channels from the database by connecting to the Internet, either directly or through a fixed or Mode II white space device that has a direct connection to the Internet.

(5) A fixed or Mode II white space device that provides a list of available channels to a Mode I device shall notify the database of the FCC identifier of such Mode I device and receive verification that that FCC identifier is valid before providing the list of available channels to the Mode I device.

(6) A fixed device with an antenna height above ground that exceeds 30 meters or an antenna height above average terrain (HAAT) that exceeds 250 meters shall not be provided a list of available channels. The HAAT is to be calculated using computational software employing the methodology in § 73.684(d) of this chapter.

(f) *Unlicensed wireless microphone database access.* Unlicensed wireless microphone users in the 600 MHz band may register with and access the database manually via a separate Internet connection. Wireless microphone users must register with and check a white space database to determine available channels prior to beginning operation at a given location. A user must re-check the database for available channels if it moves to another location.

(g) *Fixed white space device registration.* (1) Prior to operating for the first time or after changing location, a fixed white space device must register with the white space database by providing the information listed in paragraph (g)(3) of this section.

(2) The party responsible for a fixed white space device must ensure that the white space device registration database has the most current, up-to-date information for that device.

(3) The white space device registration database shall contain the following information for fixed white space devices:

(i) FCC identifier (FCC ID) of the device;

(ii) Manufacturer's serial number of the device;

(iii) Device's geographic coordinates (latitude and longitude (NAD 83));

(iv) Device's antenna height above ground level (meters);

(v) Name of the individual or business that owns the device;

(vi) Name of a contact person responsible for the device's operation;

(vii) Address for the contact person;

(viii) Email address for the contact person;

(ix) Phone number for the contact person.

(h) *Mode II personal/portable device information to database.* A personal/portable device operating in Mode II shall provide the database its FCC Identifier (as required by § 2.926 of this chapter), serial number as assigned by the manufacturer, and the device's geographic coordinates (latitude and longitude (NAD 83)).

(i) *Unlicensed wireless microphone registration.* Unlicensed wireless microphone users in the 600 MHz band shall register with the database prior to operation and include the following information:

(1) Name of the individual or business that owns the unlicensed wireless microphone

(2) Address for the contact person

(3) Email address for the contact person

(4) Phone number for the contact person; and

(5) Coordinates where the device will be used (latitude and longitude in NAD 83).

(j) *White space database information.* The white space database shall contain the listed information for each of the following:

(1) Digital television stations, digital and analog Class A, low power, translator and booster stations, including stations in Canada and Mexico that are within the border coordination areas as specified in § 73.1650 of this chapter (a white space database is to include only TV station information from station license or license application records. In cases where a station has records for both a license application and a license, a white space database should include the information from the license application rather than the license. In cases where there are multiple license application records or license records for the same station, the database is to include the most recent records, and again with license applications taking precedence over licenses.):

(i) Transmitter coordinates (latitude and longitude in NAD 83);

(ii) Effective radiated power (ERP);

(iii) Height above average terrain of the transmitting antenna (HAAT);

(iv) Horizontal transmit antenna pattern (if the antenna is directional);

(v) Amount of electrical and mechanical beam tilt (degrees depression below horizontal) and orientation of mechanical beam tilt (degrees azimuth clockwise from true north);

(vi) Channel number; and

(vii) Station call sign.

(2) Broadcast Auxiliary Service.

(i) Transmitter coordinates (latitude and longitude in NAD 83).

(ii) Receiver coordinates (latitude and longitude in NAD 83).

(iii) Channel number.

(iv) Call sign.

(3) Metropolitan areas listed in § 90.303(a) of this chapter.

(i) Region name.

(ii) Channel(s) reserved for use in the region.

(iii) Geographic center of the region (latitude and longitude in NAD 83).

(iv) Call sign.

(4) PLMRS/CMRS base station operations located more than 80 km from the geographic centers of the 13 metropolitan areas defined in § 90.303(a) of this chapter (*e.g.,* in accordance with a waiver).

(i) Transmitter location (latitude and longitude in NAD 83) or geographic area of operations.

(ii) TV channel of operation.

(iii) Call sign.

(5) Offshore Radiotelephone Service: For each of the four regions where the Offshore Radiotelephone Service operates.

(i) Geographic boundaries of the region (latitude and longitude in NAD 83 for each point defining the boundary of the region.

(ii) Channel(s) used by the service in that region.

