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Federal Register

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

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

2 CFR Part 3187

45 CFR Parts 1180 and 1183

RIN 3137-AA24

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Final rule.

SUMMARY: The Institute of Museum and Library Services (“IMLS”) finalizes its portion of the uniform federal assistance rule published by the Office of Management and Budget.

DATES: This rule is effective on September 21, 2015.

FOR FURTHER INFORMATION CONTACT:

Calvin D. Trowbridge III, Deputy General Counsel, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Email: ctrowbridge@imls.gov. Telephone: (202) 653-4675. Facsimile: (202) 653-4610.

SUPPLEMENTARY INFORMATION: On December 19, 2014, the Office of Management and Budget published an interim final rule that provided comprehensive modifications to the principles and requirements for federal awards. 79 FR 75871. The uniform rules were published as 2 CFR part 200. As part of that rulemaking, IMLS adopted part 200, along with an agency-specific addendum in a new part 3187.

IMLS received no relevant comments in response to the rule. Therefore, 2 CFR part 3187, as described in the interim final rule, is adopted with no changes.

Regulatory Findings

For the regulatory findings regarding this rulemaking, please refer to the analysis prepared by OIRA in the interim final rule, which is incorporated herein. 79 FR at 75876.

■ Accordingly, the interim rule adding 2 CFR part 3187 and amending 45 CFR parts 1180 and 1183, which was published at 79 FR 75871 on December 19, 2014, is adopted as a final rule without change.

Signed: September 14, 2015.

Andrew Christopher,

Associate General Counsel.

[FR Doc. 2015-23407 Filed 9-18-15; 8:45 am]

BILLING CODE 7036-01-P

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2641

RIN 3209-AA14

Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: The U.S. Office of Government Ethics (OGE) is issuing this rule to revoke the designation, for purposes of the one-year post-employment conflict of interest restriction in the United States Code, of an agency departmental component that was abolished.

DATES: Effective December 21, 2015.

FOR FURTHER INFORMATION CONTACT:

Kimberly L. Sikora Panza, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government Ethics, Telephone: 202-482-9300; TTY: 800-877-8339; FAX: 202-482-9237.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion: Revocation of Departmental Component

The Director of OGE (Director) is authorized by 18 U.S.C. 207(h) to designate distinct and separate departmental or agency components in the executive branch for purposes of 18 U.S.C. 207(c). The representational bar of 18 U.S.C. 207(c) usually extends to the whole of any department or agency in which a former senior employee served in any capacity during the year prior to termination from a senior

employee position. However, 18 U.S.C. 207(h) provides that whenever the Director determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate component of that department or agency. As a result, a former senior employee who served in a “parent” department or agency is not barred by 18 U.S.C. 207(c) from making communications to or appearances before any employees of any designated component of that parent, but is barred as to employees of that parent or of other components that have not been separately designated. Moreover, a former senior employee who served in a designated component of a parent department or agency is barred from communicating to or making an appearance before any employee of that component, but is not barred as to any employee of the parent, of another designated component, or of any other agency or bureau of the parent that has not been designated.

Under 18 U.S.C. 207(h)(2), component designations do not apply to persons employed at a rate of pay specified in or fixed according to subchapter II of 5 U.S.C. chapter 53 (the Executive Schedule). Component designations are listed in appendix B to 5 CFR part 2641.

The Director regularly reviews the component designations and determinations and, in consultation with the department or agency concerned, makes such additions and deletions as are necessary. Specifically, the Director “shall, by rule, make or revoke a component designation after considering the recommendation of the designated agency ethics official.” 5 CFR 2641.302(e)(3). Before designating an agency component as distinct and separate for purposes of 18 U.S.C. 207(c), the Director must find that there exists no potential for use of undue influence or unfair advantage based on past Government service, and that the component is an agency or bureau, within a parent agency, that exercises functions which are distinct and separate from the functions of the parent agency and from the functions of other

components of that parent. 5 CFR 2641.302(c)(1).

Pursuant to the procedures prescribed in 5 CFR 2641.302(e), one department forwarded a written request to OGE to amend its listing in appendix B. After carefully reviewing the requested change in light of the criteria in 18 U.S.C. 207(h) as implemented in 5 CFR 2641.302(c), the Director has determined to grant this request and amend appendix B to 5 CFR part 2641 as explained below.

The Department of the Interior (DOI) has requested that OGE remove the Minerals Management Service (MMS) from its list of component designations. Pursuant to DOI Secretarial Order No. 3299 dated May 19, 2010, the Secretary of the Interior divided MMS into three independent entities and MMS ceased to exist, effective that same date. Because MMS no longer exists, the Director is granting the request of the Department of the Interior and is amending the Department of the Interior listing in appendix B to part 2641 to remove MMS from the component designation list.

As indicated in 5 CFR 2641.302(f), revocation is effective 90 days after the effective date of the rule that revokes the designation. Accordingly, the component designation revocation made in this rulemaking will take effect December 21, 2015. Revocations are not effective as to any individual terminating senior service prior to the expiration of the 90-day period.

B. Matters of Regulatory Procedure

Regulatory Flexibility Act

As Director of OGE, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal departments and agencies and current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this final rule because it does not contain information collection requirements that require the approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this final rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million

or more (as adjusted for inflation) in any one year.

Congressional Review Act

OGE has determined that this rulemaking involves a non-major rule under the Congressional Review Act (5 U.S.C. chapter 8) and will submit a report thereon to the U.S. Senate, House of Representatives and Government Accountability Office in accordance with that law at the same time this rulemaking document is sent to the Office of the Federal Register for publication in the **Federal Register**.

Regulatory Planning and Review (Executive Orders 12866 & 13563)

In promulgating this final rule, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Orders 12866 and 13563. This rule has not been reviewed by the Office of Management and Budget because it deals with agency organization, management, and personnel matters and is not "significant" for purposes of Executive Order 12866.

Executive Order 12988

As Director of OGE, I have reviewed this final rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: September 14, 2015.

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, OGE is amending 5 CFR part 2641 as follows:

PART 2641—POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

- 1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. app. (Ethics in Government Act of 1978); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Appendix B to Part 2641 [Amended]

- 2. Appendix B to part 2641 is amended by removing the Minerals Management Service from the listing for the Department of the Interior.

[FR Doc. 2015–23560 Filed 9–18–15; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2012–BT–STD–0029]

RIN 1904–AC82

Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: On July 21, 2015, the U.S. Department of Energy published a final rule amending energy conservation standards for packaged terminal air conditioners and packaged terminal heat pumps. 80 FR 43162. This correction addresses a table labeling error in that final rule.

DATES: *Effective Date:* September 21, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: pachaged_terminal_equipment@ee.doe.gov.

Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: Jennifer.Tiedeman@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) published a final rule in the **Federal Register** on July 21, 2015 ("the July 2015 final rule") amending energy conservation standards for packaged terminal air conditioners and packaged terminal heat pumps 80 FR 43162. This correction addresses a table labeling error in the regulatory text of the July 2015 final rule. The instruction amending 10 CFR 431.97 in that rule revised paragraph (c) and incorrectly referenced the tables within as tables 4 and 5. This instruction put the table numbers in conflict with a previous amendment of July 17, 2015, which incorporated table 4 into paragraph (b). 80 FR 42614. The substance of the tables is correct, however, and is to be retained. In order to remedy this error, DOE is issuing a final rule correction to eliminate any table number conflicts, as set forth below.

This rule corrects in 10 CFR 431.97, paragraph (c) all references to Table 4 and Table 5 to read as Table 5 and Table 6, respectively. The effective date for this rule is September 21, 2015.

Correction

In FR Doc. 2015–16897, published in the issue of Tuesday, July 21, 2015 (80 FR 43162), on page 43212, in the second column, amendatory instruction 2 is corrected to read as follows:

- 2. Amend § 431.97 by revising paragraph (c) to read as follows:

§ 431.97 Energy efficiency standards and their compliance dates.

* * * * *

(c) Each non-standard size packaged terminal air conditioner (PTAC) and packaged terminal heat pump (PTHP) manufactured on or after October 7, 2010 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 5 of this section. Each standard size PTAC manufactured on or after October 8, 2012, and before January 1, 2017 must meet the applicable minimum energy

efficiency standard level(s) set forth in Table 5 of this section. Each standard size PTHP manufactured on or after October 8, 2012 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 5 of this section. Each standard size PTAC manufactured on or after January 1, 2017 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 6 of this section.

TABLE 5 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

Equipment type	Category	Cooling capacity	Efficiency level	Compliance date: products manufactured on and after
PTAC	Standard Size	<7,000 Btu/h	EER = 11.7	October 8, 2012. ²
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 13.8 – (0.3 × Cap ¹)	October 8, 2012. ²
		>15,000 Btu/h	EER = 9.3	October 8, 2012. ²
PTHP	Standard Size	<7,000 Btu/h	EER = 9.4	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 10.9 – (0.213 × Cap ¹)	October 7, 2010.
		>15,000 Btu/h	EER = 7.7	October 7, 2010.
PTAC	Standard Size	<7,000 Btu/h	EER = 11.9	October 8, 2012.
		≥7,000 Btu/h and ≤15,000 Btu/h	COP = 3.3 EER = 14.0 – (0.3 × Cap ¹)	October 8, 2012.
		>15,000 Btu/h	COP = 3.7 – (0.052 × Cap ¹) EER = 9.5	October 8, 2012.
	Non-Standard Size	<7,000 Btu/h	COP = 2.9 EER = 9.3	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h	COP = 2.7 EER = 10.8 – (0.213 × Cap ¹)	October 7, 2010.
		>15,000 Btu/h	EER = 7.6 COP = 2.5	October 7, 2010.

¹“Cap” means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

²And manufactured before January 1, 2017. See Table 6 of this section for updated efficiency standards that apply to this category of equipment manufactured on and after January 1, 2017.

TABLE 6 TO § 431.97—UPDATED MINIMUM EFFICIENCY STANDARDS FOR PTAC

Equipment type	Category	Cooling capacity	Efficiency level	Compliance date: products manufactured on and after
PTAC	Standard Size	<7,000 Btu/h	EER = 11.9	January 1, 2017.
		≥7,000 Btu/h and ≤15,000 Btu/h	EER = 14.0 – (0.3 × Cap ¹)	January 1, 2017.
		>15,000 Btu/h	EER = 9.5	January 1, 2017.

¹“Cap” means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

* * * * *

Issued in Washington, DC, on September 16, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–23624 Filed 9–18–15; 8:45 am]

BILLING CODE 6450–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

Truth in Lending (Regulation Z) Annual Threshold Adjustments (CARD ACT, HOEPA and ATR/QM)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; official interpretation.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule amending the regulatory

text and official interpretations for Regulation Z, which implements the Truth in Lending Act (TILA). The Bureau is required to calculate annually the dollar amounts for several provisions in Regulation Z; this final rule reviews the dollar amounts for provisions implementing amendments to TILA under the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act), the Home Ownership and Equity Protection Act of 1994 (HOEPA), and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). These amounts are adjusted, where

appropriate, based on the annual percentage change reflected in the Consumer Price Index in effect on June 1, 2015. The minimum interest charge disclosure thresholds will remain unchanged in 2016.

DATES: This final rule is effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT:

James Wylie, Counsel, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552 at (202) 435-7700.

SUPPLEMENTARY INFORMATION: The Bureau is amending the regulatory text and official interpretations for Regulation Z, which implements TILA, to update the dollar amounts of various thresholds that are adjusted annually based on the annual percentage change in the Consumer Price Index. The adjusted dollar amount for the penalty fees safe harbor in 2016 is \$27 for a first late payment and \$37 for each subsequent violation within the following six months. For HOEPA loans, the adjusted total loan amount threshold is \$20,350, effective January 1, 2016. The adjusted statutory fee trigger for HOEPA loans is \$1,017, effective January 1, 2016. Effective January 1, 2016, for the purpose of a creditor's determination of a consumer's ability to repay a transaction secured by a dwelling, a covered transaction is not a qualified mortgage unless the transaction's total points and fees do not exceed 3 percent of the total loan amount for a loan greater than or equal to \$101,749; \$3,052 for a loan amount greater than or equal to \$61,050 but less than \$101,749; 5 percent of the total loan amount for a loan greater than or equal to \$20,350 but less than \$61,050; \$1,017 for a loan amount greater than or equal to \$12,719 but less than \$20,350; and 8 percent of the total loan amount for a loan amount less than \$12,719.

I. Background

A. CARD Act Annual Adjustments

In 2010, the Board of Governors of the Federal Reserve System (Board) published amendments to Regulation Z implementing the CARD Act, which amended TILA. Pub. L. 111-24, 123 Stat. 1734 (2009). Pursuant to the CARD Act, the Board's Regulation Z amendments established new requirements with respect to open-end consumer credit plans, including requirements for the disclosure of minimum interest charge amounts and the establishment of a safe harbor provision allowing card issuers to impose penalty fees for violating

account terms without violating the restrictions on penalty fees established by the CARD Act. See 75 FR 7658, 7799 (Feb. 22, 2010) and 75 FR 37526, 37527 (June 29, 2010). The final rule issued by the Board required that these thresholds be calculated annually using the Consumer Price Index as published by the Bureau of Labor Statistics (BLS).¹

Minimum Interest Charge Disclosure Thresholds

Sections 1026.6(b)(2)(iii) and 1026.60(b)(3) of the Bureau's Regulation Z provide that the minimum interest charge thresholds will be re-calculated annually using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) that was in effect on the preceding June 1. When the cumulative change in the adjusted minimum value derived from applying the annual CPI-W level to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) has decreased by a whole dollar, the minimum interest charge amounts set forth in the regulation will be decreased by \$1.00. This adjustment is based on the CPI-W index in effect on June 1, 2015, which was reported on May 22, 2015. The BLS publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The adjustment reflects a 0.8 percent decrease in the CPI-W from April 2014 to April 2015 and is rounded to the nearest \$1 increment. This decrease in the CPI-W when applied to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) did not trigger a decrease in the minimum interest charge threshold of at least \$1.00, and therefore the Bureau is not amending §§ 1026.6(b)(2)(iii) and 1026.60(b)(3).

Penalty Fees Safe Harbor

The Bureau's Regulation Z provides that the safe harbor provision which establishes the permissible fee thresholds in § 1026.52(b)(1)(ii)(A) and (B) will be re-calculated annually using

¹ The responsibility for promulgating rules under TILA was generally transferred from the Board to the Bureau effective July 21, 2011. The Bureau restated Regulation Z on December 22, 2011, and the Bureau's Regulation Z is located at 12 CFR part 1026. 76 FR 79768 (Dec. 22, 2011). See sections 1061 and 1100A of the Dodd-Frank Act, Public Law 111-203, 124 Stat. 1376 (2010). Section 1029 of the Dodd-Frank Act excludes from this transfer of authority, subject to certain exceptions, any rulemaking authority over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

the CPI-W that was in effect on the preceding June 1. The BLS publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. This adjustment is based on the CPI-W index in effect on June 1, 2015, which was reported on May 22, 2015. The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. When the cumulative change in the adjusted minimum value derived from applying the annual CPI-W level to the current amounts in § 1026.52(b)(1)(ii)(A) and (B) has risen by a whole dollar, those amounts will be increased by \$1.00. Similarly, when the cumulative change in the adjusted minimum value derived from applying the annual CPI-W level to the current amounts in § 1026.52(b)(1)(ii)(A) and (B) has decreased by a whole dollar, those amounts will be decreased by \$1.00. See comment 52(b)(1)(ii)-2. The adjustment to the permissible fee thresholds being adopted here reflects a 0.8 percent decrease in the CPI-W from April 2014 to April 2015 and is rounded to the nearest \$1 increment.

B. HOEPA Annual Threshold Adjustments

On January 10, 2013, the Bureau issued a final rule pursuant to, *inter alia*, section 1431 of the Dodd-Frank Act, which revised the loan amount threshold for HOEPA loans. 78 FR 6856 (Jan. 31, 2013) (2013 HOEPA Final Rule). The 2013 HOEPA Final Rule adjusted the dollar amount threshold used in connection with calculating whether a transaction meets the percentage point thresholds in the points and fees coverage test to \$20,000. Specifically, under § 1026.32(a)(1)(ii)(A) and (B), when determining whether a transaction is a high cost mortgage, the determination of the applicable points and fees coverage test is based upon whether the total loan amount is for more or less than \$20,000. The HOEPA 2013 Final Rule provides that this threshold amount be recalculated annually and the Bureau uses the Consumer Price Index for All Urban Consumers (CPI-U) index, as published by the BLS, as the index for adjusting the \$20,000 figure. The CPI-U is based on all urban consumers and represents approximately 88 percent of the U.S. population. The BLS publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of each month. The adjustment to the CPI-U index reported by BLS on May 22, 2015, was the CPI-U index in effect

on June 1, and reflects the percentage change from April 2014 to April 2015. The adjustment to the \$20,000 figure being adopted here reflects a 0.2 percent decrease in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

Pursuant to section 1431 of the Dodd-Frank Act and § 1026.32(a)(1)(ii)(B) as amended by the 2013 HOEPA Final Rule, implementation of the 2013 HOEPA Final Rule also changed the HOEPA fee trigger to \$1,000. The HOEPA 2013 Final Rule provides that this threshold amount will be recalculated annually and the Bureau uses the CPI-U index, as published by the BLS, as the index for adjusting the \$1,000 figure. The adjustment to the CPI-U index reported by BLS on May 22, 2015, was the CPI-U index in effect on June 1, and reflects the percentage change from April 2014 to April 2015. The adjustment to the \$1,000 figure being adopted here reflects a 0.2 percent decrease in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

C. Ability To Repay and Qualified Mortgages Annual Threshold Adjustments

On January 10, 2013, the Bureau issued a final rule pursuant to, *inter alia*, sections 1411 and 1412 of the Dodd-Frank Act, which implemented laws requiring mortgage lenders to consider a consumer's ability to repay home loans before extending them credit. 78 FR 6407 (Jan. 31, 2013) (2013 ATR/QM Final Rule). The 2013 ATR/QM Final Rule established the points and fees limits that a loan must not exceed in order to satisfy the requirements for a qualified mortgage. Specifically, a covered transaction is not a qualified mortgage unless the transaction's points and fees do not exceed 3 percent of the total loan amount for a loan amount greater than or equal to \$100,000; \$3,000 for a loan amount greater than or equal to \$60,000 but less than \$100,000; 5 percent of the total loan amount for loans greater than or equal to \$20,000 but less than \$60,000; \$1,000 for a loan amount greater than or equal to \$12,500 but less than \$20,000; and 8 percent of the total loan amount for loans less than \$12,500. The 2013 ATR/QM Final Rule provides that the limits and loan amounts in 1026.43(e)(3)(i) be recalculated annually for inflation and the Bureau uses the Consumer Price Index for All Urban Consumers (CPI-U) index, as published by the BLS, as the index for adjusting the figures. The CPI-U is based on all urban consumers and represents approximately 88 percent of the U.S.

population. The BLS publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of each month. The adjustment to the CPI-U index reported by BLS on May 22, 2015, was the CPI-U index in effect on June 1, and reflects the percentage change from April 2014 to April 2015. The adjustment to the figures being adopted here reflects a 0.2 percent decrease in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

II. Adjustment and Commentary Revision

A. CARD Act Annual Adjustments

Minimum Interest Charge Disclosure Thresholds—§§ 1026.6(b)(2)(iii) and 1026.60(b)(3)

The minimum interest charge amounts for §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) will remain unchanged for the year 2016. Accordingly, the Bureau is not amending these sections.

Penalty Fees Safe Harbor—§ 1026.52(b)(1)(ii)(A) and (B)

Effective January 1, 2016, the permissible fee threshold amounts are \$27 for § 1026.52(b)(1)(ii)(A) and \$37 for § 1026.52(b)(1)(ii)(B). The \$27 amount provided for in § 1026.52(b)(1)(ii)(A) did not change based on the decrease in CPI-W, but the amount provided for in § 1026.52(b)(1)(ii)(B) did decrease by one dollar. Accordingly, the Bureau is revising § 1026.52(b)(1)(ii)(B) to state that the fee imposed for violating the terms or other requirements of an account shall not exceed \$37. The Bureau is also amending comment 52(b)(1)(ii)-2.i to preserve a list of the historical thresholds for this provision.

B. HOEPA Annual Threshold Adjustment—Comments 32(a)(1)(ii)-1 and -3

Effective January 1, 2016, for purposes of determining the total loan amount threshold that determines whether a transaction is a high cost mortgage when the points and fees are either 5 percent or 8 percent² is \$20,350. Comment 32(a)(1)(ii)-3, which lists the adjustments for each year, is amended to reflect the new dollar threshold amount for 2016.

Effective January 1, 2016, for purposes of determining whether a consumer credit transaction that is secured by a consumer's principal dwelling and is not otherwise exempt is covered by

§ 1026.32 (based on the total points and fees payable by the consumer at consummation), a loan is covered if the points and fees exceed \$1,017 or 8 percent of the total loan amount, whichever is lower. Comment 32(a)(1)(ii)-1, which lists the adjustments for each year, is amended to reflect the new dollar threshold amount for 2016.

C. Ability To Repay and Qualified Mortgages Annual Threshold Adjustments

Effective January 1, 2016, for purposes of determining whether a covered transaction is a qualified mortgage, a covered transaction is not a qualified mortgage unless the transaction's total points and fees do not exceed 3 percent of the total loan amount for a loan amount greater than or equal to \$101,749; \$3,052 for a loan amount greater than or equal to \$61,050 but less than \$101,749; 5 percent of the total loan amount for loans greater than or equal to \$20,350 but less than \$61,050; \$1,017 for a loan amount greater than or equal to \$12,719 but less than \$20,350; and 8 percent of the total loan amount for loans less than \$12,719. Comment 43(e)(3)(ii)-1, which lists the adjustments for each year, is amended to reflect the new dollar threshold amounts for 2016.

III. Procedural Requirements

A. Administrative Procedure Act

Under the Administrative Procedure Act (APA), notice and opportunity for public comment are not required if the Bureau finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Pursuant to this final rule in Regulation Z, § 1026.52(b)(1)(ii)(B) in subpart E is amended and comments 32(a)(1)(ii)-3.ii, 43(e)(3)(ii)-1.ii, 52(b)(1)(ii)-2.i.C in supplement I are added to update the exemption thresholds. The amendments in this final rule are technical and non-discretionary, and they merely apply the method previously established in Regulation Z for determining adjustments to the thresholds. For these reasons, the Bureau has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

B. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an

² Or \$1,017, whichever is lesser. See the adjustment of the amount below for additional discussion.

initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320), the Bureau reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 12 CFR Part 1026

Advertising, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

Subpart G—Special Rules Applicable to Credit Card Accounts and Open End Credit Offered to College Students

■ 2. Section 1026.52(b)(1)(ii)(B) is revised to read as follows:

§ 1026.52 Limitations on fees.

* * * * *

- (b) * * *
- (1) * * *
- (ii) * * *

(B) §37 if the card issuer previously imposed a fee pursuant to paragraph (b)(1)(ii)(A) of this section for a violation of the same type that occurred during the same billing cycle or one of the next six billing cycles; or

* * * * *

■ 3. In Supplement I to part 1026—Official Interpretations:

■ A. Under subpart E, Under *Section 1026.32—Requirements for Certain Closed-End Home Mortgages, 32(a) Coverage, Paragraph 32(a)(1)(ii)*, paragraph 1.ii is added.

■ B. Under subpart E, Under *Section 1026.32—Requirements for Certain Closed-End Home Mortgages, 32(a) Coverage, Paragraph 32(a)(1)(ii)*, paragraph 3.ii is added.

■ C. Under subpart E, Under *Section 1026.43—Minimum Standards for Transactions Secured by a Dwelling, 43(e) Qualified Mortgages, Paragraph 43(e)(3)(ii)*, paragraph 1.ii is added.

■ D. Under subpart G, Under *Section 1026.52—Limitations on Fees, 52(b) Limitations on Penalty Fees, 52(b)(1)(ii) Safe Harbors, subheading i*, paragraph 2.i.C is added.

The additions read as follows:

SUPPLEMENT I TO PART 1026—OFFICIAL INTERPRETATIONS

* * * * *

Subpart E—Special Rules for Certain Home Mortgage Transactions

* * * * *

Section 1026.32—Requirements for Certain Closed-End Home Mortgages

32(a) Coverage.

Paragraph 32(a)(1)(ii).

1. * * *

ii. For 2016, \$1,017, reflecting a .2 percent decrease in the CPI-U from June 2014 to June 2015, rounded to the nearest whole dollar.

* * * * *

3. * * *

ii. For 2016, \$20,350, reflecting a .2 percent decrease in the CPI-U from June 2014 to June 2015, rounded to the nearest whole dollar.

* * * * *

Section 1026.43—Minimum Standards for Transactions Secured by a Dwelling

* * * * *

43(e)(3) Limits on Points and Fees for Qualified Mortgages

* * * * *

Paragraph 43(e)(3)(ii)

1. * * *

ii. For 2016, reflecting a .2 percent decrease in the CPI-U that was reported on the preceding June 1, a covered transaction is not a qualified mortgage unless the transactions total points and fees do not exceed;

A. For a loan amount greater than or equal to \$101,749: 3 percent of the total loan amount;

B. For a loan amount greater than or equal to \$61,050 but less than \$101,749: \$3,052;

C. For a loan amount greater than or equal to \$20,350 but less than \$61,050: 5 percent of the total loan amount;

D. For a loan amount greater than or equal to \$12,719 but less than \$20,350; \$1,017;

E. For a loan amount less than \$12,719: 8 percent of the total loan amount.

* * * * *

Subpart G—Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students

Section 1026.52—Limitations on Fees

* * * * *

52(b)(1)(ii) Safe harbors

* * * * *

2. * * *

i. * * *

C. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed \$27 under § 1026.52(b)(1)(ii)(A) and \$38 under § 1026.52(b)(1)(ii)(B), through December 31, 2015.

* * * * *

Dated: August 17, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2015-22987 Filed 9-18-15; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 746, and 772

[Docket No. 150825774-5774-01]

RIN 0694-AG67

Enhancing Support for the Cuban People

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) to expand the scope of License Exception Support for the Cuban People (SCP) to facilitate engagement between the U.S. and Cuban people; the free flow of information to, from, and among the Cuban people; and independent economic activity generated by Cuba's private sector. It also makes temporary sojourns of most vessels to Cuba eligible for License Exception Aircraft, Vessels and Spacecraft (AVS). Additionally, this rule creates a case-by-case review policy of license applications to export and reexport to Cuba items to ensure the safety of civil aviation and safe operation of commercial passenger aircraft. Finally, it amends the deemed export and deemed reexport license requirements for releases of technology and source code to Cuban nationals; removes certain unintended restrictions on exports and reexports under License Exception SCP and License Exception Consumer Communications Devices (CCD); and makes certain technical corrections to License Exception Agricultural Commodities (AGR).

DATES: This rule is effective September 21, 2015.

FOR FURTHER INFORMATION CONTACT: Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Phone: (202) 482-4252.

SUPPLEMENTARY INFORMATION:

Background

The United States maintains a comprehensive embargo on trade with Cuba. Pursuant to that embargo, all items that are subject to the Export Administration Regulations (EAR)

require a license for export or reexport to Cuba unless authorized by a license exception. The Bureau of Industry and Security (BIS) administers export and reexport restrictions on Cuba consistent with U.S. policy and relevant law. Accordingly, BIS may issue specific or general authorizations in the form of licenses or license exceptions for transactions that support the goals of United States policy while the embargo remains in effect.

On December 17, 2014, the President announced that the United States is taking steps to chart a new course in bilateral relations with Cuba and to further engage and empower the Cuban people. The President explained that these steps build upon actions taken since 2009 that have been aimed at supporting the ability of the Cuban people to gain greater control over their own lives and determine their country's future. On January 16, 2015, the Commerce and Treasury Departments took coordinated actions to implement certain elements of this policy, including changes to licensing policy and license exceptions in the EAR that are consistent with U.S. support for the Cuban people (*see* 80 FR 2286 and 80 FR 2291). Additionally, BIS published a rule implementing the May 29, 2015 rescission of Cuba's State Sponsor of Terrorism designation on July 22, 2015 (*see* 80 FR 43314).

The Commerce and Treasury Departments are taking additional coordinated actions in support of the President's Cuba policy. This rule amends the terms of existing license exceptions that are available for Cuba, increases the number of license exception provisions that are available for Cuba, and creates a new licensing policy in the EAR to further promote private sector economic activity in Cuba, facilitate travel to Cuba for authorized purposes, and help ensure safety in civil aviation and safe operation of commercial passenger aircraft. This rule also makes the deemed export and deemed reexport license requirements for Cuba consistent with other sanctioned destinations.

Specific Changes Made by This Rule

Expansion of License Exception Support for the Cuban People (SCP)

This rule revises § 740.21(b) and (d)(1) of the EAR to remove a requirement that items must be sold or donated when exported or reexported to authorized end-users in Cuba under License Exception Support for the Cuban People (SCP). Paragraph (b) authorizes certain exports and reexports to improve living conditions and support independent

economic activity in Cuba. Paragraph (d)(1) authorizes certain exports and reexports to improve the free flow of information to, from, and among the Cuban people. When License Exception SCP was created in January 2015, BIS included text regarding sales or donations in paragraphs (b) and (d)(1) to clarify that the provisions were not limited to exports and reexports of *donated* items. However, the construction of the sentences addressing sales or donations inadvertently precluded other types of exports and reexports intended to be covered under the license exception, such as those involving leased or loaned items. Consequently, BIS is removing the portions of paragraphs (b) and (d)(1) of License Exception SCP that refer to sales or donations of items to eliminate those unintended restrictions.

This rule revises paragraph (c)(2) of License Exception SCP to authorize certain temporary *reexports* to Cuba. Paragraph (c)(2) previously authorized certain temporary *exports* of items to Cuba from the United States for use in scientific, archeological, cultural, ecological, educational, historic preservation, or sporting activities, or in the traveler's professional research. This change authorizes travelers departing the United States *or* a foreign country to temporarily export or reexport authorized items to Cuba for eligible end-uses. Additionally, this rule adds professional meetings to the list of eligible end-uses in paragraph (c)(2). This rule also introduces a requirement that the items remain under the traveler's "effective control." The existing EAR definition of effective control in § 772.1 applies to this use of the term. Eligible items continue to be limited to items subject to the EAR but not specified in any Export Control Classification Number (ECCN), *i.e.*, EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism reasons.

This rule adds a new paragraph (d)(4) to License Exception SCP to authorize exports and reexports of commodities and software to individuals and private sector entities in Cuba that will be used to develop software that will improve the free flow of information or that will support the private sector activities described in paragraph (b) of License Exception SCP. The Cuban Government, Cuban Communist Party and certain officials thereof are designated as ineligible end users for commodities and software exported under paragraph (d)(4). Existing text in paragraph (d) limits the commodities and software authorized for export or reexport under this new paragraph (d)(4) to those that

are either EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL for anti-terrorism reasons only. For example, to qualify for export or reexport under new paragraph (d)(4), a general purpose software development kit must be either EAR99 or controlled in an ECCN where the only reason for control that applies to that kit is anti-terrorism *and* the kit's use in Cuba must be to develop software that will improve the free flow of communication and/or that will support the private sector activities described in paragraph (b) of License Exception SCP.

This rule adds a new paragraph (e) to License Exception SCP. Paragraph (e)(1) authorizes the export and reexport to Cuba of certain items for use by United States Persons (as defined in § 772.1 of the EAR) to establish, maintain, or operate a physical presence in Cuba. Any resulting payments associated with such a physical presence, such as lease payments, are permitted only to the extent authorized by § 515.573 of the Cuban Assets Control Regulations (31 CFR 515.573). To be eligible for the exception under paragraph (e)(1), the end-users must be (1) entities organizing or conducting educational activities in Cuba authorized by the Department of the Treasury, Office of Foreign Assets Control (OFAC) pursuant to 31 CFR 515.565(a); (2) entities providing mail or parcel transmission services authorized by OFAC pursuant to 31 CFR 515.542(a) or providing cargo transportation services in connection with trade involving Cuba authorized by OFAC or exempt from the prohibitions of 31 CFR part 515 as specified in 31 CFR 515.206; (3) religious organizations engaging in religious activities in Cuba authorized by OFAC pursuant to 31 CFR 515.566; (4) persons engaged in transactions authorized by OFAC pursuant to 31 CFR 515.559(b); (5) persons that export or reexport items to Cuba that are exempt from the prohibitions of 31 CFR part 515 as specified in 31 CFR 515.206; (6) providers of travel services or carrier services authorized by OFAC pursuant to 31 CFR 515.572; or (7) persons that export or reexport to Cuba pursuant to a license issued by BIS or a license exception authorized by § 746.2(a)(1) of the EAR.

Items eligible for export and reexport to Cuba pursuant to paragraph (e)(1) of License Exception SCP are limited to those designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL only for anti-terrorism reasons.

Paragraph (e)(2) of License Exception SCP authorizes the export and reexport to Cuba of certain items for use by certain additional eligible end-users to

establish, maintain, and operate a physical presence in Cuba. Any resulting payments associated with such a physical presence, such as lease payments, are permitted only to the extent authorized by § 515.573 of the Cuban Assets Control Regulations (31 CFR 515.573). To be eligible for paragraph (e)(2), the end-users must be authorized by OFAC to provide telecommunications services and establish telecommunications facilities pursuant to 31 CFR 515.542(b)–(e) or to provide internet-based services pursuant to 31 CFR 515.578, including subsidiaries, branches, offices, joint ventures, franchises, and agency or other business relationships with any entity or individual who is a national of Cuba. The items authorized pursuant to paragraph (e)(2) are limited to those designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL only for anti-terrorism reasons.

Paragraph (e)(3) of License Exception SCP authorizes the export and reexport to Cuba of certain items to be given away for free as gifts for promotional purposes, such as pens, notepads, hats, and t-shirts. Items eligible for export or reexport to Cuba pursuant to paragraph (e)(3) are limited to those items of a type normally given away for free as gifts for promotional purposes that are designated as EAR99.

BIS is creating paragraph (e) of License Exception SCP to facilitate engagement between the U.S. and Cuban people; the free flow of information to, from, and among the Cuban people; and independent economic activity in Cuba generated by Cuba's private sector.

This rule also creates new paragraph (f) to License Exception SCP to authorize certain temporary (not to exceed one year) exports and reexports to Cuba of EAR99 items and items controlled on the CCL only for anti-terrorism reasons. Paragraph (f) authorizes exports and reexports of the following:

- Commodities and software as tools of trade for use by the exporters or employees of the exporters to install, service or repair items that are subject to the EAR and that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR but are owned and used exclusively by individuals or private sector entities but not the Cuban Government, the Cuban Communist Party or certain officials thereof in Cuba;
- Technology as tools of trade for use by certain persons for the installation, servicing or repair of items that are

subject to the EAR and that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR but are owned and used exclusively by individuals or private sector entities but not the Cuban Government, the Cuban Communist Party or certain officials thereof in Cuba;

- Kits of replacement parts or components for items that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR but are owned and used exclusively by individuals or private sector entities but not the Cuban Government, the Cuban Communist Party or certain officials thereof in Cuba;

- Commodities and software for exhibition or demonstration at trade shows or to parties eligible to receive items under License Exception SCP; and

- Containers that are necessary for shipment of commodities being exported or reexported to Cuba under a license or license exception; BIS is creating paragraph (f) of License Exception SCP to help support authorized travel and commerce.

Expansion of License Exception Consumer Communications Devices (CCD)

This rule revises § 740.19(a) of the EAR to remove references to sales or donations of eligible items authorized under License Exception CCD. License Exception CCD authorizes certain exports and reexports to improve the free flow of information to, from, and among the Cuban and Sudanese people. When License Exception CCD was created in September 2009 to authorize certain exports and reexports to Cuba, the license exception included a donation requirement. BIS revised License Exception CCD in January 2015 to authorize sales, in addition to donations, and to update the list of eligible items. (Sudan was added as an authorized destination in February 2015.) Instead of merely removing the word “donated” from paragraph (a) of License Exception CCD, the January 2015 revision added the phrase “either sold or” to that paragraph. That phrasing inadvertently precluded other types of exports and reexports intended to be authorized by the license exception, such as those involving leased or loaned items. Consequently, this rule removes phrase “either sold or donated” from paragraph (a) to eliminate that unintended restriction.

Availability of License Exception Aircraft, Vessels and Spacecraft (AVS)

This rule revises § 746.2(a)(1)(x) of the EAR to make paragraphs (b) and (d) of License Exception AVS available for Cuba. It also amends § 740.15(b) and (d) of the EAR to add to License Exception AVS paragraphs (b)(4) and (d)(6) described below that apply only to Cuba.

Paragraph (b) of License Exception AVS authorizes certain exports and reexports of equipment and spare parts for permanent use on vessels and aircraft departing the United States. The paragraph also authorizes certain exports of ship and plane stores for use on board vessels and aircraft departing the United States. Paragraph (d) of License Exception AVS authorizes certain exports and reexports of vessels on temporary sojourn. Paragraph (a) of License Exception AVS, which authorizes certain exports and reexports of aircraft on temporary sojourn, was, prior to publication of this rule, available for Cuba.

This rule adds a note to paragraph (a) prohibiting an aircraft exported or reexported to a country pursuant to that paragraph from remaining in that country for more than seven consecutive days before it departs for a country to which it may be exported without a license or the United States.

This rule also adds new paragraph (b)(4) to License Exception AVS to specify that the commodities eligible for export and reexport to Cuba pursuant to paragraph (b) are limited to those designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL only for anti-terrorism reasons.

Additionally, this rule adds new paragraph (d)(6) to License Exception AVS. Paragraph (d)(6) provides that only certain categories of vessels, when engaged in specified activities are eligible for the license exception when destined for Cuba. The types of vessels and activities eligible for temporary sojourn to Cuba are as follows.

(1) Cargo vessels for hire for use in the transportation of items.

(2) Passenger vessels for hire for use in the transportation of passengers and/or items. Vessels used to transport both passengers and items to Cuba may transport automobiles only if the export or reexport of the automobiles has been authorized by a separate license issued by BIS (*i.e.*, not authorized by license exception). The export or reexport to Cuba of personally owned vehicles is not normally necessary to support authorized travel. However, if the need arises, the exporter or reexporter may

submit a license application to BIS for review pursuant to the licensing policy in § 746.2 of the EAR.

(3) Recreational vessels destined for Cuba that are used in connection with travel authorized by the Department of the Treasury, Office of Foreign Assets Control (OFAC).

Finally, this rule adds a note to paragraph (d) prohibiting a vessel exported or reexported to a country pursuant to that paragraph from remaining in that country for more than 14 consecutive days before it departs for a country to which it may be exported without a license or the United States.

BIS is making paragraphs (b) and (d) of License Exception AVS available for Cuba to help facilitate authorized travel and commerce. For clarity, BIS is adding notes to paragraphs (a) and (d) specifying the amount of time an aircraft or vessel exported or reexported to a country pursuant to the paragraphs may remain in that country. Previously, BIS interpreted paragraph (a) to authorize temporary sojourns consisting of only one overnight stay while in-country (see 57 FR 30899, July 13, 1992). BIS selected the time periods of seven days for aircraft and 14 days for vessels based on its experience in licensing aircraft and vessels for temporary sojourn to Cuba. The vast majority of such licenses were for stays of seven days or less for aircraft and 14 days or less for vessels.

New Licensing Policy for Civil Aviation Safety

This rule amends the licensing policy for Cuba in § 746.2 of the EAR to add a policy of case-by-case review of license applications for exports and reexports of items to ensure safety in civil aviation and safe operation of commercial passenger aircraft. Items that will be reviewed pursuant to this policy include aircraft parts and components related to safety of flight, weather observation stations, airport safety equipment, and commodities used for security screening of passengers. BIS is adding this licensing policy to support international aviation and passenger safety.

Scope of License Requirements for Deemed Exports and Reexports

This rule amends the license requirements for Cuba in § 746.2 of the EAR to specify that a license is required for the release of technology or source code on the CCL to Cuban nationals in the United States or a third country, but not for the deemed export or deemed reexport of technology or source code designated as EAR99. As described in § 734.2(b), any release of technology or source code subject to the EAR is

deemed to be an export to the home country or countries of the foreign national unless the foreign national is lawfully admitted for permanent residence in the United States or unless the foreign national is a protected individual under the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)). Additionally, any release of technology or source code subject to the EAR to a foreign national of another country is deemed to be a reexport to the home country or countries of the foreign national unless the foreign national is lawfully admitted for permanent residence. Prior to this amendment, a license was required for the deemed export or deemed reexport of any technology or source code subject to the EAR to a Cuban national. BIS is making this change for consistency with the current deemed export and deemed reexport license requirements for other sanctioned destinations.

Technical Corrections to License Exception Agricultural Commodities (AGR)

On July 22, 2015, BIS published a rule implementing the rescission of Cuba's State Sponsor of Terrorism designation (80 FR 43314). Among other amendments, that rule removed Cuba from Country Group E:1 in Supplement No. 1 to part 740 of the EAR, which changed the general *de minimis* level for Cuba from 10 to 25 percent. Although the rule made certain technical and conforming changes to the EAR, BIS overlooked references to the former 10 percent *de minimis* level in paragraph (b)(3) of License Exception Agricultural Commodities (AGR) in § 740.18 of the EAR. Consequently, this rule corrects the *de minimis* percentages referenced in paragraph (b)(3) of License Exception AGR.

Conforming Changes to Definition of U.S. Person

Paragraph (a) of the definition of U.S. Person in § 772.1 of the EAR identifies the EAR provisions to which the definition applies. This rule adds a reference to § 740.21(e)(1) to paragraph (a) of the definition. Paragraph (b) of the definition identifies EAR provisions that have definitions that are specific to those provisions. This rule adds a reference to § 740.21(f)(2) to paragraph (b) of the definition. Both changes are to make those paragraphs conform to changes that this rule makes to § 740.21.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001

Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 7, 2015, 80 FR 48233 (August 11, 2015), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number. This rule involves a collection of information approved under OMB control number 0694-0088—Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application, which are the methods for submitting *all* license applications, commodity classification requests and similar requests to BIS. The estimated annual total burden of all of those submissions is 31,833 hours. BIS believes that this rule will slightly reduce that burden because additional transactions will be eligible for export or reexport to Cuba pursuant to license exception, thereby reducing the number of license applications submitted to BIS. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of

Management and Budget, by email at jseehra@omb.eop.gov or by fax to (202) 395-7285 and to William Arvin at william.arvin@bis.doc.gov.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). This rule is a part of a foreign policy initiative to change the nature of the relationship between Cuba and the United States announced by the President on December 17, 2014. Delay in implementing this rule to obtain public comment would undermine the foreign policy objectives that the rule is intended to implement. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553, or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

15 CFR Part 772

Exports.

For the reasons set forth in the preamble, the Export Administration Regulations (15 CFR parts 730 through 774) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2015, 80 FR 48233 (August 11, 2015).

■ 2. Section 740.15 is amended by adding:

- a. A note to paragraph (a);
- b. Paragraphs (b)(4) and (d)(6); and
- c. A note to paragraph (d).

The additions read as follows:

§ 740.15 Aircraft, vessels and spacecraft (AVS).

* * * * *
(a) * * *

Note to paragraph (a). An aircraft exported or reexported to a country pursuant to this paragraph (a) may not remain in that country for more than seven consecutive days before it departs for a country to which it may be exported without a license or the United States.

(b) * * *

(4) *Cuba.* Only items designated as EAR99 or controlled on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR) only for anti-terrorism reasons (*i.e.*, anti-terrorism must be the only reason for control that applies to the item as set forth in the Export Control Classification Number (ECCN) that controls the item) are eligible for export or reexport to Cuba pursuant to this paragraph (b).

* * * * *
(d) * * *

(6) *Cuba.* Only the types of vessels listed in this paragraph (d)(6) departing for Cuba for the purposes listed in this paragraph (d)(6) may depart for Cuba pursuant to this paragraph (d). Vessels used to transport both passengers and items to Cuba may transport automobiles only if the export or reexport of the automobiles to Cuba have been authorized by a separate license issued by BIS (*i.e.*, not authorized by license exception).

(i) Cargo vessels for hire for use in the transportation of items;

(ii) Passenger vessels for hire for use in the transportation of passengers and/or items; and

(iii) Recreational vessels that are used in connection with travel authorized by the Department of the Treasury, Office of Foreign Assets Control (OFAC).

Note to paragraph (d). A vessel exported or reexported to a country pursuant to this paragraph (d) may not remain in that country for more than 14 consecutive days before it departs for a country to which it may be exported without a license or the United States.

* * * * *
§ 740.18—[Amended]

■ 3. Section 740.18 is amended by removing the number “10%” wherever it appears in paragraph (b)(3) and adding in its place the number “25%”.

§ 740.19—[Amended]

- 4. Section 740.19 is amended by removing “, either sold or donated,” from paragraph (a).
- 5. Section 740.21 is amended by:

- a. Removing the third sentence from paragraph (b) introductory text;
- b. Revising paragraph (c)(2) introductory text;
- c. Redesignating paragraph (c)(2)(iii) and (iv) as paragraphs (c)(2)(iv) and (v), respectively;
- d. Adding paragraph (c)(2)(iii);
- e. Removing “, either sold or donated,” from paragraph (d)(1); and
- f. Adding paragraphs (d)(4), (e), and (f).

The revision and additions read as follows:

§ 740.21 Support for the Cuban People (SCP).

* * * * *
(c) * * *

(2) The *temporary* export or reexport to Cuba of items by travelers to Cuba for the travelers’ use in scientific, archeological, cultural, ecological, educational, historic preservation, or sporting activities, or professional meetings or research. The following requirements apply:

* * * * *

(iii) The items must remain under the traveler’s “effective control” while in Cuba.

* * * * *
(d) * * *

(4) The export or reexport to Cuba of commodities or software that will be used by individuals or private sector entities to develop software that will improve the free flow of information or that will support the private sector activities described in paragraph (b) of this section.

The following are ineligible end-users:

(i) The Cuban Government or the Cuban Communist Party and organizations they administer or control;

(ii) Ministers and vice-ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People’s Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional); and

(iii) Members of the Politburo; the Central Committee; Department Heads of the Central Committee; employees of the Central Committee; and the secretaries and first secretaries of provincial Party central committees.