(6) MVPD receive sites: Registration for receive sites is limited to channels that are received over-the-air and are used as part of the MVPD service.

(i) Name and address of MVPD company;

(ii) Location of the MVPD receive site (latitude and longitude in NAD 83, accurate to ±50 m);

(iii) Channel number of each television channel received, subject to the following condition: channels for which the MVPD receive site is located within the protected contour of that channel's transmitting station are not eligible for registration in the database;

(iv) Call sign of each television channel received and eligible for registration;

(v) Location (latitude and longitude) of the transmitter of each television channel received;

(7) Television translator, low power TV and Class A TV station receive sites: Registration for television translator, low power TV and Class A receive sites is limited to channels that are received over-the-air and are used as part of the station's service.

(i) Call sign of the TV translator station;

(ii) Location of the TV translator receive site (latitude and longitude in NAD 83, accurate to ±/− 50 m);

(iii) Channel number of the re-transmitted television station, subject to the following condition: a channel for which the television translator receive site is located within the protected contour of that channel's transmitting station is not eligible for registration in the database;

(iv) Call sign of the retransmitted television station; and

(v) Location (latitude and longitude) of the transmitter of the retransmitted television station.

(8) Licensed low power auxiliary stations, including wireless microphones and wireless assist video

devices: Use of licensed low power auxiliary stations at well-defined times and locations may be registered in the database. Multiple registrations that specify more than one point in the facility may be entered for very large sites. Registrations will be valid for no more than one year, after which they may be renewed. Registrations must include the following information:

(i) Name of the individual or business responsible for the low power auxiliary device(s);

(ii) An address for the contact person;

(iii) An email address for the contact person (optional);

(iv) A phone number for the contact person;

(v) Coordinates where the device(s) are used (latitude and longitude in NAD 83, accurate to ±50 m);

(vi) Channels used by the low power auxiliary devices operated at the site;

(vii) Specific months, weeks, days of the week and times when the device(s) are used (on dates when microphones are not used the site will not be protected); and

(viii) The stations call sign.

(9) Unlicensed wireless microphones at venues of events and productions/shows that use large numbers of wireless microphones that cannot be accommodated in the two reserved channels and other channels that are not available for use by white space devices at that location. Prior to June 23, 2017, but no later than release of the Channel Reassignment Public Notice upon completion of the broadcast television spectrum incentive auction, as defined in § 73.3700(a) of this chapter, sites of large events and productions/shows with significant unlicensed wireless microphone use at well-defined times and locations may be registered in the database. Entities responsible for eligible event venues registering their site with a TV bands data base are required to first make use of the two reserved channels and other channels that are not available for use by white space devices at that location. As a benchmark, at least 6–8 wireless microphones should be operating in each channel used at such venues (both licensed and unlicensed wireless microphones used at the event may be counted to comply with this benchmark). Multiple registrations that specify more than one point in the facility may be entered for very large sites. Sites of eligible event venues using unlicensed wireless microphones must be registered with the Commission at least 30 days in advance and the Commission will provide this information to the data base managers. Parties responsible for eligible event venues filing registration requests must certify that they are making use of all TV channels not available to white space devices and on which wireless microphones can practicably be used, including channels 7–51 (except channel 37). The Commission will make requests for registration of sites that use unlicensed wireless microphones public and will provide an opportunity for public comment or objections. Registrations will be valid for one year, after which they may be renewed. The Commission will take actions against parties that file inaccurate or incomplete information, such as denial of registration in the database, removal of information from the database pursuant to paragraph (i) of this section, or other sanctions as appropriate to ensure compliance with the rules. Registrations must include the following information:

(i) Name of the individual or business that owns the unlicensed wireless microphones;

(ii) An address for the contact person;

(iii) An email address for the contact person (optional);

(iv) A phone number for the contact person;

(v) Coordinates where the device(s) are used (latitude and longitude in NAD 83, accurate to ±50 m);

(vi) Channels used by the wireless microphones operated at the site and the number of wireless microphones used in each channel. As a benchmark, least 6–8 wireless microphones must be used in each channel. Registration requests that do not meet this criteria will not be registered in the TV bands data bases;

(vii) Specific months, weeks, days of the week and times when the device(s) are used (on dates when microphones are not used the site will not be protected); and

(viii) The name of the venue.