(e) *Facilitating engagement, communications, and commerce.* This paragraph (e) authorizes the export or reexport to Cuba of certain items intended to facilitate engagement between the U.S. and Cuban people; the free flow of information to, from, and among the Cuban people; and independent economic activity in Cuba. The export or reexport must be within one or more of the following categories:

(1) The export or reexport to Cuba of items for use by eligible end-users to establish, maintain, or operate a physical presence in Cuba. The items authorized pursuant to this paragraph (e)(1) are limited to those designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL only for anti-terrorism reasons. To be eligible, the end-users must be "U.S. Persons," as defined in § 772.1 of the EAR, and must fall within one of the following categories:

(i) Entities organizing or conducting educational activities in Cuba authorized by the Department of the Treasury, Office of Foreign Assets Control (OFAC) pursuant to 31 CFR 515.565(a);

(ii) Entities providing mail or parcel transmission services authorized by OFAC pursuant to 31 CFR 515.542(a) or providing cargo transportation services in connection with trade involving Cuba authorized by OFAC or exempt from the prohibitions of 31 CFR part 515 as specified in 31 CFR 515.206;

(iii) Religious organizations engaging in religious activities in Cuba authorized by OFAC pursuant to 31 CFR 515.566;

(iv) Persons engaged in transactions authorized by OFAC pursuant to 31 CFR 515.559(b);

(v) Persons that export or reexport items to Cuba that are exempt from the prohibitions of 31 CFR part 515 as specified in 31 CFR 515.206;

(vi) Providers of travel services or carrier services authorized by OFAC pursuant to 31 CFR 515.572; or

(vii) Persons that export or reexport to Cuba pursuant to a license issued by BIS or a license exception authorized by § 746.2(a)(1) of the EAR.

(2) The export or reexport to Cuba of certain items for use by eligible end-users to establish, maintain, or operate a physical presence in Cuba. To be eligible for this paragraph (e)(2), the end-users must be authorized by OFAC to provide telecommunications services

and establish telecommunications facilities pursuant to 31 CFR 515.542(b) through (e) or to provide internet-based services pursuant to 31 CFR 515.578, including subsidiaries, branches, offices, joint ventures, franchises, and agency or other business relationships with any entity or individual who is a national of Cuba. The items authorized pursuant to this paragraph are limited to those designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN) or controlled on the CCL only for anti-terrorism reasons.

(3) The export or reexport to Cuba of items to be given away for free as gifts for promotional purposes. Items authorized pursuant to this paragraph (e)(3) are limited to those items of a type normally given away for free as gifts for promotional purposes that are designated as EAR99 (*i.e.*, items subject to the EAR but not specified in any ECCN).

Note to paragraph (e). Any resulting payments associated with establishing maintaining or operating a physical presence in Cuba, such as lease payments, are permitted only to the extent authorized by § 515.573 of the Cuban Assets Control Regulations (31 CFR 515.573).

(f) *Temporary exports and reexports to Cuba.* This paragraph (f) authorizes the export or reexport to Cuba, for periods not exceeding one year, of certain items designated as EAR99 or controlled only for anti-terrorism reasons on the CCL (*i.e.*, anti-terrorism must be the only reason for control that applies to the item as set forth in the ECCN that controls the item). If any other reason for control applies to the item, it is not authorized for export or reexport by this paragraph. This paragraph does not authorize any transaction if the exporter or reexporter has "knowledge" that the item is intended to remain in Cuba for more than one year; if an order to acquire the item, such as a purchase order, has been received before shipment; or when the item is for subsequent lease or rental. The export or reexport must be within one or more of the following categories.

(1) *Tools of trade—commodities and software.* Commodities or software to be used by the exporter or reexporter or its employees for the installation, servicing or repair of items that are subject to the EAR and that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR that are owned and used exclusively by private sector entities in Cuba, may be exported or reexported under this paragraph (f). The commodities or software must remain under the "effective control" of the exporter or

reexporter or its employees. Examples of security precautions to help prevent unauthorized access include the following:

(i) Use of secure connections, such as Virtual Private Network connections, when accessing IT networks for activities that involve the transmission and use of the software authorized under this license exception;

(ii) Use of password systems on electronic devices that store the software authorized under this license exception; and

(iii) Use of personal firewalls on electronic devices that store the software authorized under this license exception.

(2) *Tools of trade—technology.*

Technology to be used by a 'U.S. person' exporter or reexporter or its employees who are traveling to or on temporary assignment in Cuba for the installation, servicing or repair of items that are subject to the EAR and that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR that are owned and used exclusively by private sector entities in Cuba, may be exported or reexported under this paragraph (f). For purposes of this paragraph (f)(2), a 'U.S. person' is: an individual who is a citizen of the United States, an individual who is "lawfully admitted for permanent residence" in the United States as defined by 8 U.S.C. 1101(a)(20) or an individual who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). 'U.S. person' also means any juridical person organized under the laws of the United States, or any jurisdiction within the United States (*e.g.*, corporation, business association, partnership, society, trust, or any other entity, organization or group that is authorized to do business in the United States). If the employee who will use the technology is not a 'U.S. person,' the release of that technology to that employee must either not require a license or be authorized by a license or a license exception other than this section before it may be exported or reexported to that employee under this paragraph. The exporter or reexporter and the recipient of the technology must take security precautions to protect against unauthorized release of the technology while the technology is being shipped or transmitted and used overseas. Examples of security precautions to help prevent unauthorized access include the following:

(i) Use of secure connections, such as Virtual Private Network connections, when accessing IT networks for email

and other business activities that involve the transmission and use of the technology authorized under this license exception;

(ii) Use of password systems on electronic devices that will store the technology authorized under this license exception; and

(iii) Use of personal firewalls on electronic devices that will store the technology authorized under this license exception.

(3) *Kits of replacement “parts” or “components.”* Kits consisting of replacement “parts” or “components” for items that have been exported or reexported to Cuba under a license or license exception, or foreign-origin items that are not subject to the EAR that are owned and used exclusively by private sector entities in Cuba, may be exported or reexported under this paragraph (f)(3) provided:

(i) The kits remain under “effective control” of the exporter or reexporter or its employees; and

(ii) All parts and components in the kit are returned, except that one-for-one replacements may be made in accordance with the requirements of License Exception Servicing and Replacement of Parts and Equipment (RPL) and the defective parts and components returned (see Parts, Components, Accessories and Attachments in § 740.10(a)).

(4) *Exhibition and demonstration.* Commodities or software for exhibition or demonstration at trade shows, or to any entity that would be eligible to receive the commodities or software under paragraphs (a) through (e) of this section, may be exported or reexported under this paragraph

(f). The commodities or software must remain under the “effective control” of the exporter or reexporter or its private sector agent, may not be exhibited or demonstrated at any one location for more than 30 days and may not be used for more than the minimum extent required for effective exhibition or demonstration.

(5) *Containers.* Containers that would require a license for export or reexport to Cuba but that are necessary for shipment of commodities being exported to Cuba under a license or license exception may be exported or reexported to Cuba. However, this paragraph (f) does not authorize the export of the container’s contents, which, if not exempt from licensing, must be separately authorized for export or reexport under either a license or a license exception.

PART 746—[AMENDED]

■ 6. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of May 6, 2015, 80 FR 26815 (May 8, 2015); Notice of August 7, 2015, 80 FR 48233 (August 11, 2015).

■ 7. Section 746.2 is amended by revising paragraphs (a) introductory text and (a)(1)(x) and adding paragraphs (a)(2) and (b)(6) to read as follows:

§ 746.2 Cuba.

(a) *License requirements.* As authorized by section 6 of the Export Administration Act of 1979, as amended (EAA) and by the Trading with the Enemy Act of 1917, as amended, you will need a license to export or reexport all items subject to the EAR (see part 734 of the EAR for the scope of items subject to the EAR) to Cuba, including any release of technology or source code subject to the EAR to a Cuban national, except as follows:

- (1) * * *
- (x) Aircraft, vessels and spacecraft (AVS) for certain aircraft on temporary sojourn; equipment and spare parts for permanent use on a vessel or aircraft, and ship and plane stores; or vessels on temporary sojourn (see § 740.15(a), (b), and (d) of the EAR).

(2) *Deemed exports and deemed reexports.* A license is not required to release technology or source code subject to the EAR but not on the Commerce Control List (*i.e.*, EAR99 technology or source code) to a Cuban national in the United States or a third country.

(b) * * *

(6) License applications for exports or reexports of items to ensure safety in civil aviation, including the safe operation of commercial passenger aircraft will be considered on a case-by-case basis.

PART 772—[AMENDED]

■ 8. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025,

3 CFR, 2001 Comp., p. 783; Notice of August 7, 2015, 80 FR 48233 (August 11, 2015).

■ 9. In § 772.1, the definition of “U.S. Person” is amended by revising paragraphs (a) introductory text and (b) to read as follows.

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

U.S. Person. (a) For purposes of §§ 740.21(e)(1), 744.6, 744.10, 744.11, 744.12, 744.13, and 744.14 of the EAR, the term U.S. person includes:

* * * * *

(b) See also §§ 740.9, 740.14, and 740.21(f)(2) and parts 746 and 760 of the EAR for definitions of “U.S. person” that are specific to those sections and parts.

* * * * *

Dated: September 14, 2015.

Kevin J. Wolf,
Assistant Secretary for Export Administration.

[FR Doc. 2015–23495 Filed 9–18–15; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9739]

RIN 1545–BF51; 1545–BM78

Reorganizations Under Section 368(a)(1)(F); Section 367(a) and Certain Reorganizations Under Section 368(a)(1)(F)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide guidance regarding the qualification of a transaction as a corporate reorganization under section 368(a)(1)(F) by virtue of being a mere change of identity, form, or place of organization of one corporation (F reorganization). This document also contains final regulations relating to F reorganizations in which the transferor corporation is a domestic corporation and the acquiring corporation is a foreign corporation (an outbound F reorganization). These regulations will affect corporations engaging in transactions that could qualify as F reorganizations (including outbound F reorganizations) and their shareholders.

DATES: *Effective date:* These final regulations are effective on September 21, 2015.

Applicability date: For dates of applicability, see §§ 1.367(a)–1(g)(4) and 1.368–2(m)(5).

FOR FURTHER INFORMATION CONTACT: Douglas C. Bates, (202) 317–6065 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

1. Introduction

This Treasury decision contains final regulations (the Final Regulations) that amend 26 CFR part 1 under sections 367 and 368 of the Internal Revenue Code (Code). These Final Regulations provide guidance relating to the qualification of transactions as F reorganizations and the treatment of outbound F reorganizations.

In general, upon the exchange of property, gain or loss must be recognized if the new property differs materially, in kind or extent, from the old property. See § 1.1001–1(a); § 1.368–1(b). The purpose of the reorganization provisions of the Code is to exempt from the general rule of section 1001 certain specifically described exchanges that are required by business exigencies and effect only a readjustment of continuing interests in property under modified corporate forms. See § 1.368–1(b). These exchanges, described in sections 354, 356, and 361, must be made in pursuance of a plan of reorganization. See § 1.368–1(c).

Section 368(a)(1) describes several types of transactions that constitute reorganizations. One of these, described in section 368(a)(1)(F), is “a mere change in identity, form, or place of organization of one corporation, however effected” (a Mere Change). One court has described the F reorganization as follows:

[The F reorganization] encompass[es] only the simplest and least significant of corporate changes. The (F)-type reorganization presumes that the surviving corporation is the same corporation as the predecessor in every respect, except for minor or technical differences. For instance, the (F) reorganization typically has been understood to comprehend only such insignificant modifications as the reincorporation of the same corporate business with the same assets and the same stockholders surviving under a new charter either in the same or in a different State, the renewal of a corporate charter having a limited life, or the conversion of a U.S.-chartered savings and loan association to a State-chartered institution.

Berghash v. Commissioner, 43 T.C. 743, 752 (1965) (citation and footnotes

omitted), *aff'd*, 361 F.2d 257 (2d Cir. 1966).

Although the statutory description of an F reorganization is short, and courts have described F reorganizations as simple, questions have arisen regarding the requirements of F reorganizations. In particular, when a corporation changes its identity, form, or place of incorporation, questions have arisen as to what other changes (if any) may occur, either before, during, or after the Mere Change, without affecting the status of the Mere Change (that is, what other changes are compatible with the Mere Change). These questions can become more pronounced if the transaction intended to qualify as an F reorganization is composed of a series of steps occurring over a period of days or weeks. Moreover, changes in identity, form, or place of organization are often undertaken to facilitate other changes that are difficult to effect in the corporation’s current form or place of organization.

2. Related Regulations

On January 16, 1990, the Treasury Department and the IRS published temporary regulations (TD 8280) in the **Federal Register** (55 FR 1406) under sections 367(a), (b), and (e). A notice of proposed rulemaking (INTL–704–87) cross-referencing these temporary regulations was published the same day under RIN 1545–AL35 in the **Federal Register** (55 FR 1472) (1990 Proposed Regulations). No public hearing was requested or held. Prior to the publication of the 1990 Proposed Regulations, the Treasury Department and the IRS had issued two notices and a revenue ruling providing that, in an outbound F reorganization, the transferor corporation’s taxable year closes, and clarifying that, in such F reorganizations, there is an actual or constructive transfer of assets and an exchange of stock. See Notice 88–50, 1988–1 CB 535; Notice 87–29, 1987–1 CB 474; Rev. Rul. 87–27, 1987–1 CB 134. The 1990 Proposed Regulations, in relevant part, proposed the rules described in Notice 88–50, Notice 87–29, and Rev. Rul. 87–27. No comments were received on this aspect of the 1990 Proposed Regulations. While this aspect of the 1990 Proposed Regulations has not yet been finalized, final regulations (TD 8834) regarding the primary subject of the 1990 Proposed Regulations—guidance under sections 367(e)(1) and 367(e)(2) regarding outbound distributions under sections 355 and 332—have since been issued. See, for example, TD 8834, 64 FR 43072 (Aug. 9, 1999). A new RIN (RIN 1545–BM78, REG–117141–15) has been issued under

which the portion of the 1990 Proposed Regulations relating to outbound F reorganizations will be finalized.

On August 12, 2004, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–106889–04) (2004 Proposed Regulations) in the **Federal Register** (69 FR 49836) regarding the requirements for F reorganizations. The 2004 Proposed Regulations are discussed in more detail in section 3. of this Background section of this preamble. In the preamble to the 2004 Proposed Regulations, the Treasury Department and the IRS requested comments from the public. One written comment was received with respect to the 2004 Proposed Regulations. No public hearing was requested or held.

On February 25, 2005, the Treasury Department and the IRS published final regulations (TD 9182) (2005 Regulations) in the **Federal Register** (70 FR 9219) adopting a portion of the 2004 Proposed Regulations. The 2005 Regulations provide that the continuity of interest and continuity of business enterprise requirements applicable to reorganizations in general do not apply to reorganizations under section 368(a)(1)(E) or section 368(a)(1)(F). The preamble to the 2005 Regulations stated that the Treasury Department and the IRS would continue to study the other issues addressed in the 2004 Proposed Regulations and would welcome further comments from the public. One written comment was received with regard to the 2005 Regulations.

3. The 2004 Proposed Regulations

A corporation that continues to inhabit its corporate shell can change in many respects. Although these changes may have federal income tax consequences, they do not result in the corporation being treated for federal income tax purposes as a new corporation or as transferring its assets. Nor do these changes cause the corporation’s taxable year to close. Unlike a partnership that might terminate for federal income tax purposes upon the transfer of a given percentage of the partnership interests, a corporation that continues to inhabit a single corporate shell continues to exist for federal tax purposes, independent of the identity of its shareholders or the composition of its assets.

The underlying premise of the 2004 Proposed Regulations was that, if a corporate enterprise changes its corporate shell while adhering to four proposed requirements for a Mere Change, the resulting corporation

should be treated as the functional equivalent of the transferor corporation.

A. Mere Change

As noted in section 1. of this Background, questions have arisen as to whether other changes are compatible with a Mere Change. In addressing these questions, the 2004 Proposed Regulations embraced the principles derived from the language of section 368(a)(1)(F), the historic practice of the IRS and courts in applying that statutory definition, and functional differences between F reorganizations and other types of reorganizations.

Like other types of reorganizations, an F reorganization generally involves, in form, two corporations, one (a Transferor Corporation) that transfers (or is deemed to transfer) assets to the other (a Resulting Corporation). However, the statute describes an F reorganization as being with respect to “one corporation” and provides for treatment that differs from that accorded other types of reorganizations in which assets are transferred from one corporation to another (Asset Reorganizations). As noted in the preamble to the 2004 Proposed Regulations, “an F reorganization is treated for most purposes of the Code as if the reorganized corporation were the same entity as the corporation in existence before the reorganization.” Thus, the tax treatment accorded an F reorganization is more consistent with that of a single continuing corporation in that (1) the taxable year of the Transferor Corporation does not close and includes the operations of the Resulting Corporation for the remainder of the year, and (2) the Resulting Corporation’s losses may be carried back to taxable years of the Transferor Corporation.

Because an F reorganization must involve “one corporation,” and continuation of the taxable year and loss carrybacks from the Resulting Corporation to the Transferor Corporation are allowed, the statute cannot accommodate transactions in which the Resulting Corporation has preexisting activities or tax attributes. See H. Rep. Conf. Rep’t. 97–760, 97th Cong., 2d Sess., at pp. 540–41 (1982). Accordingly, the 2004 Proposed Regulations did not allow for more than de minimis activities or very limited assets or tax attributes in the Resulting Corporation from sources other than the Transferor Corporation. This is one of the principal distinctions between F reorganizations and Asset Reorganizations. The proposed rule was consistent with the historical

interpretation of the statute in this regard.

Similarly, the requirement that there be “one corporation” means that the status of the Resulting Corporation as the successor to the Transferor Corporation must be unambiguous. Accordingly, and consistent with the historical interpretation of the statute, the 2004 Proposed Regulations required that, for a transaction to qualify as a Mere Change, the Transferor Corporation be liquidated for tax purposes.

In *Helvering v. Southwest Consolidated Corp.*, 315 U.S. 194 (1942), the Supreme Court noted that “a transaction which shifts the ownership of the proprietary interest in a corporation is hardly a ‘mere change in identity, form, or place of incorporation’ within the meaning of [the F reorganization provision].” The 2004 Proposed Regulations also adopted this principle by providing that an F reorganization could not be used as a vehicle to introduce new owners into the corporate enterprise.

Based on these principles, the 2004 Proposed Regulations would have imposed four requirements for an F reorganization, with limited exceptions. First, all the stock of the Resulting Corporation, including stock issued before the transfer, would have had to be issued in respect of stock of the Transferor Corporation. Second, a change in the ownership of the corporation in the transaction would not have been allowed, except a change that had no effect other than that of a redemption of less than all the shares of the corporation. Third, the Transferor Corporation would have had to completely liquidate in the transaction. Fourth, the Resulting Corporation would not have been allowed to hold any property or possess any tax attributes (including those specified in section 381(c)) immediately before the transfer.

As discussed in the preamble to the 2004 Proposed Regulations, the first two requirements reflected the Supreme Court’s holding in *Helvering v. Southwest Consolidated Corp.*, *supra*, that a transaction cannot be a Mere Change if it shifts the ownership of the proprietary interests in a corporation. These requirements would have prevented a transaction involving the introduction of a new shareholder or new equity capital into the corporation from qualifying as an F reorganization. Notwithstanding these requirements, the first requirement would have allowed the Resulting Corporation to issue a nominal amount of stock not in respect of stock of the Transferor

Corporation to facilitate the organization of the Resulting Corporation.

Under the second requirement (no change in ownership), redemptions of less than all the shares of the corporation would have been allowed. The law was not completely clear as to the effect of redemptions on the qualification of a transaction as an F reorganization. Some authorities supported the proposition that changes in ownership resulting from redemptions were compatible with an F reorganization. See *Reef Corp. v. U.S.*, 368 F.2d 125 (5th Cir. 1966) (holding that a redemption of 48 percent of the stock of a corporation that occurred during a change in place of incorporation did not cause the transaction to fail to qualify as an F reorganization, because the redemption was functionally separate from the F reorganization even if coincident in time); § 1.301–1(l) (relating in part to the treatment of a distribution with respect to stock that is in substance separate from a reincorporation); Rev. Rul. 66–284, 1966–2 CB 115 (concluding that a transaction could qualify as an F reorganization even though there was less than a one percent change in a corporation’s shareholders as a result of stock held by dissenting shareholders being redeemed in the transaction); *cf. Casco Products Corp. v. Commissioner*, 49 T.C. 32 (1967) (reaching a comparable result without finding an F reorganization where a nine percent shareholder was redeemed in the transaction).

The third requirement and the fourth requirement implemented the statutory requirement that an F reorganization involve only one corporation. Although the third requirement was that the Transferor Corporation completely liquidate in the transaction, a legal dissolution was not required. This accommodation allowed the value of the Transferor Corporation’s charter to be preserved. Further, the Proposed Regulations would have allowed the Transferor Corporation to retain a nominal amount of assets to preserve its legal existence.

The fourth requirement would have precluded the Resulting Corporation from holding any property or having any tax attributes immediately before the transfer. Nevertheless, the Proposed Regulations would have allowed the Resulting Corporation to hold or to have held a nominal amount of assets to facilitate its organization or preserve its existence, and to have tax attributes related to these assets. In addition, the Proposed Regulations provided that the fourth requirement would not be violated if, before the transfer, the

Resulting Corporation held the proceeds of borrowings undertaken in connection with the transaction.

B. Related Transactions

i. Series of Transactions Constituting a Mere Change

The Treasury Department and the IRS concluded that the words “however effected” in the statutory definition of F reorganization reflect a Congressional intent to treat as an F reorganization a series of transactions that together result in a Mere Change. The 2004 Proposed Regulations reflected this view by providing that a series of related transactions that together result in a Mere Change may qualify as an F reorganization. This view is consistent with the IRS’s historical interpretation of the statute.

ii. Mere Change Within in a Larger Transaction

The Treasury Department and the IRS also recognized that an F reorganization may be a step in a larger transaction that effects more than a Mere Change. For example, in Situation 1 of Rev. Rul. 96–29, 1996–1 CB 50, the IRS ruled that a reincorporation qualified as an F reorganization even though it was a step in a transaction in which the reincorporated entity issued common stock in a public offering and redeemed preferred stock having a value of 40 percent of the aggregate value of its outstanding stock immediately prior to the offering. In Situation 2 of the same ruling, the IRS ruled that a reincorporation of a corporation in another state qualified as an F reorganization even though it was a step in a transaction in which the reincorporated entity acquired the business of another entity.

Consistent with Rev. Rul. 96–29, the 2004 Proposed Regulations provided that events occurring before or after a transaction or series of transactions that otherwise constitutes a Mere Change and related thereto would not cause the Mere Change to fail to qualify as an F reorganization (the Related Events Rule). The 2004 Proposed Regulations further provided that the qualification of the Mere Change as an F reorganization would not alter the treatment of the other events.

The Related Events Rule would have operated in tandem with the proposal, which was made a final rule in the 2005 Regulations, that the continuity of interest and continuity of business enterprise requirements of § 1.368–1(d) and (e) that are generally applicable to reorganizations under section 368 do not apply to F reorganizations. These

rules, together, would have focused the F reorganization analysis on the discrete step or series of steps (to use the words of many observers, those steps occurring “in a bubble”) that may satisfy the four requirements for a Mere Change, even if these steps constitute part of a larger series of steps. In other words, these rules rejected the application of step transaction principles to integrate all the steps of the overall plan or agreement to accomplish the larger transaction and thereby potentially prevent the transaction from qualifying as an F reorganization. *See* Rev. Rul. 75–456, 1975–2 CB 128 (F reorganization of the acquiring corporation in a stock reorganization under section 368(a)(1)(B) did not prevent that provision’s “solely for voting stock” requirement from being satisfied); *see also* Rev. Rul. 79–250, 1979–2 CB 156 (F reorganization of issuing corporation immediately after forward triangular merger did not prevent the transaction from satisfying requirements of section 368(a)(2)(D)).

C. Net Effect of the Proposed Regulations

Overall, the 2004 Proposed Regulations would have found certain changes occurring in connection with a change in identity, form, or place of organization to be compatible with the Mere Change requirement. Some changes could have been effected simultaneously with the transaction or series of transactions otherwise qualifying as an F reorganization because these changes would not have violated any of the four proposed requirements for a Mere Change. Thus, for example, a corporation could have bought, sold, or exchanged property, borrowed money, or repaid debt because the 2004 Proposed Regulations would not have required an identity of assets between the Transferor Corporation and the Resulting Corporation. Other changes could not have been effected simultaneously with the potential F reorganization, but could have occurred before or after the F reorganization “in a bubble,” for example, the issuance of new equity capital or the transfer of shares to new shareholders.

D. Distributions

Prior to the issuance of the 2004 Proposed Regulations, much commentary had focused on whether distributions of money or other property in F reorganizations were distributions to which section 356 applied, or whether sections 301 and 302, and related provisions, governed the treatment of these distributions. The Treasury Department and the IRS

believed it appropriate to treat these distributions as transactions separate from the F reorganization, even if they occurred immediately before or immediately after the F reorganization, after some of the transactions making up the F reorganization and before other transactions making up the F reorganization, or as part of the same plan as the F reorganization. *See*, for example, § 1.301–1(l). Accordingly, the 2004 Proposed Regulations provided that, if a shareholder received money or other property (including in exchange for its shares) from the Transferor Corporation or the Resulting Corporation in a transaction that constituted an F reorganization, the money or other property would be treated as distributed by the Transferor Corporation immediately before the transaction, and that section 356 would not apply.

Explanation of Revisions

1. Overview

After consideration of the comments received with respect to the 2004 Proposed Regulations and the 2005 Regulations, the Treasury Department and the IRS are publishing, in this Treasury decision, additional Final Regulations regarding F reorganizations. The Final Regulations generally adopt the provisions of the 2004 Proposed Regulations not previously adopted in the 2005 Regulations, with changes discussed in the remainder of this preamble, and several clarifying, non-substantive changes. The Final Regulations also include rules regarding outbound F reorganizations by adopting, without substantive change, the provisions of the 1990 Proposed Regulations relating to section 367(a) and making conforming revisions to other regulations.

Like the 2004 Proposed Regulations, the Final Regulations are based on the premise that it is appropriate to treat the Resulting Corporation in an F reorganization as the functional equivalent of the Transferor Corporation and to give its corporate enterprise roughly the same freedom of action as would be accorded a corporation that remains within its original corporate shell. The Final Regulations provide that a transaction that involves an actual or deemed transfer of property by a Transferor Corporation to a Resulting Corporation is a Mere Change that qualifies as an F reorganization if six requirements are satisfied (with certain exceptions). The Final Regulations provide that a transaction or a series of related transactions to be tested against the six requirements (a Potential F

Reorganization) begins when the Transferor Corporation begins transferring (or is deemed to begin transferring) its assets to the Resulting Corporation, and ends when the Transferor Corporation has distributed (or is deemed to have distributed) the consideration it receives from the Resulting Corporation to its shareholders and has completely liquidated for federal income tax purposes. The concept of a Potential F Reorganization was added to the Final Regulations to aid in determining which steps in a multi-step transaction should be considered when applying the six requirements to a potential mere change (that is, which steps are “in the bubble”).

In the context of determining whether a Potential F Reorganization qualifies as a Mere Change, deemed asset transfers include, but are not limited to, those transfers treated as occurring as a result of an entity classification election under paragraph § 301.7701-3(c)(1)(i), as well as transfers resulting from the application of step transaction principles. One example of such a transfer would be the deemed asset transfer by the Transferor Corporation to the Resulting Corporation resulting from a so-called “liquidation-reincorporation” transaction. *See, for example, Davant v. Commissioner*, 366 F.2d 874 (5th Cir. 1966); § 1.331-1(c) (liquidation-reincorporation may be a tax-free reorganization). Another example of such a deemed asset transfer would include the deemed transfer of the Transferor Corporation’s assets to the Resulting Corporation in a so-called “drop-and-check” transaction in which a newly formed Resulting Corporation acquires the stock of a Transferor Corporation from its shareholders and, as part of the plan, the Transferor Corporation liquidates into the Resulting Corporation. *See, for example*, steps (d) and (c) of Rev. Rul. 2015-10, 2015-21 IRB 973; Rev. Rul. 2004-83, 2004-2 CB 157; Rev. Rul. 67-274, 1967-2 CB 141.

Four of the six requirements are generally adopted from the 2004 Proposed Regulations, and the fifth and sixth requirements address comments received with respect to the Proposed Regulations regarding “overlap transactions” (for example, transactions involving the Transferor Corporation’s transfer of its assets to a potential successor corporation other than the Resulting Corporation in a transaction that could also qualify for nonrecognition treatment under a different provision of the Code). Viewed together, these six requirements ensure that an F reorganization involves only

one continuing corporation and is neither an acquisitive transaction nor a divisive transaction. Thus, an F reorganization does not include a transaction that involves a shift in ownership of the enterprise, an introduction of assets in exchange for equity (other than that raised by the Transferor Corporation prior to the F reorganization), or a division of assets or tax attributes of a Transferor Corporation between or among the Resulting Corporation and other acquiring corporations. An F reorganization also does not include a transaction that leads to multiple potential acquiring corporations having competing claims to the Transferor Corporation’s tax attributes under section 381.

Certain exceptions, similar to those of the 2004 Proposed Regulations, apply to these six requirements. Three of these exceptions allow de minimis departures from the six requirements for purposes unrelated to federal income taxation.

2. F Reorganization Requirements and Certain Exceptions

A. Resulting Corporation Stock Issuances and Identity of Stock Ownership

As in the 2004 Proposed Regulations, the first and the second requirements of the Final Regulations reflect the Supreme Court’s holding in *Helvering v. Southwest Consolidated Corp*, *supra*, that a transaction that shifts the ownership of the proprietary interests in a corporation cannot qualify as a Mere Change. Thus, the Final Regulations provide that a transaction that involves the introduction of a new shareholder or new equity capital into the corporation “in the bubble” does not qualify as an F reorganization.

Consistent with the 2004 Proposed Regulations, the first requirement in the Final Regulations is that immediately after the Potential F Reorganization, all the stock of the Resulting Corporation must have been distributed (or deemed distributed) in exchange for stock of the Transferor Corporation in the Potential F Reorganization. The 2004 Proposed Regulations focused on the issuance of the stock of the Resulting Corporation in respect of stock of the Transferor Corporation. The Treasury and the IRS believe, however, that a focus on the distribution of the stock of the Resulting Corporation better matches the transactions that occur (or are deemed to occur) in reorganizations.

Also consistent with the 2004 Proposed Regulations, the second requirement is that, subject to certain exceptions, the same person or persons

own all the stock of the Transferor Corporation at the beginning of the Potential F Reorganization and all of the stock of the Resulting Corporation at the end of the Potential F Reorganization, in identical proportions.

Notwithstanding these requirements and also consistent with the Proposed Regulations, the Final Regulations allow the Resulting Corporation to issue a de minimis amount of stock not in respect of stock of the Transferor Corporation, to facilitate the organization or maintenance of the Resulting Corporation. This rule is designed to allow, for example, reincorporation in a jurisdiction that requires minimum capitalization, two or more shareholders, or ownership of shares by directors. It is also intended to allow a transfer of assets to certain pre-existing entities, for reasons explained further in section 2.B. of this Explanation of Revisions.

In addition, the Final Regulations allow changes of ownership that result from either (i) a holder of stock in the Transferor Corporation exchanging that stock for stock of equivalent value in the Resulting Corporation having terms different from those of the stock in the Transferor Corporation or (ii) receiving a distribution of money or other property from either the Transferor Corporation or the Resulting Corporation, whether or not in redemption of stock of the Transferor Corporation or the Resulting Corporation. In other words, the corporation involved in a Mere Change may also recapitalize, redeem its stock, or make distributions to its shareholders, without causing the Potential F Reorganization to fail to qualify as an F reorganization. These exceptions reflect the determination of the Treasury Department and the IRS that allowing certain transactions to occur contemporaneously with an F reorganization is appropriate so long as one corporation could effect the transaction without undergoing an F reorganization. These exceptions also reflect the case law, discussed in section 3.A. of the Background, holding that certain transactions qualify as F reorganizations even if some shares are redeemed in the transaction, and rulings by the IRS that a recapitalization may happen at the same time as an F reorganization. *See, for example*, Rev. Rul. 2003-19, 2003-1 CB 468, and Rev. Rul. 2003-48, 2003-1 CB 863 (both providing that certain demutualization transactions may involve both E reorganizations and F reorganizations).

B. Resulting Corporation's Assets or Attributes and Liquidation of Transferor Corporation

As in the 2004 Proposed Regulations, the third requirement (limiting the assets and attributes of the Resulting Corporation immediately before the transaction) and the fourth requirement (requiring the liquidation of the Transferor Corporation) under the Final Regulations reflect the statutory mandate that an F reorganization involve only one corporation. Although the Final Regulations generally require the Resulting Corporation not to hold any property or have any tax attributes immediately before the Potential F Reorganization, as in the 2004 Proposed Regulations, the Resulting Corporation is allowed to hold a de minimis amount of assets to facilitate its organization or preserve its existence (and to have tax attributes related to these assets), and the Resulting Corporation is allowed to hold proceeds of borrowings undertaken in connection with the Potential F Reorganization.

A commenter responding to the 2004 Proposed Regulations stated that the Final Regulations should allow the Resulting Corporation to hold, in addition to the proceeds of borrowings, cash proceeds of stock issuances before the Mere Change. The Treasury Department and the IRS do not believe that the Resulting Corporation should be allowed to issue more than a de minimis amount of stock before a transaction constituting a Mere Change because that would allow a substantial investment of new capital and/or new shareholders, or an acquisition of assets from more than one corporation. This rule does not, however, preclude the Transferor Corporation from issuing new stock before a Potential F Reorganization constituting an F reorganization. Nor does it preclude the Resulting Corporation from issuing new stock after the Potential F Reorganization.

Under the fourth requirement in the Final Regulations, the Transferor Corporation must completely liquidate in the Potential F Reorganization for federal income tax purposes. Nevertheless, as in the 2004 Proposed Regulations, the Transferor Corporation is not required to legally dissolve and is allowed to retain a de minimis amount of assets for the sole purpose of preserving its legal existence.

C. One Section 381(a) Acquiring Corporation, One Section 381(a) Transferor Corporation

The fifth requirement under the Final Regulations is that immediately after the Potential F Reorganization, no

corporation other than the Resulting Corporation may hold property that was held by the Transferor Corporation immediately before the Potential F Reorganization, if such other corporation would, as a result, succeed to and take into account the items of the transferor corporation described in section 381(c). Thus, a transaction that divides the property or tax attributes of a Transferor Corporation between or among acquiring corporations, or that leads to potential competing claims to such tax attributes, will not qualify as a Mere Change.

The sixth requirement under the Final Regulations is that immediately after the Potential F Reorganization, the Resulting Corporation may not hold property acquired from a corporation other than the Transferor Corporation if the Resulting Corporation would, as a result, succeed to and take into account the items of such other corporation described in section 381(c). Thus, a transaction that involves simultaneous acquisitions of property and tax attributes from multiple transferor corporations (such as the transaction described in Rev. Rul. 58-422, 1958-2 CB 145) will not qualify as a Mere Change.

These requirements address a comment received with respect to the second requirement of the 2004 Proposed Regulations that there not be a change in the ownership of the corporation in the transaction, except a change that has no effect other than a redemption of less than all the shares of the corporation. The comment stated that allowing a corporation to distribute property in redemption of less than all of its shares could result in satisfying both the requirements for an F reorganization with respect to one transferee corporation and the requirements of another nonrecognition provision with respect to a different transferee corporation. The result would be uncertainty as to which corporation should succeed to the Transferor Corporation's tax attributes.

For example, assume that corporation P owns all of the stock of corporation T, and T operates two separate businesses, Business 1 (worth \$297) and Business 2 (worth \$3). Further assume that T merges into newly formed corporation R, and that, pursuant to the merger agreement, P receives Business 1 and all of R's stock in exchange for surrendering all of the T stock, and R receives Business 2. Under the 2004 Proposed Regulations, the transaction could have qualified as an F reorganization, with T as the Transferor Corporation and R as the Resulting Corporation, because the only change in

ownership is a redemption of less than all of the T shares. However, because T transfers 99 percent of its historic business assets (Business 1) to P in exchange for all of T's stock, the transaction might also qualify as a complete liquidation under sections 332 and 337 or an upstream reorganization under section 368(a)(1)(C) of T into P. This overlap—with two potential acquiring corporations—would present unintended complexities. For example, as discussed above, there would be uncertainty as to which corporation should succeed to T's tax attributes.

Accordingly, notwithstanding the overall flexibility provided with respect to transactions occurring contemporaneously with a Mere Change, the Final Regulations provide that a Mere Change cannot accommodate transactions that occur at the same time as the Potential F Reorganization if those other transactions could result in a corporation other than the Resulting Corporation acquiring the tax attributes of the Transferor Corporation.

The same commenter requested clarification of the treatment of combinations of several corporations into a single, newly-created corporation. Consistent with the statutory language of section 368(a)(1)(F), the Treasury Department and the IRS believe that a Mere Change involves only one Transferor Corporation and one Resulting Corporation. Thus, the Final Regulations provide that only one Transferor Corporation can transfer property to the Resulting Corporation in the Potential F Reorganization. If more than one corporation transfers assets to the Resulting Corporation in a Potential F Reorganization, none of the transfers would constitute an F reorganization.

3. Series of Transactions

In some cases, business or legal considerations may require extra steps to complete a transaction that is intended to qualify as a Mere Change. As discussed in section 3.B.i. of the Background, the Treasury Department and the IRS concluded that the words "however effected" in the statutory definition of F reorganization reflect a Congressional intent to treat a series of transactions that together result in a Mere Change as an F reorganization, even if the transfer (or deemed transfer) of property from the Transferor Corporation to the Resulting Corporation occurs indirectly. The Final Regulations confirm this conclusion by providing that a Potential F Reorganization consisting of a series of related transactions that together result in a Mere Change may qualify as an F

reorganization, whether or not certain steps in the series, viewed in isolation, might, for example, be treated as a redemption under section 304(a), as a complete liquidation under section 331 or section 332, or as a transfer of property under section 351. For example, the first step in an F reorganization of a corporation owned by individual shareholders could be a dissolution of the Transferor Corporation, so long as this step is followed by a transfer of all the assets of the Transferor Corporation to a Resulting Corporation. However, see § 1.368-2(k) for completed reorganizations that will not be recharacterized as a Mere Change as a result of one or more subsequent transfers of assets or stock, such as where a Transferor Corporation transfers all of its assets to its parent corporation in liquidation, followed by the parent corporation's retransfer of those assets to a new corporation. See also Rev. Rul. 69-617, 1969-2 CB 57 (an upstream merger followed by a contribution of all the target assets to a new subsidiary corporation is a reorganization under sections 368(a)(1)(A) and 368(a)(2)(C)).

4. Mere Change Within Larger Transaction

As discussed in section 3.B.ii. of the Background, the Treasury Department and the IRS recognized that an F reorganization may be a step, or a series of steps, before, within, or after other transactions that effect more than a Mere Change, even if the Resulting Corporation has only a transitory existence following the Mere Change. In some cases an F reorganization sets the stage for later transactions by alleviating non-tax impediments to a transfer of assets. In other cases, prior transactions may tailor the assets and shareholders of the Transferor Corporation before the commencement of the F reorganization. Although an F reorganization may facilitate another transaction that is part of the same plan, the Treasury Department and the IRS have concluded that step transaction principles generally should not recharacterize F reorganizations because F reorganizations involve only one corporation and do not resemble sales of assets. From a federal income tax perspective, F reorganizations are generally neutral, involving no change in ownership or assets, no end to the taxable year, and inheritance of the tax attributes described in section 381(c) without a limitation on the carryback of losses. See, for example, Rev. Rul. 96-29 (discussed in section 3.B.ii. of the Background); § 1.381(b)-1(a)(2).

The Final Regulations adopt the Related Events Rule of the 2004 Proposed Regulations, which provided that related events preceding or following the Potential F Reorganization that constitutes a Mere Change generally would not cause that Potential F Reorganization to fail to qualify as an F reorganization. Notwithstanding the Related Events Rule, in the cross-border context, related events preceding or following an F reorganization may be relevant to the tax consequences under certain international provisions that apply to F reorganizations. For example, such events may be relevant for purposes of applying certain rules under section 7874 and for purposes of determining whether stock of the Resulting Corporation should be treated as stock of a controlled foreign corporation for purposes of section 367(b). See, for example, section 2.03(b)(iv), *Example 2* in Notice 2014-52, 2014-52 IRB 712; Rev. Rul. 83-23, 1983-1 CB 82.

The Final Regulations also adopt the provision of the 2004 Proposed Regulations that the qualification of a Potential F Reorganization as an F reorganization would not alter the treatment of other related transactions. For example, if an F reorganization is part of a plan that includes a subsequent merger involving the Resulting Corporation, the qualification of a Potential F Reorganization as an F reorganization will not alter the tax consequences of the subsequent merger.

5. Transactions Qualifying Under Other Provisions of Section 368(a)(1)

A comment to the Proposed Regulations stated that, in some cases, an asset transfer that would constitute a step in an F reorganization is also a necessary step for characterizing a larger transaction as a nonrecognition transaction that would not constitute an F reorganization. For example, assume that corporation P acquires all of the stock of unrelated corporation T in exchange for consideration consisting of \$50 cash and P voting stock with \$50 value (without making an election under section 338), and, immediately thereafter and as part of the same plan, T is merged into corporation S, a newly formed corporation wholly owned by P. Viewed in isolation, the merger of T into S appears to constitute a Mere Change. Provided the requirements for Asset Reorganization treatment are otherwise satisfied, however, the step transaction doctrine is applied to integrate the steps and treat the transaction as a statutory merger of T into S in which S acquires T's assets in exchange for \$50 cash, \$50 of P voting stock and assumption of T's

liabilities, and T distributes the cash and P stock to its shareholders. This merger qualifies as a reorganization under section 368(a)(1)(A) by reason of section 368(a)(2)(D), and P's momentary ownership of T stock is disregarded. See Situation 2 of Rev. Rul. 2001-46, 2001-2 CB 321 (same). The stock of S is not treated as issued for the assets of T; the historic shareholders of T are replaced by P as the shareholder of the resulting corporation (S); and the transaction is not a Mere Change.

To clarify this and similar situations, the Treasury Department and the IRS have determined that, if the Potential F Reorganization or a step thereof involving a transfer of property from the Transferor Corporation to the Resulting Corporation is also a reorganization or part of a reorganization in which a corporation in control (within the meaning of section 368(c)) of the Resulting Corporation is a party to the reorganization (within the meaning of section 368(b)), the Potential F Reorganization is not a Mere Change and does not qualify as an F reorganization. This rule will apply to transactions qualifying as reorganizations (i) under section 368(a)(1)(C) by reason of the parenthetical language therein, (ii) under section 368(a)(1)(A) by reason of section 368(a)(2)(D), and (iii) under sections 368(a)(1)(A) or (C) by reason of section 368(a)(2)(C).

The IRS has long taken the position that, if a Transferor Corporation's transfer of property qualifies as a step in both an F reorganization and another type of reorganization in which the Resulting Corporation is the acquiring corporation, the transaction qualifies for the benefits accorded to an F reorganization. See, for example, Rev. Rul. 57-276, 1957-1 CB 126 (section 381(b) applies such that the parts of the Transferor Corporation's taxable year before and after an F reorganization constitute a single taxable year of the Acquiring Corporation, notwithstanding that the transaction also qualifies as another type of reorganization under section 368(a)(1)); Rev. Rul. 79-289, 1979-2 CB 145 (section 357(c) does not apply to an F reorganization even if the transaction also qualifies as another type of reorganization to which section 357(c) applies); § 1.381(b)-1(a)(2) (providing for rules applicable to F reorganizations, regardless of whether such reorganizations also qualify as another type of reorganization).

To avoid confusion in the application of the reorganization provisions, the Treasury Department and the IRS have decided that, except as provided earlier in this section 5. of the Explanation of

Revisions, if a Potential F Reorganization qualifies as a reorganization under section 368(a)(1)(F) and would also qualify as a reorganization under section 368(a)(1)(A), 368(a)(1)(C), or 368(a)(1)(D), then for all federal income tax purposes the Potential F Reorganization qualifies only as a reorganization under section 368(a)(1)(F). This rule does not apply to a reorganization within the meaning of sections 368(a)(1)(E) (*see* Rev. Rul. 2003-19, 2003-1 CB 468, and Rev. Rul. 2003-48, 2003-1 CB 863 (providing that certain demutualization transactions may involve both E Reorganizations and F reorganizations)) or 368(a)(1)(G) (*see* section 368(a)(3)(C)).

6. Distributions

As described in section 3.D. of the Background, the 2004 Proposed Regulations provided that, if a shareholder received money or other property (including in exchange for its shares) from the Transferor Corporation or the Resulting Corporation in a transaction that constituted an F reorganization, the money or other property would be treated as distributed by the Transferor Corporation immediately before the transaction, not as additional consideration under section 356(a). The preamble to the 2004 Proposed Regulations indicated that this treatment would also be appropriate for distributions of money or other property in E reorganizations.

Although the Treasury Department and the IRS considered whether a distribution occurring during a Potential F Reorganization should prevent it from qualifying as an F reorganization, the Treasury Department and the IRS determined to allow flexibility for such distributions. Nevertheless, unlike other types of reorganizations, which generally involve substantial changes in economic position, F reorganizations are mere changes in form. Accordingly, the Treasury Department and the IRS have concluded that any concurrent distribution should be treated as a transaction separate from the F reorganization. *See* § 1.301-1(l); *see also* *Bazley v. Commissioner*, 331 U.S. 737 (1947) (distribution in the context of a purported E reorganization treated as a dividend).

An F reorganization is a Mere Change involving only one continuing corporation and is neither an acquisitive transaction nor a divisive transaction. From a federal income tax perspective, F reorganizations generally are neutral, involving no change in ownership or assets, no end to the taxable year, and inheritance of the tax attributes

described in section 381(c). A distribution that occurs at the same time as a Mere Change is, in substance, a distribution from one continuing corporation and is functionally separate from the Mere Change. The Treasury Department and the IRS believe that a distribution from one continuing corporation should not be treated the same as an exchange of money or other property for stock of a target corporation in an acquisitive reorganization. Instead, the distribution should be treated as a separate transaction occurring at the same time. Although the 2004 Proposed Regulations would have treated a distribution as occurring immediately before the transaction qualifying as an F reorganization, the Treasury Department and the IRS believe it is sufficient to treat the distribution as a separate transaction that occurs at the same time as the F reorganization.