(10) 600 MHz service in areas where the part 27 600 MHz band licensee has commenced operations:

(i) Name of 600 MHz band licensee;

(ii) Name and address of the contact person;

(iii) An email address for the contact person (optional);

(iv) A phone number for the contact person;

(v) Area within a part 27 600 MHz band licensee's Partial Economic Areas (PEA), as defined in § 27.6 of this chapter, where it has commenced operation. This area must be delineated by at minimum of eight and a maximum of 120 geographic coordinates (latitude and longitude in NAD 83, accurate to ±50 m);

(vi) Date of commencement of operations;

(vii) Identification of the frequencies on which the part 27 600 MHz band licensee has commenced operations;

(viii) Call sign.

(11) Location of health care facilities operating WMTS networks on channel 37 (608–614 MHz):

(i) Name and address of the health care facility;

(ii) Name and address of a contact person;

(iii) Phone number of a contact person;

(iv) Email address of a contact person;

(v) Latitude and longitude coordinates referenced to North American Datum 1983 (NAD 83) that define the perimeter of each facility. If several health care facilities using 608–614 MHz wireless medical telemetry equipment are located in close proximity, it is permissible to register a perimeter to protect all facilities in that cluster.

(k) *Commission requests for data.* (1) A white space database administrator must provide to the Commission, upon request, any information contained in the database.

(2) A white space database administrator must remove information from the database, upon direction, in writing, by the Commission.

(l) *Security.* The white space database shall employ protocols and procedures to ensure that all communications and interactions between the white space database and white space devices are accurate and secure and that unauthorized parties cannot access or alter the database or the list of available channels sent to a white space device.

(1) Communications between white space devices and white space databases, and between different white space databases, shall be secure to prevent corruption or unauthorized interception of data. A white space database shall be protected from unauthorized data input or alteration of stored data.

(2) A white space database shall verify that the FCC identification number supplied by a fixed or personal/portable white space device is for a certified device and may not provide service to an uncertified device.

(3) A white space database must not provide lists of available channels to uncertified white space devices for purposes of operation (it is acceptable for a white space database to distribute lists of available channels by means other than contact with white space devices to provide list of channels for operation). To implement this provision, a white space database administrator shall obtain a list of certified white space devices from the FCC Equipment Authorization System.

§ 15.714 White space database administration fees.

(a) A white space database administrator may charge a fee for provision of lists of available channels to fixed and personal/portable devices and for registering fixed devices. This provision applies to devices that operate in the TV bands, 600 MHz service band, and the 600 MHz guard bands and duplex gap.

(b) A white space database administrator may charge a fee for provision of lists of available channels to wireless microphone users.

(c) The Commission, upon request, will review the fees and can require changes in those fees if they are found to be excessive.

§ 15.715 White space database administrator.

The Commission will designate one or more entities to administer the white space database(s). The Commission may, at its discretion, permit the functions of a white space database, such as a data repository, registration, and query services, to be divided among multiple entities; however, it will designate specific entities to be a database administrator responsible for coordination of the overall functioning of a database and providing services to white space devices. Each database administrator designated by the Commission shall:

(a) Maintain a database that contains the information described in § 15.713.

(b) Establish a process for acquiring and storing in the database necessary and appropriate information from the Commission's databases and synchronizing the database with the current Commission databases at least once a week to include newly licensed facilities or any changes to licensed facilities.

(c) Establish a process for registering fixed white space devices and registering and including in the database facilities entitled to protection but not contained in a Commission database, including MVPD receive sites.

(d) Establish a process for registering facilities where part 74 low power auxiliary stations are used on a regular basis.

(e) Provide accurate lists of available channels and the corresponding maximum permitted power for each available channel to fixed and personal/portable white space devices that submit to it the information required under § 15.713(e), (g), and (h) based on their geographic location and provide accurate lists of available channels and the corresponding maximum permitted power for each available channel to fixed and Mode II devices requesting lists of available channels for Mode I devices. Database administrators may allow prospective operators of white space devices to query the database and determine whether there are vacant channels at a particular location.

(f) Establish protocols and procedures to ensure that all communications and interactions between the white space database and white space devices are accurate and secure and that unauthorized parties cannot access or alter the database or the list of available channels sent to a white space device consistent with the provisions of § 15.713(l).

(g) Make its services available to all unlicensed white space device users on a non-discriminatory basis.

(h) Provide service for a five-year term. This term can be renewed at the Commission's discretion.