7. Entities Treated as Corporations for Federal Tax Purposes

As explained in this preamble, the first requirement of the Final Regulations is that all of the stock of the Resulting Corporation be distributed in exchange for stock of the Transferor Corporation. Certain entities may be treated as corporations for federal tax purposes even though they do not have owners that could be treated as shareholders for federal tax purposes to whom the profits of the corporation would inure (for example, some charitable organizations described in section 501(c)(3)). Nevertheless, these entities may be able to engage in corporate reorganizations. Thus, no inference should be drawn from the use of the terms “stock” or “shareholders” in these Final Regulations with respect to the ability of such entities to engage in reorganizations under section 368(a)(1)(F).

8. Employer Identification Numbers

The Treasury Department and the IRS are studying how to assign (or reassign) employer identification numbers (EINs) to taxpayers following an F reorganization, including in cases in which the Transferor Corporation remains in existence as a disregarded entity, and comments on this issue are welcome.

Effective Date

These final regulations are effective for transactions occurring on or after September 21, 2015.

Effect on Other Documents

The following publications are obsolete as of September 21, 2015.

Rev. Rul. 57-276, 1957-1 CB 126; Rev. Rul. 58-422, 1958-2 CB 145; Rev. Rul. 66-284, 1966-2 CB 115; Rev. Rul. 79-250, 1979-2 CB 156; Rev. Rul. 79-289, 1979-2 CB 145; and Rev. Rul. 96-29, 1996-1 CB 50; are obsolete. Rev. Rul. 87-27, 1987-1 CB 134; and Rev. Rul. 88-25, 1988-1 CB 116; are obsolete in part (with respect to the determination of whether a transaction qualifies as a reorganization under section 368(a)(1)(F)).

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the proposed regulations preceding these final regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses, and no comments were received.

Drafting Information

The principal author of these final regulations is Douglas C. Bates of the Office of Associate Chief Counsel (Corporate). However, other personnel from the Treasury Department and the IRS participated in their development.

Availability of IRS Documents

IRS revenue rulings, revenue procedures, and notices cited in this Treasury decision are made available by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

§ 1.269B-1 [Amended]

■ **Par. 2.** Section 1.269B-1 is amended by removing the language in paragraph (c) “1.367(a)-1T(e), (f)” and adding “1.367(a)-1(e), (f)” in its place.

■ **Par. 3.** Section 1.367(a)-1 is amended by:

- 1. Revising paragraph (d)(4) through (d)(5).
- 2. Adding paragraphs (e) and (f).
- 3. Revising paragraphs (g)(1) through (g)(3).
- 4. Adding two sentences at the end of paragraph (g)(4).

The additions and revisions read as follows:

§ 1.367(a)-1 Transfers to foreign corporations subject to section 367(a): In general.

* * * * *

(d) * * * (4) through (5) [Reserved]. For further guidance, see § 1.367(a)-1T(d)(4) through (5).

(e) *Close of taxable year in certain section 368(a)(1)(F) reorganizations.* If a domestic corporation is the transferor corporation in a reorganization described in section 368(a)(1)(F) after March 30, 1987, in which the acquiring corporation is a foreign corporation, then the taxable year of the transferor corporation shall end with the close of the date of the transfer and the taxable year of the acquiring corporation shall end with the close of the date on which the transferor’s taxable year would have ended but for the occurrence of the transfer. With regard to the consequences of the closing of the taxable year, see section 381 and the regulations thereunder.

(f) *Exchanges under sections 354(a) and 361(a) in certain section 368(a)(1)(F) reorganizations—(1) Rule.* In every reorganization under section 368(a)(1)(F), where the transferor corporation is a domestic corporation, and the acquiring corporation is a foreign corporation, there is considered to exist—

- (i) A transfer of assets by the transferor corporation to the acquiring corporation under section 361(a) in exchange for stock (or stock and securities) of the acquiring corporation and the assumption by the acquiring corporation of the transferor corporation’s liabilities;
- (ii) A distribution of the stock (or stock and securities) of the acquiring corporation by the transferor corporation to the shareholders (or shareholders and security holders) of the transferor corporation; and
- (iii) An exchange by the transferor corporation’s shareholders (or

shareholders and security holders) of their stock (or stock and securities) of the transferor corporation for stock (or stock and securities) of the acquiring corporation under section 354(a).

(2) *Rule applies regardless of whether a continuance under applicable law.* For purposes of paragraph (f)(1) of this section, it shall be immaterial that the applicable foreign or domestic law treats the acquiring corporation as a continuance of the transferor corporation.

(g)(1) through (3) [Reserved]. For further guidance, see § 1.367(a)-1T(g)(1) through (3).

(4) * * * The rules in paragraph (e) of this section apply to transactions occurring on or after March 31, 1987. The rules in paragraph (f) of this section apply to transactions occurring on or after January 1, 1985.

■ **Par. 4.** Section 1.367(a)-1T is amended by revising paragraphs (e) and (f) to read as follows:

§ 1.367(a)-1T Transfers to foreign corporations subject to section 367(a): In general (temporary).

* * * * *

(e) [Reserved]. For further guidance, see § 1.367(a)-1(e).

(f) [Reserved]. For further guidance, see § 1.367(a)-1(f).

* * * * *

■ **Par. 5.** Section 1.368-2 is amended by adding paragraph (m) to read as follows:

§ 1.368-2 Definition of terms.

* * * * *

(m) *Qualification as a reorganization under section 368(a)(1)(F)—(1) Mere change.* To qualify as a reorganization under section 368(a)(1)(F), a transaction must result in a mere change in identity, form, or place of organization of one corporation, however effected (a mere change). A mere change can consist of a transaction that involves an actual or deemed transfer of property from one corporation (a transferor corporation) to one other corporation (a resulting corporation). Such a transaction is a mere change and qualifies as a reorganization under section 368(a)(1)(F) only if all the requirements set forth in paragraphs (m)(1)(i) through (vi) of this section are satisfied. For purposes of this paragraph (m), a transaction or a series of related transactions that can be tested against the requirements set forth in paragraphs (m)(1)(i) through (vi) of this section (a potential F reorganization) begins when the transferor corporation begins transferring (or is deemed to begin transferring) its assets, directly or indirectly, to the resulting corporation, and it ends when the transferor

corporation has distributed (or is deemed to have distributed) to its shareholders the consideration it receives (or is deemed to receive) from the resulting corporation and has completely liquidated for federal income tax purposes. For purposes of this paragraph (m), deemed transfers include, for example, those provided in § 301.7701-3(g)(1)(iv) of this chapter (when an entity disregarded as separate from its owner elects under paragraph § 301.7701-3(c)(1)(i) of this chapter to be classified as an association, the owner of the entity is deemed to transfer all of the assets and liabilities of the entity to the association in exchange for stock of the association). Deemed transfers also include those resulting from the application of step transaction principles. For example, step transaction principles may disregard a transitory holding of property by an individual after a liquidation of the transferor corporation and before a subsequent transfer of the transferor corporation’s property to the resulting corporation. Step transaction principles may also treat a contribution of all the stock of the transferor corporation to the resulting corporation, followed by a liquidation (or deemed liquidation) of the transferor corporation, as a deemed transfer of the transferor corporation’s property to the resulting corporation, followed by a distribution of stock of the resulting corporation in complete liquidation of the transferor corporation.

(i) *Resulting corporation stock distributed in exchange for transferor corporation stock.* Immediately after the potential F reorganization, all the stock of the resulting corporation, including any stock of the resulting corporation issued before the potential F reorganization, must have been distributed (or deemed distributed) in exchange for stock of the transferor corporation in the potential F reorganization. However, for purposes of this paragraph (m)(1)(i) and paragraph (m)(1)(ii) of this section, a de minimis amount of stock issued by the resulting corporation other than in respect of stock of the transferor corporation to facilitate the organization of the resulting corporation or maintain its legal existence is disregarded.

(ii) *Identity of stock ownership.* The same person or persons must own all of the stock of the transferor corporation, determined immediately before the potential F reorganization, and of the resulting corporation, determined immediately after the potential F reorganization, in identical proportions. However, this requirement is not violated if one or more holders of stock in the transferor corporation exchange

stock in the transferor corporation for stock of equivalent value in the resulting corporation, but having different terms from those of the stock in the transferor corporation, or receive a distribution of money or other property from either the transferor corporation or the resulting corporation, whether or not in exchange for stock in the transferor corporation or the resulting corporation.

(iii) *Prior assets or attributes of resulting corporation.* The resulting corporation may not hold any property or have any tax attributes (including those specified in section 381(c)) immediately before the potential F reorganization. However, this requirement is not violated if the resulting corporation holds or has held a de minimis amount of assets to facilitate its organization or maintain its legal existence, and has tax attributes related to holding those assets, or holds the proceeds of borrowings undertaken in connection with the potential F reorganization.

(iv) *Liquidation of transferor corporation.* The transferor corporation must completely liquidate, for federal income tax purposes, in the potential F reorganization. However, the transferor corporation is not required to dissolve under applicable law and may retain a de minimis amount of assets for the sole purpose of preserving its legal existence.

(v) *Resulting corporation is the only acquiring corporation.* Immediately after the potential F reorganization, no corporation other than the resulting corporation may hold property that was held by the transferor corporation immediately before the potential F reorganization, if such other corporation would, as a result, succeed to and take into account the items of the transferor corporation described in section 381(c).

(vi) *Transferor corporation is the only acquired corporation.* Immediately after the potential F reorganization, the resulting corporation may not hold property acquired from a corporation other than the transferor corporation if the resulting corporation would, as a result, succeed to and take into account the items of such other corporation described in section 381(c).

(2) *Non-application of continuity of interest and continuity of business enterprise requirements.* A continuity of the business enterprise and a continuity of interest are not required for a potential F reorganization to qualify as a reorganization under section 368(a)(1)(F). See § 1.368-1(b).

(3) *Related transactions—(i) Series of transactions.* A potential F reorganization consisting of a series of related transactions that together result

in a mere change of one corporation may qualify as a reorganization under section 368(a)(1)(F), whether or not certain steps in the series, viewed in isolation, could be subject to other Code provisions, such as sections 304(a), 331, 332, or 351. However, see paragraph (k) of this section for transactions that qualify as reorganizations under section 368(a) and will not be recharacterized as a mere change as a result of one or more subsequent transfers of assets or stock.

(ii) *Mere change within a larger transaction.* A potential F reorganization that qualifies as a reorganization under section 368(a)(1)(F) may occur before, within, or after other transactions that effect more than a mere change, even if the resulting corporation has only transitory existence. Related events that precede or follow the potential F reorganization generally will not cause that potential F reorganization to fail to qualify as a reorganization under section 368(a)(1)(F). Qualification of a potential F reorganization as a reorganization under section 368(a)(1)(F) will not alter the character of other transactions for federal income tax purposes, and step transaction principles may be applied to other transactions without regard to whether certain steps qualify as a reorganization or part of a reorganization under section 368(a)(1)(F).

(iii) *Distributions treated as separate transactions.* As provided in paragraph (m)(1)(ii) of this section, a potential F reorganization may qualify as a mere change even though a holder of stock in the transferor corporation receives a distribution of money or other property from either the transferor corporation or the resulting corporation. If a shareholder receives money or other property (including in exchange for its shares) from the transferor corporation or the resulting corporation in a potential F reorganization that qualifies as a reorganization under section 368(a)(1)(F), then the receipt of money or other property (including any exchanged for shares) is treated as an unrelated, separate transaction from the reorganization, whether or not connected in a formal sense. See § 1.301-1(l).

(iv) *Transactions also qualifying under other provisions of section 368(a)(1).* In certain cases, a potential F reorganization would (but for this paragraph (m)(3)(iv)) qualify both as a reorganization under section 368(a)(1)(F) and as a reorganization or part of a reorganization under another provision of section 368(a)(1). The following rules determine which of these overlapping qualifications applies.

(A) If the potential F reorganization or a step thereof qualifies as a reorganization or part of a reorganization under another provision of section 368(a)(1), and if a corporation in control (within the meaning of section 368(c)) of the resulting corporation is a party to such other reorganization (within the meaning of section 368(b)), the potential F reorganization will not qualify as a reorganization under section 368(a)(1)(F).

(B) Except as provided in paragraph (m)(3)(iv)(A) of this section, if, but for this paragraph (m)(3)(iv)(B), the potential F reorganization would qualify as a reorganization under both section 368(a)(1)(F) and one or more of sections 368(a)(1)(A), 368(a)(1)(C), or 368(a)(1)(D), then for all federal income tax purposes the potential F reorganization will qualify as a reorganization only under section 368(a)(1)(F).

(4) *Examples.* The following examples illustrate the application of this paragraph (m). Unless the facts otherwise indicate, A, B, and C are domestic individuals; P, S, T, X, Y, and Z (and similar designations) are domestic corporations; each transaction is entered into for a valid business purpose; all persons and transactions are unrelated; and all other relevant facts are set forth in the examples.

Example 1. Cash contribution and redemption—no mere change. C owns all of the stock of X, a State A corporation. The net value of X's assets and liabilities is \$1,000,000. Y, a State B corporation, seeks to acquire the assets of X for cash. To effect the acquisition, Y and X enter into an agreement under which Y will contribute \$1,000,000 to Z, a newly formed corporation of which Y is the sole shareholder, in exchange for Z stock and X will merge into Z. In the merger, C surrenders all of the X stock and receives the \$1,000,000 Y contributed to Z. C receives no Z stock in the transaction. After the merger, Y holds all of the Z stock, and Z holds all of the assets and liabilities previously held by X. Z stock is not distributed to the shareholders of X in exchange for their stock in X as required by paragraph (m)(1)(i) of this section, and the transaction results in a change in the ownership of X that does not result from an exchange or distribution described in paragraph (m)(1)(ii) of this section. Therefore, the merger of X into Z is not a mere change of X and does not qualify as a reorganization under section 368(a)(1)(F).

Example 2. Cash redemption—mere change. A owns 75%, and B owns 25%, of the stock of X, a State A corporation. The management of X determines that it would be in the best interest of X to reorganize under the laws of State B. Accordingly, X forms Y, a State B corporation, and X and Y enter into an agreement under which X will merge into Y. A does not wish to own stock in Y. In the

merger, A surrenders A's X stock and receives cash, and B surrenders all of B's X stock and receives all the stock of Y. The change in ownership caused by A's surrender of X stock results from a distribution and exchange described in paragraph (m)(1)(ii) of this section. Therefore, the merger of X into Y is a mere change of X and qualifies as a reorganization under section 368(a)(1)(F). Under paragraph (m)(3)(iii) of this section, A's surrender of X stock for cash is treated as a transaction, separate from the reorganization, to which section 302(a) applies.

Example 3. Pre-transaction de minimis stock issuance—mere change—other provisions of section 368(a)(1). P owns all of the stock of S, a Country A corporation. The management of P determines that it would be in the best interest of S to change its place of incorporation to Country B. Under Country B law, a corporation must have at least two shareholders to enjoy limited liability. P is advised by its Country B advisors that the new corporation should issue 1% of its stock to a shareholder that is not P's nominee to assure satisfaction of the two-shareholder requirement. As part of an integrated plan, C, an officer of S, organizes Y, a Country B corporation with 1,000 shares of common stock authorized, and contributes cash to Y in exchange for ten of the common shares. S then merges into Y under the laws of Country A and Country B. Pursuant to the plan of merger, P surrenders its shares of S stock and receives 990 shares of Y common stock. The ten shares of Y stock issued to C not in respect of the S stock are de minimis and are used to facilitate the organization of Y within the meaning of paragraph (m)(1)(i) of this section. Therefore, the issuance of this stock to a new shareholder does not prevent the merger of S into Y from qualifying as a mere change of S. Accordingly, the merger is a reorganization under section 368(a)(1)(F). Without regard to the merger's qualification under section 368(a)(1)(F), the merger would also qualify as a reorganization under both section 368(a)(1)(A) and section 368(a)(1)(D). Under paragraph (m)(3)(iv)(B) of this section, if a potential F reorganization qualifies as a reorganization under section 368(a)(1)(F), and would also qualify under one or more of sections 368(a)(1)(A) or 368(a)(1)(D), the potential F reorganization qualifies only as a reorganization under 368(a)(1)(F), and neither section 368(a)(1)(A) nor section 368(a)(1)(D) will apply.

Example 4. Pre-transaction assets, attributes—no mere change. A owns all of the stock of P, and P owns all of the stock of S, which is engaged in a manufacturing business. P has owned the stock of S for many years. P owns no assets other than the stock of S. A decides to eliminate the holding company structure by merging P into S. Because it operates a manufacturing business, the potential resulting corporation, S, holds property and has tax attributes immediately before the potential F reorganization. Therefore, under paragraph (m)(1)(iii) of this section, the merger of P into S is not a mere change of P and does not qualify as a reorganization under section 368(a)(1)(F). The same result would occur under paragraph (m)(1)(iii) of this section if,

instead of P merging into S, S merged into P, because P, the potential resulting corporation, holds property (the stock of S) and has tax attributes immediately before the potential F reorganization.

Example 5. Series of related transactions—mere change. P owns all of the stock of S1, a State A corporation. The management of P determines that it would be in the best interest of S1 to change its place of incorporation to State B. Accordingly, under an integrated plan, P forms S2, a new State B corporation; P contributes the S1 stock to S2; and S1 merges into S2 under the laws of State A and State B. Under paragraph (m)(3)(i) of this section, a series of transactions that together result in a mere change of one corporation may qualify as a reorganization under section 368(a)(1)(F). The contribution of S1 stock to S2 and the merger of S1 into S2 together constitute a mere change of S1. Therefore, the potential F reorganization qualifies as a reorganization under section 368(a)(1)(F). Without regard to its qualification under section 368(a)(1)(F), the potential F reorganization would also qualify as a reorganization under both section 368(a)(1)(A) and section 368(a)(1)(D). Under paragraph (m)(3)(iv)(B) of this section, if a potential F reorganization qualifies as a reorganization under section 368(a)(1)(F) and would also qualify under one or more of sections 368(a)(1)(A) or 368(a)(1)(D), it qualifies only as a reorganization under 368(a)(1)(F), and neither section 368(a)(1)(A) nor section 368(a)(1)(D) will apply. The result would be the same with respect to qualification under section 368(a)(1)(F) if, instead of merging into S2, S1 completely liquidates.

Example 6. Post-transaction stock sale—mere change. P owns all of the stock of S1, a State A corporation. The management of P determines that it would be in the best interest of S1 to change its place of incorporation to State B. Accordingly, P forms S2, a new State B corporation. S1 then merges into S2 under the laws of State A and State B. Immediately thereafter, and as part of the same plan, P sells all of its stock in S2 to an unrelated party. Without regard to P's sale of S2 stock, the merger of S1 into S2 is a potential F reorganization that qualifies as a mere change of S1 within the meaning of paragraph (m)(1) of this section. Under paragraph (m)(3)(ii) of this section, related events that occur before or after a potential F reorganization that qualifies as a mere change generally do not cause that potential F reorganization to fail to qualify as a reorganization under section 368(a)(1)(F). Therefore, P's sale of the S2 stock is disregarded in determining whether the merger of S1 into S2 is a mere change of S1. Accordingly, the merger of S1 into S2 qualifies as a reorganization under section 368(a)(1)(F). The result would be the same if, instead of the S2 stock being sold by P, S2 merges into a previously unrelated corporation and terminates its separate existence.

Example 7. Post-transaction redemption—mere change. A owns all of the stock of T. P owns all of the stock of S. Each of T and S is a State A corporation engaged in a manufacturing business. The following

transactions occur pursuant to a single plan. First, T merges into S with A receiving solely stock in P. Second, P changes its state of incorporation to State B by merging into newly incorporated New P under the laws of State A and State B. Third, New P redeems all the New P stock issued to A in respect of A's P stock (initially issued to A in respect of A's T stock) for cash. Without regard to the other steps, the merger of P into New P is a potential F reorganization that qualifies as a reorganization under section 368(a)(1)(F). Under paragraph (m)(3)(ii) of this section, related events that occur before or after a potential F reorganization that qualifies as a mere change generally do not prevent that potential F reorganization from qualifying as a reorganization under section 368(a)(1)(F). Therefore, the merger of P into New P qualifies as a reorganization under section 368(a)(1)(F). Under paragraph (m)(3)(ii) of this section, the qualification of the merger of P into New P as a reorganization under section 368(a)(1)(F) does not alter the tax treatment of the merger of T into S. Because the P shares received by A in respect of the T shares (exchanged for New P shares in the mere change of P into New P) are redeemed for cash pursuant to the plan, the merger of T into S does not satisfy the continuity of interest requirement of § 1.368-1(e) and therefore does not qualify as a reorganization under section 368(a).

Example 8. Series of related transactions—mere change. P owns all of the stock of S, a State A corporation. The management of P determines that it would be in the best interest of S to change its form from a State A corporation to a State A limited partnership but to continue to be treated as a corporation for federal tax purposes. Accordingly, P contributes 1% of the S stock to newly formed LLC, a limited liability company, in exchange for all of the membership interests in LLC. P is the sole member of LLC. Under § 301.7701-3 of this chapter, LLC is disregarded as an entity separate from its owner, P. Then, under a State A statute, S converts to a State A limited partnership. In the conversion, P's interest as a 99% shareholder of S is converted into a 99% limited partner interest, and LLC's interest as a 1% shareholder of S is converted into a 1% general partner interest. S also elects, under § 301.7701-3(c) of this chapter, to be classified as a corporation for federal income tax purposes, effective on the same day as the conversion. Under paragraph (m)(3)(i) of this section, the conversion of S from a State A corporation to a State A limited partnership, together with the election to treat S as a corporation for federal tax purposes, results in a mere change of S and qualifies as a reorganization under section 368(a)(1)(F).

Example 9. Other acquiring corporation—no mere change. P owns 80%, and A owns 20%, of the stock of S. A and the management of P determine that it would be in the best interest of S to completely liquidate while A continues to operate part of the business of S in corporate form. Accordingly, S distributes 80% of its assets to P and 20% of its assets to A; S dissolves; and A contributes the assets it receives from S to newly incorporated New S in exchange

for all of the stock of New S. S's distribution of 80% of its property to P as part of the complete liquidation of S meets the requirements of section 332. Thus, section 381(a)(1) applies to P's acquisition of 80% of the property held by S immediately before the transaction. Under paragraph (m)(1)(v) of this section, the potential F reorganization in which 20% of the property held by S immediately before the transaction is transferred to New S cannot be a mere change of S, because section 381(a) applies to P's acquisition of property held by S immediately before the potential F reorganization. Accordingly, sections 331 and 336 apply to A's acquisition of property from S and S's distribution of property to A, and section 351 applies to A's contribution of that property to New S.

Example 10. Other acquiring corporation—no mere change. P owns all of the stock of S1. The management of P determines that it would be in the best interest of S1 to merge S1 into P. Accordingly, pursuant to a state merger statute, S1 merges into P. Immediately afterward and as part of the same plan, P contributes 50% of the former assets of S1 to newly incorporated S2 in exchange for all of the stock of S2. The transaction does not qualify as a complete liquidation of S1 under section 332 (because of the reincorporation of some of S1's assets) but does qualify as a reorganization under section 368(a)(1)(A) by reason of section 368(a)(2)(C) and paragraph (k) of this section. Under paragraph (m)(1)(v) of this section, the potential F reorganization in which some of the former assets of S1 are transferred (in form) first to P, and then to S2, is not a mere change of S1, because section 381(a) applies to P's acquisition of property held by S1 immediately before the potential F reorganization. Furthermore, under paragraph (m)(3)(iv)(A) of this section, P, the corporation in control of S2 within the meaning of section 368(c), is a party to the reorganization within the meaning of section 368(b). Thus, the indirect transfer of property from S1 to S2 does not qualify under section 368(a)(1)(F).

Example 11. Other acquiring corporation—mere change. P owns all of the stock of S1. S1's only asset is all of the equity interest in LLC2, a domestic limited liability company. Under § 301.7701-3 of this chapter, LLC2 is disregarded as an entity separate from its owner, S1. Pursuant to an integrated plan to undergo a reorganization under 368(a)(1)(F), S1 and LLC2 undergo the following two state law conversions. First, under state law LLC2 converts into S2, a corporation. Second, under state law S1 converts into LLC1, a domestic limited liability company. Under § 301.7701-3 of this chapter, LLC1 is disregarded as an entity separate from its owner, P. As a result of the two conversions, S1 is deemed to transfer its assets to S2 in exchange for all of the stock in S2 and then distribute the S2 stock to P in complete liquidation of S1. The two conversions, viewed as a potential F reorganization, constitute a mere change of S1, and that potential F reorganization qualifies as a reorganization under section 368(a)(1)(F). The result would be the same if, instead of converting into S2 pursuant to state law,

LLC2 elected under § 301.7701-3(c) to change its classification for federal tax purposes and be treated as an association taxable as a corporation, provided the effective date of the election (and its resulting deemed transactions) occurs before the conversion of S1.

Example 12. Other acquiring corporation—no mere change. The facts are the same facts as in *Example 11*, except that S1 converts into LLC1 prior to the conversion of LLC2 into S2. As a result of these conversions, S1 is deemed to distribute all of its assets to P in exchange for all of P's S1 stock, and P is deemed to transfer all of those assets to S2 in exchange for all of the stock in S2. The transaction does not qualify as a complete liquidation of S1 under section 332 (because of the reincorporation of S1's assets), but does qualify as a reorganization under section 368(a)(1)(C) by reason of section 368(a)(2)(C) and paragraph (k) of this section. Under paragraph (m)(1)(v) of this section, the potential F reorganization in which the former assets of S1 are deemed transferred, first by S1 to P, and then by P to S2, is not a mere change of S1 because section 381(a) applies to P's acquisition of property held by S1 immediately before the potential F reorganization. Furthermore, the corporation in control of S2, within the meaning of section 368(c), is a party to the reorganization within the meaning of section 368(b). Thus, the indirect transfer of property from S1 to S2 does not qualify under section 368(a)(1)(F).

Example 13. Series of related transactions—no mere change. X owns all of the stock of T. P acquires all of the stock of T in exchange for consideration consisting of \$50 cash and P voting stock with \$50 value. No election is made under section 338. Immediately thereafter and as part of the same plan, P forms S as a wholly-owned subsidiary, and T is merged into S. Viewed in isolation as a potential F reorganization, the merger of T into S appears to constitute a mere change of T. However, the acquisition of the T stock by P and the merger of T into S, viewed together, qualify as a reorganization under section 368(a)(1)(A) by reason of section 368(a)(2)(D). The step transaction doctrine is applied to treat the transaction as a statutory merger of T into S in exchange for \$50 cash and \$50 of P's voting stock (and S's assumption of T's liabilities), P's momentary ownership of T stock is disregarded. Under paragraph (m)(3)(iv)(A) of this section, P, the corporation in control of S, is a party to the reorganization within the meaning of section 368(b). Thus, the transfer of property from T to S does not qualify under section 368(a)(1)(F).

Example 14. Multiple transferor corporations—no mere change. P owns all the stock of S1 and S2. The management of P determines it would be in the best interest of S1 and S2 to operate as a single corporation. P forms S3 and, under applicable corporate law, S1 and S2 simultaneously merge into S3. Immediately after the merger, P owns all the stock of S3. Each of the mergers can be tested as a potential F reorganization. However, immediately after the simultaneous mergers,

the resulting corporation, S3, holds property acquired from a corporation other than the transferor corporation, and section 381(a) would apply to the acquisition of such property. Therefore, under paragraph (m)(1)(vi) of this section, neither potential F reorganization is a mere change, and neither merger into S3 qualifies as a reorganization under section 368(a)(1)(F). The result would be different if the mergers were not simultaneous. If S1 completed its merger into S3 before S2 began its merger into S3, the merger of S1 into S3 would qualify as a reorganization under section 368(a)(1)(F), but the merger of S2 into S3 would not so qualify (although it would qualify as a reorganization under sections 368(a)(1)(A) and 368(a)(1)(D)).

(5) *Effective/Applicability Date.* This paragraph (m) applies to transactions occurring on or after September 21, 2015.

§ 1.381(b)-1 [Amended]

■ **Par. 6.** Section 1.381(b)-1 is amended by removing the language in paragraph (a)(1) “1.367(a)-1T(e)” and adding “1.367(a)-1(e)” in its place.

John M. Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: September 9, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015-23603 Filed 9-18-15; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Cuban Assets Control Regulations to further implement elements of the policy announced by the President on December 17, 2014 to engage and empower the Cuban people. Among other things, these amendments further facilitate travel to Cuba for authorized purposes (including authorizing by general license the provision of carrier services by vessel), expand the telecommunications and Internet-based services general licenses, authorize certain persons subject to U.S. jurisdiction to establish a physical presence in Cuba, allow certain additional persons subject to U.S. jurisdiction to open and maintain bank

accounts in Cuba to use for authorized purposes, allow certain additional financial transactions (including removing the limit on donative remittances to Cuba and unblocking certain previously blocked remittances and funds transfers), authorize all persons subject to U.S. jurisdiction to provide goods and services to Cuban national individuals located outside of Cuba, and allow a number of other activities related to, among other areas, legal services, imports of gifts sent to the United States, and educational activities. These amendments also implement certain technical and conforming changes.

DATES: Effective: September 21, 2015.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202-622-2480, Assistant Director for Policy, tel.: 202-622-2746, Assistant Director for Regulatory Affairs, tel.: 202-622-4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202-622-2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (www.treasury.gov/ofac). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202-622-0077.

Background

The Department of the Treasury issued the Cuban Assets Control Regulations, 31 CFR part 515 (the "Regulations"), on July 8, 1963, under the Trading With the Enemy Act (50 U.S.C. App. 5 *et seq.*). OFAC has amended the Regulations on numerous occasions.

Most recently, on January 16, 2015, OFAC amended the Regulations, in a coordinated action with the Department of Commerce, to implement certain policy measures announced by the President on December 17, 2014 to further engage and empower the Cuban people (the "January 2015 amendments"). OFAC's January 2015 amendments facilitated travel to Cuba for authorized purposes, facilitated the provision by travel agents and airlines of authorized travel and carrier services and the forwarding by certain entities of authorized remittances, raised the limit on certain categories of remittances to

Cuba, allowed U.S. financial institutions to open correspondent accounts at Cuban financial institutions to facilitate the processing of authorized transactions, authorized certain transactions with Cuban nationals located outside of Cuba, and allowed a number of other activities related to, among other areas, telecommunications, financial services, trade, and shipping.

Today, OFAC and the Department of Commerce are taking additional coordinated actions in support of the President's Cuba policy. OFAC is amending the Regulations to further implement certain policy measures announced by the President on December 17, 2014 to engage and empower the Cuban people. Among other things, these amendments further facilitate travel to Cuba for authorized purposes (including authorizing by general license the provision of carrier services by vessel), expand the telecommunications and Internet-based services general licenses, authorize certain persons subject to U.S. jurisdiction to establish a physical presence in Cuba to facilitate authorized transactions, allow certain additional persons subject to U.S. jurisdiction to open and maintain bank accounts in Cuba to use for authorized purposes, allow certain additional financial transactions (including removing the limit on donative remittances to Cuba and unblocking certain previously blocked remittances and funds transfers), authorize all persons subject to U.S. jurisdiction to provide goods and services to Cuban national individuals located outside of Cuba, and allow a number of other activities related to, among other areas, legal services, imports of gifts sent to the United States, and educational activities. These amendments also implement certain technical and conforming changes.

Travel and Related Services

Carrier service by vessel and certain lodging services. OFAC is amending section 515.572 to authorize persons subject to U.S. jurisdiction to provide carrier services by vessel, without the need for specific licenses from OFAC, and to add an authorization to provide certain lodging services aboard such vessels in connection with such transportation. OFAC also is adding a note to section 515.572 to clarify which categories of persons may be transported between Cuba and the United States.

Family visits. OFAC is amending section 515.561 to allow persons subject to U.S. jurisdiction and persons traveling with them who share a common dwelling as a family to visit a close relative located in Cuba or

accompany a close relative traveling to Cuba pursuant to sections 515.562 (official government business), 515.563 (journalistic activity), 515.564(a) (professional research), 515.565(a)(1) through (4) and (6) (educational activities), 515.566 (religious activities), 515.575 (humanitarian projects), or 515.576 (activities of private foundations or research or educational institutes). OFAC is also removing a restriction requiring that the authorized traveler being visited or accompanied must be in Cuba for more than 60 days if that traveler is located in Cuba pursuant to section 515.565(a)(1)-(4).

Bank accounts for authorized travelers. OFAC is amending section 515.560 to allow all authorized travelers to open and maintain bank accounts in Cuba in order to access funds while located in Cuba for authorized transactions, and to close such accounts.

Telecommunications and Internet-based Services

Subsidiaries, joint ventures, and other business relationships with Cuban individuals and entities. In order to further enhance the free flow of information to, from, and among the Cuban people and to better provide efficient and adequate telecommunications services between the United States and Cuba, OFAC is amending sections 515.542 and 515.578 to authorize persons subject to U.S. jurisdiction to establish and maintain a business presence in Cuba, including through subsidiaries, branches, offices, joint ventures, franchises, and agency or other business relationships with any Cuban individual or entity, to provide authorized telecommunications and internet-based services. OFAC is also authorizing persons subject to U.S. jurisdiction to enter into licensing agreements related to services authorized by section 515.542(b) through (d) and section 515.578(a), and to market such services. OFAC is amending section 515.505 to unblock any entity, office, or other sub-unit established pursuant to sections 515.542 and 515.578.

Mobile applications. To further enhance the free flow of information to, from, and among the Cuban people, OFAC is adding a provision in section 515.578 to authorize the importation into the United States of Cuban-origin mobile applications. In addition, OFAC is authorizing the employment of Cuban nationals by persons subject to U.S. jurisdiction to develop such mobile applications.

Additional internet-based services and services related to additional authorized exports. In the January 2015

amendments, OFAC authorized services beyond those authorized in section 515.533 related to items exported pursuant to the Commerce Department's License Exception Consumer Communications Devices (CCD), certain non-U.S.-origin items located outside the United States, and certain software not subject to the Export Administration Regulations (15 CFR part 730 *et seq.*). These services include software design, business consulting, information technology management, and other services to install, repair, and replace such items. OFAC is amending section 515.578 to expand the permitted services to include training related to the installation, repair, or replacement of such items. OFAC also is expanding the authorization to extend to services related to exports of consumer communications devices not eligible for License Exception CCD but authorized pursuant to an individual license from the Department of Commerce and to services related to exports authorized pursuant to the Commerce Department's License Exception Support for the Cuban People (SCP) of certain commodities and software that will be used by individuals or private sector entities to develop software that will improve the free flow of information or that will support certain private sector activities. OFAC also is amending section 515.578 to authorize persons subject to U.S. jurisdiction to provide services related to all such items that were exported to Cuba from a third country. OFAC is removing a restriction relating to organizations administered or controlled by the Government of Cuba or the Cuban Communist Party with respect to certain internet-based services (such as instant messaging, chat and email, and social networking) authorized pursuant to section 515.578(a)(1), while maintaining this restriction on provision of these services to prohibited officials of the Government of Cuba and prohibited members of the Cuban Communist Party.

Physical Presence in Cuba

Physical presence in Cuba for certain persons. OFAC is amending section 515.573 to authorize certain persons subject to U.S. jurisdiction to establish a physical presence, such as an office or other facility, in Cuba, to facilitate authorized transactions. This authorization covers the following: news bureaus; exporters of goods authorized for export pursuant to sections 515.533 or 515.559; providers of authorized mail and parcel transmission services and cargo transportation services; providers of

telecommunications or internet-based services; entities organizing or conducting certain educational activities; religious organizations; and providers of travel and carrier services. In addition, OFAC is authorizing these individuals and entities to open and maintain bank accounts at financial institutions in Cuba for use for authorized transactions, and to close such accounts. The prior provisions in this section authorizing certain transactions by news organizations have been fully incorporated into the revised section. OFAC is also amending section 515.505 to unblock any entity, office, or other sub-unit established pursuant to section 515.573, as well as to unblock any individual authorized to establish domicile in Cuba pursuant to section 515.573(a)(4).

Financial Transactions

Remittances. OFAC is amending section 515.570(b) to remove the limitation on donative remittances to Cuban nationals who are not prohibited officials of the Government of Cuba or prohibited members of the Cuban Communist Party. OFAC also is amending section 515.560(c)(4)(i) to remove the limitation on certain authorized remittances that authorized travelers may carry to Cuba, and section 515.560(d)(2) to remove the limitation on the amount of remittances that a Cuban national permanently resident in Cuba who is departing the United States may carry to Cuba.

Unblocking of certain previously blocked remittances and funds transfers. Prior to the January 2015 amendments, banks were required to block remittances exceeding the then \$500 per quarter limit on authorized periodic remittances to non-family members. Following the January 2015 amendments, banks were required to block remittances exceeding the revised \$2,000 per quarter limit on authorized periodic remittances to non-family members. OFAC is issuing a new general license in section 515.570(h) authorizing the unblocking and return of such blocked remittances, provided they would be authorized under the current regulations. Similarly, OFAC is adding a new general license in section 515.584(e) authorizing the unblocking and return of previously blocked funds transfers that could have been rejected or processed pursuant to section 515.584(d)(1) or (d)(2) (certain wire transfers), section 515.562(b) (official business of the U.S. government, foreign governments, and certain intergovernmental organizations), or section 515.579(b) (funds transfers for third-country official missions and

certain intergovernmental organizations), if those transfers could be rejected or processed under current regulations. Persons subject to U.S. jurisdiction unblocking funds transfers pursuant to these authorizations must provide a report to OFAC within 10 business days from the date such funds transfers are released.

Account access for Cuban nationals present in the United States. Section 515.571 previously authorized depository institutions to open and maintain accounts for a Cuban national who was present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization, subject to the requirement that accounts not closed prior to the departure of the Cuban national from the United States be blocked. OFAC is amending section 515.571 to add an authorization for depository institutions to maintain these accounts while the Cuban-national account holder is located outside the United States, provided that the account holder may only access the account while lawfully present in the United States. In addition, prior to today's amendments, section 515.571 established a \$250 cap on payments from blocked accounts held by Cuban nationals in the United States in a non-immigrant status to use for living expenses. OFAC is amending section 515.571 to remove this cap to more adequately allow Cuban nationals lawfully present in the United States to access sufficient funds for living expenses or other transactions ordinarily incident to their presence in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

Remittances from Cuba to the United States. OFAC is adding a new general license in section 515.587 authorizing remittances from Cuba or from certain Cuban nationals located in third countries to the United States. OFAC is making a conforming change to section 515.572(a)(3) to authorize banking institutions, including U.S.-registered brokers and dealers in securities and U.S.-registered money transmitters, to provide services in connection with the receipt of such remittances.

Estate-related transactions. Prior to today's amendments, a specific license was required for certain estate-related transactions that were not generally licensed, including to unblock shares of a Cuban estate for a U.S. beneficiary and remit the estate of a person subject to U.S. jurisdiction to a Cuban national who is not a close relative. OFAC is now expanding a general license in section

515.523 related to administering decedents' estates and a general license in section 515.570(f) to allow the unblocking of, and remittances related to, estates in which a Cuban national has an interest. OFAC is removing section 515.522 and substantially revising section 515.524 because most transactions previously described in those sections are now authorized by general license. OFAC is also making conforming edits to sections 515.407 and 515.525.

Commercial Transactions

Provision of goods and services to Cuban nationals located in a third country. OFAC is amending section 515.585 to expand the existing authorization to allow all persons subject to U.S. jurisdiction to provide goods and services to Cuban national individuals located in a third country. In addition, OFAC is adding an authorization to allow banking institutions to open, maintain, and close bank accounts for such Cuban nationals.

Other Amendments

Legal services. OFAC is amending section 515.512 to generally authorize receipt of payment for the provision of authorized legal services to Cuba or a Cuban national other than prohibited officials of the Government of Cuba and prohibited members of the Cuban Communist Party. In addition, recent amendments to certain OFAC sanctions programs have included general licenses authorizing payments from funds outside the United States for legal services provided to blocked individuals, subject to certain conditions. OFAC is adding this general license in section 515.512(e) to authorize payments from outside the United States for the provision of authorized legal services to or on behalf of prohibited officials of the Government of Cuba and prohibited members of the Cuban Communist Party. OFAC also is adding a new authorization in section 515.588 to permit persons subject to U.S. jurisdiction to receive, and make payments for, certain legal services from Cuba or Cuban nationals, subject to certain conditions.

Gift imports sent to the United States. OFAC is amending section 515.544 to generally authorize the importation into the United States of merchandise from Cuba or Cuban-origin merchandise from a third country intended as gifts provided that the value of the merchandise is not more than \$100, the merchandise is of a type and in quantities normally given as gifts between individuals, the merchandise is

sent and not carried by a traveler, and the merchandise is not alcohol or tobacco products.

Educational activities. OFAC is expanding the general license in section 515.565 to allow additional educational activities that are authorized in other sanctions programs administered by OFAC, including the provision of standardized testing services and internet-based courses to Cuban nationals, as well as to authorize U.S. and Cuban universities to engage in academic exchanges and joint non-commercial academic research.

Ordinarily incident transactions. OFAC is issuing interpretive guidance in new section 515.421 to clarify that, with certain exceptions, transactions ordinarily incident to a licensed transaction and necessary to give effect thereto are also authorized. In response to public inquiries, OFAC is providing a specific example in this section to clarify that ordinarily incident transactions include payments made using online payment platforms for authorized transactions.

Air ambulances and emergency medical services. OFAC has had a favorable specific licensing policy and has authorized on a case-by-case and expedited basis air ambulances to travel to and from Cuba and to evacuate individuals requiring medical care. In such exigent circumstances, OFAC has allowed U.S. medical and other essential personnel to provide services to individual travelers in need of medical attention, regardless of nationality or the purpose of the individual's travel to Cuba. OFAC is amending section 515.548 to generally authorize such services. To clarify the availability of nonscheduled emergency medical services in the United States, OFAC also is adding a new general license in section 515.589.

Humanitarian projects. OFAC is amending section 515.575 to explicitly include disaster relief and historical preservation as authorized humanitarian projects.

Cuban official missions. OFAC is amending section 515.586 to authorize funds transfers on behalf of official missions of the Government of Cuba in the United States.

Technical and Conforming Amendments. OFAC also is making a number of technical and conforming amendments. Among other things, OFAC is amending sections 515.533(d) and 515.559(d) to make explicit that those authorizations extend to such additional transactions as are directly incident to the installation in Cuba of items consistent with the export or reexport licensing policy of the

Department of Commerce, and amending section 515.533(d) by removing the reference to "sales" to clarify that the authorization applies to transactions related to donated exports. OFAC is amending section 515.550 to waive vessel restrictions for vessels engaging in authorized trade in imports, including those from Cuban entrepreneurs, and carrying persons engaging in authorized travel between the United States and Cuba, and making a conforming change to the Note to section 515.207.

Public Participation

Because the amendments of the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations") and section 515.572 of this part. Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information will be covered by the Office of Management and Budget under control numbers 1505–0164, 1505–0167, and 1505–0168. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 515

Administrative practice and procedure, Banking, Blocking of assets, Carrier services, Cuba, Financial transactions, Remittances, Reporting and recordkeeping requirements, Telecommunications, Travel restrictions.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR part 515 as set forth below:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 22 U.S.C. 2370(a), 6001–6010, 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. App 1–44; Pub. L. 101–410, 104 Stat. 890 (28

U.S.C. 2461 note); Pub. L. 104–114, 110 Stat. 785 (22 U.S.C. 6021–6091); Pub. L. 105–277, 112 Stat. 2681; Pub. L. 111–8, 123 Stat. 524; Pub. L. 111–117, 123 Stat. 3034; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart B—Prohibitions

- 2. Amend § 515.207 by revising the Note to § 515.207 to read as follows.

§ 515.207 Entry of vessels engaged in trade with Cuba.

* * * * *

Note to § 515.207: For the waiver of the prohibitions contained in this section for vessels engaged in certain trade and travel with Cuba, see § 515.550.

Subpart D—Interpretations

- 3. Revise § 515.407 to read as follows.

§ 515.407 Administration of blocked estates of decedents.

With respect to transactions incident to the administration of the blocked estate of a decedent, including the appointment and qualification of personal representatives, the collection and liquidation of assets, the payment of claims, and distribution to beneficiaries, attention is directed to § 515.523, which authorizes all transactions incident to the administration and distribution of the assets of blocked estates of decedents.

- 4. Amend § 515.415 by revising paragraph (b) to read as follows:

§ 515.415 Travel to Cuba; transportation of certain Cuban nationals.

* * * * *

(b) Transactions incident to the travel to the United States of Cuban nationals who are traveling other than in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government are not authorized under the provisions of § 515.571.

* * * * *

- 5. Add § 515.421 to subpart D to read as follows:

§ 515.421 Transactions ordinarily incident to a licensed transaction.

(a) Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except:

(1) A transaction by or with a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338, where the terms of the

applicable general or specific license expressly exclude transactions with such persons;

(2) A transaction involving a debit to a blocked account or a transfer of blocked property that is not explicitly authorized within the terms of the license;

(3) A transaction prohibited by § 515.208; or

(4) In the case of export or reexport-related transactions authorized by § 515.533(a), payment or financing that is not explicitly authorized by that section.

Note to paragraph (a)(4): See § 515.533(a)(2) for payment and financing terms for exportations or reexportations authorized pursuant to § 515.533.

(b) *Examples.* (1) A specific license authorizing a person to complete a securities sale involving Cuban Company A, whose property and interests in property are blocked pursuant to this part, also authorizes other persons to engage in activities that are ordinarily incident and necessary to complete the sale, including transactions by the buyer, broker, transfer agents, and banks.

(2) A general license authorizing a person to import certain goods from independent Cuban entrepreneurs also authorizes funds transfers or payments that are ordinarily incident to the importation, including payments made using online payment platforms.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

- 6. Amend § 515.502 by revising paragraph (b) to read as follows:

§ 515.502 Effect of subsequent license or authorization.

* * * * *

(b) No regulation, ruling, instruction, or license authorizes a transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Treasury Department and specifically refers to this part.

- 7. Amend § 515.505 by revising paragraphs (a)(2) and (3) and adding paragraphs (a)(4) and (5) to read as follows:

§ 515.505 Certain Cuban nationals unblocked.

(a) * * *

(2) Any individual national of Cuba who has taken up permanent residence outside of Cuba, provided that the required documentation specified in paragraph (c) of this section is obtained and the individual is not a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited

member of the Cuban Communist Party, as defined in § 515.338;

(3) Any entity that otherwise would be a national of Cuba solely because of the interest therein of one or more persons licensed in this paragraph (a) as an unblocked national;

(4) Any entity, office, or other sub-unit authorized pursuant to §§ 515.542, 515.573, or 515.578; and

(5) Any individual authorized to establish domicile in Cuba pursuant to § 515.573(a)(4).

* * * * *

- 8. Revise § 515.512 to read as follows:

§ 515.512 Provision of certain legal services authorized.

(a) The provision of the following legal services to or on behalf of Cuba or a Cuban national is authorized, provided that receipt of payment of professional fees and reimbursement of incurred expenses must be authorized by or pursuant to paragraph (d) or (e) of this section, or otherwise authorized pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to Cuba or a Cuban national, not otherwise authorized in this part, requires the issuance of a specific license.

(c) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property in which Cuba or a Cuban national has had an interest at any time on or since 12:01 a.m., Eastern Standard Time, July 8, 1963, is

prohibited unless licensed pursuant to this part.

(d) *Receipts of payment*—(1) *Legal services to or on behalf of certain blocked persons.* All receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to paragraph (a) of this section to or on behalf of a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338, must be specifically licensed or otherwise authorized pursuant to § 515.512(e), which authorizes certain payments from funds originating outside the United States.

(2) *Legal services to or on behalf of all others.* All receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to paragraph (a) of this section to or on behalf of Cuba or a Cuban national, other than those described in paragraph (d)(1) of this section, are authorized, except that nothing in this section authorizes the debiting of any blocked account or the transfer of any blocked property.

(e) *Payments for legal services from funds originating outside the United States authorized.* Receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 515.512(a) to or on behalf of a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338, are authorized from funds originating outside the United States, provided that:

(1) The funds received by persons subject to U.S. jurisdiction as payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to paragraph (a) of this section do not originate from:

- (i) A source within the United States;
- (ii) Any source, wherever located, within the possession or control of a person subject to U.S. jurisdiction; or
- (iii) Any person, other than the person on whose behalf the legal services authorized pursuant to paragraph (a) of this section are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter other than part 515.

(2) *Reports.* (i) Persons subject to U.S. jurisdiction who receive payments in connection with legal services authorized pursuant to paragraph (a) of this section must submit annual reports

no later than 30 days following the end of the calendar year during which the payments were received providing information on the funds received. Such reports shall specify:

(A) The individual or entity from whom the funds originated and the amount of funds received; and

(B) If applicable:

(1) The names of any individuals or entities providing related services to the person subject to U.S. jurisdiction receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(2) A general description of the services provided; and

(3) The amount of funds paid in connection with such services.

(ii) The reports, which must reference this section, are to be mailed to: Department of the Treasury, Office of Foreign Assets Control, Attn: Licensing Division, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220.

Note 1 to § 515.512: Persons subject to U.S. jurisdiction who receive payments in connection with legal services authorized pursuant to § 515.512(a) do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. This does not authorize the hiring of Cuban nationals. Additionally, persons subject to U.S. jurisdiction do not need to obtain specific authorization to provide related services that are ordinarily incident to the provision of legal services authorized pursuant to § 515.512(a).

Note 2 to § 515.512: See §§ 515.527 and 515.528 for general licenses authorizing fees due to attorneys in connection with certain intellectual property-related transactions. See § 515.588 for a general license authorizing the receipt of, and payment for, certain legal services from Cuba or a Cuban national.

§ 515.522 [Removed and Reserved]

■ 9. Remove and reserve § 515.522.

■ 10. Revise § 515.523 to read as follows:

§ 515.523 Transactions incident to the administration of decedents' estates.

All transactions incident to the administration and distribution of the assets of a blocked estate of a decedent are authorized. Such transactions include the appointment and qualification of a personal representative in the United States or Cuba, collection and preservation of assets by a personal representative and associated fees, payment of funeral expenses and expenses of the last illness, transfer of title, and distribution

of assets pursuant to a valid testamentary disposition or intestate succession. All property distributed pursuant to this section is unblocked, provided that neither Cuba nor a Cuban national (other than the decedent or a person unblocked pursuant to § 515.505) has an interest in the property.

Note to § 515.523: See § 515.570(f)(1) for a general license authorizing funds deposited in a blocked bank account in a banking institution, as defined in § 515.314, as a result of certain administration of decedents' estates to be remitted to a national of Cuba.

■ 11. Amend § 515.524 by revising paragraphs (a) and (b), removing paragraph (c), redesignating paragraph (d) as paragraph (c), and adding a Note to paragraph (b) to read as follows:

§ 515.524 Payment from and transactions in the administration of certain trusts.

(a) Any bank or trust company incorporated under the laws of the United States, or of any State, territory, possession, or district of the United States, or any private bank subject to supervision and examination under the banking laws of any State of the United States, acting as trustee of a trust created by gift, donation, or bequest and administered in the United States, in which one or more persons who are designated nationals have an interest, beneficial or otherwise, or are co-trustees, is hereby authorized to engage in the following transactions:

(1) Payments of distributive shares of principal or income to all persons legally entitled thereto.

(2) Other transactions arising in the administration of such trust which might be engaged in if no Cuban national were a beneficiary or co-trustee of such trust.

(b) This section does not authorize a trustee to engage in any other transaction at the request, or upon the instructions, of any beneficiary or co-trustee of such trust or other person who is a Cuban national.

Note to paragraph (b): See § 515.523 for a general license authorizing transactions incident to the administration of decedents' estates. See § 515.570(f)(1) for a general license authorizing funds deposited in a blocked bank account in a banking institution as a result of certain administration of decedents' estates to be remitted to a national of Cuba.

* * * * *

■ 12. Revise § 515.525 to read as follows:

§ 515.525 Certain transfers as a consequence of the existence or change of marital status authorized.

Any transfer of any dower, curtesy, community property, or other interest of any nature whatsoever, provided that such transfer arises solely as a consequence of the existence or change of marital status, is authorized.

- 13. Amend § 515.533 by revising paragraph (d) to read as follows:

§ 515.533 Exportations from the United States to Cuba; reexportations of 100% U.S.-origin items to Cuba; negotiation of executory contracts.

(d) *General license for travel-related transactions incident to exportation or reexportation of certain items.* The travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to the conduct of market research, commercial marketing, sales negotiation, accompanied delivery, installation, or servicing in Cuba of items consistent with the export or reexport licensing policy of the Department of Commerce are authorized, provided that the traveler's schedule of activities does not include free time or recreation in excess of that consistent with a full-time schedule.

- 14. Amend § 515.542 by revising paragraph (a), redesignating paragraphs (e), (f), (g), and (h) as paragraphs (g), (h), (i), and (j), adding new paragraphs (e) and (f), and revising Notes 1 and 2 to § 515.542 to read as follows:

§ 515.542 Mail and telecommunications-related transactions.

(a) All transactions, including payments, incident to the receipt or transmission of mail and parcels between the United States and Cuba are authorized, provided that the importation or exportation of such mail and parcels is exempt from or authorized pursuant to this part.

(e) Persons subject to U.S. jurisdiction are authorized to enter into licensing agreements related to services authorized by paragraphs (b) through (d) of this section, and to market such services.

(f) Except for transactions prohibited by § 515.208, persons subject to U.S. jurisdiction are authorized to engage in all transactions necessary to establish and maintain a business presence in Cuba, including through subsidiaries, branches, offices, joint ventures, franchises, and agency or other business relationships with any Cuban national, and to enter into all necessary

agreements or arrangements with such entity or individual, for the purpose of engaging in the activities authorized in paragraphs (b) through (e) of this section.

Note 1 to § 515.542: For an authorization of travel-related transactions that are directly incident to the conduct of market research, commercial marketing, sales negotiation, accompanied delivery, installation, or servicing in Cuba of items consistent with the export or reexport policy of the Department of Commerce, see § 515.533(d). For an authorization of travel-related transactions that are directly incident to participation in professional meetings, including where such meetings relate to telecommunications services or other activities authorized by paragraphs (b) through (f) of this section, see § 515.564(a).

Note 2 to § 515.542: For a general license authorizing a physical presence in Cuba for certain persons, see § 515.573. For an authorization of certain internet-related services, see § 515.578.

- 15. Revise § 515.544 to read as follows:

§ 515.544 Certain gifts sent to the United States.

The importation into the United States of merchandise from Cuba or Cuban-origin merchandise from a third country intended as gifts is authorized, provided that the value of the merchandise is not more than \$100; the merchandise is of a type and in quantities normally given as gifts between individuals; the merchandise is sent and not carried by a traveler (including as accompanied or unaccompanied baggage); and the merchandise is not alcohol or tobacco products.

Note to § 515.544: See § 515.533 for a general license authorizing transactions ordinarily incident to exports of items from the United States that are licensed or otherwise authorized by the Department of Commerce, which may include gifts sent to Cuba.

- 16. Revise § 515.548 to read as follows:

§ 515.548 Overflight payments, emergency landings, and air ambulance services authorized.

(a) The receipt of, and payment of charges for, services rendered by Cuba or a Cuban national in connection with overflights of Cuba or emergency landings in Cuba by aircraft registered in the United States or owned or controlled by, or chartered to, persons subject to U.S. jurisdiction are authorized.

(b) Persons subject to U.S. jurisdiction are authorized to engage in all

transactions necessary to provide air ambulance and related medical services, including medical evacuation from Cuba, for individual travelers in Cuba, regardless of nationality or the purpose of the individual's travel to Cuba.

Note to paragraph (b): Persons providing air ambulance services authorized by paragraph (b) are authorized to carry persons who are close relatives, as defined in § 515.539, of the subject of the evacuation.

- 17. Amend § 515.550 by revising paragraphs (a), (c), and (d), adding a Note to paragraph (a), removing the Note to paragraph (d), and adding paragraph (e) to read as follows:

§ 515.550 Certain vessel transactions authorized.

(a) Engaging or has engaged in trade with Cuba authorized pursuant to this part;

Note to paragraph (a): The authorization in this paragraph includes, for example, trade with Cuba authorized pursuant to §§ 515.533, 515.559, or 515.582, or by specific license.

(c) Engaging or has engaged in the exportation or re-exportation to Cuba from a third country of agricultural commodities, medicine, or medical devices that would be designated as EAR99 under the Export Administration Regulations (15 CFR parts 730 through 774), if they were located in the United States;

(d) A foreign vessel that has entered a port or place in Cuba while carrying students, faculty, and staff that are authorized to travel to Cuba pursuant to § 515.565(a); or

(e) Carrying or has carried persons between the United States and Cuba or within Cuba pursuant to the authorization in § 515.572(a)(2) or, in the case of a vessel used solely for personal travel (and not transporting passengers), pursuant to a license or other authorization issued by the Department of Commerce for the exportation or reexportation of the vessel to Cuba.

- 18. Amend § 515.559 by revising paragraph (d) and Note 2 to § 515.559 to read as follows:

§ 515.559 Certain export and import transactions by U.S.-owned or -controlled foreign firms.

(d) *General license.* Travel-related transactions set forth in § 515.560(c) and such other transactions as are directly incident to market research, commercial marketing, sales negotiation, accompanied delivery, installation, or servicing of exports that are consistent

with the licensing policy under paragraph (a) of this section are authorized, provided that the traveler's schedule of activities does not include free time or recreation in excess of that consistent with a full-time schedule.

* * * * *

Note 2 to § 515.559: See § 515.585 for provisions related to certain transactions by persons subject to U.S. jurisdiction with certain Cuban nationals in third countries.

■ 19. Amend § 515.560 by revising paragraph (c)(4), adding paragraph (c)(6) and a Note to paragraph (c)(6), and revising paragraph (d)(2) to read as follows:

§ 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S. jurisdiction.

* * * * *

(c) * * *

(4) *Carrying remittances to Cuba.* The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to § 515.570 is authorized, provided that no emigration-related remittances authorized by § 515.570(e) are carried to Cuba unless a U.S. immigration visa has been issued for each payee and the licensed traveler can produce the visa recipients' full names, dates of birth, visa numbers, and visa dates of issuance.

* * * * *

(6)(i) *Opening and maintaining bank accounts.* All transactions incident to the opening and maintenance of accounts, including the deposit of funds in such accounts by wire transfer, at a financial institution in Cuba are authorized, provided that such accounts are used only while the traveler is located in Cuba and for the purpose of accessing funds in Cuba for transactions authorized pursuant to, or exempt from, this part.

(ii) *Closing bank accounts.* All transactions incident to the closing of accounts opened pursuant to the authorization in paragraph (c)(6)(i) of this section are authorized, provided that any transfer of funds may only be effected by wire transfer to an account maintained at a depository institution, as defined in § 515.533, that is a person subject to U.S. jurisdiction.

Note to paragraph (c)(6): Account(s) authorized by this general license may only be accessed while the account holder is located in Cuba for travel authorized pursuant to this part. The account(s) may not be accessed or utilized by the account holder unless the account holder is located in Cuba and is engaging in authorized transactions. The account(s) may be maintained but not accessed while the account holder is located

outside of Cuba other than for the purpose of funding or closing the bank account as authorized in paragraph (c)(6).

(d) * * *

(2) Funds received as remittances pursuant to § 515.570 by the Cuban national during his or her stay in the United States; and

* * * * *

■ 20. Amend § 515.561 by revising paragraph (a) to read as follows:

§ 515.561 Family visits.

(a) *General license.* Persons subject to the jurisdiction of the United States and persons traveling with them who share a common dwelling as a family with them are authorized to engage in the travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to: visiting a close relative, as defined in § 515.339, who is a national of Cuba or a person ordinarily resident in Cuba; or visiting a close relative located in Cuba or accompanying a close relative traveling to Cuba pursuant to the authorizations in § 515.562 (official government business), § 515.563 (journalistic activity), § 515.564(a) (professional research), § 515.565(a)(1) through (4) and (6) (educational activities), § 515.566 (religious activities), § 515.575 (humanitarian projects), or § 515.576 (activities of private foundations or research or educational institutes).

Note to paragraph (a): Each person relying on the general authorization in this paragraph must retain specific records related to the authorized travel transactions. See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements.

* * * * *

■ 21. Amend § 515.565 by:

- a. Revising the introductory text to paragraph (a);
- b. Revising the Note to paragraph (a)(5);
- c. Revising paragraph (a)(7);
- d. Redesignating paragraphs (a)(8) and (9) as (a)(11) and (12);
- e. Adding new paragraphs (a)(8), (9), and (10);
- f. Revising newly redesignated paragraphs (a)(11) and (12);
- g. Revising Notes 1 and 2 to paragraph (a); and
- h. Adding Note 3 to paragraph (a) to read as follows:

§ 515.565 Educational activities.

(a) *General license for educational activities.* Persons subject to U.S. jurisdiction, including U.S. academic institutions and their faculty, staff, and students, are authorized to engage in

transactions, including the travel-related transactions set forth in § 515.560(c), that are related to the following activities:

* * * * *

Note to paragraph (a)(5): See § 515.571(a) for authorizations related to certain banking transactions by Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

* * * * *

(7) Sponsorship or co-sponsorship of non commercial academic seminars, conferences, symposia, and workshops related to Cuba or global issues involving Cuba and attendance at such events by faculty, staff, and students of a participating U.S. academic institution;

(8) Establishment of academic exchanges and joint non-commercial academic research projects with universities or academic institutions in Cuba;

(9) Provision of standardized testing services, including professional certificate examinations, university entrance examinations, and language examinations, and related preparatory services for such exams, to Cuban nationals, wherever located;

(10) Provision of internet-based courses, including distance learning and Massive Open Online Courses, to Cuban nationals, wherever located, provided that the course content is at the undergraduate level or below; or

(11) The organization of, and preparation for, activities described in paragraphs (a)(1) through (10) of this section by employees or contractors of the sponsoring organization that is a person subject to U.S. jurisdiction;

(12) Facilitation by an organization that is a person subject to U.S. jurisdiction, or a member of the staff of such an organization, of licensed educational activities in Cuba on behalf of U.S. academic institutions or secondary schools, provided that:

(i) The organization is directly affiliated with one or more U.S. academic institutions or secondary schools; and

(ii) The organization facilitates educational activities that meet the requirements of one or more of the general licenses set forth in § 515.565(a)(1), (2), (3), and (6).

Note 1 to paragraph (a): See § 515.560(c)(6) for an authorization for individuals to open and maintain accounts at Cuban financial institutions; see § 515.573 for an authorization for entities conducting educational activities authorized by § 515.565(a) to establish a physical presence in Cuba, including an authorization to open

and maintain accounts at Cuban financial institutions.

Note 2 to paragraph (a): The authorization in this paragraph extends to adjunct faculty and part-time staff of U.S. academic institutions. A student enrolled in a U.S. academic institution is authorized pursuant to § 515.565(a)(1) to participate in the academic activities in Cuba described above through any sponsoring U.S. academic institution.

Note 3 to paragraph (a): The export or reexport to Cuba of goods (including software) or technology subject to the Export Administration Regulations (15 CFR parts 730 through 774) may require separate authorization from the Department of Commerce.

* * * * *

■ 22. Amend § 515.566 by revising the Note to § 515.566 to read as follows:

§ 515.566 Religious activities in Cuba.

* * * * *

Note to § 515.566: See § 515.573 for an authorization permitting religious organizations engaging in activities authorized pursuant to this section to establish a physical presence in Cuba, including an authorization to open and maintain accounts at Cuban financial institutions.

■ 23. Amend § 515.570 by revising paragraphs (b) and (f)(1), redesignating paragraph (h) as paragraph (i), adding new paragraph (h), and revising Note 2 to § 515.570 to read as follows:

§ 515.570 Remittances.

* * * * *

(b) *Donative remittances to Cuban nationals authorized.* Persons subject to the jurisdiction of the United States are authorized to make donative remittances to Cuban nationals, provided that:

- (1) The remittances are not made from a blocked source;
- (2) The recipient is not a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338;
- (3) The remittances are not made for emigration-related purposes. Remittances for emigration-related purposes are addressed by paragraph (e) of this section; and
- (4) The remitter, if an individual, is 18 years of age or older.

* * * * *

(f) * * *

(1) Funds deposited in a blocked account in a banking institution, as defined in § 515.314, in the United States held in the name of, or in which the beneficial interest is held by, a national of Cuba as a result of a valid

testamentary disposition, intestate succession or payment from a life insurance policy or annuity contract triggered by the death of the policy or contract holder may be remitted to that national of Cuba, provided that the remittances are not made for emigration-related purposes. Remittances for emigration-related purposes are addressed by paragraph (e) of this section .

* * * * *

(h) *Unblocking of certain previously blocked remittances authorized.* Banking institutions, as defined in § 515.314, are authorized to engage in all transactions necessary to unblock and return remittances if they would have qualified as authorized had they been sent under current paragraph (b) of this section, provided that persons subject to U.S. jurisdiction unblocking remittances originally blocked on or after August 25, 1997 pursuant to this section must submit a report to the Department of the Treasury, Office of Foreign Assets Control, Attn: Sanctions Compliance & Evaluation Division, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220 within 10 business days from the date such remittances are released. Such reports shall include the following:

- (1) Where available, a copy of the original blocking report filed with OFAC pursuant to § 501.603(b)(1) of this chapter.
- (2) The date the unblocked remittance was released;
- (3) The amount of funds unblocked;
- (4) The name of the party to whom the remittance was released; and
- (5) A reference to this section as the legal authority under which the remittance was unblocked and returned.

* * * * *

Note 2 to § 515.570: For the rules relating to the carrying of remittances to Cuba, see § 515.560(c)(4). See § 515.572 for an authorization related to the collection, forwarding, or receipt of certain remittances to or from Cuba.

■ 24. Amend § 515.571 by revising the Note to paragraph (a)(5), redesignating paragraphs (b) and (c) as paragraphs (c) and (d), adding new paragraph (b), and revising redesignated paragraph (c) to read as follows:

§ 515.571 Certain transactions incident to travel to, from, and within the United States by Cuban nationals.

* * * * *

Note to paragraph (a)(5): This paragraph authorizes depository institutions, as defined in § 515.333, to open and maintain accounts solely in the name of a Cuban national who is present in the United States in a non-

immigrant status or pursuant to other non-immigrant travel authorization for use while the Cuban national is located in the United States in such status, and to close such accounts prior to departure. See § 515.571(b) for an authorization for depository institutions to maintain accounts opened pursuant to this paragraph while the Cuban national is located outside the United States.

* * * * *

(b) Maintenance of accounts opened pursuant to paragraph (a)(5) of this section while the Cuban-national account holder is located outside the United States is authorized, provided that the Cuban-national account holder may only access the account pursuant to paragraph (a)(5) of this section when the Cuban-national account holder is lawfully present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

(c) Payments and transfers of credit in the United States from blocked accounts in domestic banking institutions held in the name of a Cuban national who is present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government to or upon the order of such Cuban national are authorized, provided that such payments and transfers of credit are made only for the living, traveling, and similar personal expenses in the United States of such Cuban national or his or her family, or other transactions ordinarily incident to the Cuban national's presence in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

* * * * *

■ 25. Amend § 515.572 by revising paragraphs (a)(2) and (3), adding new paragraph (a)(4), revising paragraph (c), and adding a new Note to § 515.572 to read as follows:

§ 515.572 Authorization to provide travel services, carrier services, and remittance forwarding services.

(a) * * *

(2) *Authorization to provide carrier services.* Persons subject to U.S. jurisdiction are authorized to provide carrier services, to, from, or within Cuba in connection with travel or transportation between the United States and Cuba of persons, baggage, or cargo authorized pursuant to this part.

* * * * *

(3) *Authorization to provide remittance forwarding services.* Banking institutions, as defined in § 515.314, including U.S.-registered brokers or

dealers in securities and U.S.-registered money transmitters, are authorized to provide services in connection with the collection, forwarding, or receipt of remittances authorized pursuant to this part.

(4) *Authorization to provide lodging services.* Persons subject to U.S. jurisdiction who are providing carrier services by vessel authorized pursuant to paragraph (a)(2) of this section are authorized to provide lodging services onboard such vessels to persons authorized to travel to or from Cuba pursuant to this part during the period of time the vessel is traveling to, from, or within Cuba, including when docked at a port in Cuba.

* * * * *

(c) *Specific licenses.* Specific licenses may be issued on a case-by-case basis authorizing the provision of travel, carrier, or remittance-forwarding services other than those authorized by paragraph (a) of this section.

Note to § 515.572: The following persons may be transported between the United States and Cuba by a person authorized to provide carrier services:

(1) Persons subject to U.S. jurisdiction who are traveling to or from Cuba pursuant to a general license under one of the 12 categories of travel listed in § 515.560 or under a specific license from the Office of Foreign Assets Control may be transported between the United States and Cuba;

(2) Cuban nationals applying for admission to the United States, as well as third-country nationals, with a valid visa or other travel authorization issued by the U.S. government may be transported to the United States from Cuba;

(3) Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government may be transported from the United States to Cuba;

(4) Cuban nationals who have taken up residence in the United States and are licensed as unblocked nationals pursuant to § 515.505(a)(1) are persons subject to U.S. jurisdiction and may be transported between the United States and Cuba if they meet the criteria set out in (1) above; and

(5) An individual, including a foreign national, who is traveling on official business of the U.S. government, a foreign government, or an intergovernmental organization of which the United States is a member or in which the United States holds observer status—including an employee, contractor, or grantee of such government or intergovernmental

organization and any individual traveling on a diplomatic passport, as well as any close relative, as defined in § 515.339, accompanying the traveler—may be transported between the United States and Cuba.

■ 26. Revise § 515.573 to read as follows:

§ 515.573 Physical presence in Cuba authorized; Cuban news bureaus.

(a) All transactions necessary to establish and maintain a physical presence in Cuba by persons subject to U.S. jurisdiction to engage in transactions authorized pursuant to or exempt from the prohibitions of this part that are identified in paragraph (b) of this section are authorized, including the following:

(1) Leasing physical premises, including office, warehouse, classroom, or retail outlet space, and securing related goods and services, including for use in and to pay fees related to the operation of the physical premises;

(2) Marketing related to the physical presence;

(3) Employment of Cuban nationals in Cuba; and

(4) Employment of individuals who are persons subject to U.S. jurisdiction.

Note to paragraph (a)(4): Individuals who are employed pursuant to § 515.573(a)(4) are authorized to engage in all transactions necessary to establish domicile in Cuba, including accessing U.S. assets, for the duration of their employment.

(5)(i) *Opening and maintaining bank accounts at Cuban financial institutions to engage in authorized transactions.*

The opening and maintenance of accounts, including the deposit of funds in such accounts by wire transfer, at a financial institution in Cuba, provided that such accounts are used only for transactions authorized pursuant to, or exempt from, this part.

(ii) *Closing bank accounts.* The closing of an account opened pursuant to the authorization in paragraph (a)(5)(i) of this section, provided that any transfer of funds may only be effected by wire transfer to an account maintained at a depository institution, as defined in § 515.333, that is a person subject to U.S. jurisdiction.

Note to paragraph (a): Physical presence includes through a local representative, including an employee or contractor.

(b) The following persons subject to U.S. jurisdiction may engage in the transactions authorized pursuant to paragraph (a) of this section, provided that such transactions may only be engaged in to support transactions authorized by or exempt from the prohibitions of this part:

(1) News bureaus whose primary purpose is the gathering and dissemination of news to the general public authorized by paragraph (c) of this section;

(2) Exporters of goods authorized for export or reexport to Cuba by § 515.533 or § 515.559 or that are otherwise exempt;

(3) Entities providing mail or parcel transmission services authorized by § 515.542(a) or providing cargo transportation services in connection with trade involving Cuba authorized by or exempt from the prohibitions of this part;

(4) Providers of telecommunications services authorized by § 515.542(b) through (d) or persons engaged in activities authorized by § 515.542(e);

(5) Entities organizing or conducting educational activities authorized by § 515.565(a);

(6) Religious organizations engaging in religious activities in Cuba authorized by § 515.566;

(7) Providers of travel and carrier services authorized by § 515.572; and

Note to paragraph (b)(7): This authorization does not allow persons subject to U.S. jurisdiction to establish a physical presence in Cuba for the purpose of providing lodging services in Cuba.

(8) Providers of services authorized by § 515.578.

(c) *News bureaus.* (1) All transactions in Cuba related to the gathering and dissemination of news to the general public are authorized.

(2) Specific licenses may be issued authorizing transactions necessary for the establishment and operation of news bureaus in the United States by Cuban organizations whose primary purpose is the gathering and dissemination of news to the general public.

Note to § 515.573: The export or reexport to Cuba of items subject to the Export Administration Regulations (15 CFR parts 730 through 774) may require separate authorization from the Department of Commerce.

■ 27. Amend § 515.575 by revising paragraph (b) to read as follows:

§ 515.575 Humanitarian projects.

* * * * *

(b) *Authorized humanitarian projects.* The following projects are authorized by paragraph (a) of this section: medical and health-related projects; construction projects intended to benefit legitimately independent civil society groups; disaster relief; historical preservation; environmental projects; projects involving formal or non-formal

educational training, within Cuba or off-island, on the following topics: entrepreneurship and business, civil education, journalism, advocacy and organizing, adult literacy, or vocational skills; community-based grassroots projects; projects suitable to the development of small-scale private enterprise; projects that are related to agricultural and rural development that promote independent activity; microfinancing projects, except for loans, extensions of credit, or other financing prohibited by § 515.208; and projects to meet basic human needs.

* * * * *

■ 28. Amend § 515.578 by revising the section heading and paragraphs (a)(2), (a)(4), and (b)(1), redesignating paragraph (c) as paragraph (f), and adding new paragraphs (c), (d), and (e) to read as follows:

§ 515.578 Exportation, reexportation, and importation of certain internet-based services; importation of certain software.

(a) * * *

(2) *Services related to certain exportations and reexportations.* To the extent not authorized by paragraph (a)(1) of this section or by § 515.533, the exportation or reexportation of services, including software design, business consulting, and information technology management services (including cloud storage), that are related to the following items, or of services to install, repair, or replace such items, and training related to installation, repair, or replacement of such items:

(i) *Items subject to the Export Administration Regulations (15 CFR part 730 through 774) (EAR).* Items exported or reexported to Cuba pursuant to 15 CFR 740.19 (License Exception Consumer Communication Devices (License Exception CCD)), pursuant to 15 CFR 740.21(d)(4) (paragraph (d)(4) of License Exception Support for the Cuban People (License Exception SCP)), or pursuant to an individual license issued by the Department of Commerce for the export of other consumer communication devices that fall outside License Exception CCD or commodities or software used to develop software that fall outside paragraph (d)(4) of License Exception SCP;

(ii) *Items not subject to the EAR because they are of foreign origin and are located outside the United States.* Items that are of a type described in License Exception CCD provided that the items would be designated EAR99 if they were located in the United States or would meet the criteria for classification under the relevant ECCN specified in License Exception CCD if they were subject to the EAR or items

of a type described in paragraph (d)(4) of License Exception SCP, provided that the items would be designated EAR99 or controlled on the Commerce Control List for anti-terrorism reasons only if they were located in the United States; and

(iii) *Software not subject to the EAR because it is described in 15 CFR 734.3(b)(3).* Software not subject to the EAR because it is described in 15 CFR 734.3(b)(3) that is exported, reexported, or provided, directly or indirectly, by a person subject to U.S. jurisdiction to Cuba and that is of a type described in License Exception CCD or paragraph (d)(4) of License Exception SCP.

* * * * *

(4) *Exportation, reexportation, or provision of certain internet-based services to certain end-users.* (i) The exportation or reexportation, directly or indirectly, from the United States or by persons subject to U.S. jurisdiction, to a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338, of services described in paragraphs (a)(1) or (2) of this section provided that such services are widely available to the public at no cost to the user.

(ii) The exportation or reexportation, directly or indirectly, from the United States or by persons subject to U.S. jurisdiction, to organizations administered or controlled by the Government of Cuba or the Cuban Communist Party of the following services:

(A) Services described in paragraph (a)(1) of this section, and

(B) Services described in paragraph (a)(2) of this section provided that such services are widely available to the public at no cost to the user.

* * * * *

(b) * * *

(1) The direct or indirect exportation or reexportation of services with knowledge or reason to know that such services are intended for a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338, or to organizations administered or controlled by the Government of Cuba or the Cuban Communist Party, except as specified in paragraph (a)(4) of this section.

* * * * *

(c) *Licensing and marketing.* Persons subject to U.S. jurisdiction are authorized to enter into licensing agreements related to services

authorized by paragraph (a) of this section, and to market such services.

(d) *Subsidiaries, joint ventures, and other business arrangements.* Except for transactions prohibited by § 515.208, persons subject to U.S. jurisdiction are authorized to engage in all transactions necessary to establish and maintain a business presence in Cuba, including through subsidiaries, branches, offices, joint ventures, franchises, and agency or other business relationships with any Cuban national, and to enter into all necessary agreements or arrangements with such entity or individual, for the purpose of engaging in the activities authorized by paragraph (a) or (c) of this section.

(e) *Mobile applications.* (1) The importation into the United States of Cuban-origin mobile applications is authorized.

Note to paragraph (e)(1): This paragraph does not authorize U.S.-owned or -controlled firms in third countries to import goods of Cuban origin into the authorized trade zone. See § 515.559.

(2) The employment of Cuban nationals to develop mobile applications is authorized.

* * * * *

§ 515.582 [Amended]

■ 29. Amend § 515.582 by removing Note 1 to § 515.582 and redesignating Note 2 to § 515.582 as Note 1 to § 515.582.

■ 30. Amend § 515.584 by adding paragraph (e) to read as follows:

§ 515.584 Certain financial transactions involving Cuba.

* * * * *

(e) *Unblocking of certain previously blocked funds transfers authorized.* Any depository institution, as defined in § 515.533, that is a person subject to U.S. jurisdiction is authorized to unblock and return to the originator or originating financial institution or their successor-in-interest previously blocked funds transfers that could have been rejected or processed pursuant to paragraphs (d)(1) or (2) of this section, § 515.562(b), or § 515.579(b) if the rejection or processing of those transfers would have been authorized had they been sent under the current text of those provisions, provided that persons subject to U.S. jurisdiction unblocking funds transfers originally blocked on or after August 25, 1997, pursuant to this section must submit a report to the Department of the Treasury, Office of Foreign Assets Control, Attn: Sanctions Compliance & Evaluation Division, 1500 Pennsylvania Avenue NW., Annex,

Washington, DC 20220 within 10 business days from the date such funds transfers are released. Such reports shall include the following:

(1) Where available, a copy of the original blocking report filed with OFAC pursuant to § 501.603(b)(1) of this chapter.

(2) The date the unblocked funds transfer was released;

(3) The amount of funds unblocked;

(4) The name of the party to whom the funds were released; and

(5) A reference to this section as the legal authority under which the funds transfer was unblocked and returned.

■ 31. Amend § 515.585 by revising the section heading, designating the undesignated paragraph as paragraph (a), revising newly designated paragraph (a), and adding paragraph (b) to read as follows:

§ 515.585 Certain transactions with certain Cuban nationals in third countries.

(a) Persons subject to U.S. jurisdiction are authorized to provide goods and services to a Cuban national located in a third country who is an individual, provided that the transaction does not involve a commercial exportation, directly or indirectly, of goods or services to or from Cuba.

(b)(1) *Opening and maintaining bank accounts.* Banking institutions, as defined in § 515.314, are authorized to open and maintain accounts, including the deposit of funds in such accounts by wire transfer, for a Cuban national located in a third country who is an individual, provided that such accounts are used only while the Cuban national is located outside of Cuba and may not be used for transactions that involve a commercial exportation of goods or services to or from Cuba.

(2) *Closing bank accounts.* Banking institutions, as defined in § 515.314, are authorized to close an account opened pursuant to the authorization in paragraph (b)(1) of this section.

* * * * *

■ 32. Amend § 515.586 by revising paragraph (c) to read as follows:

§ 515.586 Cuban official missions in the United States.

* * * * *

(c) Depository institutions, as defined in § 515.333, are authorized to operate accounts for, extend credit to, and process funds transfers on behalf of the official missions of the Government of Cuba to the United States, and the official missions of the Government of Cuba to international organizations in the United States, and employees thereof, subject to the limitations in paragraphs (a) and (b) of this section

and provided that any depository institution making use of the authorization in this section must submit a report to the Department of the Treasury, Office of Foreign Assets Control, Attn: Sanctions Compliance & Evaluation Division, 1500 Pennsylvania Ave NW., Annex, Washington, DC 20220, no later than 30 days following the establishment of the account. Such report shall include the name and address of the depository institution, the name of the account holder, and the account number.

■ 33. Add § 515.587 to subpart E to read as follows:

§ 515.587 Remittances from Cuban nationals to persons subject to U.S. jurisdiction.

Persons subject to U.S. jurisdiction are authorized to receive remittances in the United States from Cuban nationals, wherever located, provided that the remitter is not a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338.

Note to § 515.587: See § 515.572 for an authorization to provide services related to the receipt of remittances authorized by this section.

■ 34. Add § 515.588 to subpart E to read as follows:

§ 515.588 Certain Cuban legal services authorized.

(a) All transactions, including payments, ordinarily incident to receipt of the following legal services from Cuba or from a Cuban national are authorized: legal advice and counseling on the requirements of and compliance with the laws of Cuba or any jurisdiction within Cuba, provided that such advice and counseling relate to transactions authorized by or exempt from the prohibitions of this part.

(b) The receipt of any other legal services from Cuba or a Cuban national, not otherwise authorized in this part, requires the issuance of a specific license.

■ 35. Add § 515.589 to subpart E to read as follows:

§ 515.589 Authorization of emergency medical services.

The provision of nonscheduled emergency medical services in the United States to Cuban nationals is authorized.

Dated: September 16, 2015.

John E. Smith,
Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015-23587 Filed 9-18-15; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2015-0732]

RIN 1625-AA87

Security Zone, Delaware River; Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing security zones in the waters of the Delaware River and Schuylkill River in Philadelphia, PA. These zones are intended to restrict vessels from portions of the Delaware River and Schuylkill River during the 2015 Papal visit on September 26, 2015, and September 27, 2015. During the enforcement period, no unauthorized vessels or people will be permitted to enter or move within the security zones without permission from the Captain of the Port or his designated representative. This security zone is necessary to provide security for Pope Francis.

DATES: This rule will be effective and enforced from 6:00 a.m. on September 25, 2015, to 12:00 p.m. on September 28, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-2015-0732]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Brennan Dougherty, U.S. Coast Guard, Sector Delaware Bay, Chief Waterways Management Division, Coast Guard; telephone (215) 271-4851,

email Brennan.P.Dougherty@uscg.mil. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
COTP Captain of the Port

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the final details for Pope Francis’ arrival and departure were not known until August 4, 2015. This late notification precludes the Coast Guard from publishing a NPRM while meeting the security zone’s objectives of protecting Pope Francis and accompanying high-ranking government officials, and protect against sabotage or terrorist attacks to human life, vessels, mariners, and waterfront facilities at or near this event.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-1, 6.04-6 and 160.5; and Department of Homeland Security Delegation No. 0170.1., which collectively authorize the Coast Guard to establish security zones.

These temporary security zones are necessary to provide for the security of Pope Francis and accompanying high-ranking government officials, and protect against sabotage or terrorist attacks to human life, vessels, mariners, and waterfront facilities at or near this event.

C. Discussion of the Final Rule

On September 26, 2015, Pope Francis and accompanying high-ranking government officials will be arriving in Philadelphia, PA. The Coast Guard is establishing several security zones in portions of the Delaware River and Schuylkill River in Philadelphia, PA.

The first security zone will be enforced from September 26, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Delaware River from the New Jersey shore line, to the Pennsylvania shore line, beginning at the east end of Little Tinicum Island extending in a Northeasterly direction and ending at the mouth of the Schuylkill River;

The second security zone will be enforced from September 25, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Schuylkill River inside a boundary described as originating from the South 34th street Bridge north and ending at the West Girard Avenue Bridge.

The third security zone will be enforced from September 25, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Schuylkill River inside a boundary described as originating from the mouth of the Schuylkill River and ending 500 yards north of the George C. Platt Memorial Bridge.

The fourth security zone will be enforced from September 26, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all waters of the Delaware River adjacent to the Ben Franklin Bridge bounded in the East by the New Jersey shoreline, bounded in the West by the Pennsylvania shoreline, bounded in the South by Latitude 39°56’31” N., and bounded in the North by Latitude 39°57’23” N.

The fifth security zone will be enforced on September 27, 2015, from 9:00 a.m. until 2:00 p.m. and includes all water of the Delaware River adjacent to Curran-Fromhold Correctional Facility, in North-East Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 40°00’54” N., longitude 075°01’00” W.; thence to latitude 40°01’15” N., longitude 075°01’19” W., and bounded on the North by a line running east to west from points along the shoreline at latitude 40°01’58” N., longitude 074°59’24” W.; thence to latitude 40°02’15” N., longitude 074°59’55” W.

Access to these security zones will be restricted during the specified date and time period. Only vessels or people

specifically authorized by the Captain of the Port, Delaware Bay or his designated representative may enter or remain in the regulated area.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

Although this regulation will restrict access to the security zones, the effect of this rule will not be significant because: this rule will only be enforced for a limited duration; vessels may be granted permission to transit through the zone on a case-by-case basis; and the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. These security zones will not have a significant economic impact on a substantial number of small entities for the reasons stated under paragraph D.1., Regulatory Planning and Review.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a security zone and is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. An

environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are not required.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05-0732 to read as follows:

§ 165.T05-0732 Security Zone, Delaware River; Philadelphia, PA.

(a) *Locations and enforcement periods.* The Coast Guard is establishing security zones in portions of the Delaware River and Schuylkill River in Philadelphia, PA.

(1) The first security zone will be enforced from September 26, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Delaware River from the New Jersey shore line, to the Pennsylvania shore line, beginning at the east end of Little Tinicum Island extending in a Northeasterly direction and ending at the mouth of the Schuylkill River;

(2) The second security zone will be enforced from September 25, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Schuylkill River inside a boundary described as originating from the South 34th street Bridge north and ending at the West Girard Avenue Bridge.

(3) The third security zone will be enforced from September 25, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all the waters of the Schuylkill River inside a boundary described as originating from the mouth of the Schuylkill River and ending 500 yards north of the George C. Platt Memorial Bridge.

(4) The fourth security zone will be enforced from September 26, 2015, at 6:00 a.m. until September 28, 2015, at 12:00 p.m. and includes all waters of the Delaware River adjacent to the Ben Franklin Bridge bounded in the East by the New Jersey shoreline, bounded in the West by the Pennsylvania shoreline,

bounded in the South by Latitude 39°56'31" N., and bounded in the North by Latitude 39°57'23" N.

(5) The fifth security zone will be enforced on September 27, 2015, from 9:00 a.m. until 2:00 p.m. and includes all water of the Delaware River adjacent to Curran-Fromhold Correctional Facility, in North-East Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 40°00'54" N., longitude 075°01'00" W.; thence to latitude 40°01'15" N., longitude 075°01'19" W., and bounded on the North by a line running east to west from points along the shoreline at latitude 40°01'58" N., longitude 074°59'24" W.; thence to latitude 40°02'15" N., longitude 074°59'55" W.

(b) *Regulations.* The general security zone regulations found in 33 CFR part 165 subpart C apply to the security zones created by this section.

(1) All persons and vessels are prohibited from entering these security zones, except as authorized by the Coast Guard Captain of the Port or his designated representative.

(2) To seek permission to transit any of these security zones, the Captain of the Port or his designated representative can be contacted via Sector Delaware Bay Command Center (215) 271-4940 or on VHF-FM marine band radio channel 16 (156.8 MHz).

(3) Vessels granted permission to transit through the security zones must do so in accordance with the directions provided by the Captain of the Port or his designated representative to the vessel.

(4) This section applies to all vessels wishing to transit through the security zones except vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation; or
- (iii) Emergency response vessels.

(5) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(6) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) *Definitions in this section*—(1) *Captain of the Port* means the Commander, Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay to assist in enforcing the security zone

described in paragraph (a) of this section.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

Dated: September 8, 2015.

B.A. Cooper,

Captain, U. S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2015-23631 Filed 9-18-15; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204, 212, 213, 215, 216, 217, 219, 225, 239, and 252

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective September 21, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6115; facsimile 571-372-6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows—

1. Removes the phrase “and contracts” in two places in the prescription at DFARS 204.7304(a);
2. Revises cross references cited in DFARS 212.301, 217.770, and 225.370(d);
3. Revises the heading for DFARS subpart 213.5 to align with the Federal Acquisition Regulation (FAR) subpart 13.5 heading;
4. Updates a hyperlink at DFARS 215.404-71-3(b)(7);
5. Updates an address at DFARS 216.504(c)(1)(ii)(D)(ii);
6. Directs contracting officers to additional DFARS Procedures, Guidance, and Information (PGI) by adding a reference at DFARS 219.201;
7. Updates a reference to a DoD Directive at DFARS 239.7102-1;

8. Updates a hyperlink in DFARS clause 252.204-7012 and makes minor editorial revisions; and

9. Corrects a cross reference in DFARS clause 252.239-7009.

List of Subjects in 48 CFR 204, 212, 213, 215, 216, 217, 219, 225, 239, and 252

Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 204, 212, 213, 215, 216, 217, 219, 225, 239, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 204, 212, 213, 215, 216, 217, 219, 225, 239, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 204—ADMINISTRATIVE MATTERS

204.7304 [Amended]

■ 2. Amend section 204.7304, paragraph (a), by removing, in two places, the phrase “solicitations and contracts” and adding “solicitations” in both places.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

- 3. Amend section 212.301 by—
- a. In paragraph (f)(ii)(A), removing “204.7304(b)” and adding “204.7304(a)” in its place;
 - b. In paragraph (f)(ii)(B), removing “204.7304(c)” and adding “204.7304(b)” in its place;
 - c. In paragraph (f)(ii)(D), removing “204.7304(a)” and adding “204.7304(c)” in its place; and
 - d. In paragraph (f)(x)(BB), removing “10 U.S.C. 2327(b)” and adding “10 U.S.C. 2279” in its place.

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

■ 4. Revise the subpart 213.5 heading to read as follows:

Subpart 213.5—Simplified Procedures for Certain Commercial Items

PART 215—CONTRACTING BY NEGOTIATION

215.404-71-3 [Amended]

■ 5. Amend section 215.404-71-3, paragraph (b)(7), by removing the hyperlink “(see http://www.treasurydirect.gov/govt/rates/tcir/tcir_index_opdirsemi.htm)” and adding “(see <https://www.fiscal.treasury.gov/fsservices/gov/pmt/promptPayment/rates.htm>)” in its place.

PART 216—TYPES OF CONTRACTS

216.504 [Amended]

■ 6. Amend section 216.504, paragraph (c)(1)(ii)(D)(ii), by removing “ATTN: OUSD(AT&L)DPAP/CPIC, 3060 Defense Pentagon, Washington, DC 20301–3060” and adding “via the OUSD(AT&L)DPAP/CPIC email address at *osd.pentagon.osd-atl.mbx.cpic@mail.mil*” in its place.

PART 217—SPECIAL CONTRACTING METHODS

217.770 [Amended]

■ 7. Amend section 217.770, paragraph (a)(3), by removing “PGI 217.703(1)(iii)” and adding “PGI 217.770(a)(3)” in its place.

PART 219—SMALL BUSINESS PROGRAMS

219.201 [Amended]

■ 8. Amend section 219.201, paragraph (c)(10)(B), by removing “Small Business Coordination Record;” and adding “Small Business Coordination Record (see PGI 253.219–70 for instructions on completing the form);” in its place.