(i) Respond in a timely manner to verify, correct and/or remove, as appropriate, data in the event that the Commission or a party brings claim of inaccuracies in the database to its attention. This requirement applies only to information that the Commission requires to be stored in the database.

(j) Transfer its database along with the IP addresses and URLs used to access the database and list of registered fixed white space devices, to another designated entity in the event it does not continue as the database administrator at the end of its term. It may charge a reasonable price for such conveyance.

(k) The database must have functionality such that upon request from the Commission it can indicate that no channels are available when queried by a specific white space device or model of white space devices.

(l) If more than one database is developed, the database administrators shall cooperate to develop a standardized process for providing on a daily basis or more often, as appropriate, the data collected for the facilities listed in § 15.713(b)(2) to all other white space databases to ensure consistency in the records of protected facilities.

(m) Provide a means to make publicly available all information the rules require the database to contain, including fixed white space device registrations and voluntarily submitted protected entity information, except the information provided by 600 MHz band licensees pursuant to § 15.713(j)(10)(v) and (vi) of this part shall not be made publicly available.

(n) Establish procedures to allow part 27 600 MHz service licensees to upload the registration information listed in § 15.713(j)(10) for areas where they have commenced operations and to allow the removal and replacement of registration information in the database when corrections or updates are necessary.

(o) Remove from the database the registrations of fixed white space devices that have not checked the database for at least three months to update their channel lists. A database administrator may charge a new registration fee for a fixed white space device that is removed from the database under this provision but is later re-registered.

(p) Establish procedures to allow health care facilities to register the locations of facilities where they operate WMTS networks on channel 37.

(q) Establish procedures to allow unlicensed wireless microphone users in the 600 MHz band to register with the database and to provide lists of channels available for wireless microphones at a given location.

§ 15.717 White space devices that rely on spectrum sensing.

(a) *Applications for certification.* Parties may submit applications for certification of white space devices that rely solely on spectrum sensing to identify available channels. Devices authorized under this section must demonstrate with an extremely high degree of confidence that they will not cause harmful interference to incumbent radio services.

(1) In addition to the procedures in subpart J of part 2 of this chapter, applicants shall comply with the following.

(i) The application must include a full explanation of how the device will protect incumbent authorized services against interference.

(ii) Applicants must submit a pre-production device, identical to the device expected to be marketed.

(2) The Commission will follow the procedures below for processing applications pursuant to this section.

(i) Applications will be placed on public notice for a minimum of 30 days for comments and 15 days for reply comments. Applicants may request that portions of their application remain confidential in accordance with § 0.459 of this chapter. This public notice will include proposed test procedures and methodologies.

(ii) The Commission will conduct laboratory and field tests of the pre-production device. This testing will be conducted to evaluate proof of performance of the device, including characterization of its sensing capability and its interference potential. The testing will be open to the public.

(iii) Subsequent to the completion of testing, the Commission will issue by public notice, a test report including recommendations. The public notice will specify a minimum of 30 days for comments and, if any objections are received, an additional 15 days for reply comments.

(b) *Power limit for devices that rely on sensing.* The white space device shall meet the requirements for personal/portable devices in this subpart except that it will be limited to a maximum EIRP of 50 mW per 6 megahertz of bandwidth on which the device operates and it does not have to comply with the requirements for geo-location and database access in § 15.711(b), (d), and (e). Compliance with the detection threshold for spectrum sensing in § 15.717(c), although required, is not necessarily sufficient for demonstrating reliable interference avoidance. Once a device is certified, additional devices that are identical in electrical characteristics and antenna systems may be certified under the procedures of part 2, Subpart J of this chapter.

(c) *Sensing requirements*—(1) *Detection threshold.* (i) The required detection thresholds are:

(A) ATSC digital TV signals: −114 dBm, averaged over a 6 MHz bandwidth;

(B) NTSC analog TV signals: −114 dBm, averaged over a 100 kHz bandwidth;

(C) Low power auxiliary, including wireless microphone, signals: −107 dBm, averaged over a 200 kHz bandwidth.

(ii) The detection thresholds are referenced to an omnidirectional receive antenna with a gain of 0 dBi. If a receive antenna with a minimum directional gain of less than 0 dBi is used, the detection threshold shall be reduced by the amount in dB that the minimum directional gain of the antenna is less than 0 dBi. Minimum directional gain shall be defined as the antenna gain in the direction and at the frequency that exhibits the least gain. Alternative approaches for the sensing antenna are permitted, *e.g.,* electronically rotatable antennas, provided the applicant for equipment authorization can demonstrate that its sensing antenna provides at least the same performance as an omnidirectional antenna with 0 dBi gain.