PART 225—FOREIGN ACQUISITION

225.370 [Amended]

■ 9. Amend section 225.370, paragraph (d), by removing “PGI 225.370(c)” and adding “PGI 225.370(d)” in its place.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

■ 10. Amend section 239.7102–1 by revising paragraph (a)(7) to read as follows:

239.7102–1 General.

(a) * * *
(7) DoD Directive 8140.01, Cyberspace Workforce Management; and
* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7012 [Amended]

■ 11. Amend section 252.204–7012 by—
■ a. Removing the clause date “(AUG 2015)” and adding “(SEP 2015)” in its place;
■ b. In paragraph (b)(1)(ii) introductory text, removing “service of system” and adding “service or system” in its place;
■ c. In paragraph (b)(1)(ii)(A), adding a quotation mark after “Organizations;”
■ d. In paragraph (c)(3), removing “*http://iase.disa.mil/pki/eca/certificate.html*” and adding “*http://iase.disa.mil/pki/eca/Pages/index.aspx*” in its place; and

■ e. In paragraph (i)(4), removing “32CFR 236” and adding “32 CFR part 236” in its place.

252.239–7009 [Amended]

■ 12. Amend section 252.239–7009 by—
■ a. Removing the clause date “(AUG 2015)” and adding “(SEP 2015)” in its place; and
■ b. In paragraph (b), removing “paragraph (b)” and adding “paragraph (c)” in its place.
[FR Doc. 2015–23517 Filed 9–18–15; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 239

Acquisition of Information Technology

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 315, in section 239.7402, paragraph (c) is reinstated to read as follows:

239.7402 Policy.

* * * * *
(c) *Foreign carriers.* For information on contracting with foreign carriers, see PGI 239.7402(c).
[FR Doc. 2015–23469 Filed 9–18–15; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

Solicitation Provisions and Contract Clauses

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 466, in section 252.225–7036, in the clause, paragraph (d) is reinstated to read as follows:

252.225–7036 Buy American—Free Trade Agreements—Balance of Payments Program.

* * * * *
(d) The contract price does not include duty for end products or components for which the Contractor will claim duty-free entry.
* * * * *
[FR Doc. 2015–23471 Filed 9–18–15; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

Solicitation Provisions and Contract Clauses

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 493, in section 252.227–7013, in Alternate II, revise the clause date “(NOV 2009)” to read “(MAR 2011)”.
[FR Doc. 2015–23472 Filed 9–18–15; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412–2517–02]

RIN 0648–XE182

Reef Fish Fishery of the Gulf of Mexico; 2015 Recreational Accountability Measures and Closure for Gulf of Mexico Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the greater amberjack recreational sector in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2015 fishing year through this temporary rule. NMFS has determined that the recreational annual catch target (ACT) for Gulf greater amberjack will be reached by September 27, 2015. Therefore, NMFS is closing the recreational sector for greater amberjack in the Gulf EEZ on September 28, 2015. This closure is necessary to protect the Gulf greater amberjack resource.

DATES: This rule is effective from 12:01 a.m., local time, September 28, 2015, until 12:01 a.m., local time on January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *rich.malinowski@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS manages the reef fish fishery of the Gulf, which includes greater amberjack, under the Fishery Management Plan for

the Reef Fish Resources of the Gulf (FMP). The Gulf of Mexico Fishery Management Council (Council) prepared the FMP and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All greater amberjack weights discussed in this temporary rule are in round weight.

The 2015 recreational annual catch limit (ACL) for Gulf greater amberjack is 1,299,000 lb (589,216 kg) and the recreational ACT (recreational quota) is 1,130,000 lb (512,559 kg) as specified in 50 CFR 622.41(a)(2)(iii) and 622.39(a)(2)(ii), respectively.

Under 50 CFR 622.41(a)(2)(i), NMFS is required to close the recreational sector for greater amberjack when the recreational ACT is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the 2015 recreational ACT will be reached by September 27, 2015. Accordingly, NMFS closes the recreational sector for Gulf greater amberjack effective 12:01 a.m., local time, September 28, 2015, until 12:01 a.m., local time, January 1, 2016, the start of the next fishing year.

During the recreational closure, the bag and possession limits for greater amberjack in or from the Gulf EEZ are zero. The prohibition on possession in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued applies regardless of whether greater amberjack were harvested in state or Federal waters.

The recreational sector for greater amberjack will reopen on January 1, 2016, the beginning of the 2016 recreational fishing season.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf greater amberjack and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(a)(2)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to

close the recreational sector for greater amberjack constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing the closure provisions was subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect greater amberjack. Prior notice and opportunity for public comment would require time and would potentially allow the recreational sector to exceed the recreational ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23605 Filed 9-16-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235-3658-02]

RIN 0648-XE186

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for vermilion snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects that commercial landings for vermilion snapper will reach the commercial annual catch limit (ACL) for the July through December 2015 period on September 22, 2015. Therefore, NMFS closes the commercial sector for vermilion snapper in the South Atlantic EEZ on September 22, 2015, and it will

remain closed until the start of the next fishing season on January 1, 2016. This closure is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, September 22, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT:

Britni LaVine, NMFS Southeast Regional Office, telephone: 727-824-5305, email: britni.lavine@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes vermilion snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial quota for vermilion snapper in the South Atlantic is divided into separate quotas for two 6-month time periods each year, January through June and July through December. For the July through December 2015 period, the commercial quota is 394,829 lb (179,091 kg), gutted weight (438,260 lb (198,791 kg), round weight), as specified in 50 CFR 622.190(a)(4)(ii)(C).

On September 4, 2015 (80 FR 53473), NMFS published a temporary rule in the **Federal Register** to reduce the commercial trip limit for vermilion snapper in or from the EEZ of the South Atlantic to 500 lb (227 kg), gutted weight, effective 12:01 a.m., local time, September 10, 2015, until January 1, 2016, or until the quota is reached and the commercial sector closes, whichever occurs first.

In accordance with regulations at 50 CFR 622.193(f)(1), NMFS is required to close the commercial sector for vermilion snapper when the commercial quota for that 6-month portion of the fishing year has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for South Atlantic vermilion snapper for the July through December 2015 period will have been reached by September 22, 2015. Accordingly, the commercial sector for South Atlantic vermilion snapper is closed effective 12:01 a.m., local time, September 22, 2015, until 12:01 a.m., local time, January 1, 2016. The commercial quota for vermilion snapper in the South Atlantic is 388,703 lb (176,313 kg), gutted weight (431,460 lb (195,707 kg), round weight),

for the January 1 through June 30, 2016 period as specified in 50 CFR 622.190(a)(4)(i)(D).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having vermilion snapper onboard must have landed and bartered, traded, or sold such vermilion snapper prior to 12:01 a.m., local time, September 22, 2015. During the closure, the bag limit specified in 50 CFR 622.187(b)(5) and the possession limits specified in 50 CFR 622.187(c)(1), apply to all harvest or possession of vermilion snapper in or from the South Atlantic EEZ. During the closure, the sale or purchase of vermilion snapper taken from the EEZ is prohibited. As specified in 50 CFR 622.190(c)(1)(i), the prohibition on sale or purchase does not apply to the sale or purchase of vermilion snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 22, 2015, and were held in cold storage by a dealer or processor. For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and the prohibition on sale and purchase apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic vermilion snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(f)(1) and is exempt from review under Executive Order 12866.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for vermilion snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to

immediately implement this action to protect vermilion snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment could result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23616 Filed 9-16-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0907271173-0629-03]

RIN 0648-XE181

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial snowy grouper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings for snowy grouper will reach the commercial annual catch limit (ACL) (equivalent to the commercial quota) by September 22, 2015. Therefore, NMFS closes the commercial sector for snowy grouper in the South Atlantic EEZ on September 22, 2015, and it will remain closed until the start of the next fishing season on January 1, 2016. This closure is necessary to protect the snowy grouper resource.

DATES: This rule is effective 12:01 a.m., local time, September 22, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, NMFS Southeast Regional Office, telephone: 727-824-5305, email: britni.lavine@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South

Atlantic includes snowy grouper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Regulatory Amendment 20 to the FMP recently revised the commercial quota (equivalent to the commercial ACL) for snowy grouper in the South Atlantic to 115,451 lb (52,368 kg), gutted weight; 136,233 lb (61,794 kg), round weight, for the remainder of the current fishing year, ending December 31, 2015, as specified in 50 CFR 622.190(a)(1) (80 FR 43033, July 21, 2015).

Under 50 CFR 622.193(b)(1), NMFS is required to close the commercial sector for snowy grouper when the commercial quota (commercial ACL) is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS projects that commercial landings of South Atlantic snowy grouper will reach the commercial ACL by September 22, 2015. Accordingly, the commercial sector for South Atlantic snowy grouper is closed effective 12:01 a.m., local time, September 22, 2015, until 12:01 a.m., local time, January 1, 2016.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper with snowy grouper on board must have landed and bartered, traded, or sold such snowy grouper prior to 12:01 a.m., local time, September 22, 2015. During the commercial closure, harvest and possession of snowy grouper in or from the South Atlantic EEZ is limited to the bag and possession limits, as specified in § 622.187(b)(2)(ii) and (c)(1). Also during the commercial closure, the sale or purchase of snowy grouper taken from the South Atlantic EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of snowy grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 22, 2015, and were held in cold storage by a dealer or processor.

For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and the sale and purchase provisions of the commercial closure for snowy grouper would apply regardless of whether the fish are harvested in state

or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of snowy grouper and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(b)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act, because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for snowy grouper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect snowy grouper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL (commercial quota). Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL (commercial quota).

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23604 Filed 9-16-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140214138-4482-02]

RIN 0648-XE189

Fisheries of the Northeastern United States; Bluefish Fishery and Summer Flounder Fishery; Commercial Quota Harvested for the State of Massachusetts

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

ACTION: Temporary rule; closures.

SUMMARY: NMFS announces that the 2015 commercial bluefish and summer flounder quota allocated to the Commonwealth of Massachusetts has been harvested. Vessels issued commercial Federal fisheries permits for these fisheries may not land bluefish or summer flounder in Massachusetts for the remainder of calendar year 2015, unless additional quota becomes available through a transfer from another state. Regulations governing these fisheries require publication of this notice to advise Massachusetts that the quota has been harvested, and to advise Federal vessel and dealer permit holders that no Federal commercial quota is available to land bluefish or summer flounder in Massachusetts.

DATES: Effective 0001 hours, September 17, 2015, through December 31, 2015 for summer flounder and effective 0001 hours, September 19, 2015, through December 31, 2015 for bluefish.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, (978) 281-9112, or Reid.Lichwell@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the bluefish fishery and summer flounder fishery are found at 50 CFR part 648. The bluefish regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Florida through Maine, while the summer flounder regulations require annual specification of commercial quota that is apportioned based on a percentage basis among coastal states from North Carolina through Maine. The processes to set the annual commercial quotas and the percent allocated to each state are described in § 648.162 and § 648.102 for bluefish and summer flounder, respectively.

The initial coastwide commercial quota for bluefish for the 2015 fishing year is 5,241,202 lb (2,377,371 kg) (80 FR 46848, August 6, 2015). The percent allocated to vessels landing bluefish in Massachusetts is 6.7167 percent, resulting in an initial commercial quota of 352,036 lb (159,681 kg). The 2015 allocation was adjusted to 602,036 lb (273,079 kg) to reflect quota transfers from other states.

The initial coastwide commercial quota for summer flounder for the 2015 fishing year was set at 11,069,410 lb (5,021,000 kg) (79 FR 78311, December 30, 2014). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, resulting in an initial commercial quota of 754,985 lb (340,165 kg). The 2015 allocation was adjusted to 760,785 lb (345,086 kg) to reflect quota overages from 2014 and quota transfers from other states.

The Administrator, Greater Atlantic Region, NMFS (Regional Administrator), monitors the state commercial quotas and determines when a state's commercial quota has been harvested. NMFS is required to publish a notice in the **Federal Register** alerting Federal commercial vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available to land bluefish or summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Massachusetts has harvested its quota for 2015.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land bluefish or summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, vessels holding Federal commercial permits are prohibited from landing summer flounder, effective 0001 hours, September 17, 2015 and/or bluefish, effective 0001 hours, September 19, 2015 for the remainder of the 2015 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also notified that they may not purchase summer flounder, effective 0001 hours, September 17, 2015 and/or bluefish, effective 0001 hours, September 19, 2015 from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the bluefish fishery and summer flounder fishery for Massachusetts until January 1, 2016, under current regulations. The regulations at § 648.103(b) require such action to ensure that vessels do not exceed state quotas. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year would be exceeded, thereby undermining the conservation objectives of the Atlantic Bluefish Fishery Management Plan and the Summer Flounder Fishery Management Plan. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the thirty (30) day delayed effectiveness period for the reason stated above.

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

Dated: September 15, 2015.

Emily H. Menashes,

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

[FR Doc. 2015-23598 Filed 9-16-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 140117052-4402-02]

RIN 0648-XE156

Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2015 Winter II Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2015 Winter II commercial scup quota. This action complies with Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

DATES: Effective November 1, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, Fishery Management Specialist, (978) 281-9112.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process to roll over unused Winter I commercial scup quota (January 1 through April 30) to be added to the Winter II period quota (November 1 through December 31). This framework also allows adjustment of the commercial possession limit for the Winter II period dependent on the amount of quota rolled over from the Winter I period.

For 2015, the initial Winter II quota is 3,384,470 lb (1,535 mt), and the best available landings information indicates that 2,084,256 lb (945 mt) of the Winter I quota remains unused. The 2015 Winter I quota was 9,578,008 lb (4,344 mt). Consistent with the intent of Framework 3, the full amount of unused 2015 Winter I quota is transferred to Winter II, resulting in a revised 2015 Winter II quota of 5,468,726 lb (2,481 mt). Because the amount transferred is greater than 2,000,000 lb (907 mt), the per trip possession limit will increase from 12,000 lb (5,443 kg) to 18,000 lb (8,165 kg) during the Winter II quota period, consistent with the final rule that increased the Winter II trip limit, published on May 22, 2014 (79 FR 29371).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), has determined good cause exists pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this in-season adjustment because it is impracticable and contrary to the public interest. The landings data upon which this action is based are not available on a real-time basis and, consequently, were compiled only a short time before the determination was made that this action is warranted. If implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield from the fishery could be compromised; deteriorating weather conditions during the latter part of the fishing year will reduce fishing effort and could prevent the annual quota from being fully harvested. This would conflict with the agency's legal obligation under the Magnuson-Stevens Fishery Conservation and Management Act to achieve the optimum yield from a fishery on a continuing basis, resulting in a negative economic impact on vessels permitted to fish in this fishery.

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

Dated: September 16, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-23622 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2015-3751; Airspace Docket No. 15-ANM-20]

Proposed Amendment of Class D and Class E Airspace; Salem, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at McNary Field, Salem, OR. After further review, the FAA found some airspace unnecessary for Standard Instrument Approach Procedures for Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before November 5, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-9826. You must identify FAA Docket No. FAA-2015-3751; Airspace Docket No. 15-ANM-20, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information,

you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT:

Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4563.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in

triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2015-3751; Airspace Docket No. 15-ANM-20." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class D

airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at McNary Field, Salem, OR. A review of the airspace revealed the expanded airspace is not required for standard instrument approach procedures for IFR operations at the airport. Class D airspace would extend upward from the surface within a 4-mile radius northeast of McNary Field, with a segment extending from the 4-mile radius to 5 miles from the east to the northwest. Class E surface area airspace would extend upward from the surface within a 4-mile radius northeast of McNary Field, with a segment extending from the 4-mile radius of the airport to 5 miles from the east to the northwest. Class E airspace extending upward from 700 feet above the surface would be modified to within a 6.2-mile radius south to the northwest of McNary Field, with segments extending to 6.7 miles to the northeast, and 8.2 miles to the southeast of the airport.

Class D and Class E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015 and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 5000: Class D airspace.

* * * * *

ANM OR D Salem, OR [Modified]

Salem, McNary Field, OR (lat. 44°54'34" N., long. 123°00'09" W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of McNary Field from the 330° bearing from the airport clockwise to the 074° bearing, and that airspace within a 5-mile radius of McNary Field from the 074° bearing from the airport clockwise to the 330° bearing. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002: Class E Airspace Designated as Surface Areas.

* * * * *

ANM OR E2 Salem, OR [Modified]

Salem, McNary Field, OR (lat. 44°54'34" N., long. 123°00'09" W.)

That airspace extending upward from the surface within a 4-mile radius of McNary Field from the 330° bearing from the airport clockwise to the 074° bearing, and that airspace within a 5-mile radius of McNary Field from the 074° bearing from the airport clockwise to the 330° bearing.

Paragraph 6005: Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM OR E5 Salem, OR [Modified]

Salem, McNary Field, OR (lat. 44°54'34" N., long. 123°00'09" W.)

That airspace extending upward from 700 feet above the surface within a 6.2-mile

radius of McNary Field from the 164° bearing from the airport clockwise to the 315° bearing, and that airspace within a 6.7-mile radius of McNary Field from the 315° bearing from the airport clockwise to the 074° bearing, and that airspace within a 8.2-mile radius of McNary Field from the 074° bearing from the airport clockwise to the 164° bearing of the airport.

Issued in Seattle, Washington, on September 11, 2015.

Johanna Forkner,
*Acting Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2015–23508 Filed 9–18–15; 8:45 am]

BILLING CODE 4910–13–P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to simplify and clarify the process for transferring approvals and to add sections dealing with general permits and modifications to approvals. These rules are designed to improve the Commission's administrative processes and add regulatory clarity. **DATES:** Comments on the proposed rulemaking may be submitted to the Commission on or before November 9, 2015. The Commission has scheduled a public hearing on the proposed rulemaking, to be held October 29, 2015, in Grantville, Pennsylvania. The location of the public hearing is listed in the **ADDRESSES** section of this document.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788, or by email to regcomments@srbc.net.

The public hearing will be held on October 29, 2015, at 7:00 p.m., at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, Pa. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: 717–238–0423, ext. 1312;

fax: 717-238-2436; email: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's Web site at www.srbc.net.

SUPPLEMENTARY INFORMATION: The Commission is proposing to make regulatory changes to improve its administrative processes and add regulatory clarity. The major focus of these changes is to revise and simplify the Commission's transfer regulation, explicitly add provisions for the modification of a Commission approved project, and establish a process for the Commission to develop general permits.

1. 18 CFR 806.6. Transfer of approvals. The Commission proposes to delete the current section and replace it with simplified and easier to understand regulatory language. This revision still allows the Executive Director to approve transfers of approvals. For approvals greater than 10 years old, the current regulation requires the project sponsor to submit entirely new applications in order to transfer the project. The Commission has received complaints that this requirement is onerous and has the effect of cutting short the term of the approval solely because ownership is changing, despite no changes to the project itself or the use of the water. The revised language will allow the transfer to occur conditioned on the submission of an updated metering and monitoring plan consistent with 18 CFR 806.30. For projects undergoing a change of ownership that have an unapproved withdrawal, consumptive use and/or diversion associated with them, usually referred to as grandfathered aspects of the project, the current requirement to submit applications for these grandfathered aspects contained in 18 CFR 806.6(c) and 18 CFR 806.4(a)(1)(iv), (a)(2)(v) and (a)(3)(iv) is retained. However, the revised language removes the requirement that these applications must be made within 90 days of the date of a change in ownership. The Commission found that it was difficult for project sponsors to meet this deadline. The revised language will allow the Executive Director to approve the transfer with a condition requiring these applications to be made. This will allow the Commission to consider the complexity and number of grandfathered sources that will be subject to the application requirements and establish an appropriate and realistic timeframe in the condition for these applications to be submitted. Due to the revision of the language in 18 CFR 806.6, a corresponding revision was required to 18 CFR 806.4(c).

2. 18 CFR 806.15. Notice of Application. In paragraph (a), the Commission proposes to amend the time for notices to be published from 10 days to 20 days. The Commission has received feedback that the 10 days is not always sufficient, especially when newspaper notices are required. Extending this time frame allows project sponsors more time to complete the notices without compromising the public's opportunity to provide comment. New paragraphs (h) and (i) were added to provide specific requirements for the newly proposed 18 CFR 806.17 (regarding general permits) and 18 CFR 806.18 (regarding minor modifications), respectively.

3. New 18 CFR 806.17. General Permits. Currently, the Commission does not have a process to establish general permits. The Commission is proposing a new section that would provide the Commission the ability to develop, issue and administer general permits. The new regulation provides procedures for issuance and administration of permits, as well as standards for denial of coverage and when an individual approval would be required. In crafting this regulation, the Commission looked to similar regulations of its member jurisdictions for guidance. In addition, changes to 18 CFR 806.4 and 806.14 were necessary to accommodate the addition of this new section.

4. New 18 CFR 806.18. Approval modifications. The Commission is proposing to add a section specific to modifications of approvals. The Commission currently accepts applications for modification, but does not have a clear process set forth in the regulations. The proposed section also establishes the concept of minor and major modifications. The process for minor modifications provides a process for minor changes to approval conditions that are more likely to be administrative in nature and have a low degree of controversy, and therefore can appropriately be authorized by the Executive Director. In addition, a change to 18 CFR 806.14 is necessary to provide specific application requirements for minor modifications. Minor modifications are specifically listed. All modifications that are not specifically listed as a minor modification are major modifications. As a part of the rulemaking, the Commission has included a non-exhaustive list of common major modifications to provide guidance to the public and the regulated community.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

■ 1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 *et seq.*

■ 2. Amend § 806.4 by adding paragraph (a)(9) and revising paragraph (c) to read as follows:

§ 806.4 Projects requiring review and approval.

(a) * * *

(9) Any project subject to coverage under a general permit issued under § 806.17.

* * * * *

(c) Any project that did not require Commission approval prior to January 1, 2007, and not otherwise exempt from the requirements of paragraph (a)(1)(iv), (a)(2)(v), or (a)(3)(iv) pursuant to paragraph (b) of this section, may be undertaken by a new project sponsor upon a change of ownership pending action on a transfer application under § 806.6.

■ 3. Revise § 806.6 to read as follows:

§ 806.6 Transfer of approvals.

(a) An existing Commission approval may be transferred to a new project sponsor by the Executive Director provided:

(1) The application for transfer is submitted within 90 days of a transfer or change in ownership of a project.

(2) The new project sponsor operates the project subject to the same terms and conditions of the existing approval pending approval of the transfer application.

(3) Any noncompliance by the existing project sponsor associated with the project or by the new project sponsor associated with other projects is resolved to the Commission's satisfaction.

(4) If the existing approval is greater than 10 years old, the transfer shall be conditioned to require the submission of an updated metering and monitoring plan consistent with the requirements of § 806.30.

(5) If the existing project has an unapproved withdrawal, consumptive use and/or diversion listed in paragraph (b), the transfer shall be conditioned to require the submission of a new

application for review and approval of the unapproved withdrawal, consumptive use and/or diversion consistent with §§ 806.4 and 806.14.

(6) Any modifications proposed by the new project sponsor shall be subject to a separate application and review process under §§ 806.14. and 806.18.

(b) Previously unapproved activities associated with a project subject to transfer under paragraph (a) of this section include:

(1) The project has an associated pre-compact consumptive water use that has not been subject to approval or had mitigation approved by the Commission.

(2) The project has an associated diversion that was initiated prior to January 23, 1971.

(3) The project has an associated groundwater withdrawal that was initiated prior to July 13, 1978 and that has not been approved by the Commission.

(4) The project has an associated surface water withdrawal that was initiated prior to November 11, 1995 and that has not been approved by the Commission.

(5) The project has a consumptive water use approval and has an associated withdrawal that has not been approved by the Commission.

(c) Upon undergoing a change of name that does not affect ownership or control of the project, the project sponsor must request a reissuance of the project's approval by the Executive Director within 90 days from the date of the change.

■ 4. Amend § 806.14 by revising paragraph (a) introductory text and adding paragraph (d) to read as follows:

§ 806.14 Contents of applications.

(a) Except with respect to applications to renew an existing Commission approval and Notices of Intent for approvals by rule and general permits, applications shall include, but not be limited to, the following information and, where applicable, shall be submitted on forms and in the manner prescribed by the Commission. Renewal applications shall include such information that the Commission determines to be necessary for the review of same, shall be subject to the standards set forth in Subpart C—Standards for Review and Approval of this part, and shall likewise be submitted on forms and in the manner prescribed by the Commission.

* * * * *

(d) Applications for minor modifications must be complete and will be on a form and in a manner prescribed by the Commission.

Applications for minor modifications must contain the following:

(1) Description of the project;

(2) Description of all sources, consumptive uses and diversions related to the project;

(3) Description of the requested modification;

(4) Statement of the need for the requested modification;

(5) Demonstration that the anticipated impact of the requested modification will not adversely impact the water resources of the basin; and

(6) Any other information that the Commission or Executive Director deems necessary.

■ 5. Amend § 806.15 by revising paragraph (a) and adding paragraphs (h) and (i) to read as follows:

§ 806.15 Notice of application.

(a) Any project sponsor submitting an application to the Commission shall provide notice thereof to the appropriate agency of the member State, each municipality in which the project is located, and the county planning agency of each county in which the project is located. The project sponsor shall also publish notice of submission of the application at least once in a newspaper of general circulation serving the area in which the project is located. The project sponsor shall also meet any of the notice requirements set forth in paragraphs (b) through (f) of this section, if applicable. All notices required under this section shall be provided or published no later than 20 days after submission of the application to the Commission and shall contain a description of the project, its purpose, the requested quantity of water to be withdrawn obtained from for sources other than withdrawals or consumptively used, and the address, electronic mail address, and phone number of the project sponsor and the Commission. All such notices shall be in a form and manner as prescribed by the Commission.

* * * * *

(h) For Notices of Intent (NOI) seeking coverage under a general permit, the project sponsor shall provide the NOI to the appropriate agency of the member State and each municipality and county planning agency in which the project is located and any additional notice identified in the general permit.

(i) For applications for minor modifications, the project sponsor shall provide notice of the application to the appropriate agency of the member State and each municipality and county planning agency in the which the project is located.

■ 6. Add § 806.17 to read as follows:

§ 806.17 General permits.

(a) Coverage and purpose. The Commission may issue a general permit, in lieu of issuing individual approvals, for a specifically described category of diversions, water withdrawals and consumptive uses that:

(1) Involve the same or substantially similar types of operations or activities,

(2) Require the same limitations or operating conditions, or both,

(3) Require the same or similar monitoring and reporting, and

(4) Will result in minimal adverse impacts.

(b) Procedure for issuance. (1) At least 30 days prior to the issuance of a general permit, the Commission shall publish notice in the Federal Register and the member jurisdiction administrative bulletins of the intent to issue a general permit.

(2) At least 30 days shall be provided for interested members of the public and Federal, State and local agencies to provide written comments on a proposed general permit.

(3) The Commission or Executive Director may, in its discretion, hold a public hearing on a proposed general permit.

(4) The issuance of a general permit adopted by the Commission will be published in the Federal Register and the member jurisdiction administrative bulletins. This notice shall set forth the effective date of the general permit.

(c) Administration of general permits. General permits may be issued, amended, suspended, revoked, reissued or terminated under this section.

(1) Any general permit issued under this section shall set forth the applicability of the permit and the conditions that apply to any diversion, withdrawal or consumptive use authorized by such general permit.

(2) The Commission may fix a term to any general permit issued.

(3) A project sponsor shall obtain permission to divert, withdraw or consumptively use water in accordance with a general permit by filing a Notice of Intent (NOI) with the Commission, in a form and manner determined by the Commission.

(4) Approval of coverage under a general permit shall be determined by the Executive Director or by any other manner that the Commission shall establish for any general permit.

(5) The Commission may set a fee for NOIs to any general permit.

(6) A project sponsor shall provide notice for NOIs in accordance with § 806.15(h) and any additional notice requirements that the Commission may adopt for any general permit.

(7) The requirements of § 806.16 apply to the review of NOIs to any general permit.

(8) Upon reissuance or amendment of a general permit, all project sponsors permitted to divert, withdraw or consumptively use water in accordance with the previous general permit shall be permitted to continue to operate with the renewed or modified general permit unless otherwise notified by the Commission.

(d) *Denial of coverage.* The Executive Director will deny or revoke coverage under a general permit when one or more of the following conditions exist:

(1) The project or project sponsor does not or can no longer meet the criteria for coverage under a general permit.

(2) The diversion, withdrawal or consumptive use, individually or in combination with other similar Commission regulated activities, is causing or has the potential to cause adverse impacts to water resources or competing water users.

(3) The project does not meet the requirements of § 806.21(a) or (b).

(4) The project includes other diversions, withdrawals or consumptive uses that require an individual approval and the issuance of both an individual approval and a general permit for the project would constitute an undue administrative burden on the Commission.

(5) The Executive Director determines that a project cannot be effectively regulated under a general permit and is more effectively regulated under an individual approval.

(e) *Requiring an individual approval.* If coverage is denied or revoked under paragraph (d) of this section, the project sponsor shall be notified in writing. The notice will include a brief statement for the reasons for the decision. If coverage under a general permit was previously granted, the notice will also include a deadline for submission of an application for an individual approval. Timely submission of a complete application will result in continuation of coverage of the applicable withdrawal, consumptive use or diversion under the general permit, until the Commission takes final action on the pending individual approval application.

(f) *Action of the commission.* Action by the Executive Director denying or revoking coverage under a general permit under paragraph (d) of this section, or requiring an individual approval under paragraph (e) of this section, is not a final action of the Commission until the project sponsor submits and the Commission takes final

action on an individual approval application.

■ 7. Add § 806.18 to read as follows:

§ 806.18 Approval modifications.

(a) *General.* A project sponsor shall submit an application for modification of a current approval prior to making a change in the design, operational plans, or use as presented in the application upon which the approval was originally issued, and that will affect the terms and conditions of the current approval.

(b) *Applications for modification.* (1) A project sponsor may apply for a modification of a current approval by submitting an application for modification to the Commission.

(c) *Minor modifications.* The following are considered minor modifications:

(1) Correction of typographical errors;

(2) Changes to monitoring or metering conditions;

(3) Addition of sources of water for consumptive use;

(4) Changes to the authorized water uses;

(5) Changes to conditions setting a schedule for developing, implementing, and/or reporting on monitoring, data collection and analyses;

(6) Changes to the design of intakes;

(7) Increases to total system limits that were established based on the projected demand of the project; and

(8) Modify approval to allow the modification of extraction well network used for groundwater remediation systems.

(d) *Major modifications.* Major modifications are changes not considered to be minor modifications. Major modifications may include, but are not limited to:

(1) Increases in the quantity of water withdrawals, consumptive uses or diversions;

(2) Increases to peak day consumptive water use;

(3) Increases to the instantaneous withdrawal rate or changes from a single withdrawal rate to a varied withdrawal rate;

(4) Changes affecting passby flows requirements; and

(5) Changes that have the potential for adverse impacts to water resources or competing water users.

(e) *Notice and approval.* (1) Applications for modifications are subject to the notice requirements of § 806.15.
(2) The Commission or Executive Director may approve, approve with conditions or deny an application for minor modification, or direct that an application for major modification be made.

(3) The Commission may approve, approve with conditions or deny an application for major modification.

Dated: September 11, 2015.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2015-23304 Filed 9-18-15; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202, 212, 246, and 252

[Docket No. 2015-0038]

RIN 0750-A158

Defense Federal Acquisition Regulation Supplement: Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation (DFARS Case 2014-D005)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to further implement a requirement of the National Defense Authorization Act for Fiscal Year 2012, as modified by a section of the National Defense Authorization Act for Fiscal Year 2015, that addresses required sources of electronic parts for defense contractors and subcontractors.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 20, 2015, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2014-D005, using any of the following methods:

○ *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering “DFARS Case 2014-D005” under the heading “Enter keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “DFARS Case 2014-D005.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “DFARS Case 2014-D005” on your attached document.

○ *Email:* osd.dfars@mail.mil. Include DFARS Case 2014-D005 in the subject line of the message.

○ *Fax:* 571-372-6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy G.

Williams, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Amy G. Williams, telephone 571-372-6106.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to revise the DFARS to further implement section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 (Pub. L. 112-81), as modified by section 817 of the NDAA for FY 2015 (Pub. L. 113-291). On May 6, 2014, DoD published a final rule under DFARS Case 2012-D055, entitled "Detection and Avoidance of Counterfeit Electronic Parts" (78 FR 26092). That final rule constituted the initial partial implementation of section 818.

After publication of the final rule under FAR Case 2012-D055, DoD published on May 9, 2014, a notice of a public meeting, which was held on June 16, 2014, to address further implementation of detections and avoidance of counterfeit electronic parts. There were 79 registered attendees and eight presenters at the public meeting, as well as robust discussion. Some of the issues raised at the public meeting are addressed in this proposed rule, such as—

- Removal of embedded software or firmware from the definition of "electronic part";
- Clarification of traceability expectations; and
- Additional guidance on determination of risk.

II. Discussion and Analysis

The rule proposes amendments to DFARS 246.870 and a new clause at DFARS 252.246-70XX, Sources of Electronic Parts, to further implement paragraph (c)(3) of section 818 of the NDAA for FY 2012, as modified by section 817 of the NDAA for FY 2015, which requires DoD to issue regulations establishing requirements that DoD and DoD contractors and subcontractors, except in limited circumstances, shall acquire electronic parts from trusted suppliers in order to further address the avoidance of counterfeit electronic parts.

Because of the complexities relating to use of trusted suppliers by DoD and the requirement of section 818, paragraph (c)(3)(C), to establish qualification requirements consistent with 10 U.S.C. 2319, those aspects of section 818 will be addressed in a separate DFARS Case 2015-D020, DoD Use of Trusted Suppliers for Electronic Parts.

This proposed rule addresses requirements for DoD contractors and subcontractors at all tiers, as set forth in paragraphs (c)(3)(A), (B), and (D). Although some paragraphs of section 818 only apply to contractors subject to the Cost Accounting Standards (CAS), paragraph (c)(3) applies to all DoD contractors and subcontractors, when obtaining electronic parts to be provided to DoD under a DoD contract.

DoD proposes to include the new clause at DFARS 252.246-70XX, Sources of Electronic Parts, as prescribed at 246.870-3(b), whenever procuring—

- (1) Electronic parts;
- (2) End items, components, parts, or assemblies containing electronic parts; or
- (3) Services, if the contractor will supply electronic parts or components, parts, or assemblies containing electronic parts as part of the service.

Unlike the clause at 252.246-7007, Contractor Counterfeit Electronic Part Detection and Avoidance System, this new clause is not limited to contractors subject to CAS and will apply to small business set-asides, since paragraph (c)(3) of section 818 applies to all DoD contractors and subcontractors at all tiers that are providing electronic parts or assemblies containing electronic parts. Therefore, the clause includes flowdown to subcontracts, including subcontracts for commercial items.

DoD does not propose to expand the requirements of DFARS 252.246-7007, or the associated clause DFARS 252.244-7001, Contractor Purchasing System Administration, Alternate I, to non-CAS covered prime contractors, because paragraph (e)(1) of section 818 specifically applies the requirements for a system for avoidance and detection of counterfeit parts to "covered contractors." However, the DFARS flows down the system requirements to subcontractors regardless of CAS coverage.

The clause DFARS 252.246-70XX includes new proposed definitions of "authorized dealer" and "trusted supplier."

- DoD notes that "authorized dealer" does not equate to "authorized reseller." An authorized reseller is not bound to obtain parts from the original

manufacturer. The reseller can obtain parts from an authorized dealer, an aftermarket manufacturer, or independent distributor, for example. An "authorized dealer," however, has a contractual arrangement with the original manufacturer or current design activity, including an authorized aftermarket manufacturer, to buy, stock, repack, sell, and distribute its product lines.

- The term "trusted supplier" includes not only the original manufacturer, an authorized dealer for the part, or a supplier that obtains the part exclusively from the original component manufacturer of the part or an authorized dealer, but also includes a supplier that a contractor or subcontractor has identified as a trustworthy supplier, using DoD-adopted counterfeit prevention industry standards and processes, including testing, in accordance with section 818(c)(3)(A)(iii) and (D) of the NDAA for FY 2012, as modified by section 817 of the NDAA for FY 2015.

In addition to the requirements to acquire electronic components from trusted suppliers, contractors and subcontractors that are not the original manufacturer are required to have a risk-based system to trace electronic parts from the original manufacturer to product acceptance by the Government. If such traceability is not feasible for a particular part, the contractor system must provide for the consideration of an alternative part or utilization of tests and inspections in order to avoid counterfeit electronic parts. If it is not possible to obtain an electronic part from a trusted supplier, the contractor is required to notify the contracting officer. The contractor is then responsible for inspection, testing, and authentication, in accordance with existing applicable industry standards, of electronic parts obtained from sources other than a trusted supplier.

The rule also proposes a definition in DFARS 202.101 of "original manufacturer" to include the "contract electronics manufacturer," the "original component manufacturer," or the "original equipment manufacturer," which are also defined. The term "contract electronics manufacturer" includes manufacturers that produce goods, using electronic parts, for other companies on a contract basis under the label or brand of the other organizations, or fabricate an electronic part under a contract with, or with the express written authority of, the original component manufacturer, based on the original components manufacturer's designs.

In addition, the rule proposes to delete the sentence “The term ‘electronic part’ includes any embedded software or firmware” from the definition of “electronic part.” Although electronic parts may include embedded software or firmware, the requirements of this rule are more applicable to hardware. Further industry standards are still under development to address testing of embedded software or firmware in electronic parts.

There are conforming changes to DFARS clause 252.246–7007, Contractor Counterfeit Electronic Part Detection and Avoidance System, in the definitions and processes for traceability.

This rule is part of DoD’s retrospective plan, completed in August 2011, under Executive Order 13563, “Improving Regulation and Regulatory Review.” DoD’s full plan and updates can be accessed at: <http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036>.

III. Determinations of Applicability

DoD intends to apply the requirements of section 818(c)(3) to contracts at or below the simplified acquisition threshold (SAT) and contracts for the acquisition of commercial items, including commercial-off-the-shelf (COTS) items.

A. Applicability to Contracts at or Below the SAT

41 U.S.C. 1905 governs the applicability of laws to contracts or subcontracts in amounts not greater than the SAT. It is intended to limit the applicability of laws to such contracts or subcontracts. 41 U.S.C. 1905 provides that if a provision of law contains criminal or civil penalties, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt contracts or subcontracts at or below the SAT, the law will apply to them. The Director, DPAP, is the appropriate authority to make comparable determinations for regulations to be published in the DFARS, which is part of the FAR system of regulations.

DoD intends to determine that it is in the best interest of the Federal Government to apply the rule to contracts at or below the SAT, because a substantial percentage of electronic parts are valued below the SAT. An exception for contracts at or below the SAT would severely decrease the intended effect of the statute and increase the risk of receiving counterfeit parts, which may present a significant mission, security, or safety hazard.

B. Applicability to Contracts for the Acquisition of Commercial Items, Including COTS Items

41 U.S.C. 1906 governs the applicability of laws to contracts for the acquisition of commercial items, and is intended to limit the applicability of laws to contracts for the acquisition of commercial items. 41 U.S.C. 1906 provides that if a provision of law contains criminal or civil penalties, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt commercial item contracts, the provision of law will apply to contracts for the acquisition of commercial items. Likewise, 41 U.S.C. governs the applicability of laws to COTS items, with the Administrator for Federal Procurement Policy the decision authority to determine that it is in the best interest of the Government to apply a provision of law to acquisitions of COTS items in the FAR. The Director, DPAP, is the appropriate authority to make comparable determinations for regulations to be published in the DFARS, which is part of the FAR system of regulations.

Since electronic parts are generally COTS items, and studies have shown that a large proportion of proven counterfeit parts were purchased as commercial items, including COTS items, DoD intends to determine that it is in the best interest of the Federal Government to apply the rule to contracts for the acquisition of commercial items, including COTS items, as defined at FAR 2.101. An exception for contracts for the acquisition of commercial items, including COTS items, would severely decrease the intended effect of the statute and increase the risk of receiving counterfeit parts, which may present a significant mission, security, or safety hazard.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and

Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Regulatory Flexibility Act

DoD expects that this proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.* Therefore, an initial regulatory flexibility analysis has been prepared and is summarized as follows:

This proposed rule further implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 (Pub. L. 112–81), as modified by section 817 of the NDAA for FY 2015.

The objective of this rule is to avoid acquisition of counterfeit electronic parts by requiring DoD contractors and subcontractors, except in limited circumstances, to buy electronic parts from trusted suppliers, in accordance with section 818(c)(3) of the NDAA for FY 2012.

Based on Federal Procurement Data System data for FY 2013 and 2014, DoD estimates that this rule will apply to approximately 33,000 small entities that have DoD prime contracts or subcontracts for electronic parts; end items, components, parts, or assemblies containing electronic parts; or services, if the contractor will supply electronic parts or components, parts, or assemblies containing electronic parts as part of the service.

In addition to the requirements to acquire electronic components from trusted suppliers, contractors and subcontractors that are not the original manufacturer or authorized dealer are required have a risk-based process to trace electronic parts from the original manufacturer to product acceptance by the Government. If that is not feasible, the Contractor shall have a process to complete an evaluation that includes consideration of alternative parts or utilization of tests and inspections commensurate with the risk. If it is not possible to obtain an electronic part from a trusted supplier, the contractor is required to notify the contracting officer. The contractor is responsible for inspection, testing, and authentication, in accordance with existing applicable industry standards, of electronic parts obtained from sources other than a trusted supplier. Notifying the contracting officer if it is not possible to obtain an electronic part from a trusted supplier would probably involve a mid-level of executive involvement.

No relevant Federal rules duplicate, overlap, or conflict with the proposed rule.

The rule does not duplicate, overlap, or conflict with any other Federal rules. DoD was unable to identify any significant alternatives that would reduce the economic impact on small entities and still fulfill the requirements of the statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2014–D005), in correspondence.

VI. Paperwork Reduction Act

The rule contains information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). Accordingly, DoD has submitted a request for approval of a new information collection requirement concerning “Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation” to the Office of Management and Budget.

A. Public reporting burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden estimated as follows:

Respondents: 1,000.

Responses per Respondent: 1.

Total Annual Responses: 1,000.

Preparation Hours per Response: 1 hour.

Total Response Burden Hours: 1,000.

B. Request for Comments Regarding Paperwork Burden.

Written comments and recommendations on the proposed information collection, including suggestions for reducing this burden, should be sent to Ms. Jasmeet Sehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, or email Jasmeet_K_Sehra@omb.eop.gov, with a copy to the Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments can be received up to 60 days after the date of this notice, but comments to OMB will be most useful

if received by OMB within 30 days after the date of this notice.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the DFARS, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060, or email osd.dfars@mail.mil. Include DFARS Case 2014–D005 in the subject line of the message.

List of Subjects in 48 CFR Parts 202, 212, 246, and 252

Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 202, 212, 246, and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 202, 212, 246, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 202.101 by—

■ a. Adding, in alphabetical order, the definitions for “Contract electronics manufacturer,” “Original component manufacturer,” “Original equipment manufacturer,” and “Original manufacturer”; and

■ b. Revising the definition of “Electronic part”.

The additions and revision read as follows:

202.101 Definitions.

* * * * *

Contract electronics manufacturer means an organization that—

(1) Produces goods, using electronic parts, for other companies on a contract

basis under the label or brand name of the other organization; or

(2) Fabricates an electronic part under a contract with, or with the express written authority of, the original component manufacturer based on the original component manufacturer’s designs, formulas, and/or specifications.

* * * * *

Electronic part means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode), or a circuit assembly (section 818(f)(2) of Pub. L. 112–81).

* * * * *

Original component manufacturer means an organization that designs and/or engineers a part and is pursuing, or has obtained, the intellectual property rights to that part.

Original equipment manufacturer means a company that manufactures products that it has designed from purchased components and sells those products under the company’s brand name.

Original manufacturer means the contract electronics manufacturer, the original component manufacturer, or the original equipment manufacturer.

* * * * *

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 3. Amend section 212.301 by adding paragraph (f)(xviii)(C) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(xviii) * * *

(C) Use the clause at 252.246–70XX, Sources of Electronic Parts, as prescribed in 246.870–3(b), to comply with section 818(c)(3) of Public Law 112–81, as amended by section 817 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291).

* * * * *

PART 246—QUALITY ASSURANCE

■ 4. Revise section 246.870 heading to read as follows:

246.870 Contractor counterfeit electronic part detection and avoidance.

246.870–1 [Redesignated as 246.870–0]

■ 5. Redesignate section 246.870–1 as 246.870–0.

■ 6. In newly redesignated section 246.870–0, revise paragraph (a) to read as follows:

246.870–0 Scope.

* * * * *

(a) Partially implements section 818(c) and (e) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81), as amended by section 817 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291); and

* * * * *

■ 7. Add section 246.870–1 to read as follows:

246.870–1 Definitions.

As used in this section—

Authorized dealer means a supplier with a contractual arrangement with the original manufacturer or current design activity, including an authorized aftermarket manufacturer, to buy, stock, re-package, sell, and distribute its product lines.

Trusted supplier means—

(1) The original manufacturer of a part;

(2) An authorized dealer for the part;

(3) A supplier that obtains the part exclusively from the original component manufacturer of the part or an authorized dealer; or

(4) A supplier that a contractor or subcontractor has identified as a trustworthy supplier, using DoD-adopted counterfeit prevention industry standards and processes, including testing (see <https://assist.dla.mil>).

■ 8. Amend section 246.870–2 by—

■ a. Redesignating paragraphs (a) and (b) as paragraphs (b)(1) and (2), respectively;

■ b. In newly redesignated paragraph (b)(1), removing the paragraph heading and adding a comma after the second use of “electronic parts”;

■ c. In the newly redesignated paragraph (b)(2), further redesignating paragraphs (1) through (12) as paragraphs (b)(2)(i) through (xii), respectively;

■ d. Adding paragraph (a);

■ e. Adding a paragraph (b) heading;

■ f. In newly redesignated paragraph (b)(2) introductory text, removing “see 252.246–7007” and adding “see the clause at 252.246–7007” in its place; and

■ g. In newly redesignated paragraph (b)(2)(v), adding the phrase “, or use of other trusted suppliers, as identified by the contractor (see paragraph (a)(1)(ii) of this section)” at the end of the sentence, before the period.

The additions read as follows:

246.870–2 Policy.