(2) *Channel availability check time.* A white space device may start operating on a TV channel if no TV, wireless microphone or other low power auxiliary device signals above the detection threshold are detected within a minimum time interval of 30 seconds.

(3) *In-service monitoring.* A white space device must perform in-service monitoring of an operating channel at least once every 60 seconds. There is no minimum channel availability check time for in-service monitoring.

(4) *Channel move time.* After a TV, wireless microphone or other low power auxiliary device signal is detected on a white space device operating channel, all transmissions by the white space device must cease within two seconds.

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 9. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ 10. Add § 27.1320 to read as follows:

§ 27.1320 Notification to white space database administrators.

To receive interference protection, 600 MHz licensees shall notify one of the white space database administrators of the areas where they have commenced operation pursuant to §§ 15.713(j)(10) and 15.715(n) of this chapter.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 11. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 336 and 554.

■ 12. Section 74.802 is amended by adding paragraph (a)(2) and by revising paragraphs (c) introductory text and (f) to read as follows:

§ 74.802 Frequency assignment.

(a)(1) * * *

(2) The four megahertz segment from one to five megahertz above the lower edge of the 600 MHz duplex gap may be assigned for use by low power auxiliary stations.

Note to paragraph (a)(2): The specific frequencies for the 600 MHz duplex gap will be determined in light of further proceedings pursuant to GN Docket No. 12–268 and the rule will be updated accordingly pursuant to a future public notice.

* * * * *

(c) Specific frequency operation is required when operating within the 600 MHz duplex gap or the bands allocated for TV broadcasting.

* * * * *

Note to paragraph (c): The specific frequencies for the 600 MHz duplex gap will be determined in light of further proceedings pursuant to GN Docket No. 12–268 and the rule will be updated accordingly pursuant to a future public notice.

* * * * *

(f) *Operations in 600 MHz band assigned to wireless licensees under part 27 of this chapter.* A low power auxiliary station that operates on frequencies in the 600 MHz band assigned to wireless licensees under part 27 of this chapter must cease operations on those frequencies no later than the end of the post-auction transition period as defined in § 27.4 of this chapter. During the post-auction transition period, low power auxiliary stations will operate on a secondary basis to licensees of part 27 of this chapter, *i.e.,* they must not cause to and must accept harmful interference from these licensees, and must comply with the distance separations in § 15.236(e)(2) of this chapter outside the areas where a licensee has commenced operations as specified pursuant to § 15.713(j)(10).

■ 13. Section 74.861 is amended by revising paragraphs (a), (e) introductory text, (e)(1) introductory text, and (e)(1)(iii) to read as follows:

§ 74.861 Technical requirements.

(a) Except as specified in paragraph (e) of this section, transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load. For the purpose of this subpart, the transmitter power is the carrier power.

* * * * *

(e) For low power auxiliary stations operating in the 600 MHz duplex gap and the bands allocated for TV broadcasting, the following technical requirements apply:

(1) The power may not exceed the following values.

* * * * *

(iii) 600 MHz duplex gap: 20 mW EIRP

* * * * *

PART 95—PERSONAL RADIO SERVICES

■ 14. The authority citation for part 95 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302(a), 303, and 307(e).

■ 15. Section 95.1111 is amended by adding paragraph (d) to read as follows:

§ 95.1111 Frequency coordination.

* * * * *

(d) To receive interference protection, parties operating WMTS networks on channel 37 shall notify one of the white space database administrators of their operating location pursuant to §§ 15.713(j)(11) and 15.715(p) of this chapter.