(a) *Sources of electronic parts.* (1) Except as provided in paragraph (a)(2) of this section, the Government requires contractors and subcontractors at all tiers, to—

(i) Obtain electronic parts that are in production or currently available in stock from—

(A) The original manufacturers of the parts;

(B) Their authorized dealers; or

(C) Suppliers that obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers;

(ii) Obtain electronic parts that are not in production, or not currently available from stock, from suppliers identified by the contractor or subcontractor as trusted suppliers, provided that—

(A) The contractor uses established counterfeit prevention industry standards and processes, including testing, for identifying such trusted suppliers;

(B) The contractor or subcontractor assumes responsibility for the authenticity of parts provided by such suppliers (see 231.205–71); and

(C) The selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(iii) If authorized to purchase electronic parts from the Federal Supply Schedule, contractors and subcontractors are still required to comply with the requirements of paragraph (a)(1) or (2) of this section, as applicable.

(2) If electronic parts are not available from trusted suppliers, the Government requires contractors and subcontractors to comply with the notification, inspection, testing, and authentication requirements of paragraph (c) of the clause at 252.246–70XX, Sources of Electronic Parts.

(b) *Contractor counterfeit electronic part detection and avoidance system.* * * *

* * * * *

■ 9. Amend section 246.870–3 by—

■ a. Redesignating paragraphs (a) and (b) as paragraphs (a)(1) and (2), respectively;

■ b. In the newly redesignated paragraph (a)(1), further redesignating paragraphs (1) through (3) as paragraphs (a)(1)(i) through (iii), respectively;

■ c. In newly redesignated paragraph (a)(1), removing “paragraph (b)” and adding “paragraph (a)(2)” in its place;

■ d. In newly redesignated paragraph (a)(1)(iii), removing “Services where” and adding “Services, if” in its place;

■ e. In newly redesignated paragraph (a)(2), removing “set-aside” and adding “set aside” in its place; and

■ f. Adding paragraph (b).

The addition reads as follows:

246.870–3 Contract clause.

* * * * *

(b) Use the clause at 252.246–70XX, Sources of Electronic Parts, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when procuring—

(1) Electronic parts;

(2) End items, components, parts, or assemblies containing electronic parts; or

(3) Services, if the contractor will supply electronic parts or components, parts, or assemblies containing electronic parts as part of the service.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 10. Amend section 252.246–7007 by—

■ a. In the introductory text, removing “246.870–3” and adding “246.870–3(a)” in its place;

■ b. Removing the clause date “(MAY 2014)” and adding “(DATE)” in its place;

■ c. In paragraph (a)—

■ i. Adding, in alphabetical order, the definitions of “Authorized dealer,” “Contract electronics manufacturer,” “Original component manufacturer,” “Original equipment manufacturer,” “Original manufacturer,” and “Trusted supplier”; and

■ ii. Revising the definition of “Electronic part”; and

■ d. Revising paragraphs (c)(4) and (5).

The additions and revisions read as follows:

252.246–7007 Contractor Counterfeit Electronic Part Detection and Avoidance System.

* * * * *

(a) * * *

Authorized dealer means a supplier with a contractual arrangement with the original manufacturer or current design activity, including an authorized aftermarket manufacturer, to buy, stock, re-package, sell, and distribute its product lines.

Contract electronics manufacturer means an organization that—

(1) Produces goods, using electronic parts, for other companies on a contract basis under the label or brand name of the other organization; or

(2) Fabricates an electronic part under a contract with, or with the express written authority of, the original component manufacturer based on the original component manufacturer’s designs, formulas, and/or specifications.

* * * * *

Electronic part means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode),

or a circuit assembly (section 818(f)(2) of Pub. L. 112–81).

* * * * *

Original component manufacturer means an organization that designs and/or engineers a part and is pursuing, or has obtained, the intellectual property rights to that part.

Original equipment manufacturer means a company that manufactures products that it has designed from purchased components and sells those products under the company's brand name.

Original manufacturer means the contract electronics manufacturer, the original component manufacturer, or the original equipment manufacturer.

* * * * *

Trusted supplier means—

(1) The original manufacturer of a part;

(2) An authorized dealer for the part;

(3) A supplier that obtains the part exclusively from the original component manufacturer of the part or an authorized dealer; or

(4) A supplier that a contractor or subcontractor has identified as a trustworthy supplier, using DoD-adopted counterfeit prevention industry standards and processes, including testing (see <https://assist.dla.mil>).

* * * * *

(c) * * *

(4) Processes to—

(i) Enable tracking of electronic parts from the original manufacturer to product acceptance by the Government, whether the electronic parts are supplied as discrete electronic parts or are contained in assemblies; and

(ii) If the Contractor cannot establish this traceability from the original manufacturer for a specific part, complete an evaluation that includes consideration of alternative parts or utilization of tests and inspections commensurate with the risk (see paragraph (c)(2) of this clause).

(5) Use of trusted suppliers in accordance with the clause at 252.246–70XX, Sources of Electronic Parts.

* * * * *

■ 11. Add section 252.246–70XX to read as follows:

252.246–70XX Sources of Electronic Parts.

As prescribed in 246.870–3(b), use the following clause:

SOURCES OF ELECTRONIC PARTS (DATE)

(a) *Definitions.* As used in this clause—

Authorized dealer means a supplier with express written authority of a contractual arrangement with the original manufacturer or current design activity, including an authorized aftermarket manufacturer, to buy, stock, re-package, sell, and distribute its product lines.

Contract electronics manufacturer means an organization that—

(1) Produces goods, using electronic parts, for other companies on a contract basis under the label or brand name of the other organization; or

(2) Fabricates an electronic part under a contract with, or with the express written authority of, the original component manufacturer based on the original component manufacturer's designs, formulas, and/or specifications.

Electronic part means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode), or a circuit assembly (section 818(f)(2) of Pub. L. 112–81).

Original component manufacturer means an organization that designs and/or engineers a part and is pursuing, or has obtained, the intellectual property rights to that part.

Original equipment manufacturer means a company that manufactures products that it has designed from purchased components and sells those products under the company's brand name.

Original manufacturer means the contract electronics manufacturer, the original component manufacturer, or the original equipment manufacturer.

Trusted supplier means—

(1) The original manufacturer of a part;

(2) An authorized dealer for the part;

(3) A supplier that obtains the part exclusively from the original component manufacturer of the part or an authorized dealer; or

(4) A supplier that a contractor or subcontractor has identified as a trustworthy supplier, using DoD-adopted counterfeit prevention industry standards and processes, including testing (see <https://assist.dla.mil>).

(b) *Trusted suppliers.* In accordance with section 818(c)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81), as amended by section 817 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), except as provided in paragraph (d) of this clause, the Contractor shall—

(1) Obtain electronic parts that are in production or currently available in stock from—

(i) The original manufacturers of the parts;

(ii) Their authorized dealers; or

(iii) Suppliers that obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(2) Obtain electronic parts that are not in production, or not currently available in stock, from suppliers identified by the Contractor as trusted suppliers, provided that—

(i) The Contractor uses established counterfeit prevention industry standards and processes, including testing, for identifying such trusted suppliers;

(ii) The Contractor assumes responsibility for the authenticity of parts provided by such suppliers (see DFARS 231.205–71); and

(iii) The Contractor's selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(c) *Traceability.* If the Contractor is not the original manufacturer of, or authorized dealer

for, an electronic part, the Contractor shall have risk-based processes (taking into consideration the consequences of failure of an electronic part) that—

(1) Enable tracking of electronic parts from the original manufacturer to product acceptance by the Government, whether the electronic part is supplied as a discrete electronic part or is contained in an assembly; and

(2) If the Contractor cannot establish this traceability from the original manufacturer for a specific part, complete an evaluation that includes consideration of alternative parts or utilization of tests and inspections commensurate with the risk. Determination of risk shall be based on the assessed probability of receiving a counterfeit electronic part; the probability that the inspection or test selected will detect a counterfeit electronic part; and the potential negative consequences of a counterfeit electronic part being installed (e.g., human safety, mission success) where such consequences are made known to the Contractor.

(d)(1) *Non-trusted suppliers.* If it is not possible to obtain an electronic part from a trusted supplier, as described in paragraph (b) of this clause, the Contractor shall notify the Contracting Officer. If an entire lot of assemblies require an obsolete component, the Contractor may submit one notification for the entire lot, providing identification of the assemblies containing the parts (e.g., serial numbers).

(2) The Contractor is responsible for inspection, testing, and authentication, in accordance with existing applicable industry standards, of electronic parts obtained from sources other than those described in paragraph (b) of this clause.

(e) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (e), in subcontracts, including subcontracts for commercial items that are for electronic parts or assemblies containing electronic parts.

(End of clause)

[FR Doc. 2015–23516 Filed 9–18–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 578

[Docket No. NHTSA–2015–0090]

RIN 2127–AL38

Civil Penalty Procedures and Factors

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: NHTSA is proposing a rule prescribing procedures for the assessment of civil penalties and for

interpreting the factors for determining the amount of a civil penalty or the amount of a compromise under the National Traffic and Motor Vehicle Safety Act (Safety Act), to implement the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 states that the Secretary of Transportation shall determine the amount of civil penalty or compromise under the Safety Act. MAP-21 identifies mandatory factors that the Secretary must consider and discretionary factors for the Secretary to consider as appropriate in making such determinations. MAP-21 further directs NHTSA to issue a rule providing an interpretation of these penalty factors.

NHTSA is also proposing to update our regulations to conform it to the statutory civil penalty maximums enacted in MAP-21, the increased penalties and damages for odometer fraud, and the statutory penalty for knowingly and willfully submitting materially false or misleading information to the Secretary after certifying the same information as accurate.

DATES: Submit comments on or before November 20, 2015.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail: Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- Fax: (202) 493-2251.

Regardless of how you submit your comments, please be sure to mention the docket number of this document.

You may call the Docket at 202-366-9322.

Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (65 *FR* 19477-78).

FOR FURTHER INFORMATION CONTACT: Thomas Healy, Office of the Chief Counsel, NHTSA, 1200 New Jersey Ave. SE., West Building, W41-211, Washington, DC 20590. Telephone: (202) 366-2992 Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:

- I. Executive Summary
- II. Civil Penalties under the Safety Act Prior to MAP-21
- III. NHTSA's Proposed Procedures for Its Assessment of Civil Penalties under the Safety Act
 - A. Initiation of the Proceeding by NHTSA
 - B. Election of Process by the Respondent
 - C. Administrative Appeal
 - D. The Proposed Procedures Comport With Due Process
- IV. NHTSA's Proposed Interpretation of the MAP-21 Civil Penalty Factors
 - A. General Penalty Factors
 - B. Discretionary Penalty Factors
- V. Codification of Other MAP-21 Penalty Changes in 49 CFR part 578
- VI. Rulemaking Analyses and Notices

I. Executive Summary

The Moving Ahead for Progress in the 21st Century Act (MAP-21 or the Act) was signed into law on July 6, 2012 (Pub. L. 112-141). Section 31203(a) of MAP-21 amends the civil penalty provision of the Safety Act, as amended and recodified, 49 U.S.C. chapter 301, by requiring the Secretary of Transportation to consider various factors in determining the amount of a civil penalty or compromise. This statutory language confirms that the Secretary has the power to assess civil penalties. The factors that the Secretary shall consider in determining the amount of civil penalty or compromise are codified in amendments to 49 U.S.C. 30165(c). Section 31203(b) of MAP-21 requires the Secretary to issue a final rule, in accordance with 5 U.S.C. 553, providing an interpretation of the penalty factors set forth in MAP-21. Public Law 112-141, section 31203, 126 Stat. 758 (2012). This NPRM proposes an interpretation of the civil penalty factors in 49 U.S.C. 30165(c) for NHTSA to consider in determining the amount of civil penalty or compromise and proposes procedures for NHTSA to assess civil penalties under a delegation from the Secretary, 49 CFR 1.95 and 1.81. The proposed procedure for assessing civil penalties and the proposed interpretation of the civil penalty factors is intended to apply only to matters falling under section 30165.

This rulemaking also sets forth NHTSA's amendment of its penalty regulation, 49 CFR 578.6, to conform it

to the statutory language and maximums enacted in MAP-21.

II. Civil Penalties Under the Safety Act Prior to MAP-21

Prior to the enactment of MAP-21, 49 U.S.C. 30165(c) stated, "In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered." 49 U.S.C. 30165(c) (2011). The statute did not specify who would assess the civil penalties. However, the statute specifically stated that "The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section." 49 U.S.C. 30165(b)(1). Construing these provisions, NHTSA, through the authority delegated from the Secretary of Transportation pursuant to 49 CFR 1.50 (2011), compromised civil penalties, but did not assess them.

NHTSA has in fact compromised, or settled, many civil penalty actions.¹ However, if the action was not compromised, NHTSA had relied on the U.S. Department of Justice to initiate an action in U.S. District Court for the assessment of civil penalties.²

Congress has revised the language in 49 U.S.C. 30165(c), which now states in part that "In determining the amount of a civil penalty or compromise under this section, the Secretary of Transportation shall consider the nature, circumstances, extent, and gravity of the violation." The plain language of the statute indicates Congress' intent that the Secretary of Transportation is authorized to determine the amount of a civil penalty and to impose such penalty.

NHTSA's reading of the statute, as amended, is supported by the legislative history. For example, on July 29, 2011, Senator Pryor introduced S. 1449, the Motor Vehicle and Highway Safety Improvement Act of 2011 (Mariah's Act). This bill contained language listing the factors that the Secretary of Transportation shall consider in determining the amount of civil penalty

¹ See, e.g., "Civil Penalty Settlement Amounts," 1999-2012, at http://www.nhtsa.gov/Laws+&+Regulations/Civil_Penalties_1999-2012; "Civil Penalty Settlement Amounts" at <http://www.nhtsa.gov/Laws+&+Regulations/Civil+Penalty+Settlement+Amounts>.

² See, e.g., *United States v. General Motors Corp.*, 385 F.Supp. 598 (D.D.C. 1974), vacated and remanded by *United States v. General Motors Corp.*, 527 F.2d 853 (D.C. Cir. 1975); *United States v. General Motors Corp.*, 417 F.Supp. 933 (D.D.C. 1976), judgment remanded by *United States v. GM*, 565 F.2d 754 (D.C. Cir. 1977); and *United States v. Snyder Computer Sys., Inc. dba Wildfire Motors*, No. 2:13-cv-311 (S.D. Ohio) (filed April 3, 2013).

or compromise.³ According to a Senate report, the provisions of S. 1449 were enacted into law, with modifications, as title I of division C of the Moving Ahead for Progress in the 21st Century Act (MAP-21, 126 Stat. 732), which was signed into law on July 6, 2012.⁴ The Report of the Senate Committee on Commerce, Science, and Transportation made clear that NHTSA was authorized to impose “fines.” For example, it stated, “Before issuing a fine, the Secretary would be required to consider several relevant factors in setting the level of the fine, including the nature of the violation; the severity of the risk of injury; the actions taken by the person charged to identify, investigate, or mitigate the violation; the nature of the defect or noncompliance; and the size of the company.”⁵ The use of the words “issuing a fine” indicates that the monetary amount is due and owing to the public treasury. *See, e.g., Black’s Law Dictionary* (10th ed. 2014) (defining “fine” as “[a] pecuniary criminal punishment or civil penalty payable to the public treasury.”).

NHTSA historically has considered the gravity of the violation when compromising civil penalties. Consideration of the gravity of the violation has involved a variety of factors, depending on the case. The factors that have been important or germane have included the nature of the violation, the nature of a safety-related defect or noncompliance with Federal Motor Vehicle Safety Standards (“FMVSS”), the safety risk, the number of motor vehicles or items of motor vehicle equipment involved, the delay in submitting a defect and noncompliance information report, the information in the possession of the violator regarding the violation, other actions by the violator, and the relationship of the violation to the integrity and administration of the agency’s programs.⁶

³ Motor Vehicle and Highway Safety Improvement Act of 2011 or “Mariah’s Act”. S. 1449, 112 Cong. (2011) at p. 65–66.

⁴ U.S. Senate, Report of the Committee on Commerce, Science, and Transportation on S. 1449, S. Report No. 112–261 at 6–7.

⁵ *Id.* at 14–15.

⁶ *See, e.g.,* April 5, 2010 Demand Letter for TQ10-002 available at <ftp://ftp.nhtsa.dot.gov/TQ10-002/TQ10-002%20Resumes/TQ10-002%20Closing%20Resume/TQ10-002%20Sticky%20Pedal%20Demand%20Letter%204-5-10%20FINAL%20Signed.pdf> (In discussing the gravity of Toyota’s apparent violations as severe and potentially life-threatening, the agency stated, “Toyota determined that the accelerator pedals installed on a significant number of vehicles sold and leased in the United States contained a safety-related defect as evidenced by, among other things, its issuance of a Technical Instruction and

In the past, NHTSA also has considered the size of the violator when compromising civil penalties. With respect to civil penalties involving small businesses, among the factors that have been considered are the violator’s ability to pay, including its ability to pay over time, and any effect on the violator’s ability to continue to do business.

III. NHTSA’s Proposed Procedures for Its Assessment of Civil Penalties Under the Safety Act

MAP-21 vests authority, responsibility, and discretion in the Secretary to impose civil penalties for violations of the Safety Act and regulations thereunder. Pursuant to 49 CFR 1.95, this authority has been delegated to NHTSA. The amendments to MAP-21 providing the Secretary with the authority to assess civil penalties do not establish procedures for the assessment of those penalties. In order to ensure that NHTSA’s assessment of civil penalties, as delegated to NHTSA by the Secretary, comports with the constitutional requirements of due process, NHTSA is proposing to adopt informal procedures to assess civil penalties pursuant to 49 U.S.C. 30165.⁷ These procedures include three options for the respondent⁸ to elect after

production improvement information on September 29, 2009, in 31 countries across Europe. Toyota knew or should have known that the same or substantially similar accelerator pedals were installed on approximately 2.3 million vehicles sold or leased in the United States, and continued to sell and lease vehicles equipped with a defective accelerator pedal for months after this determination. Nonetheless, Toyota Motor Corporation affirmatively and inexplicably instructed Toyota Motor Engineering and Manufacturing North America, Inc. *not* to implement an Engineering Change Instruction in the U.S. market. Toyota gave this instruction despite the fact that it had issued similar or identical instructions in Canada and Europe and knew that the very same issues that prompted the European and Canadian actions existed on a significant number of vehicles in the United States. The result of these decisions by Toyota was to expose millions of American drivers, passengers and pedestrians to the dangers of driving with a defective accelerator pedal that could result, in Toyota’s words, in ‘sticky accelerator pedals, sudden rpm increase and/or sudden vehicle acceleration.’”).

⁷ NHTSA notes that the proposed procedures for assessing civil penalties in this NPRM do not, are not intended to, displace the agency’s existing practice of compromising civil penalties. *See, e.g.,* Consent Order Between NHTSA and FCA US LLC (July 24, 2015), available at http://www.safercar.gov/rs/chrysler/pdfs/FCA_Consent_Order.pdf; Consent Order Between NHTSA and Forest River, Inc. (July 8, 2015), available at <http://www.safercar.gov/staticfiles/safercar/pdf/Forest-River-consent-order.pdf>; Consent Order Between NHTSA and Spartan Motors, Inc., available at <http://www.safercar.gov/staticfiles/safercar/pdf/Spartan-consent-order.pdf> (July 8, 2015).

⁸ For the sake of consistence and clarity, we will refer to the person charged with liability for a civil penalty for a violation of the Safety Act or

NHTSA makes an initial demand for civil penalties: (1) Pay the demanded penalty; (2) provide an informal response; or (3) request a hearing.

In developing the procedures for conducting a hearing to impose civil penalties, NHTSA considered its past practices with respect to civil penalty actions related to odometer fraud under 49 U.S.C. chapter 327, proceedings under 49 CFR part 599, as well as its other procedures relating to making determinations related to violations of the Safety Act and the practices of other operating administrations of the Department of Transportation.

The procedures for a hearing to assess civil penalties need not take all the formal trappings of a trial in a court of law. The Supreme Court has recognized that due process is flexible and that the procedural protections needed to ensure due process differ as the situation demands. *See Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). An Agency has discretion to formulate its procedures. *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 524 (1978).

NHTSA does not believe that a formal adjudication is required in order to impose civil penalties for a violation of the Safety Act or regulations thereunder. If Congress wanted a proceeding with a formal adjudication on the record, it would have made that intent clear. Indeed, in another statute administered by NHTSA, such a procedure is required to determine certain violations. *See e.g.* 49 U.S.C. 32911(a) (stating that “The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a person has committed a violation.”). As NHTSA does not believe that a formal adjudication falling within the purview of sections 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 554, 556, 557) is required, NHTSA is adopting informal procedures that provide respondents with administrative due process, that will allow for the efficient enforcement of statutes administered by NHTSA, and that will lead to the creation of a record in each individual proceeding that can form the basis for judicial review without a new trial of all the facts and issues in the district court. NHTSA anticipates that judicial review of orders assessing civil penalties issued pursuant to these procedures will consist of the “arbitrary, capricious, an abuse of discretion, or otherwise not in

regulations as the “respondent” in this notice and in the proposed rule.

accordance with law” standard prescribed by 5 U.S.C. 706(2)(A).

A. Initiation of the Proceeding by NHTSA

Under the proposed procedures, NHTSA, through the Assistant Chief Counsel for Litigation and Enforcement, will begin a civil penalty proceeding by serving a notice of initial demand for civil penalties on a person (*i.e.* respondent) charging him or her with having violated one or more laws administered by NHTSA. This notice of initial demand for civil penalties will include a statement of the provision(s) which the respondent is believed to have violated as of the date of the initial demand for civil penalties; a statement of the factual allegations upon which the proposed civil penalty is being sought; notice of the maximum amount of civil penalty for which the respondent may be liable as of that date for the violations alleged; notice of the amount of the civil penalty proposed to be assessed; a description of the manner in which the respondent should make payment of any money to the United States; a statement of the respondent’s right to present written explanations, information or any materials in answer to the charges or in mitigation of the penalty; and a statement of the respondent’s right to request a hearing and the procedures for requesting a hearing. The notice will include a statement that failure: (i) To pay the amount of the civil penalty; (ii) to elect to provide an informal response; or (iii) to request a hearing within 30 days of the date of the initial demand authorizes the NHTSA Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the initial demand for civil penalties and to assess an appropriate civil penalty.

The notice will also include documentation that the Assistant Chief Counsel for Litigation and Enforcement relied on to determine the alleged violations of a statute or regulation administered by NHTSA giving rise to liability for civil penalties or the amount of civil penalties in the initial demand.⁹ This notice may be amended at any time prior to the entry of an order assessing a civil penalty, including amendment to the amount of civil penalties demanded. The notice of initial demand for civil penalties may contain proposed civil penalties for multiple unrelated violations. The maximum civil penalty stated in the notice of initial demand for civil penalties will reflect whether the

violations in the notice are related or unrelated.

NHTSA proposes that the Assistant Chief Counsel for Litigation and Enforcement or his or her designee serve the initial demand for civil penalties via U.S mail, overnight or express courier service, facsimile, electronic mail, or personally. NHTSA proposes that service of the initial demand for civil penalties or order by a person’s duly authorized representative (including, but not limited to, a person’s agent for accepting service designated pursuant to 49 CFR part 551) constitutes service upon that person.

B. Election of Process by the Respondent

Within 30 calendar days of the date on which the initial demand for civil penalties is issued, the respondent must pay the amount of the civil penalty, elect to provide an informal response, or request a hearing. If the respondent does not pay the amount of the civil penalty, elect to provide an informal response, or request a hearing within the 30 day limit, NHTSA proposes to construe this as a waiver of the respondent’s right to appear and contest the allegations. This would authorize the Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the initial demand for civil penalties and to assess an appropriate civil penalty.

1. Payment of the Civil Penalty Proposed

The respondent may elect to pay the civil penalty that was proposed in the initial demand. If the respondent elects to make the payment, NHTSA will direct the respondent as to how to make the payment, including any installment plan permitted.

2. Election of Informal Response

If the respondent to the initial demand for civil penalties elects to make an informal response, that person must submit to the Chief Counsel and to the Assistant Chief Counsel for Litigation and Enforcement in writing any arguments, views or supporting documentation that dispute or mitigate that person’s liability for, or the amount of, civil penalties to be imposed. The respondent must submit these materials within 30 days of the date on which the initial demand for civil penalties is issued. A person who has elected to make an informal response to an initial demand for civil penalties may also request a conference with the Chief Counsel. Because traveling to the Department of Transportation’s headquarters in Washington, DC may be burdensome for some smaller

companies responding to an initial demand for civil penalties, we are proposing to allow a person responding to an initial demand for civil penalties to request that the conference with the Chief Counsel be conducted by telephone. If the respondent elects to request a conference with the Chief Counsel and fails to attend the conference without good cause shown, the Chief Counsel may, without further notice to the respondent, find the facts to be as alleged in the initial demand for civil penalties and assess an appropriate civil penalty. This decision will constitute final agency action and no appeal to the Administrator will be permitted.

The Assistant Chief Counsel for Litigation and Enforcement would be permitted to provide rebuttal information to the Chief Counsel, replying to the information submitted by the respondent. After consideration of the submissions of the Assistant Chief Counsel and the Respondent, including any relevant information presented at a conference, the Chief Counsel may dismiss the initial demand for civil penalties in whole or in part. If the Chief Counsel does not dismiss the demand in its entirety, he or she may issue an order assessing a civil penalty. For civil penalty orders exceeding \$1,000,000, the decision of the Chief Counsel becomes a final decision 20 days (including weekends and holidays) after it is issued unless the respondent files a timely appeal with the Administrator. If the respondent elects not to appeal to the Administrator within the 20-day period, then the Chief Counsel’s decision is a final decision subject to judicial review. Civil penalty orders of \$1,000,000 or less are final upon issuance by the Chief Counsel and subject to judicial review at that time.

Any assessment of civil penalties will be made only after considering the nature, circumstances, extent and gravity of the violation. As appropriate, the determination will include consideration of the nature of the defect or noncompliance; knowledge by the respondent of its obligations under 49 U.S.C. chapter 301; the severity of the risk of injury posed by the defect or non-compliance; the occurrence or absence or injury; the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance; actions taken by the respondent to identify, investigate, or mitigate the condition; the appropriateness of such penalty in relation to the size of the business of the respondent, including the potential for undue adverse economic impacts; and other relevant and appropriate factors.

⁹ This documentation may be redacted if permitted or required by Federal law.

NHTSA intends for this informal response process to be less rigid than the procedures for conducting a hearing discussed below. For example, a respondent that elects an informal response would be permitted to bring in employees or other representatives (within reason) to explain facts and circumstances relating to the events described in the initial demand for civil penalties or any other factors that the respondent believes are relevant. A respondent may find it beneficial to be able to present the views of employees or representatives to the Chief Counsel in person, considering that if the respondent elects a hearing the presentation of witness testimony will be committed to the discretion of the Hearing Officer. Further, NHTSA envisions that any written materials that the respondent provides as part of an informal response would not have the formality of legal briefs submitted pursuant to the hearing procedures in this proposal and would allow for flexibility in the respondent's response. It is also NHTSA's intent that the conference between the Chief Counsel and the respondent consist of informal discussion and would not take on the structure of an adversarial proceeding.

3. Election of a Hearing

If, in response to an initial demand for civil penalties, a person requests a hearing, the Chief Counsel will designate a Hearing Officer to preside over the hearing. The Hearing Officer appointed by the Chief Counsel may have no other responsibility, either direct or supervisory, for the investigation or enforcement of the violation for which the initial demand for civil penalties relates and will not have any prior connection to the case.

The Hearing Officer will have the authority to conduct the proceeding and arrange for NHTSA and the person served with the initial demand for civil penalties to submit additional documents for the administrative record, regulate the course of the hearing, and take notice of matters that are not subject to a bona fide dispute and are commonly known in the community or are ascertainable from readily available sources of known accuracy.

With respect to the type of hearing proposed, NHTSA believes that most civil penalty determinations can be made based solely on written submissions because in the vast majority of instances, the evidence to establish, or refute, a respondent's liability for civil penalties and facts for the application of the penalty factors will consist of documents. Therefore,

we are proposing that the Hearing Officer will have the discretion to conduct an in-person hearing and allow witness testimony only if an in-person hearing is needed, in the opinion of the Hearing Officer, to resolve any factual and/or legal issues that cannot be easily resolved by written submissions.

If the respondent elects to request a hearing, the respondent must submit to the Assistant Chief Counsel for Litigation and Enforcement two complete copies via hand delivery, use of an overnight or express courier service, facsimile, or electronic mail containing: (1) A detailed statement of factual and legal issues in dispute; and (2) all statements and documents supporting the respondent's case within 30 days of the date on which the initial demand for civil penalties is issued. If the respondent wishes for the hearing to be conducted in-person, the respondent must also submit the basis for its request for the in-person hearing (*i.e.* why an in-person hearing and witness testimony are necessary to resolve any factual or legal issues present in the case), a list of witnesses that the respondent wishes to call at the hearing, a description of each witness's expected testimony, a description of the factual basis for each witness's expected testimony, and whether the respondent will arrange to have a verbatim transcript prepared at its own expense.¹⁰ These materials must be provided within 30 days of the date on which the initial demand for civil penalties is issued. If an in-person hearing is requested, the Hearing Officer will notify the respondent and NHTSA in writing of his or her decision to grant or deny a request for an in-person hearing.

If an in-person hearing is granted and the respondent fails to attend the in-person hearing without good cause shown, the Hearing Officer is authorized, without further notice to the respondent, to find the facts as alleged in the initial demand for civil penalties and to assess an appropriate civil penalty. This decision will constitute final agency action and no appeal to the Administrator will be permitted.

NHTSA may supplement the record with additional information, including disclosure of proposed witnesses and their expected testimony, prior to the hearing. A copy of such information will be provided to the respondent no

¹⁰NHTSA has determined that in order to minimize the expense of conducting a hearing, a verbatim transcript of any in-person hearing will not normally be prepared. Any person requesting an in-person hearing in response to an initial demand for civil penalties may arrange for a transcript to be created at its own expense if an in-person hearing is granted.

later than 3 days before the hearing. These procedures allow the Hearing Officer to focus the inquiry at the hearing and eliminate the need for discovery because both the agency and respondent will be in possession of the documents on which the other party intends to rely and appraised of all expected witness testimony. Therefore, we propose that discovery not be permitted in any hearing conducted pursuant to these procedures.

The administrative record of an in-person hearing shall contain the notice of initial demand for civil penalties and any supporting documentation that accompanied the initial demand; any documentation submitted by the respondent, any further documentation submitted by the Agency as a reply to the request for a hearing or presented at an in-person hearing; any additional materials presented at an in-person hearing; the transcript of the hearing (if any); and any other materials that the Hearing Officer determines are relevant. In considering the admission of evidence into the administrative record, the Hearing Officer will not be bound by the Federal Rules of Evidence.

In the event that the Hearing Officer determines that witness testimony is not necessary, the Assistant Chief Counsel for Litigation and Enforcement will submit a written reply with the agency's responses to the arguments and documents included in the respondent's request for a hearing. With respect to the administrative record where there is no in-person hearing, NHTSA proposes that all documents contained in and with its initial demand, any response thereto, or any reply automatically would be part of the administrative record. In considering the admission of evidence into the administrative record, the Hearing Officer will not be bound by the Federal Rules of Evidence.

At the hearing, NHTSA will have the evidentiary burden of establishing the violation giving rise to civil penalties under 49 U.S.C. 30165. In the event that the hearing is conducted by written submission, the Hearing Officer will make his or her decision based on NHTSA's initial demand for civil penalties and any included documents, the respondent's request for a hearing and any included documents, NHTSA's reply (including any documents) to the arguments and documents provided in the respondent's request for a hearing, and any other evidence in the record.

In the event that the Hearing Officer grants an in-person hearing, NHTSA will first present any evidence the agency believes is relevant for the administrative record. If permitted by the Hearing Officer, NHTSA may call

witnesses. No later than three days prior to the hearing NHTSA will provide a list of witnesses that it expects to call at the hearing, a description of the witnesses' expected testimony and the factual basis for the expected testimony to the respondent. At the close of NHTSA's presentation of evidence, the respondent will have the right to respond to and rebut evidence and arguments presented by NHTSA. The respondent or his or her counsel may offer relevant information including testimony (if permitted) regarding the respondent's liability for civil penalties and the application of the penalty factors. At the close of the respondent's presentation of evidence, the Hearing Officer may allow the presentation of rebuttal evidence by NHTSA. The Hearing Officer, in his or her discretion, may allow the respondent to reply to any such rebuttal evidence submitted.

In the event that the Hearing Officer grants an in-person hearing, the Assistant Chief Counsel for Litigation and Enforcement and the respondent may present arguments on the issues involved in the case after all the evidence has been presented.

A respondent challenging the amount of a civil penalty proposed to be assessed will have the burden of proving the mitigating circumstances. For example, a respondent challenging the amount of a civil penalty on the grounds that the penalty would have an undue adverse economic impact would have the burden of proving that undue impact. It is appropriate that the burden is placed on the respondent as the respondent is more likely to have relevant financial evidence than NHTSA.

After the hearing is completed, the Hearing Officer will issue a written decision based solely on the administrative record, including any testimony offered at an in-person hearing. Any assessment of civil penalties will be made only after considering the nature, circumstances, extent and gravity of the violation. As appropriate, the determination will include consideration of the nature of the defect or noncompliance, knowledge by the respondent of its obligations under 49 U.S.C. chapter 301, the severity of the risk of injury, the occurrence or absence or injury, the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance, actions taken by the respondent to identify, investigate, or mitigate the condition, the appropriateness of such penalty in relation to the size of the business of the respondent, including the potential for undue adverse

economic impacts, and other relevant and appropriate factors, including those discussed below.

For civil penalties exceeding \$1,000,000, the decision of the Hearing Officer will become a final decision 20 calendar days (including weekends and holidays) after it is issued, unless the respondent files a timely appeal with the Administrator before the expiration of 20 days. If the respondent elects not to appeal to the Administrator within the 20-day period, then the Hearing Officer's decision is a final decision subject to judicial review. Civil penalty orders of \$1,000,000 or less are final upon issuance by the Hearing Officer and subject to judicial review at that time.

C. Administrative Appeal

In matters where the civil penalties assessed by either the Chief Counsel or the Hearing Officer exceed \$1,000,000, the proposed regulations provide an opportunity for the respondent aggrieved by the order assessing a civil penalty to file an appeal with the Administrator.

The Administrator will affirm the order unless the Administrator finds that the order was unsupported by the record as a whole; based on a mistake of law; or that new evidence, not available at the hearing, is available. Appeals that fail to allege and provide supporting basis for one of these grounds of appeal will be summarily dismissed. If the Administrator finds that the order was unsupported, based on a mistake of law, or that new evidence is available, then the Administrator may assess or modify a civil penalty; rescind the initial demand for civil penalty; or remand the case for new or additional proceedings. In the absence of a remand, the decision of the Administrator in an appeal is a final agency action.

If the Administrator affirms the order assessing civil penalties and the respondent does not pay the civil penalty in the manner specified by the order within thirty (30) days after the Administrator's decision on appeal is issued, the matter may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court pursuant to 49 U.S.C. 30163(c). See also 28 U.S.C. 1331. A party aggrieved by a final order from the Administrator or a final order from the Hearing Officer or Chief Counsel, may file a civil action in United States District Court seeking review of the final order pursuant to the Administrative Procedure Act. See 5 U.S.C. 706.

D. The Proposed Procedures Comport With Due Process

The proposed procedures for adjudicating civil penalties are consistent with the requirements for due process established by the U.S. Supreme Court in *Mathews v. Eldridge*. In that case the Court stated that three factors should be considered when determining what procedures must be provided before the government deprives a person of a property interest. The factors that the Court considers are:

the private interest that will be affected by the official action; . . . the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and . . . the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. See *Eldridge*, 424 U.S. at 335.

In examining whether the private interest at stake requires additional procedural safeguards, the Supreme Court looks to the "degree of potential deprivation," and the gravity of the hardship borne by an entity wrongfully deprived of a property interest. See *id.* at 341, 343. In determining whether additional procedures would add to the fairness and reliability of the proceeding, the courts consider the nature of the issue at controversy. See *id.* Factors that the court considers include the nature of the evidence to be presented, such as whether the evidence consists mainly of documents or whether the resolution of the controversy hinges on the credibility of witness testimony. See *id.* at 343–44. When considering the government interest at stake, the courts examine the administrative burdens created by additional procedures and other societal costs that additional procedures would impose. See *id.* at 347.

NHTSA believes that the private interest at stake in a proceeding to assess civil penalties, while substantial for some of the entities NHTSA regulates, does not rise to the level of hardship for which the Supreme Court has required heightened procedural protections.¹¹ In many cases in which NHTSA has settled civil penalty liability with motor vehicle manufacturers, the total civil penalty amount was a small percentage of the

¹¹ See *Goldberg v. Kelly*, 397 U.S. 254 (1970) (holding that because the wrongful deprivation of a person's interest in welfare would deny the person of their means for subsistence, due process required a pre-termination evidentiary hearing).

company's annual revenue.¹² NHTSA will also apply its Civil Penalty Policy Under the Small Business Regulatory Enforcement Fairness Act when assessing a civil penalty against a small entity.¹³ As NHTSA considers a business' size in determining the penalty amount under this policy, the relative magnitude of the potential deprivation of the interest of smaller entities subject to civil penalties is minimized.¹⁴

NHTSA does not believe that additional procedural safeguards beyond what are proposed in today's NPRM would add to the fairness and reliability of civil penalty determinations under the proposed procedures. NHTSA believes that most of the evidence regarding a person's liability for civil penalties will consist of documents such as test reports, documents submitted in compliance with 49 CFR part 579 subpart C, *Reporting of Early Warning Information*; technical service bulletins and other notices submitted in compliance with 49 CFR 579.5, *Notices, Bulletins, Customer Satisfaction Campaigns, Consumer Advisories and Other Communications*; vehicle owner questionnaires submitted by consumers; and documents and responses submitted in response to Information Requests, General Orders, and Special

¹² Compare Consent Order between NHTSA and General Motors Co. p. 4 (May 16, 2014) (agreeing to a civil penalty of \$35 million and a penalty of \$7,000 per day for failure to fully respond to a Special Order), available at <http://www.nhtsa.gov/staticfiles/communications/pdf/May-16-2014-TQ14-001-Consent-Order.pdf>, with General Motors Co., 2013 Annual Report p. 12 (2014) (showing \$155 billion in revenue for the 2013 Fiscal Year). Compare Consent Order between NHTSA and American Honda Motor Co. p. 5 (Dec. 29, 2014) (agreeing to a civil penalty of \$70 million), available at <http://www.nhtsa.gov/staticfiles/communications/pdf/Honda-consent-order-12292014.pdf>, with Honda Motor Co., 2013 Annual Report p. 4 (2014) (showing \$83 billion in revenue for the 2013 Fiscal Year). Cf. Consent Order between NHTSA and Ferrari S.p.A. and Ferrari North America p. 4 (agreeing to pay a civil penalty of \$3.5 million), available at <http://www.nhtsa.gov/staticfiles/communications/pdf/2014-10-31-Ferrari-Consent-Order.pdf>.

¹³ See NHTSA, Civil Penalty Policy Under the Small Business Regulatory Enforcement Fairness Act, 62 FR 37115 (July 10, 1997).

¹⁴ See e.g. Settlement Agreement between NHTSA and Chapman Chevrolet LLC p. 2 (Oct. 1, 2014) (Chapman Chevrolet LLC agreed to pay a civil penalty of \$50,000), available at <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM465636/INOT-AQ12002-60546.pdf>; Settlement Agreement between NHTSA and Gwinnett Place Nissan p. 2 (Nov. 24, 2014) (Gwinnett Place Nissan agreed to pay a civil penalty of \$110,000), available at <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM469202/INOT-AQ12003-61067.pdf>; Consent Order between NHTSA and Ricon Corporation (Feb. 6, 2015) (agreeing to pay a civil penalty of \$1.75 million) available at <http://www.nhtsa.gov/staticfiles/communications/pdf/Ricon-NHTSA-Consent-Order-02-2015.pdf>.

Orders. This is the type of evidence for which witness demeanor and credibility is not at issue and a hearing conducted by written submission is appropriate. See *Pinnacle Armor, Inc. v. United States*, 648 F.3d 708, 717 (9th Cir. 2011) (stating that, in the context of an administrative adjudication, documentary "evidence lends itself to the kind of paper review a district court might engage in on a motion for summary judgment and does not require a full trial."). In the rare instance in which liability for civil penalties hinges on issues that involve witness credibility, the Hearing Officer will have the discretion to permit witness testimony and cross examination.

NHTSA also does not believe that additional procedures for conducting administrative discovery before the hearing would increase the reliability or fairness of a hearing to determine liability for civil penalties. See *Eldridge*, 424 U.S. at 343. Under the proposed hearing procedures, the Assistant Chief Counsel for Litigation and Enforcement must attach to the notice of initial demand for civil penalties any documentation that he or she relied on in determining an alleged violation of a statute or regulation that NHTSA contends gives rise to liability for civil penalties or the amount of civil penalties in the initial demand. If NHTSA later wishes to present materials not provided with the initial demand, NHTSA must provide these materials to the respondent. These procedures will ensure that the respondent receives all of the materials that the agency will rely on to establish a violation giving rise to civil penalties and to support its demanded amount.¹⁵ Furthermore, most of the materials relevant to the respondent's liability for civil penalties will have been obtained by NHTSA from the respondent in the first instance (either through the reporting requirements in 49 CFR part 579 or during the course of an investigation by the Agency), or will otherwise be publicly available. Therefore, we propose that discovery not be permitted in any hearing conducted pursuant to these procedures.

Finally, the procedures for determining civil penalties proposed in today's NPRM will advance the government's interest in increasing the administrative efficiency of the resolution of civil penalty cases. The proposed procedures will also serve

¹⁵ NHTSA may rely on documents not provided to the respondent with the initial demand for civil penalties to rebut statements made on behalf of the respondent.

society's interests by allowing NHTSA to more efficiently and effectively enforce the Safety Act and regulations prescribed thereunder by allowing the Agency to assess civil penalties without protracted proceedings. Fair, timely, and efficient imposition of civil penalties on persons who violate the statutes administered by NHTSA and regulations prescribed thereunder should lead to greater compliance with those statutes and regulations.

Moreover, a final order on civil penalties would be a final agency action subject to judicial review under the Administrative Procedure Act, 5 U.S.C. 701 *et seq.* A challenge to a NHTSA civil penalty final order could be brought in the appropriate United States district court and subject to all of the procedural rights and protections afforded by federal courts in reviewing final agency orders. See e.g. 49 U.S.C. 30163(c), 28 U.S.C. 1331. We anticipate that the standard of review in the U.S. district court would be the "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" standard prescribed by 5 U.S.C. 706(2)(A).¹⁶

For these reasons NHTSA believes that the procedures in today's NPRM would provide due process to persons alleged to have violated the statutes or regulations administered by NHTSA and regulations prescribed thereunder.

IV. NHTSA's Proposed Interpretation of the MAP-21 Civil Penalty Factors

The MAP-21 legislation sets forth civil penalty factors to be considered by NHTSA in determining the amount of a civil penalty or compromise. The general provision in the amended section 30165(c) calls for consideration of the nature, circumstances, extent and gravity of the violation. The term "violation" refers to any violation addressed by 49 U.S.C. 30165(a)(1), (2), (3), or (4). The Secretary has the discretion to consider the totality of the circumstances surrounding a violation. The Secretary also has the discretion to consider the factors in 30165(c)(1) through (9) as appropriate.

Our proposed approach to interpreting the MAP-21 factors is

¹⁶ The statute providing the Secretary the authority to assess civil penalties does not expressly state the standard of review for actions challenging an order assessing civil penalties. NHTSA believes that the "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" standard prescribed by 5 U.S.C. 706(2)(A) would apply. See *Snyder Computer Systems, Inc. v. U.S. Dep't of Transp.*, 13 F.Supp.3d 848, 859-60 (S.D. Ohio 2014) (stating that because the Safety Act did specify a standard of review for recall remedy orders, the arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law standard of reviewed applied).

based on the language of the statute, informed NHTSA's years of day-to-day enforcement experience, and the manner in which NHTSA has compromised penalties in the past. In this section, we begin with our proposed interpretation of the general penalty factors: the nature, circumstances, extent, and gravity of the violation. Then we provide our proposed interpretation for each of the nine discretionary penalty factors. For each of the nine discretionary penalty factors, we provide an explanation of NHTSA's proposed interpretation, which may include specific examples of how the interpretation may be applied in practice, and/or illustrative scenarios and issues.

A. General Penalty Factors

First, we propose to interpret the nature of the violation to mean the essential, fundamental character or constitution of the violation.¹⁷ This includes, but is not limited to, the nature of the defect (in a case involving a safety-related defect) or noncompliance. It also includes what the violation involves, for example, a violation of the Early Warning Reporting ("EWR") requirements, the failure to provide timely notification of a safety-related defect or noncompliance, the failure to remedy, the lack of a reasonable basis for certification to the FMVSS, the sale of unremedied vehicles, or the failure to respond fully and timely to a request issued under 49 U.S.C. 30166.

Second, we propose to interpret the circumstances of the violation to mean the context, facts, and conditions having bearing on the violation.¹⁸ This would include whether the manufacturer has been recalcitrant or shown disregard for its obligations under the Safety Act.

Third, we propose to interpret the extent of the violation to mean the range of inclusiveness over which the violation extends including the scope, time frame, and/or the degree of the violation.¹⁹ This includes the number of

violations and whether the violations are related or unrelated.

Finally, we propose to interpret the gravity of the violation to mean the importance, significance, and/or seriousness of the violation.²⁰

B. Discretionary Penalty Factors

The penalty factors listed in 49 U.S.C. 30165(c)(1) through (9) are discretionary factors that NHTSA may apply in making civil penalty amount determinations and determining the amount of compromise.