[FR Doc. 2015–29496 Filed 11–20–15; 8:45 am]

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Vol. 80, No. 225

Monday, November 23, 2015

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Presidential Documents	
Executive orders and proclamations	**741–6000**
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Public Laws Update Service (numbers, dates, etc.)	**741–6043**

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

67261–67620 2
67621–68242 3
68243–68420 4
68421–68742 5
68743–69110 6
69111–69562 9
69563–69836 10
69837–70148 12
70149–70668 13
70669–71680 16
71681–71926 17
71927–72326 18
72327–72554 19
72555–72898 20
72899–73086 23

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

200 69111
2205 71681
2300 69563
3474 67261

Proposed Rules:

3474 67672

3 CFR

Proclamations:

9354 67615
9355 67617
9356 67619
9357 68237
9358 68239
9359 68241
9360 68413
9361 68415
9362 68417
9363 68419
9364 69835
9365 70147
9366 72321
9367 72323
9368 72325
9369 72552

Administrative Orders:

Memorandums:
Memorandum of November 3, 2015 68743
Notices:
Notice of November 5, 2015 69561
Notice of November 10, 2015 70663
Notice of November 12, 2015 70667
Presidential Determinations:
No. 2016-02 of November 13, 2015 71927

Executive Orders:

13348 (Revoked by EO 13710) 71679
13710 71679
13711 71923

5 CFR

Proposed Rules:

870 69623

7 CFR

301 72327
906 70669
925 68421
930 68424
944 68421

Proposed Rules:

920 68473

9 CFR

Proposed Rules:

54 70718
79 70718

10 CFR

72 71929
73 67264
431 69837
433 68749
851 69564

Proposed Rules:

26 72358
50 .....70610, 72358
52 .....70610, 72358
72 71982
73 72358
140 72358
170 68268
171 68268
429 .....68274, 69278, 69888, 71984, 72373, 72608
430 .....68274, 69278, 71984, 72373
431 .....69888, 72608

11 CFR

Proposed Rules:

110 72616

12 CFR

204 71681
208 70671
217 70671
225 70671
252 70671
Ch. VI 67277
600 68427
606 68427
611 67277
914 72327
917 72327
1003 69567
1236 72327
1239 72327
1710 72327
1720 72327

Proposed Rules:

327 68780

14 CFR

25 .....67621, 67623, 69567, 72555, 72561
33 72561
35 72561
39 .....68429, 68432, 68434, 68437, 69111, 69113, 69569, 69571, 69573, 69838, 69839, 69846, 71684, 72563, 72565, 73569, 72573, 73576, 72579
71 .....68440, 68442, 70149, 70150

95 70674
97 ....68758, 68759, 68761, 68763, 69578
1204 70151
Proposed Rules:
23 68281
25 72618
39 ....67348, 68284, 68475, 68477, 69623, 69625, 69896, 69898, 69899, 69903, 71745, 71747, 71749, 71751, 73390, 73393, 73395, 73398, 73401, 72621
71 ....70176, 70177
147 72404

15 CFR

4 ....68442, 70153
301 68765
303 68765
730 ....69588, 70675
734 69588
744 ....69852, 70678

16 CFR

305 67285
500 71686
502 71686
1109 72342
1500 72342
Proposed Rules:
305 67351
1109 72405
1112 69144
1231 69144
1500 72405

17 CFR

200 71388
227 71388
232 71388
239 71388
240 71388
249 71388
269 71388
270 71388
Proposed Rules:
230 69786
300 68286

18 CFR

157 67302
260 67302
284 67302
Proposed Rules:
35 71755

19 CFR

101 70154
103 71690
113 70154
133 70154
161 71690
175 71690

20 CFR

435 69563
437 69563
Proposed Rules:
30 72296

21 CFR

1 71934
11 71934
16 71934
25 70679
106 71934
110 71934
114 71934
117 71934
120 71934
123 71934
129 71934
150 72581
179 71934
211 71934
866 67313
872 72585
876 72899
880 72587
890 72589
1308 ....69861, 70658, 70680
Proposed Rules:
101 ....69905, 71990
1308 70650
866 71756

22 CFR

22 72591
41 ....67315, 69588
51 72591

23 CFR

Proposed Rules:
771 72624
774 72624

24 CFR

91 69864
570 ....67626, 67634, 69864, 71936
Proposed Rules:
5 72642
965 71762
966 71762

25 CFR

169 72492
256 69589
Proposed Rules:
30 69161

26 CFR

1 ....68243, 68244, 70680
54 72192
602 68244
Proposed Rules:
1 ....68288, 68794, 71769, 72649

29 CFR

1982 69115
2509 71936
2590 72192
4022 70170
Proposed Rules:
29 68908
30 68908
2510 72006
2560 72014

30 CFR

Proposed Rules:
7 72028
75 72028

32 CFR

273 68158
776 68388
Proposed Rules:
208 69166

33 CFR

100 ....67635, 69873
117 ....67316, 68444, 69602, 72592
138 72342
147 ....71940, 71942
165 ....67317, 67638, 68445, 70687, 71693, 72356
Proposed Rules:
117 67677
165 72663

34 CFR

74 67261
75 67261
76 67261
77 67261
80 67261
101 67261
206 67261
222 67261
225 67261
226 67261
270 67261
280 67261
299 67261
300 67261
303 67261
350 67261
361 67261
363 67261
364 67261
365 67261
367 67261
369 67261
370 67261
373 67261
377 67261
380 67261
381 67261
385 67261
396 67261
400 67261
426 67261
460 67261
491 67261
535 67261
606 67261
607 67261
608 67261
609 67261
611 67261
614 67261
628 67261
636 67261
637 67261
642 67261
643 67261
644 67261
645 67261
646 67261
647 67261
648 67261
650 67261
654 67261
655 67261
661 67261
662 67261
663 67261
664 67261
682 67261
692 67261
694 67261
1100 67261

36 CFR

242 ....68245, 68249
Proposed Rules:
294 72665

37 CFR

Proposed Rules:
42 67680

38 CFR

17 68447
Proposed Rules:
17 ....68479, 69909
74 68795

39 CFR

20 72901
Proposed Rules:
3050 68480

40 CFR

9 72592
52 ....67319, 67335, 67642, 67645, 67647, 67652, 68253, 68448, 68451, 68453, 68458, 68766, 68768, 69602, 69604, 69874, 69876, 69880, 70689, 71695, 72903
62 70694
63 72790
81 ....67652, 68253
97 69883
170 67496
180 ....68257, 68261, 68772, 70697, 71944, 71947, 72593
372 72906
423 67838
721 ....70171, 72592
Proposed Rules:
49 70179
50 72840
51 70179
52 ....67681, 67682, 68481, 68484, 68486, 68807, 69172, 69627, 69915, 69925, 70179, 70718, 70721, 72406, 72937
60 ....68808, 70179
62 70727
70 70179
71 70179
81 69173
82 69458
147 69629
171 72029
180 ....68289, 69080, 72941
258 70180
260 68490
261 ....68490, 68491
262 ....68490, 68491
263 68490
264 68490
265 68490
266 68491
268 ....68490, 68491
270 68490
273 ....68490, 68491
279 68490

42 CFR

405 ....70298, 71388
409 68624
410 ....70298, 71388
411 71388
412 70298
413 ....68968, 70298
414 71388
416 70298
419 70298

424 68624
425 71388
447 67576
484 68624
495 71388
Proposed Rules:
447 67377
482 68126
484 68126
485 68126

43 CFR

10 68465
Proposed Rules:
3160 72943
3170 72943

44 CFR

Proposed Rules:
206 70116

45 CFR

144 72192
146 72192
147 72192
1235 71681
2510 71681
2520 71681
2541 71681
2543 71681
2551 71681
2552 71681
2553 71681
Proposed Rules:
95 68290
1329 70728
1355 68290
1356 68290

46 CFR

515 68722
Proposed Rules:
401 69179
403 69179
404 69179

47 CFR

1 67337
2 ....68471, 71702, 73044
15 ....71702, 73044
27 ....71731, 73044
73 ....67337, 67344, 71731
74 ....71702, 73044
87 71702
90 71702
95 73044
Proposed Rules:
Ch. I 69630
1 ....67689, 68815, 69630
4 67689
25 68815
27 69630
64 72029
73 68815
74 68815

48 CFR

212 72599
216 72606
217 72607
225 ....72599, 72607
252 ....72357, 72599
Ch. 3 72150
1817 68778
1852 68778
Proposed Rules:
2 72035
4 72035
9 72035
12 72035
19 72035
52 72035
215 72669
217 72671
225 ....72672, 72673
234 72671
239 72674
241 72675
252 72673
722 69930
729 69930
731 69930
752 69930

49 CFR

171 ....71952, 72914
172 ....71952, 72914
173 ....71952, 72914
174 71952
175 72914
176 72914
177 72914
178 72914
179 71952
180 72914
541 72929
Proposed Rules:
622 72624

50 CFR

17 70700
100 ....68245, 68249
300 69884
622 71973
635 ....68265, 71974
648 67664
660 ....67664, 69138, 69885, 71975
665 68778
679 ....67346, 68267, 70717
697 69619
Proposed Rules:
648 69179
660 72676
679 ....71650, 72408

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List November 11, 2015

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