1. The nature of the Defect or Noncompliance

We propose to interpret "the nature of the defect or noncompliance," 49 U.S.C. 30165(c)(1), to mean the essential, fundamental characteristic or constitution of the safety-related defect or noncompliance. This is consistent with the dictionary definition of "nature."²¹ "Defect" is defined at 49 U.S.C. 30102(a)(2) as including "any defect in performance, construction, a component, or material or a motor vehicle or motor vehicle equipment." "Noncompliance" under this statutory factor includes a noncompliance with an FMVSS, as well as other violations subject to penalties under 49 U.S.C. 30165. Noncompliance may include, but is not limited to, noncompliance(s) with the FMVSS; the manufacture, sale, or importation of noncomplying motor vehicles and equipment or defective vehicles or equipment covered by a notice or order regarding the defect; failure to certify or have a reasonable basis to certify that a motor vehicle or item of motor vehicle equipment complies with applicable motor vehicle safety standards; failure to maintain records as required; failure to provide timely notification of defects and noncompliances with the FMVSS; failure to follow the notification procedures set forth in 49 U.S.C. 30119 and regulations prescribed thereunder; failure to remedy defects and noncompliances pursuant to 49 U.S.C. 30120 and regulations prescribed thereunder; making safety devices and elements inoperative; failure to comply with regulations relating to school buses

and school bus equipment; failure to comply with Early Warning Reporting requirements; and/or the failure to respond to an information request, Special Order, General Order, subpoena or other required reports.²²

When considering the nature of a safety-related defect or noncompliance with an FMVSS, NHTSA may examine the conditions or circumstances under which the defect or noncompliance arises, the performance problem, and actual and probable consequences of the defect or noncompliance. When considering the nature of the noncompliance with the Safety Act or a regulation promulgated thereunder, NHTSA may examine the circumstances surrounding the violation.

For example, NHTSA has a process by which a manufacturer can petition for an exemption from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 on the basis that a noncompliance is inconsequential to motor vehicle safety. 49 U.S.C. 30118(d) and 30120(h), 49 CFR part 556. If a petition for inconsequential noncompliance is granted, then it could serve as mitigation under this factor.

When considering the nature of the noncompliance with the Safety Act or a regulation promulgated thereunder, NHTSA also may examine the circumstances surrounding the violation.

2. Knowledge by the Respondent of Its Obligations Under This Chapter

We propose to interpret the "knowledge by the . . . [respondent] of its obligations under this chapter," 49 U.S.C. 30165(c)(2), as all knowledge, legal and factual, actual, presumed and constructive, of the respondent of its obligations under 49 U.S.C. chapter 301. We propose that if a respondent is other than an individual, including but not limited to a corporation or a partnership, then the knowledge of an employee or employees of that non-natural person be imputed to that non-natural person. We propose to interpret the knowledge of an agent as being imputed to a principal. We propose that a non-natural person, such as a corporation, with multiple employees will be charged with the knowledge of each employee, regardless of whether the employees have communicated that knowledge among each other or to a decision maker for the non-natural person.

Under this proposed interpretation of "knowledge," delays resulting from or caused by a manufacturer's internal

¹⁷ See e.g. *Webster's Third New International Dictionary Unabridged*, 1507 (defining nature as "the essential character or constitution of something"); *Black's Law Dictionary* (10th ed. 2014) (defining nature as "[a] fundamental quality that distinguishes one thing from another; the essence of something.");

¹⁸ See e.g. *Ehlert v. United States*, 422 F.2d 332, 335 (9th Cir. 1970) (Duniway, J. concurring) (stating that Webster's New International Dictionary, 2d ed. defines "circumstances" as "conditions under which an act or event takes place or with respect to which a fact is determined.");

¹⁹ See e.g. *Webster's Third New International Dictionary Unabridged*, 805 (defining extent as the "range (as of inclusiveness or application) over which something extends.");

²⁰ See e.g. *Black's Law Dictionary* (10th ed. 2014) (defining "gravity" as "[s]eriousness of harm, an offense, etc., as judged from an objective, legal standpoint."); *Webster's Third New International Dictionary Unabridged*, 993 (defining gravity as the importance, significance, or seriousness).

²¹ See e.g. *Webster's Third New International Dictionary Unabridged*, 1507 (defining nature as "the essential character or constitution of something"); *Black's Law Dictionary* (9th ed. 2009) (defining nature as "[a] fundamental quality that distinguishes one thing from another; the essence of something.");

²² The foregoing list is intended to be illustrative only, and is not exhaustive.

reporting processes would not excuse a manufacturer's failure to report a defect or noncompliance to NHTSA. Further, NHTSA may examine the actions of a respondent in assessing or imputing knowledge. For instance, NHTSA may examine such factors as whether the respondent is a new manufacturer or whether the respondent began producing parts to remedy a particular defect or noncompliance with an FMVSS prior to reporting the defect or noncompliance with an FMVSS to NHTSA. NHTSA may also consider communication between the respondent (e.g. a manufacturer) and other entities such as dealers and owners in determining its knowledge of a violation. NHTSA may consider the information NHTSA provided to the respondent, including notification of apparent noncompliance, information on the recall process, information on governing regulations, and information on consequences of failure to comply with regulatory requirements. NHTSA may also consider whether the respondent has been proactive in discerning other potential safety issues, and whether it has attempted to mislead the agency or conceal its full information, including its knowledge of a defect or noncompliance.

3. The Severity of the Risk of Injury

We propose to interpret the "severity of the risk of injury," 49 U.S.C. 30165(c)(3), as the gravity of exposure to potential injury, including the potential for injury or death of drivers, passengers, other motorists, pedestrians and others. The severity of the risk includes the likelihood of an injury occurring and the population group exposed.

The severity of the risk of injury may depend on the component of a motor vehicle that is defective or noncompliant with an FMVSS. For example, a defective steering component or airbag system may pose a more severe risk of injury than a defective door handle. A grant of a petition for inconsequential noncompliance could serve as a mitigation under this penalty factor.

4. The Occurrence or Absence of Injury

We propose to interpret "the occurrence or absence of injury," 49 U.S.C. 30165(c)(4), as whether injuries or deaths have occurred as a result of a defect, noncompliance, or other violation of the Safety Act or implementing regulations. NHTSA may also take into consideration allegations of death or injury.

In evaluating this factor, it is important to emphasize that the absence

of deaths or injuries is not dispositive of the existence of a defect or noncompliance or a person's liability for civil penalties.

5. The Number of Motor Vehicles or Items of Motor Vehicle Equipment Distributed With the Defect or Noncompliance

We propose to interpret "the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance," 49 U.S.C. 30165(c)(5), as referring to the total number of vehicles or items of motor vehicle equipment distributed with the defect or noncompliance with an FMVSS, or the percentage of the vehicles or items of motor vehicle equipment of the subject population with the defect or noncompliance with an FMVSS. That is, NHTSA may look not only at absolute numbers of motor vehicles or items of motor vehicle equipment; rather it may also take into account the portion of a vehicle or equipment population with the defect, noncompliance, or other violation. NHTSA may also consider the percentage of motor vehicles that contain the defect or noncompliance with an FMVSS as a percentage of the manufacturer's total annual production of vehicles if multiple make, model and model years of motor vehicles are affected by the defect or noncompliance with an FMVSS.

Further, NHTSA may choose to make a distinction between those defective or noncompliant products distributed in commerce that consumers received, and those defective or noncompliant products distributed in commerce that consumers have not received.

6. Actions Taken by the Respondent To Identify, Investigate, or Mitigate the Condition

We propose to interpret "actions taken by the . . . [respondent] to identify, investigate, or mitigate the condition," 49 U.S.C. 30165(c)(6), as actions actually taken, the time frame when those actions were taken, what those actions involved and how they ameliorated or otherwise related to the condition, what remained after those actions were taken, and the speed with which the actions were taken. We propose that in assessing actions, a failure to act may also be considered.

For example, under this factor, NHTSA may consider whether the respondent has been diligent in endeavoring to meet the requirements of the Safety Act and regulations thereunder, including whether it has set up processes to facilitate timely and accurate reporting, and whether it has

audited such systems. NHTSA may also consider the measures taken by the respondent to proactively bring potential issues to NHTSA's attention, including whether the respondent timely informed NHTSA of potential violations of Safety Act requirements. NHTSA may also take into account the investigative activities the respondent has undertaken relating to the scope of the issues identified by NHTSA. NHTSA may also consider whether the respondent delayed in reporting a safety-related defect or a noncompliance with an FMVSS (a person is required to file a 49 CFR part 573 report not more than five working days after a person knew or should have known of the safety-related defect or noncompliance with an FMVSS). NHTSA may also consider whether the respondent remedied the safety-related defect or noncompliance with an FMVSS in a timely manner. For instance, NHTSA may consider whether a recall remedy is adequate, whether a new safety-related defect or noncompliance with an FMVSS arose from an inadequate recall remedy, and whether the scope of a recall was adequate. NHTSA may also consider the timeliness and adequacy of the respondent's communications with owners and dealers.

7. The Appropriateness of Such Penalty in Relation to the Size of the Business of the Respondent, Including the Potential for Undue Adverse Economic Impacts

NHTSA takes the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) into account prior to setting any final penalty amount.²³ This policy will continue in light of the MAP-21 amendments to 49 U.S.C. 30165(c).

Upon a showing by a violator that it is a small entity, NHTSA will make appropriate adjustments to the proposed penalty or settlement amount (although certain exceptions may apply).²⁴ If the respondent wants to assert it is a "small business," NHTSA expects the respondent to provide the supporting documentation. Under the Small Business Administration's standards, an entity is considered "small" if it is independently owned and operated and is not dominant in its field of operation,²⁵ or if its number of employees or the dollar volume of its business does not exceed specific thresholds.²⁶ For example, 13 CFR

²³ See NHTSA, Civil Penalty Policy Under the Small Business Regulatory Enforcement Fairness Act, 62 FR 37115 (July 10, 1997).

²⁴ *Id.* at 37117.

²⁵ *Id.* at 37115.

²⁶ *Id.*

Section 121.201 specifically identifies as “small entities” manufacturers of motor vehicles, passenger car bodies, and motor homes that employ 1,000 people or less, manufacturers of motor vehicle parts and accessories that employ 750 people or less, automobile and tire wholesalers that employ 100 people or less, new car dealers that employ 200 people or less and automotive parts and accessory stores with annual receipts less than \$15 million.

NHTSA interprets “potential for undue adverse economic impacts,” 49 U.S.C. 30165(c)(7), as the possibility that payment of a civil penalty amount would affect the ability of the respondent to continue to operate. NHTSA may consider a respondent’s ability to pay, including in installments over time, and any effect of a penalty on that person’s ability to continue to do business. The ability of a business to pay a penalty is not dictated by its size. In some cases for small businesses, however, these two considerations may relate to one another. NHTSA may consider relevant financial factors such as capitalization, liquidity, solvency, and profitability to determine a small business’ ability to pay a penalty. NHTSA may also consider whether the business has been deliberately undercapitalized. The burden to present sufficient evidence relating to a charged business’ size and ability to pay rests on that business. More generally, in cases where the respondent claims that it is financially unable to pay the civil penalty or that the penalty would have undue adverse economic impacts, the burden of proof is on the respondent. In the case of closely-held or privately-held companies, NHTSA may provide the respondent the opportunity to submit personal financial documentation for consideration.

8. Whether the Respondent has Been Assessed Civil Penalties Under This Section During the Most Recent 5 Years

We propose to interpret “whether the [respondent] has been assessed civil penalties under this section during the most recent 5 years,” 49 U.S.C. 30165(c)(8), as including an assessment of civil penalties, a settlement agreement containing a penalty, or a consent order or a lawsuit involving a penalty or payment of a civil penalty in the most recent 5 years from the date of the alleged violation, regardless of whether there was any admission of a violation or of liability under 49 U.S.C. 30165.

9. Other Appropriate Factors

We propose to interpret other appropriate factors as factors not specifically identified in Section 31203(a) of MAP–21 which are appropriately considered, including both aggravating and mitigating factors.

Such factors may include, but are not limited to:

a. A history of violations. NHTSA may increase penalties for repeated violations of the Safety Act or implementing regulations, or for a pattern or practice of violations.

b. An economic gain from the violation. NHTSA may consider whether the respondent benefitted economically from a violation, including a delay in complying with the Safety Act, a failure to comply with the Safety Act, or a delay or failure to comply with the regulations thereunder.

c. Effect of the respondent’s conduct on the integrity of programs administered by NHTSA. The Agency’s programs depend in large part on timely and accurate reporting and certification by manufacturers. Therefore, NHTSA may consider whether a person has been forthright with the Agency. NHTSA may also consider whether a person has attempted to mislead the Agency or conceal relevant information. For instance, NHTSA may consider whether a manufacturer has provided accurate and timely statements consistent with its Early Warning Reporting obligations. NHTSA may also consider whether a registered importer has provided accurate conformity packages and/or other information consistent with 49 U.S.C. 30141–30147 and the implementing regulations.

d. Responding to requests for information or remedial action. NHTSA may consider a person’s failure to respond in a timely and complete fashion to requests from NHTSA for information or for remedial action. NHTSA may also consider whether the agency needed to make multiple requests to receive requested information.

V. Codification of Other MAP–21 Penalty Changes in 49 CFR Part 578

MAP–21 increased the maximum penalties under the Safety Act, 49 U.S.C. 30165(a)(1), (3) to \$35,000,000. MAP–21 31203(a), 126 Stat. 758. It also increased the penalties and damages for odometer fraud. MAP–21 31206, 126 Stat. 761. MAP–21 also established civil penalties for violations of corporate responsibility provisions in 49 U.S.C. 30166 of \$5,000 per day and a maximum penalty of \$1,000,000. MAP–21 31304(b), 126 Stat. 764. These new

penalties and increased penalties and damages are all currently in effect. NHTSA intends to amend its penalty regulation, 49 CFR 578.6, to conform it to MAP–21 amendments.

Where changes to provisions, penalties and damages are made by statute, NHTSA may amend its penalty regulation, 49 CFR 578.6, without notice and comment, effective the date of the statutory amendment. *See e.g.*, 65 FR 68108–68110 (Nov. 14, 2000). While notice is not required, this provides notice of NHTSA’s intention to amend its penalty regulations to conform to the statutory changes made by MAP–21.

VI. Rulemaking Analyses and Notices

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866, Executive Order 13563, and the Department of Transportation’s regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866 or Executive Order 13563. This action would establish procedures for NHTSA to follow when assessing civil penalties and state how NHTSA would apply the civil penalty factors in 49 U.S.C. 30165. Because this rulemaking only seeks to explain and streamline the process by which the agency determines and resolves civil penalties and does not change the number of entities subject to civil penalties or the amount of civil penalties,²⁷ the impacts of the rule are limited. Therefore, this rulemaking has been determined to be not “significant” under the Department of Transportation’s regulatory policies and procedures and the policies of the Office of Management and Budget.

Regulatory Flexibility Act

We have also considered the impacts of this notice under the Regulatory Flexibility Act. I certify that this rule is not expected to have a significant economic impact on a substantial number of small entities. The following provides the factual basis for this certification under 5 U.S.C. 605(b). The amendments almost entirely affect manufacturers of motor vehicles and motor vehicle equipment.

²⁷ MAP–21 increased the amount of civil penalties for a related series of violations of the Vehicle Safety Act to \$35,000,000. The proposed revisions to the to the civil penalty amounts in this rulemaking merely update 49 CFR 578.6 to reflect the maximum civil penalty already in effect and therefore do not increase the maximum penalty that NHTSA may seek for violations of the Safety Act or implementing regulations.

SBA uses size standards based on the North American Industry Classification System (“NAICS”), Subsector 336—Transportation Equipment Manufacturing, which provides a small business size standard of 1,000 employees or fewer for automobile manufacturing businesses. Other motor vehicle-related industries have lower size requirements that range between 100 and 750 employees.

For example, according to the SBA coding system, businesses that manufacture truck trailers, travel trailers/campers, and vehicular lighting equipment, qualify as small businesses if they employ 500 or fewer employees. Many small businesses are subject to the penalty provisions of 49 U.S.C. 30165 and therefore may be affected by the procedures for assessing civil penalties and the civil penalty factors in this NPRM. The impacts of this rulemaking on small businesses are minimal, as NHTSA will continue to consider the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).²⁸

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This NPRM would not materially affect our civil penalty policy toward small businesses. Because NHTSA will continue to consider SBREFA and consider the business’ size including the potential that a civil penalty would have undue adverse economic impacts on a small business before assessing a civil penalty, the impacts of this rulemaking on small businesses are minimal.

Executive Order 13132 (Federalism)

Executive Order 13132 requires NHTSA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that 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.” Under Executive Order 13132, the agency may not issue a regulation with Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local

governments, the agency consults with State and local governments, or the agency consults with State and local officials early in the process of developing the proposed regulation.

This NPRM would 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, as specified in Executive Order 13132.

This proposed rule generally would apply to private motor vehicle and motor vehicle equipment manufacturers (including importers), entities that sell motor vehicles and equipment and motor vehicle repair businesses. Thus, Executive Order 13132 is not implicated and consultation with State and local officials is not required.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, Public Law 104–4, requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Because this rulemaking would not have a \$100 million effect, no Unfunded Mandates assessment will be prepared.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, “Civil Justice Reform” (61 FR 4729; Feb. 7, 1996), requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) specifies whether administrative proceedings are to be required before parties file suit in court; (6) adequately defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows: This proposed rule would establish procedures for NHTSA to follow in assessing civil penalties pursuant to 49 U.S.C. 30165 under delegation from the Secretary of

Transportation. The proposed rule clearly identifies the section of the Safety Act or regulation thereunder that, if violated, would subject a person to a demand for civil penalties pursuant to the procedures in this NPRM. This proposed rule also lists the mandatory and discretionary factors for NHTSA to consider when assessing civil penalties. The rule would not have retroactive effect.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, we state that there are no requirements for information collection associated with this rulemaking action.

Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) 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. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

List of Subjects in 49 CFR Part 578

Administrative practice and procedure, Civil and criminal penalties, Civil penalty factors, Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

Proposed Regulatory Text

For the reasons set forth in the preamble, NHTSA proposes to amend 49 CFR part 578 as follows:

PART 578—CIVIL AND CRIMINAL PENALTIES

■ 1. The authority citation for part 578 is revised to read as follows:

Authority: Pub. L. 101–410, Pub. L. 104–134, Pub. L. 112–141, 49 U.S.C. 322, 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32902, 32912, and 33115 as amended; delegation of authority at 49 CFR 1.81 and 1.95.

■ 2. Revise § 578.1 to read as follows:

²⁸ See NHTSA, Civil Penalty Policy under the Small Business Regulatory Enforcement Fairness Act, 62 FR 37115 (July 10, 1997).

§ 578.1 Scope.

This part specifies the civil penalties for violations of statutes and regulations administered by the National Highway Traffic Safety Administration (NHTSA), as adjusted for inflation. It also sets forth the procedures NHTSA must follow in assessing civil penalties under 49 U.S.C. chapter 301. This part also sets forth NHTSA's interpretation of the civil penalty factors listed in 49 U.S.C. 30165(c). In addition, this part sets forth the requirements regarding the reasonable time and the manner of correction for a person seeking safe harbor protection from criminal liability under 49 U.S.C. 30170(a).

■ 3. Revise § 578.2 to read as follows:

§ 578.2 Purpose.

One purpose of this part is to effectuate the remedial impact of civil penalties and to foster compliance with the law by specifying the civil penalties for statutory and regulatory violations, as adjusted for inflation. Another purpose of this part is to set forth the procedures for assessing civil penalties under 49 U.S.C. chapter 301. A third purpose of this part is to set forth NHTSA's interpretation of the civil penalty factors listed in 49 U.S.C. 30165(c). A fourth purpose of this part is to set forth the requirements regarding the reasonable time and the manner of correction for a person seeking safe harbor protection from criminal liability under 49 U.S.C. 30170(a).

■ 4. Revise § 578.3 to read as follows:

§ 578.3 Applicability.

This part applies to civil penalties for violations of chapters 301, 305, 323, 325, 327, 329, and 331 of title 49 of the United States Code or a regulation prescribed thereunder. This part applies to civil penalty factors under section 30165(c) of title 49 of the United States Code. This part also applies to the criminal penalty safe harbor provision of section 30170 of title 49 of the United States Code.

■ 5. Amend § 578.4 by adding in alphabetical order definitions of "Person" and "Respondent" to read as follows:

§ 578.4 Definitions.

* * * * *

Person means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

Respondent means any person charged with liability for a civil penalty for a violation of sections 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, 30141 through 30147,

or 30166 of title 49 of the United States Code or a regulation prescribed under any of those sections or any person to whom an initial demand for civil penalties is sent.

■ 6. Amend § 578.6 by revising paragraphs (a)(1) and (3), adding paragraph (a)(4), and revising paragraph (f) to read as follows:

§ 578.6 Civil penalties for violations of specified provisions of title 49 of the United States Code.

(a) *Motor vehicle safety*—(1) *In general.* A person who violates any of sections 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, or 30141 through 30147 of title 49 of the United States Code or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$7,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph for a related series of violations is \$35,000,000.

* * * * *

(3) *Section 30166.* Except as provided in paragraph (a)(4) of this section, a person who violates section 30166 of title 49 of the United States Code or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$7,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$35,000,000.

(4) *Section 30166(o).* A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same as accurate under the process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than \$5,000 per day. The maximum penalty under this paragraph for a related series of daily violations is \$1,000,000.

* * * * *

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. chapter 327 or a regulation prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this

paragraph for a related series of violations is \$1,000,000.

(2) A person that violates 49 U.S.C. chapter 327 or a regulation prescribed or order issued thereunder, with intent to defraud, is liable for three times the actual damages or \$10,000, whichever is greater.

* * * * *

§ 578.7 [Redesignated as § 578.15]

■ 7. Redesignate § 578.7 as § 578.15.

■ 8. Add new § 578.7 to read as follows:

§ 578.7 Notice of initial demand for civil penalties.

(a) NHTSA, through the Assistant Chief Counsel for Litigation and Enforcement, begins a civil penalty proceeding by serving a notice of initial demand for civil penalties on a person (*i.e.* respondent) charging the person with having violated one or more provisions of 49 U.S.C. 30112, 30115, 30117–30122, 30123(a), 30125(c), 30127, 30141–30147, or 30166, or the regulations prescribed thereunder.

(b) A notice of initial demand for civil penalties issued under this section includes:

(1) A statement of the provision(s) which the respondent is alleged to have violated as of the date of the initial demand for civil penalties;

(2) A statement of the factual allegations upon which the proposed civil penalty is being sought;

(3) Notice of the maximum amount of civil penalty for which the respondent may be liable at the time of the notice for the violations alleged;

(4) Notice of the amount of the civil penalty proposed to be assessed;

(5) A description of the manner in which the respondent should make payment of any money to the United States;

(6) A statement of the respondent's right to present written explanations, information or any materials in answer to the charges or in mitigation of the penalty;

(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing;

(8) A statement that failure to pay the amount of the civil penalty, to elect to provide an informal response, or to request a hearing within 30 days of the date of the initial demand authorizes the NHTSA Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the initial demand for civil penalties and to assess an appropriate civil penalty; and

(9) Documents relied on by the Assistant Chief Counsel for Litigation and Enforcement to establish that the person is liable for civil penalties or to

determining the amount of the initial demand. The documents may be provided in redacted form.

(c) NHTSA may amend the initial demand for civil penalties at any time prior to the entry of an order assessing a civil penalty including by amending the amount of civil penalties demanded. If the amendment contains any new material allegation of fact, the respondent is given an opportunity to respond. In an amended notice, NHTSA may change the proposed amount of civil penalty up to and including the maximum penalty amount for each violation, to and including the maximum penalty amount for a related series of violations.

(d) An initial demand for civil penalty, reply, or order issued by NHTSA under this section or §§ 578.8, 578.9, 578.10, and 578.11 may be delivered to the party by:

- (1) Mailing to the party (certified mail is not required);
- (2) Hand delivery;
- (3) Use of an overnight or express courier service; or
- (4) Facsimile transmission or electronic mail to the party or an agent or employee of the party.

(e) Service of an initial demand for civil penalty or order by a person's duly authorized representative (including, but not limited to, a person's agent for accepting service designated pursuant to 49 CFR part 551) constitutes service upon that person.

(f) Within thirty (30) calendar days of the date on which the initial demand for civil penalties is issued under this section, the respondent must:

- (1) Pay the amount of civil penalty proposed and thereby close the case;
- (2) Make an informal response as provided in § 578.9; or
- (3) Request a hearing as provided in § 578.10.

■ 9. Add § 578.8 to read as follows:

§ 578.8 Default judgments.

(a) Failure of the respondent to reply by taking one of the three actions described in § 578.7(f) within the period provided constitutes a waiver of his or her right to appear and contest the allegations and authorizes the Agency's Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the initial demand for civil penalties and to assess an appropriate civil penalty. This decision by the Chief Counsel will constitute final agency action. No appeal to the Administrator is permitted.

(b) If respondent elects to request a conference with the Chief Counsel and fails to attend the conference without good cause shown, the Chief Counsel

may, without further notice to the respondent, find the facts to be as alleged in the initial demand for civil penalties and assess an appropriate civil penalty. This decision by the Chief Counsel will constitute final agency action. No appeal to the Administrator is permitted.

(c) If the respondent elects to request a hearing and is granted an in-person hearing, failure of the respondent to attend the hearing without good cause shown authorizes the Hearing Officer, without further notice to the respondent, to find the facts to be as alleged in the initial demand for civil penalties and assess an appropriate civil penalty. This decision by the Hearing Officer will constitute final agency action. No appeal to the Administrator is permitted.

■ 10. Add § 578.9 to read as follows:

§ 578.9 Procedures when an informal response is elected.

(a) If a respondent elects to make an informal response to an initial demand for civil penalties, the respondent shall submit to the Chief Counsel and to the Assistant Chief Counsel for Litigation and Enforcement in writing any arguments, views or supporting documentation that dispute or mitigate that person's liability for, or the amount of, civil penalties to be imposed within 30 calendar days of the date on which the initial demand for civil penalties is issued. The informal response shall be submitted via hand delivery, use of an overnight or express courier service, facsimile or electronic mail. The respondent may include in his or her informal written response a request for a conference. Upon receipt of such a request, the Chief Counsel will arrange for a conference as soon as practicable at a time of mutual convenience. Unless otherwise specified by the Chief Counsel, the conference will take place at the Department's headquarters. Respondent may also request to conduct the conference by telephone if traveling to the Department's headquarters would be unduly burdensome.

(b) Written explanations, information or materials submitted by the respondent and relevant information presented during any conference held under this section are considered by the Chief Counsel in reviewing the notice of initial demand for civil penalties and determining the fact of violation and the amount of any penalty to be assessed.

(c) The Assistant Chief Counsel for Litigation and Enforcement is permitted to provide rebuttal information to the Chief Counsel replying to the information submitted by the respondent.

(d) After consideration of the submissions in paragraphs (a) and (c) of this section, and any relevant information presented at a conference, the Chief Counsel may dismiss the initial demand for civil penalties in whole or in part. If the Chief Counsel does not dismiss the initial demand in its entirety, the Chief Counsel may issue an order assessing a civil penalty.

(e) The NHTSA Chief Counsel will assess civil penalties under this section only after considering the nature, circumstances, extent and gravity of the violation. The determination may consider the nature of the defect or noncompliance; knowledge by the respondent of its obligations under this chapter; the severity of the risk of injury posed by the defect or noncompliance; the occurrence or absence or injury; the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance; actions taken by the respondent to identify, investigate, or mitigate the condition; the appropriateness of such penalty in relation to the size of the business of the respondent, including the potential for undue adverse economic impacts; and other relevant and appropriate factors and information.

(f) An order by the Chief Counsel assessing civil penalties exceeding \$1,000,000 becomes a final decision 20 calendar days after it is issued unless the respondent files an appeal under § 578.11 within the 20 day period. An order by the Chief Counsel assessing civil penalties of \$1,000,000 or less is a final decision upon issuance.

■ 11. Add § 578.10 to read as follows:

§ 578.10 Procedures when a hearing is elected.

(a) A respondent or counsel for a respondent, responding to an initial demand for civil penalties by requesting a hearing must provide with the request for hearing two complete copies (via hand delivery, use of an overnight or express courier service, facsimile or electronic mail) containing a detailed statement of factual and legal issues in dispute and all statements and documents supporting the respondent's case within 30 calendar days of the date on which the initial demand for civil penalties is issued. If the respondent wishes to request an in-person hearing and the opportunity to present witness testimony, the respondent must also provide with the request for a hearing a statement of the factual and/or legal issues that an in-person hearing is necessary to resolve, a statement containing the names of individuals whom the respondent wishes to call as witnesses at the hearing, a description

of the witnesses' expected testimony and the factual basis for such testimony, and whether the respondent will arrange to have a verbatim transcript prepared at its own expense. One copy of the respondent's submission set shall be labeled "For Hearing Officer." Failure to specify any issue in the respondent's written submission will preclude its consideration.

(b) When a hearing is requested and scheduled under this section, a Hearing Officer designated by the Chief Counsel convenes and presides over the hearing. The Hearing Officer is solely responsible for the case referred to him or her. The Hearing Officer shall have no other responsibility, direct or supervisory, for the investigation of the case referred for the assessment of civil penalties and must have no prior connection with the case. The Agency will be represented in the hearing by an attorney designated by the Chief Counsel.

(c) The hearing will be conducted by written submission unless an in-person hearing is requested and the Hearing Officer determines that an in-person hearing is necessary to resolve factual or legal issues presented in the case. In a hearing conducted by written submission, the Assistant Chief Counsel for Litigation and Enforcement will submit a reply responding to the statement of factual and legal issues in dispute and the statements and documents provided with the respondent's request for a hearing submitted under paragraph (a) of this section. In a hearing by written submission, the Hearing Officer's decision will be based on the initial demand for civil penalties and all attached documents, the respondent's request for a hearing submitted under paragraph (a) of this section and all attached documents and statements, and the reply to the respondent's request for a hearing (including any documents) submitted under this paragraph. All of the materials described in this subsection are automatically part of the administrative record.

(d) If the Hearing Officer determines that an in-person hearing is necessary to resolve factual and/or legal issues present in the case, the Hearing Officer will notify the respondent and NHTSA of his or her decision in writing and schedule an in-person hearing.

(e) In order to regulate the course of a hearing, the Hearing Officer may:

(1) Direct or arrange for the submission of additional materials for the administrative record in written form;

(2) Receive testimony from witnesses during an in-person hearing;

(3) Convene, recess, reconvene, and adjourn and otherwise regulate the course of the in-person hearing; and

(4) Take administrative notice of matters that are not subject to a bona fide dispute and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer shall give NHTSA and the respondent an opportunity to show why notice should not be taken. In any case in which notice is taken, the Hearing Officer shall place a written statement of the matters as to which notice was taken in the record, with the basis for such notice, including a statement that the parties consented to the notice being taken or a summary of each party's objections.

(f) In considering the admission of evidence, the Hearing Officer is not bound by the Federal Rules of Evidence. In evaluating the evidence presented, the Hearing Officer must give due consideration to the reliability and relevance of each item of evidence.

(g) If, in response to a request for an in-person hearing, the Hearing Officer determines that an in-person hearing is necessary, the respondent may appear and be heard on his or her own behalf or through counsel of his or her choice. The respondent or his or her counsel may offer relevant information which he or she believes should be considered in defense of the allegations or which may bear on the penalty proposed to be assessed. The respondent may also call witnesses at the in-person hearing, if permitted by the Hearing Officer. A respondent represented by counsel bears all of its own attorneys' fees and costs. If a respondent wishes to present testimony through a personal appearance, the respondent is responsible for any costs associated with such appearance. The Hearing Officer may, at his or her discretion, accept a stipulation, declaration, or affidavit in lieu of testimony.

(h) If, in response to a request for an in-person hearing, the Hearing Officer determines that an in-person hearing is necessary, NHTSA may supplement the record with information prior to the in-person hearing. A copy of such information will be provided to the respondent no later than 3 days before the hearing. NHTSA may also call witnesses at the in-person hearing, if permitted by the Hearing Officer. NHTSA will provide to the respondent a list of witnesses that it expects to call at the in-person hearing, a description of the witnesses' expected testimony, and the factual basis for the expected testimony no later than three days prior to the in-person hearing. The Hearing

Officer may, at his or her discretion, accept a stipulation, declaration, or affidavit in lieu of testimony.

(i) If, in response to a request for an in-person hearing, the Hearing Officer determines that an in-person hearing is necessary, the Hearing Officer may allow for cross examination of witnesses.

(j) A verbatim transcript of any in-person hearing will not normally be prepared. A respondent may, solely at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the respondent shall submit two copies to the Hearing Officer not later than 15 days after the in-person hearing. The Hearing Officer shall include such transcript in the record. A respondent who wishes a verbatim transcript of the in-person hearing to be made must notify the Hearing Officer and the Assistant Chief Counsel for Litigation and Enforcement in advance of the hearing.

(k) The administrative record of an in-person hearing shall contain the notice of initial demand for civil penalties and any supporting documentation described in § 578.7; any timely documentation submitted by the respondent; any further documentation submitted by the Agency or presented at an in-person hearing; any additional materials presented at an in-person hearing; the transcript of the hearing (if any); and any other materials that the Hearing Officer determines are relevant.

(l) During an in-person hearing, NHTSA makes the first presentation of evidence. At the close of NHTSA's presentation of evidence, the respondent will have the right to respond to and rebut evidence and argument presented by NHTSA. The respondent or his or her counsel may offer relevant information including testimony (if permitted by the Hearing Officer) regarding the respondent's liability for civil penalties and the application of the penalty factors. At the close of the respondent's presentation of evidence, the Hearing Officer may allow the presentation of rebuttal evidence by NHTSA. The Hearing Officer, in his or her discretion, may allow the respondent to reply to any such rebuttal evidence submitted. NHTSA has the burden at the hearing of establishing a violation charged in § 578.7 giving rise to liability for a civil penalty. A respondent challenging the amount of a proposed civil penalty will have the burden to establish mitigating circumstances. After the evidence in the case has been presented, NHTSA and the respondent may present arguments on the issues in the case. The decision of the Hearing Officer shall be made

solely on the administrative record developed during the course of the hearing.

(m) A Hearing Officer's decision and order assessing civil penalties exceeding \$1,000,000 becomes a final order 20 calendar days after it is issued unless the respondent files an appeal within the 20 day period to the Administrator under § 578.11. A Hearing Officer's decision and order assessing civil penalties of \$1,000,000 or less is a final order upon issuance.

(n) The Hearing Officer will assess civil penalties under this section only after considering the nature, circumstances, extent and gravity of the violation. The determination may consider the nature of the defect or noncompliance; knowledge by the respondent of its obligations under this chapter; the severity of the risk of injury; the occurrence or absence or injury; the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance; actions taken by the respondent to identify, investigate, or mitigate the condition; the appropriateness of such penalty in relation to the size of the business of the respondent, including the potential for undue adverse economic impacts; and other relevant and appropriate factors and information.

■ 12. Add § 578.11 to read as follows:

§ 578.11 Appeals to the Administrator.

(a) A respondent aggrieved by an order issued by the Chief Counsel or Hearing Officer assessing a civil penalty of more than \$1,000,000 may file an appeal with the Administrator. The appeal must be filed within twenty (20) calendar days of date on which the order was issued and state the grounds for appeal and the factual or legal basis supporting the appeal. If no appeal is filed within 20 days of the date on which the order was issued, the order by the Chief Counsel or the Hearing Officer shall become a final agency order.

(b) The Administrator will affirm the decision unless the Administrator finds that the decision was unsupported by the record as a whole; based on a mistake of law; or that new evidence, not available at the hearing, is available. Absent any of these bases, the appeal will be summarily dismissed.

(c) If the Administrator finds that the decision was unsupported, in whole or in part; based on a mistake of law; or that new evidence is available, then the Administrator may: Assess or modify a civil penalty; rescind the initial demand for civil penalties; or remand the case back for new or additional proceedings.

(d) In the absence of a remand, the decision of the Administrator in an appeal is a final agency action.

■ 13. Add § 578.12 to read as follows:

§ 578.12 Collection of assessed penalties.

(a) Payment of a civil penalty shall be made by check, postal money order, or electronic transfer of funds, as provided in instructions by the Agency.

(b) Failure by the respondent to submit in writing his/her acceptance of the terms of an order directing payment of a civil penalty and to remit the civil penalty to NHTSA within 30 days after an agency decision becomes final, may result in the institution of an action in an appropriate United States District Court to collect the civil penalty.

■ 14. Add § 578.13 to read as follows:

§ 578.13 Judicial review.

(a) Any party to the underlying proceeding who is adversely affected by a final order issued under this part may petition for review of the order in the appropriate United States district court.

(b) Judicial review will be based on whether the final order was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. No objection that has not been raised before the Agency will be considered by the court, unless reasonable grounds existed for failure to do so.

(c) The commencement of proceedings under this section will not, unless ordered by the court, operate as a stay of the final order the Agency.

■ 15. Add § 578.14 to read as follows:

§ 578.14 Civil penalty factors under 49 U.S.C. chapter 301.

(a) *General civil penalty factors.* This subsection interprets the terms nature, circumstances, extent, and gravity of the violation consistent with the factors in 49 U.S.C. 30165(c).

(1) *Nature of the violation* means the essential, fundamental character or constitution of the violation. It includes but is not limited to the nature of a safety-related defect or noncompliance. It also includes what the violation involves.

(2) *Circumstances of the violation* means the context, facts, and conditions having bearing on the violation.

(3) *Extent of the violation* means the range of inclusiveness over which the violation extends including the scope, time frame and/or the degree of the violation. This includes the number of violations and whether the violations are related or unrelated.

(4) *Gravity of the violation* means the importance, significance, and/or seriousness of the violation.

(b) *Discretionary civil penalty factors.* This paragraph interprets the nine

discretionary factors in 49 U.S.C. 30165(c)(1) through (9) that NHTSA may apply in making civil penalty amount determinations.

(1) *The nature of the defect or noncompliance* means the essential, fundamental characteristic or constitution of the defect or noncompliance.

(i) "Defect" is as defined in 49 U.S.C. 30102(a)(2). "Noncompliance" under this factor includes a noncompliance with a Federal Motor Vehicle Safety Standard ("FMVSS"), as well as other violations subject to penalties under 49 U.S.C. 30165.

(ii) When considering the nature of a safety-related defect or noncompliance with an FMVSS, NHTSA may examine the conditions or circumstances under which the defect or noncompliance arises, the performance problem, and actual and probable consequences of the defect or noncompliance. When considering the nature of the noncompliance with the Safety Act or a regulation promulgated thereunder, NHTSA may also examine the circumstances surrounding the violation.

(2) *Knowledge by the respondent of its obligations under this chapter* means all knowledge, legal and factual, actual, presumed and constructive, of the respondent of its obligations under 49 U.S.C. chapter 301. If a respondent is other than a natural person, including but not limited to a corporation or a partnership, then the knowledge of an employee or employees of that non-natural person shall be imputed to that non-natural person. The knowledge of an agent is imputed to a principal. A person, such as a corporation, with multiple employees is charged with the knowledge of each employee, regardless of whether the employees have communicated that knowledge among each other, or to a decision maker for the non-natural person.

(3) *The severity of the risk of injury* means the gravity of exposure to potential injury and includes the potential for injury or death of drivers, passengers, other motorists, pedestrians, and others. The severity of the risk includes the likelihood of an injury occurring and the population group exposed.

(4) *The occurrence or absence of injury* means whether injuries or deaths have occurred as a result of a defect, noncompliance, or other violation of 49 U.S.C. chapter 301 or chapter 5 of title 49 of the Code of Federal Regulations. NHTSA may also take into consideration allegations of death or injury. The absence of deaths or injuries shall not be dispositive of

manufacturer's liability for civil penalties.

(5) *The number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance* means the total number of vehicles or items of motor vehicle equipment distributed with the defect or noncompliance with an FMVSS or the percentage of vehicles or items of motor vehicle equipment of the subject population with the defect or noncompliance with an FMVSS. If multiple make, model and model years of motor vehicles are affected by the defect or noncompliance with an FMVSS, NHTSA may also consider the percentage of motor vehicles that contain the defect or noncompliance with an FMVSS as a percentage of the manufacturer's total annual production of vehicles. NHTSA may choose to make distinction between those defective or noncompliant products distributed in commerce that consumers received, and those defective or noncompliant products distributed in commerce that consumers have not received.

(6) *Actions taken by the respondent to identify, investigate, or mitigate the condition* means actions actually taken, the time frame when those actions were taken, what those actions involved and how they ameliorated or otherwise related to the condition, what remained after those actions were taken, and the speed with which the actions were

taken. A failure to act may also be considered.

(7) *The appropriateness of such penalty in relation to the size of the business of the respondent, including the potential for undue adverse economic impacts.* NHTSA takes the Small Business Regulatory Enforcement Fairness Act of 1996 into account. Upon a showing that a violator is a small entity, NHTSA may include, but is not limited to, requiring the small entity to correct the violation within a reasonable correction period, considering whether the violation was discovered through the participation by the small entity in a compliance assistance program sponsored by the agency, considering whether the small entity has been subject to multiple enforcement actions by the agency, considering whether the violations involve willful or criminal conduct, considering whether the violations pose serious health, safety or environmental threats, and requiring a good faith effort to comply with the law. NHTSA may also consider the effect of the penalty on ability of the person to continue to operate. NHTSA may consider a person's ability to pay, including in installments over time, any effect of a penalty on the respondent's ability to continue to do business, and relevant financial factors such as liquidity, solvency, and profitability. NHTSA may also consider whether the

business has been deliberately undercapitalized.

(8) *Whether the respondent has been assessed civil penalties under this section during the most recent 5 years* means whether the respondent has been assessed civil penalties, including a settlement agreement containing a penalty, a consent order or a lawsuit involving a penalty or payment of a civil penalty in the most recent 5 years from the date of the alleged violation, regardless of whether there was any admission of a violation or of liability, under 49 U.S.C. 30165.

(9) *Other appropriate factors* means other factors not identified above, including but not limited to aggravating and mitigating factors relating to the violation, such as whether there is a history of violations, whether a person benefitted economically from a violation, the effect of the respondent's conduct on the integrity of programs administered by NHTSA, and whether there was a failure to respond in a complete and timely manner to requests for information or remedial action.

Issued in Washington, DC on September 8, 2015, under authority delegated pursuant to 49 CFR 1.95.

Paul A. Hemmersbaugh,
Acting Chief Counsel.

[FR Doc. 2015-23164 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-59-P

Notices

Federal Register

Vol. 80, No. 182

Monday, September 21, 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

Animal and Plant Health Inspection Service

Submission for OMB Review; Comment Request

September 15, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 21, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information

unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: PPQ Form 816; Contract Pilot and Aircraft Acceptance.

OMB Control Number: 0579-0298.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds that are new to or not widely distributed within the United States. This authority has been delegated to the Administrator, Animal and Plant Health Inspection Service (APHIS). APHIS carries out this program primarily by treating infested lands by aerial spraying of pesticides from aircraft.

Need and Use of the Information: Contract Pilot and Aircraft Acceptance Form (PPQ-816) is used by the Plant Protection and Quarantine personnel who are involved with contracts for aerial application services for emergency pest outbreaks. The form is used to document that the pilot and aircraft meet contract specifications. If APHIS did not collect this information or collected it less frequently, APHIS would not be able to verify if APHIS contracts for aerial application services met specifications.

Description of Respondents: Individuals or households.

Number of Respondents: 15.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 4.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015-23520 Filed 9-18-15; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Forestry Research Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forestry Research Advisory Council (FRAC) will meet in Washington, DC. The Council is required by Section 1441 of the Agriculture and Food Act of 1981 (Act) and operates in compliance with the Federal Advisory Committee Act (FACA). Additional information concerning FRAC, including the meeting summary/minutes, can be found by visiting the FRAC's Web site at: <http://www.fs.fed.us/research/about/forestry-research-council/>.

DATES: The meeting will be held on the following dates and time:

- Tuesday, October 20, 2015 from 8:30 a.m. to 4:30 p.m. PDT
- Wednesday, October 21, 2015 from 8:30 a.m. to 4:30 p.m. PDT

All FRAC meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held in the Roosevelt Conference Room, Yates Building, USDA Forest Service—Washington Office, 201 14th Street SW., Washington, DC 20250. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at USDA Forest Service—Washington Office, 201 14th Street SW., Washington, DC 20250. Please call ahead at 202-205-1665 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: W. Stephen Hart, Designated Federal Official, Forestry Research Advisory Council, Research and Development, USDA Forest Service, by phone at 202-205-0844, or by email at shart@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m.,

Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss current and emerging forestry and natural resources research issues;

2. Provide a presentation and discussion on budget outlooks and program priorities of the Forest Service Research and Development and USDA National Institute of Food and Agriculture, including the McIntire-Stennis Cooperative Forestry Research Program; and

3. Discuss anticipated matters that may include USDA engagement in natural resources-related STEM research and education, partnerships with other agencies, interdisciplinary research, research in urban forestry, wood products development, and landscape-scale forest management.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by October 14, 2015, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Council may file written statements with the Council's staff before or after the meeting. Written comments and time requests for oral comments must be sent to W. Stephen Hart, Designated Federal Official, Forestry Research Advisory Council, Research and Development, USDA Forest Service, Mail Stop 1120, 1400 Independence Avenue SW., Washington, DC, 20250-1120, or by facsimile at 202-401-1189, or by email at shart@fs.fed.us.

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

Dated: September 11, 2015.

Cynthia D. West,

Associate Deputy Chief Research and Development.

[FR Doc. 2015-23562 Filed 9-18-15; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Sequoia National Forest, California; Summit Fuels Reduction and Forest Health Project

Correction

In notice document 2015-23236 appearing on pages 55590-55591 in the issue of Wednesday, September 16, 2015 make the following correction:

On page 55590, in the third column, under the **DATES** heading, in the third line "September 16, 2015" should read "October 16, 2015".

[FR Doc. C1-2015-23236 Filed 9-18-15; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

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: Bureau of Industry and Security.

Title: Chemical Weapons Convention Provisions of the Export Administration Regulations.

OMB Control Number: 0694-0117.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 70.

Average Hours Per Response: 31 minutes.

Burden Hours: 36 hours.

Needs and Uses: The Chemical Weapons Convention (CWC) is a multilateral arms control treaty that seeks to achieve an international ban on chemical weapons (CW). The CWC prohibits the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons. This collection implements the following provision of the treaty:

Schedule 1 notification and report: Under Part VI of the CWC Verification Annex, the United States is required to notify the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization created to implement the CWC, at least 30 days before any transfer (export/import) of Schedule 1 chemicals to another State Party. The United States is

also required to submit annual reports to the OPCW on all transfers of Schedule 1 Chemicals.

End-Use Certificates: Under Part VIII of the CWC Verification Annex, the United States is required to obtain End-Use Certificates for transfers of Schedule 3 chemicals to Non-States Parties to ensure the transferred chemicals are only used for the purposes not prohibited under the Convention.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the 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.

Sheleen Dumas,

PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2015-23583 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below.

Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE
[9/9/2015 through 9/15/2015]

Firm name	Firm address	Date accepted for investigation	Product(s)
Bruckman Rubber Company ..	101 South St., Joseph Avenue, Hastings, NE 68902.	9/10/2015	The firm produces industrial rubber products produced by molding and die cutting custom rubber compounds.
C&P Plastics, Inc	8005 Highway 36 North, Brenham, TX 77833.	9/11/2015	The firm manufactures precision plastic parts for multiple industries.
Gateway Shoes, LLC	910 Kehrs Mill Road, Suite 112, Ballwin, MO 630111.	9/11/2015	The firm manufactures formal dress shoes for men and boys/children- made of rubber, plastic and leather.
Okubo Gear America, Inc. and Subsidiary—Avon Gear Company.	11968 Investment Drive, Shelby Township, MI 48315.	9/11/2015	The firm manufactures large diameter, tight tolerance, machined parts used in roller bearing assemblies and other components.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: September 15, 2015.

Michael S. DeVillo,
Eligibility Examiner.

[FR Doc. 2015-23670 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-62-2015]

Foreign-Trade Zone 82—Mobile, Alabama; Application for Subzone; Outokumpu Stainless USA, LLC; Calvert, Alabama

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of Mobile, grantee of FTZ 82, requesting subzone status for the facility of Outokumpu Stainless USA, LLC (Outokumpu), located in Calvert, Alabama. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 10, 2015.

The proposed subzone (1,998 acres) is located at 1 ThyssenKrupp Drive in Calvert (Mobile County). Production

authority has already been approved for the facility (Doc. B-28-2015, 80 FR 51535, 8/25/2015). The Outokumpu facility is currently designated as Subzone 82I with authority expiring on December 20, 2015.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

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 November 2, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 16, 2015.

A copy of the application 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 Camille Evans at Camille.Evans@trade.gov or (202) 482-2350.

Dated: September 10, 2015.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2015-23647 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-35-2015]

Foreign-Trade Zone (FTZ) 54—Clinton County, New York; Authorization of Production Activity; Swarovski Lighting, Ltd.; (Lighting Fixtures and Parts) Plattsburgh, New York

On May 15, 2015, the Clinton County Area Development Corporation, grantee of FTZ 54, submitted a notification of proposed production activity to the FTZ Board on behalf of Swarovski Lighting, Ltd., within FTZ 54, in Plattsburgh, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 30659-30660, 05/29/2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: September 11, 2015.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2015-23642 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-61-2015]

Foreign-Trade Zone (FTZ) 119—Minneapolis-St. Paul, Minnesota; Notification of Proposed Production Activity; CNH Industrial America, LLC (Agricultural Equipment and Related Subassemblies and Attachments); Benson, Minnesota

CNH Industrial America, LLC (CNH) submitted a notification of proposed

production activity to the FTZ Board for its facilities located in Benson, Minnesota. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on September 8, 2015.

A separate application for subzone designation at the CNH facilities will be submitted and will be processed under Section 400.31 of the FTZ Board's regulations. The facilities are used for the production of agricultural equipment, subassemblies and attachments. Pursuant to 15 CFR 400.14(b), FTZ activity 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 CNH from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status inputs noted below, CNH would be able to choose the duty rates during customs entry procedures that apply to: Sprayers for agricultural chemical or water application; floaters for agricultural chemical or water application; flexair applicators (attachments for floaters); cotton harvesters; liquid applicators (attachments for tractors); cotton drums (attachments for cotton harvesters); sprayer axle castings (subassemblies for sprayers); and, pull-type sprayers (attachments for tractors) (duty rates are free or 2.5%). Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Articles of plastic (hoses, pipes and tubes with fittings; j-flex/thermoplastic/wire reinforced tubes, pipes and fittings; caution decals; caps; steering wheel knobs; thrust washers; air ducts; plugs; clamps and seals); silicon hoses and hose assemblies; articles of rubber (seals; o-rings; gaskets; elbows; reinforced hoses and hose assemblies; reinforced hoses with or without fittings; hydraulic hoses; transmission belts; vulcanized belts; v-belts; drive belts; belt assemblies; drive belt assemblies; buffers; floor mats; liners; sealing washers; shock absorbers; insulators; and blocks); coated paperboard gaskets; paper mat protectors; training manuals; drawings; schematics; catalogs; diamond braid polyester rope with acrylic core for sprayers; powder coat anti-skid mats and strips for steps; carbon and graphite exhaust gaskets; glass for cabs; windshield glass; mirrors and mirror

assemblies; cold-rolled iron/steel hollow tubes; galvanized steel tubes; stainless steel tubes; alloy steel cold-rolled tubes; iron/non-alloy steel fittings, elbows and stems; steel/zinc-plated steel hydraulic connectors; iron/non-alloy steel fittings, o-rings and connectors; zinc-plated steel connector tees; copper/zinc-plated steel/galvanized steel cables; cable assemblies; metal ropes; wire ropes; iron/steel chains, chain assemblies and links; zinc-plated steel chains; safety chains; zinc-plated steel chain kits and chain assemblies; zinc-plated steel link and link assemblies; articles of steel (screws; bolts; pins; fasteners; carriage bolts; u-bolts; steering column screws; weld nuts; stud ball pins; washers; rivets; spring clips, circle pins; hinges; hitch pins; rod assemblies; springs; brackets; clamps; retaining straps; collars and button-plugs); tinned copper ground straps; ground cables; aluminum/copper/steel rivets and springs; hex wrench sets; hammers; gathering chain tool assemblies; latches; locks and lock assemblies; door handles with locks; ignition keys; hinges; gas struts; angles; brackets; supports; mounts; dampers; plugs; radiator caps; covers; dust caps; decals; name plates; identity plates; emblems; 6-cylinder engines for sprayers and floaters; propulsion engines for sprayers and floaters for agricultural use; air intake tubes; hydraulic cylinders; hydraulic motors; pneumatic engine pistons; fuel injection pumps for engines; master cylinders; hydraulic pumps; pumps; pump controls; fans; fan assemblies; blowers; blower assemblies; air compressors; fan couplings; heater cores; condensers; condenser assemblies; water filters; water screens; water strainers; fuel filters; hydraulic filters; filter receiver dryers; thermostats; air filters; air cleaners and assemblies; catalytic converters; air cleaner housing assemblies; sprayer nozzles; jacks; lift cylinders; counterweights; mufflers; valve plates; supporting brackets; buckets; bucket attachments; channels; wrist rest assemblies; frames with tracks; shovel brackets; baffles; shovel discs; steering arms; rear axles; drum drive assemblies; drums; drum assemblies; air ducts; headers; pulley housings; link assemblies; hubs; grain pans; accumulators; commutator brushes and straps; wiper brushes; fuel and water conversion kits; wiper blades and assemblies; hydraulic valves; copper/iron/steel non-returnable check valves; poppet valves; control valves; drain cocks and assemblies; shut-off valves; fitting kits; solenoid valves; valve

covers; valve manifolds; pistons; connecting and coupling blocks; cylinder caps; cartridges; control blocks; pistons; hydraulic control valves; ball bearings; bearing sets and assemblies; bushings; cup bearings; thrust washers; tapered bearings and assemblies; roller bearings; cone bearings; shims; spacers; shafts; bearing housings; bearing carriers; bearing supports; gearbox assemblies; gears; gear sets; pulleys; idlers; belt tensioners; clutches; dampers; gaskets; engine gaskets and kits; seal kits; oil seals; seal repair kits; taper fasteners; ballast assemblies; wiper motors; starter motors; actuators; window adjustment motors; instrument and control motors; motor kits; DC converters; magnets; magnetic rings; solenoids; coils; wet and dry batteries; starter motors; alternators; head/rear/work lamps; visual signaling equipment; alarms; horns; buzzers; wiper blades; heaters; heater blocks; speakers; radars; true ground sensors; radios; radio parts; monitors; radio antennas; beacon lights; electric throttle assemblies; potentiometers; sensors; fuses; electrical timers; ignition switches; switch assemblies; unloading switches; rectifiers; programmable controllers; instrument control assemblies; shifter circuit kits; electrical connectors; wire connectors; printed circuit boards; housing contacts; lamps; bulbs; pressure and humidity sensors; cables; ground cables; electrical wires; electrical cable; wire harnesses; antenna cables; sprayer cabs; monitor tubes, housings, instrument panels, hoods, covers, and handles for sprayer and floater cabs; brake pipes; gearbox covers; axles, hubs, axle inserts, wheels, shock absorbers, arms, housings, castings, radiators, exhaust system pipes, mufflers, clutches, steering columns, bracket assemblies, booms, casting supports, frames, handrails, steering cylinder mounts and levers for tractor/floater/sprayer attachments; temperature sensors; fuel sender units; flow meters; instrument clusters; tachometers; instrument panels; seats; and armrests (duty rates range from duty-free to 9.9%).

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 November 2, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the FTZ

Board's Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Diane Finver at Diane.Finver@trade.gov or (202) 482-1367.

Dated: September 10, 2015.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2015-23644 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Federal Consistency Appeal to the Objection of a Proposed Project in Guánica, Puerto Rico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of appeal.

SUMMARY: This announcement provides public notice that Louis Charles Rose (Appellant) has filed an administrative appeal under the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 *et seq.* asking the Secretary of Commerce (Secretary) to override an objection by the Puerto Rico Planning Board (Board) to the proposed construction of a private deck in Guánica, Puerto Rico.

DATES: Written comments and requests for public hearing will be considered if received no later than October 21, 2015.

ADDRESSES: You may submit written comments or requests for a public hearing to NOAA, Office of the General Counsel for Ocean Services, Attn. Gladys Miles, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, or via email to gcos.comments@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 20, 2015, Louis Charles Rose filed notice of an appeal with the Secretary pursuant to the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 *et seq.*, and regulations at 15 CFR part 930, subpart H. Appellant appealed an objection by the Puerto Rico Planning Board (Board) to a consistency certification for a U.S. Army Corps of Engineers permit necessary for the proposed construction of a private deck off the coast of Guánica, Puerto Rico.

Under the CZMA, the Secretary may override the Board's objection on grounds that the project is consistent with the objectives or purposes of the CZMA or otherwise necessary in the interest of national security. To make the determination that the proposed

activity is "consistent with the objectives or purposes of the CZMA," the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is "necessary in the interest of national security," the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity is not permitted to go forward as proposed. 15 CFR 930.122.

II. Request for Public and Federal Agency Comments

Pursuant to Department of Commerce regulations, the public and interested federal agencies may submit written comments on this appeal. All comments received will be made part of the public record. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.

III. Opportunity for Public Hearing

Pursuant to Department of Commerce regulations, the Secretary may hold a public hearing on this appeal, either in response to a written request for a public hearing or upon his/her own initiative. A written request for a public hearing must include an explanation why you believe a public hearing would be beneficial and aid the decision-maker. If a hearing is held, advance notice of the time, date, and location will be published in the **Federal Register**. The Secretary will also reopen the public and Federal agency comment period for a 10-day period following the hearing to allow for additional input.

IV. Public Availability of Appeal Documents and Decisions

Materials and related documents comprising the appeal record will be publicly available during business hours, at the NOAA, Office of the General Counsel in the location specified in the **ADDRESSES** section of this notice. Past CZMA consistency appeal decisions may also be viewed by

visiting: <http://coast.noaa.gov/czm/consistency/appeals/fcappedaldecisions/>.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

Dated: September 14, 2015.

Jeffrey S. Dillen,

Acting Chief, Oceans & Coasts Section, NOAA Office of the General Counsel.

[FR Doc. 2015-23610 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE200

Fisheries of the U.S. Caribbean; 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 46 pre-workshop webinar for Caribbean Data-limited Species.

SUMMARY: The SEDAR 46 assessment of Caribbean Data-limited Species will consist of one in-person workshop and a series of webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 46 pre-Workshop webinar will be held October 6, 2015, from 10 a.m. to 12 p.m. Eastern Time.

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; phone: (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:

Panelists will present summary data, and discuss data needs and treatments.

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 3 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: September 16, 2015.

Jeffrey N. Lonergan,

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

[FR Doc. 2015-23626 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coral Reef Conservation Program

AGENCY: Coral Reef Conservation Program, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Public Meeting, Notice of Public Comment.

SUMMARY: Notice is hereby given of a public meeting of the U.S. Coral Reef Task Force (USCRTF). The meeting will be held in Fajardo, Puerto Rico at El Conquistador Resort, 1000 El Conquistador Avenue, Fajardo, Puerto Rico 00738. The meeting provides a forum for coordinated planning and action among federal agencies, state and territorial governments, and nongovernmental partners. The meeting will be held Thursday, October 29, 2015. Additional workshops, evening events, and field trips will be on either side of the meeting on Tuesday, October 27, Wednesday, October 28, Friday, October 30, and Saturday, October 31. Registration is requested for all events associated with the meeting.

This meeting has time allotted for public comment. All public comments must be submitted in written format. A written summary of the meeting will be posted on the USCRTF Web site within two months of occurrence. For information about the meeting, registering and submitting public comments, go to <http://www.coralreef.gov>.

Commenters may address the meeting, the role of the USCRTF, or general coral reef conservation issues. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment, including personal identifying information may be made publicly available at any time. While you can request that the USCRTF withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force mission is to lead, coordinate and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. Co-chaired by the Departments of Commerce and Interior, Task Force members include leaders of 12 federal

agencies, seven U.S. states and territories and three freely associated states.

FOR FURTHER INFORMATION CONTACT: Shannon Simpson, NOAA USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, 1305 East-West Highway, N/OCRM, Silver Spring, MD 20910 at 303-497-6246 or Cheryl Fossani, USCRTF Executive Secretary, U.S. Department of Interior, MS-3530-MIB, 1849 C Street NW., Washington, DC 20240 at (202) 208-5004 or visit the USCRTF Web site at <http://www.coralreef.gov>.

Dated: September 15, 2015.

Christopher Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 2015-23643 Filed 9-18-15; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE198

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a three-day meeting to consider actions affecting Mid-Atlantic fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, Wednesday, and Thursday, October 6-8, 2015, starting at 9 a.m. on Tuesday, 8 a.m. on Wednesday, and 9 a.m. on Thursday.

ADDRESSES: The meeting will be held at the DoubleTree Philadelphia Center City, 237 S. Broad Street, Philadelphia, PA 19107; telephone: (215) 893-1600.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331 or on their Web site at www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, October 6, 2015

The Council will hold a Habitat Workshop on Tuesday to discuss potential strategies to more fully integrate habitat into the Ecosystem Approach to Fisheries Management process.

During the afternoon session, the Council will continue with the Habitat Workshop. The BlueLine Tilefish Amendment will be discussed to approve a range of alternatives. The Council will review the Scientific and Statistical Committee's (SSC) Acceptable Biological Catch (ABC) recommendations, as well as the Monitoring Committee and Advisory Panel recommendations and recommend 2016–18 Spiny Dogfish Specifications and associated management measures. The Council will then receive an update on recent activities from the Bureau of Ocean Energy Management.

Wednesday, October 7, 2015

The Executive Committee will meet to review the 2015 Implementation Plan and to discuss and review the 2016 Implementation Plan. The Council will then review and approve the 2016–20 Five-Year Comprehensive Research Priority Plan. The Council will also identify research priorities for near-term cooperative research projects for the Council Cooperative Research Plan.

During the afternoon session, the Council will review the SSC report regarding data limited methods for recommending black sea bass ABC and revise the 2016–17 black sea bass catch limit recommendations, if appropriate. The New England Fishery Management Council's Framework for Surfclams and Ocean Quahogs, which includes clam dredge exemption areas on Georges Bank and Nantucket shoals areas, will be presented. The Council will then receive a summary of scoping comments and identify the next steps regarding Unmanaged Forage followed by an update on the progress for the summer flounder sex-specific model.

Thursday, October 8, 2015

The Council will identify preferred alternatives for public hearings for the Industry Funded Observer Amendment followed by a review of the NOAA Draft Policy Statement on Ecosystem Based Fishery Management. The day will conclude with brief reports from the National Marine Fisheries Service's Greater Atlantic Regional Office and the Northeast Fisheries Science Center, NOAA's Office of General Counsel and Office of Law Enforcement, the U.S.

Coast Guard, the Atlantic States Marine Fisheries Commission, the New England and South Atlantic Fishery Council's liaisons, and the Council's Executive Director. The Council will also receive a Science Report, Executive and SSC Committee reports and discuss any continuing and/or new business.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: September 16, 2015.

Jeffrey N. Lonergan,

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

[FR Doc. 2015–23625 Filed 9–18–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic And Atmospheric Administration****Membership of the National Oceanic and Atmospheric Administration Performance Review Board**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of membership of the NOAA Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), NOAA announces the appointment of members who will serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional (ST) members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments, awarding of bonuses, and reviewing recommendations for potential

Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of two (2) years.

DATES: *Effective Date:* The effective date of service of the eight appointees to the NOAA Performance Review Board is September 30, 2015.

FOR FURTHER INFORMATION CONTACT:

Christine Nalli, Director, Executive Resources Division, Workforce Management Office, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–6301.

SUPPLEMENTARY INFORMATION: The names and positions of the members for the 2015 NOAA PRB are set forth below:

Jason A. Donaldson, Chair

Chief Financial Officer/Chief Administrative Officer, Office of Oceanic and Atmospheric Research
John D. Murphy, Co-Chair
Chief Operating Officer, National Weather Service

Ciaran M. Clayton

Director of Communications, Office of the Under Secretary

Michael E. Phelps

Director, Office of Budget, Office of the Secretary, U.S. Department of Commerce

RDML Anita L. Lopez

Deputy Director for Operations, OMAO and Deputy Director, NOAA Corps, Office of Marine and Aviation Operations

Louisa Koch

Director, Office of Education, Office of the Deputy Under Secretary

Paul N. Doremus

Deputy Assistant Administrator for Operations, National Marine Fisheries Service

Russell F. Smith, III

Deputy Assistant Secretary for International Fisheries, Office of the Deputy Under Secretary

Dated: August 31, 2015.

Kathryn D. Sullivan,

Under Secretary of Commerce, for Oceans and Atmosphere.

[FR Doc. 2015–23703 Filed 9–18–15; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION**Credit Union Advisory Council Meeting**

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Consumer Financial Protection Bureau (Bureau).

The notice also describes the functions of the Council. Notice of the meeting is permitted by Section 9 of the CUAC Charter and is intended to notify the public of this meeting. Specifically, Section 9(d) of the CUAC Charter states: (1) Each meeting of the Council shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live recording. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Council's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Council shall be posted on the Bureau's Web site (www.consumerfinance.gov). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Council's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, October 8, 2015, 3:00 p.m. to 4:30 p.m. Eastern Daylight Time.

ADDRESSES: The meeting location is Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Consumer Advisory Board & Councils, External Affairs, 1275 First Street NE., Washington, DC 20002; telephone: 202-435-9588; CFPB_CABandCouncilsEvents@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides: "Pursuant to the executive and administrative powers conferred on the Consumer Financial Protection Bureau (CFPB or Bureau) by Section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council to consult with the Bureau in the exercise of its functions under the federal consumer financial laws as they

pertain to credit unions with total assets of \$10 billion or less."

Section 3 of the CUAC Charter states: "a) The CFPB supervises depository institutions and credit unions with total assets of more than \$10 billion and their respective affiliates, but other than the limited authority conferred by § 1026 of the Dodd-Frank Act, the CFPB does not have supervisory authority regarding credit unions and depository institutions with total assets of \$10 billion or less. As a result, the CFPB does not have regular contact with these institutions, and it would therefore be beneficial to create a mechanism to ensure that their unique perspectives are shared with the Bureau. Small Business Regulatory Enforcement Fairness Act (SBREFA) panels provide one avenue to gather this input, but participants from credit unions must possess no more than \$175 million in assets, which precludes the participation of many. b) The Advisory Council shall fill this gap by providing an interactive dialogue and exchange of ideas and experiences between credit union employees and Bureau staff. c) The Advisory Council shall advise generally on the Bureau's regulation of consumer financial products or services and other topics assigned to it by the Director. To carry out the Advisory Council's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The output of Advisory Council meetings should serve to better inform the CFPB's policy development, rulemaking, and engagement functions."

II. Agenda

The Credit Union Advisory Council will discuss consumer challenges in payments.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Credit Union Advisory Council meeting must RSVP to cfpb_cabandcouncilsevents@cfpb.gov by noon, Tuesday, October 7, 2015. Members of the public must RSVP by the due date and must include "CUAC" in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Tuesday, September 22, 2015, via consumerfinance.gov. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site consumerfinance.gov.

Dated: September 16, 2015.

Christopher D'Angelo,
Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2015-23600 Filed 9-18-15; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Waiver for Certain Defense Items Produced in the United Kingdom

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the statutory limitation of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom (UK). United States Code, Title 10, section 2534, limits DoD procurement of certain items to sources in the national technology and industrial base. The waiver will permit procurement of enumerated items from sources in the UK, unless otherwise restricted by statute.

DATES: This waiver is effective beginning October 6, 2015 until October 4, 2016.

FOR FURTHER INFORMATION CONTACT: Director, Defense Procurement and Acquisition Policy (DPAP), Contract Policy and International Contracting (CPIC), Room 5E621, 3060 Defense Pentagon, Washington, DC 20301-3060, Attention: Ms. Patricia Foley, OUSD(AT&L), telephone (703) 693-1145.

SUPPLEMENTARY INFORMATION: Subsection (a) of 10 U.S.C. 2534 provides that the Secretary of Defense may procure the items listed in that subsection only if the manufacturer of the item is part of the national technology and industrial base. Subsection (i) of 10 U.S.C. 2534 authorizes the Secretary of Defense to exercise the waiver authority in subsection (d), on the basis of the

applicability of paragraph (2) or (3) of that subsection, only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country. Subsection (d) authorizes a waiver if the Secretary of Defense determines that application of the limitation “would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items” and if the Secretary of Defense determines that “that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.” The Secretary of Defense has delegated the waiver authority of 10 U.S.C. 2534(d) to the Under Secretary of Defense (Acquisition, Technology, and Logistics).

DoD has had a Reciprocal Defense Procurement Memorandum of Understanding (MOU) with the UK since 1975, most recently renewed on December 17, 2014.

The Under Secretary of Defense (Acquisition, Technology, and Logistics) finds that the UK does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in the UK, and also finds that application of the limitation in 10 U.S.C. 2534 against defense items produced in the UK would impede the reciprocal procurement of defense items under the MOU.

Under the authority of 10 U.S.C. 2534, the Under Secretary of Defense (Acquisition, Technology, and Logistics) has determined that application of the limitation of 10 U.S.C. 2534(a) to the procurement of any defense item produced in the UK that is listed below would impede the reciprocal procurement of defense items under the MOU with the UK.

On the basis of the foregoing, the Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation in 10 U.S.C. 2534(a) for procurements of any defense item listed below that is produced in the UK. This waiver applies to procurements under solicitations issued during the period from October 6, 2015 to October 4, 2016. Similar waivers have been granted since 1998, most recently in 2014 (79 FR 11770, March 3, 2014).

List of Items to Which This Waiver Applies

1. Air circuit breakers.
2. Gyrocompasses.
3. Electronic navigation chart systems.

4. Steering controls.
5. Pumps.
6. Propulsion and machinery control systems.
7. Totally enclosed lifeboats.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2015-23519 Filed 9-18-15; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2015-OS-0092]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 21, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571-372-0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and Omb Number: Middle East Focus Groups and Survey; OMB Control Number 0704-TBD.

Type of Request: Emergency.

Number of Respondents: 2000.

Responses per Respondent: 1.

Annual Responses: 2000.

Average Burden per Response: 60 minutes.

Annual Burden Hours: 2000 hours.

Needs and Uses: The information collection requirement is being submitted as an emergency. The primary objective of this research, broadly speaking, is to inform future U.S. government efforts in countering violent extremism, with the goal of the project being to better understand views of political activism in the Middle East and, more specifically, to identify factors that dissuade individuals from supporting violent extremist groups. The focus groups and surveys will identify what factors dissuade individuals from supporting violent extremist groups or inhibit support for violence more generally. The information collection will be initiated at a time of relative peace in Yemen, but this country has experienced active conflict since April 2015 so the focus groups and survey must be administered at a time when some stability has returned to the country. Due to the fluid nature in the stability of the country,

and the need to move quickly once a window of opportunity opens, the Department is bypassing the 60-day public comment period.

Affected Public: Individuals and Households—Foreign Nationals.

Frequency: One-time.

Respondent's Obligation: Voluntary.

Omb Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at Oira_submission@omb.eop.gov. Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Dated: September 16, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015-23613 Filed 9-18-15; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Availability of the Fiscal Year 2014 Inventory of Contracts for Services

AGENCY: Department of Defense (DoD).

ACTION: Notice of availability.

SUMMARY: DoD announces the availability of the Inventory of Contracts for Services for Fiscal Year 2014 pursuant to section 2330a of title 10, United States Code. The inventory is available to the public.

FOR FURTHER INFORMATION CONTACT:

Office of the Director, Defense Procurement and Acquisition Policy, ATTN: OUSD(AT&L)DPAP/CPIC, 3060 Defense Pentagon, Washington, DC 20301-3060. Mr. Jeff Grover may be contacted by email at jeffrey.c.grover.civ@mail.mil or by telephone at 703-697-9352.

SUPPLEMENTARY INFORMATION:

In accordance with section 2330a of title 10 United States Code, the Office of the Deputy Director, Defense Procurement and Acquisition Policy, Contract Policy and International Contracting (DPAP/CPIC) will make available to the public the annual inventory of contracts for services. The inventory is posted to the Defense Procurement and Acquisition Policy Web site at: http://www.acq.osd.mil/dpap/cpic/cp/acquisition_of_services_policy.html.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2015-23518 Filed 9-18-15; 8:45 am]

BILLING CODE 5001-06-P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Senior Executive Service Performance Review Board

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice.

SUMMARY: This notice announces the membership of the Defense Nuclear Facilities Safety Board (DNFSB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: *Effective Date:* September 21, 2015.

ADDRESSES: Send comments concerning this notice to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004-2001.

FOR FURTHER INFORMATION CONTACT:

Deborah Bisciegliya by telephone at (202) 694-7041 or by email at debbieb@dnfsb.gov.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(1) through (5) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The PRB shall review and evaluate the initial summary rating of a senior executive's performance, the executive's response, and the higher level official's comments on the initial summary rating. In addition, the PRB will review and

recommend executive performance bonuses and pay increases.

The DNFSB is a small, independent Federal agency; therefore, the members of the DNFSB SES PRB listed in this notice are drawn from the SES ranks of other agencies.

The following persons comprise a standing roster to serve as members of the DNFSB SES PRB:

Christopher E. Aiello, Special Advisor to the Chairman and Chief Financial Officer, Federal Deposit Insurance Corporation

David M. Capozzi, Executive Director, United States Access Board

Cedric R. Hendricks, Associate Director, Office of Legislative, Intergovernmental and Public Affairs, Court Services and Offender Supervision Agency

Barry S. Socks, Chief Operating Officer, National Capital Planning Commission

Dr. Michael L. Van Woert, Director, National Science Board Office, National Science Foundation.

Dated: September 15, 2015.

Joyce L. Connery,

Chairman.

[FR Doc. 2015-23538 Filed 9-18-15; 8:45 am]

BILLING CODE 3670-01-P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Electronic Cohort Default Rate Appeals (eCDR Appeals), as Supplemented and Renamed Data Challenges and Appeals Solutions System

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of an altered system of records entitled "Data Challenges and Appeals Solutions (DCAS) System," which will replace the "Electronic Cohort Default Rate Appeals (eCDR Appeals)" system of records.

On October 31, 2014, the Secretary published final regulations in the **Federal Register** that apply to educational programs that are eligible to participate in the student financial assistance programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), because these programs "prepare students for gainful employment in a recognized

occupation" (GE regulations). The GE regulations establish a new program eligibility measure and disclosure requirements. As a result, Federal Student Aid (FSA) will be responsible for many more data challenges, requests for adjustments, and appeals in the coming years.

The DCAS System is the enhanced successor system to the eCDR Appeals system and will be implemented in phases to include all appeals, requests for adjustments and challenges related to institutional cohort default rates (CDRs), the GE regulations, and other student-level data initiatives. After FSA fully implements all phases of the DCAS System, FSA will retire the prior information technology system that housed the eCDR Appeals data.

In addition to the records described above, the DCAS System will contain records regarding borrowers who have applied for and received loans under the William D. Ford Federal Direct Loan (Direct Loan) Program and the Federal Family Education Loan (FFEL) Program.

The Department seeks comment on the altered system of records described in this notice, in accordance with the requirements of the Privacy Act.

DATES: We must receive your comments about this altered system of records on or before October 21, 2015.

The Department filed a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on September 10, 2015. This altered system of records will become effective upon the later date of: (1) The expiration of the 40-day period for OMB review on October 21, 2015; or (2) October 21, 2015, unless the altered system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about this altered system of records to Nikki Harris, Operation Performance Division, Gainful Employment Staff, Federal Student Aid, U.S. Department of Education, Union Center Plaza, 830 First Street NE., Room 62A4, Washington, DC 20202-5353.

If you prefer to send comments by email, use the following address: comments@ed.gov.

You must include "eCDR Appeals/DCAS" in the subject line of your electronic message.

During and after the comment period, you may inspect all comments about

this notice at the U.S. Department of Education in Room 62A4, Union Center Plaza, 6th Floor, 830 First Street NE., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply appropriate accommodations or auxiliary aids to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Nikki Harris. Telephone number: (202) 377-4876. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an alternative format (*e.g.*, braille, large print, audiotope, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a(e)(4)) requires the Department to publish in the **Federal Register** this notice of an altered system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations in part 5b of title 34.

The Privacy Act applies to a record about an individual that is maintained in a system of records from which individually identifying information is retrieved by a unique identifier associated with each individual, such as a name or Social Security number. The information about each individual is called a "record," and the system, whether manual or computer based, is called a "system of records."

The Privacy Act requires each agency to publish a system of records notice in the **Federal Register** and to submit, whenever the agency publishes a new system of records or makes a significant change to an established system of records, a report to the Administrator of the Office of Information and Regulatory Affairs, OMB. Each agency is also required to send copies of the report to the Chair of the Committee on Oversight

and Government Reform of the House of Representatives, and to the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

The Department currently uses the eCDR Appeals system for data challenges, requests for adjustments, and appeals consistent with the requirements of the CDR regulations in subpart N of the Student Assistance General Provisions regulations (34 CFR part 668), which the Department promulgated to implement the CDR requirements of section 435 of the HEA. The CDR is the percentage of borrowers at an institution of higher education (institution) who enter repayment on certain FFEL Loans and/or Direct Loans during the fiscal year and default within that cohort period. Every year, the Department calculates the CDR for institutions twice a year based on a three-year cohort period. The Department calculates and releases to institutions the draft CDRs in February (*i.e.*, "draft cycle"), and calculates and releases the official CDRs to institutions and the public in September (*i.e.*, "official cycle"). Throughout the annual cycle, the Department gives institutions an opportunity to challenge, appeal, and request adjustments to their CDRs based on a number of factors governed by statute and the Department's regulations. The basis for such challenges, appeals, and requests for adjustments may include: Incorrect data adjustments, participation rate index challenges, uncorrected data adjustments, new data adjustments, erroneous data appeals, loan servicing appeals, economically disadvantaged appeals, participation rate index appeals, average rate appeals, and thirty-or-fewer borrower appeals.

Institutions that believe that their CDR is inaccurate, or that believe they should not be subject to sanction or provisional certification based on certain mitigating circumstances, may submit a data challenge during the draft cycle or request an adjustment or appeal during the official cycle. An institution may allege that the Department used inaccurate data for specific loan records in the calculation of the institution's CDR. The appropriate data manager and the Department review and respond to each allegation. Note: Data managers are determined on the basis of the holder of the loan. For FFEL Program loans held by the lender or its guaranty agency, the guaranty agency is the data manager for the purpose of the appeal. If the Department is the holder of the FFEL Program loan, then the Department is the data manager. For Direct Loans, the Direct Loan servicer is the data manager. When the data manager and the

Department agree with the allegation, the data is corrected by the data manager. If the data manager and the Department disagree with the institution's allegations (*i.e.*, find that the data used was correct), then no change will be made. An institution not subject to sanction or provisional certification has no further recourse if a data manager and the Department disagree with their allegation.

For the most recent cohort year, 2011, over 357 institutions submitted data challenges for the three-year draft CDR. Of the 357 institutional data challenges, the submissions ranged from data challenges containing as few as one allegation to as many as 1,500 allegations per challenge.

The GE regulations establish a debt-to-earnings (D/E) rates measure to determine whether a GE program prepares students for gainful employment in a recognized occupation. The D/E rates measure is based on the typical loan debt and earnings of students who previously completed the program. The Department calculates two D/E rates measure: One based on annual earnings and one based on discretionary income. The GE regulations also require institutions to disclose to current and prospective students information about the institutions' GE programs. These disclosures may include the following calculations: Median earnings, completion and withdrawal rates, repayment rate, median loan debt, and a program-level cohort default rate (pCDR). We refer to the D/E rates calculations and the calculations for purposes of the disclosure requirements as the "GE calculations." The Department estimates that it will receive over 300,000 challenges to the data used to calculate draft D/E rates measure in the first year in which the Department calculates rates under the GE regulations. (79 FR 64993, 65004) The Department also expects to receive challenges, requests for adjustments, and appeals with respect to the other GE calculations.

The DCAS System, as an enhanced successor system to the eCDR Appeals system, will help address the rising volume of data challenges, requests for adjustments, and appeals that institutions electronically submit to FSA.

The DCAS System will: (1) Allow institutions to electronically challenge the data used in their CDRs and GE calculations; electronically request adjustments to and appeal their official CDRs and pCDRs; and electronically appeal their final D/E rates calculation; and (2) provide capability to FSA and

data managers to electronically view and respond to those challenges, requests for adjustments, and appeals.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department by using the article search feature at: www.federalregister.gov.

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Delegation of Authority: The Secretary of Education has delegated authority to Matthew Sessa, Deputy Chief Operating Officer, Federal Student Aid, to perform the functions and duties of the Chief Operating Officer.

Matthew Sessa,

Deputy Chief Operating Officer, Federal Student Aid Delegated Duties of the Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid (FSA), U.S. Department of Education (Department) publishes a notice of an altered system of records, to read as follows:

SYSTEM NUMBER:

18-11-18

SYSTEM NAME:

Data Challenges and Appeals Solutions (DCAS) System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Operations Performance Division, Gainful Employment Team, Federal Student Aid, U.S. Department of Education, Union Center Plaza, 830 First Street NE., Room 62A4, Washington, DC 20202-5353.

(2) Virtual Data Center (VDC), Dell Systems, 2300 W. Plano Parkway, Plano, TX 75075-8427 (Department's Contractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The DCAS System contains records on all recipients under title IV of the Higher Education Act of 1965, as

amended (HEA), who receive loans, grants, or work-study. Although the DCAS System contains information about institutions associated with individuals, this system of records notice pertains only to individuals protected under the Privacy Act of 1974, as amended (Privacy Act).

CATEGORIES OF RECORDS IN THE SYSTEM:

The DCAS System contains records regarding: (1) Student/borrower identifier information including Social Security number and name; (2) loan information (e.g., last date of attendance, date entered repayment, default date); (3) student status information (e.g., program enrollment information, dates of enrollment, amounts paid for tuition and fees); and (4) documentation submitted by an institution of higher education (institution) or data manager to support its data challenges, requests for adjustments, or appeals (e.g., enrollment verification, copies of cancelled checks, etc.). Note: Data managers are determined on the basis of the holder of the loan. For FFEL Program loans held by the lender or its guaranty agency, the guaranty agency is the data manager for the purpose of the appeal. If the Department is the holder of the FFEL Program loan, then the Department is the data manager. For Direct Loans, the Direct Loan servicer is the data manager.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1001, 1002, 1082, 1085, 1088, 1094, 1099c.

PURPOSE(S):

The information contained in the records maintained in this system is used for the following purposes:

(1) To allow institutions to electronically challenge, request adjustments to, and appeal their cohort default rates (CDRs) and calculations (GE calculations) required under the Department's regulations that apply to educational programs that are required to prepare students for gainful employment in a recognized occupation (GE regulations).

(2) To allow FSA and data managers to electronically view and respond to these challenges, requests for adjustments, and appeals from institutions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was

collected. The Department may make these disclosures on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Privacy Act, under a computer matching agreement.

(1) *Program Disclosures.* The Department may disclose records to the institution or data manager responsible for entering the information into the DCAS System, in order to provide an institution with an opportunity to challenge the accuracy of the data and the calculations made by the Department using that data, and to obtain clarification or additional information to assist in determining the outcome of the challenges, requests for adjustments, or appeals.

(2) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, or foreign agency, or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility within the receiving entity's jurisdiction.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statutory, regulatory, or legally binding requirement, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive order, rule, regulation, or order issued pursuant thereto.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components.

(ii) Any Department employee in his or her official capacity.

(iii) Any Department employee in his or her individual capacity if the U.S. Department of Justice (DOJ) has been requested to or has agreed to provide or arrange for representation for the employee.

(iv) Any Department employee in his or her individual capacity where the

Department has agreed to represent the employee.

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to DOJ*. If the Department determines that disclosure of certain records to DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to DOJ.

(c) *Adjudicative Disclosure*. If the Department determines that it is relevant and necessary to the litigation or ADR to disclose certain records to an adjudicative body before which the Department is authorized to appear, to an individual, or to an entity designated by the Department or otherwise empowered to resolve or mediate disputes, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Disclosure to Parties, Counsel, Representatives, or Witnesses*. If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(5) *Freedom of Information Act (FOIA) and Privacy Act Advice Disclosure*. The Department may disclose records to DOJ or the Office of Management and Budget if the Department concludes that disclosure would help in determining whether particular records are required to be disclosed under the FOIA or the Privacy Act.

(6) *Contract Disclosure*. If the Department contracts with an entity to perform any function that requires disclosing records to the contractor's employees, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(7) *Congressional Member Disclosure*. The Department may disclose the records of an individual to a member of Congress or the member's staff in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested the inquiry.

(8) *Disclosure in the Course of Responding to Breach of Data*. The Department may disclose records to appropriate agencies, entities, and persons when (1) it is suspected or

confirmed that the security or confidentiality of information in the DCAS System has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of the DCAS System or other systems or programs (whether maintained by the Department or by another agency or entity) that rely upon the compromised information; and (3) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist the Department in responding to the suspected or confirmed compromise and in helping the Department prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a database on the Department's secure servers and in other electronic storage media.

RETRIEVABILITY:

Records are retrieved by a unique institution of higher education code number provided by the Department to participating institutions and the borrower's Social Security number.

SAFEGUARDS:

Access to the records is limited to authorized personnel only. All physical access to the Department's site, and to the site of the Department's contractor where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the buildings for his or her employee or visitor badge.

The computer system employed by the Department and by the Department's contractor offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need to know" basis, and controls an individual user's ability to access and alter records within the system. All users of this system of records are given a unique user identification. The Department's Federal Student Aid Information Security Privacy Policy requires the enforcement of a complex password policy. In addition, users are required to change their password at least every 60 to 90 days in accordance with the Department's information technology

standards. At the principal site of the Department's contractor in Plano, Texas, additional physical security measures are in place and access is monitored 24 hours per day, 7 days a week.

RETENTION AND DISPOSAL:

The records associated with an institution's challenges, requests for adjustments, or appeals are currently unscheduled pending National Archives and Records Administration (NARA) approval of a records retention schedule. Until a NARA-approved records schedule is in effect, no records will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Nikki Harris, Operations Performance Division, Gainful Employment Team, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE., Room 62A4, Washington, DC 20202-5353.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager at the address listed under **SYSTEM MANAGER AND ADDRESS**. Requests should contain your full name, address, and telephone number. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations in 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

Information maintained in this system of records is obtained from institutions of higher education, data managers, and other FSA systems of records, including the National Student Loan Data System (18-11-06).

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

[FR Doc. 2015-23633 Filed 9-18-15; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER15-2653-000]

Campbell County Wind Farm, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Campbell County Wind Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 5, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov. or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: September 15, 2015.

Kimberly D. Bose,*Secretary.*

[FR Doc. 2015-23579 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER15-2453-000]

Passadumkeag Windpark, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Passadumkeag Windpark, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 21, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission,

888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov. or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: August 31, 2015.

Nathaniel J. Davis, Sr.,*Deputy Secretary.*

[FR Doc. 2015-23533 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER15-2466-000]

PBLJ LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of PBLJ LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 21, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access

who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: August 31, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23534 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15-1262-000.
Applicants: MIGC LLC.
Description: Section 4(d) Rate Filing: MIGC Interim Fuel Filing to be effective 10/1/2015.

Filed Date: 9/10/15.

Accession Number: 20150910-5093.

Comments Due: 5 p.m. ET 9/17/15.

Docket Numbers: RP15-1263-000.

Applicants: Union Power Partners, L.P., Entergy New Orleans, Inc.

Description: Joint Petition for Limited Waiver and Request for Expedited Action of Union Power Partners, L.P. and Entergy New Orleans, Inc. under RP15-1263.

Filed Date: 9/10/15.

Accession Number: 20150910-5156.

Comments Due: 5 p.m. ET 9/22/15.

Docket Numbers: RP15-1264-000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: Section 4(d) Rate Filing: Negotiated Rate Filing—Mansfield to be effective 11/1/2015.

Filed Date: 9/11/15.

Accession Number: 20150911-5032.

Comments Due: 5 p.m. ET 9/23/15.

Docket Numbers: RP15-1265-000.

Applicants: Central New York Oil And Gas, L.L.C.

Description: Section 4(d) Rate Filing: Central New York Oil And Gas Co., L.L.C.—Filing of Negotiated Rate Agreement to be effective 10/15/2015.

Filed Date: 9/11/15.

Accession Number: 20150911-5125.

Comments Due: 5 p.m. ET 9/23/15.

Docket Numbers: RP15-1266-000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Section 4(d) Rate Filing: Volume No. 2—Neg. Rate Agrmts with Noble Americas Gas et al. to be effective 11/1/2015.

Filed Date: 9/11/15.

Accession Number: 20150911-5141.

Comments Due: 5 p.m. ET 9/23/15.

Docket Numbers: RP15-1267-000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atlanta 8438 to various eff 9-1-15) to be effective 9/1/2015.

Filed Date: 9/14/15.

Accession Number: 20150914-5043.

Comments Due: 5 p.m. ET 9/28/15.

Docket Numbers: RP15-1268-000.

Applicants: Texas Eastern Transmission, LP.

Description: Section 4(d) Rate Filing: Non-conforming Agreement NJRES Contract 911296 to be effective 10/1/2015.

Filed Date: 9/14/15.

Accession Number: 20150914-5081.

Comments Due: 5 p.m. ET 9/28/15.

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: September 14, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23531 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15-206-000.

Applicants: South Central MCN, LLC.

Description: Application of South Central MCN LLC for Authorization under Section 203 to Acquire Transmission Facilities and Request for Expedited Consideration, Shortened Comment Period and Certain Waivers.

Filed Date: 9/14/15.

Accession Number: 20150914-5257.

Comments Due: 5 p.m. ET 10/5/15.

Docket Numbers: EC15-207-000.

Applicants: Eel River Power LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Expedited Action, Confidential Treatment and Shortened Comment Period of Eel River Power LLC.

Filed Date: 9/14/15.

Accession Number: 20150914-5297.

Comments Due: 5 p.m. ET 10/5/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2819-004; ER14-413-002; ER14-1390-003; ER10-2358-005; ER14-1397-003; ER10-3131-005; ER10-2431-005; ER15-2255-001.

Applicants: ALLETE, Inc., Lake Benton Power Partners LLC, Storm Lake Power Partners I LLC, Storm Lake Power Partners II, LLC, Chanarambie Power Partners, LLC, Armenia Mountain Wind, LLC, Condon Wind Power, LLC, ALLETE Clean Energy, Inc.

Description: Errata to July 23, 2015 Notice of Non-Material Change in Status of ALLETE, Inc., et al.

Filed Date: 9/14/15.

Accession Number: 20150914-5268.

Comments Due: 5 p.m. ET 10/5/15.

Docket Numbers: ER15-192-001.

Applicants: Arizona Public Service Company.

Description: Tariff Amendment: Service Agreement Nos. 338 and 339—APS Response Deficiency Letter to be effective 12/31/9998.

Filed Date: 9/14/15.

Accession Number: 20150914-5254.

Comments Due: 5 p.m. ET 10/5/15.
Docket Numbers: ER15–2255–000.
Applicants: Armenia Mountain Wind, LLC.

Description: Amendment to July 23, 2015 Armenia Mountain Wind, LLC tariff filing.

Filed Date: 9/14/15.

Accession Number: 20150914–5260.

Comments Due: 5 p.m. ET 10/5/15.

Docket Numbers: ER15–2255–001; ER10–2819–004; ER14–413–002; ER14–1397–003; ER14–1390–003; ER10–3131–005; ER10–2431–005; ER10–2358–005.

Applicants: ALLETE, Inc., Lake Benton Power Partners LLC, Storm Lake Power Partners I LLC, Storm Lake Power Partners II, LLC, Chanarambie Power Partners, LLC, Armenia Mountain Wind, LLC, Condon Wind Power, LLC, ALLETE Clean Energy, Inc.

Description: Errata to July 23, 2015 Notice of Non-Material Change in Status of ALLETE, Inc., et al.

Filed Date: 9/14/15.

Accession Number: 20150914–5268.

Comments Due: 5 p.m. ET 10/5/15.

Docket Numbers: ER15–2651–000.

Applicants: PJM Interconnection, L.L.C., American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits Service Agreement No. 4245 (TIA) to be effective 12/7/2015.

Filed Date: 9/14/15.

Accession Number: 20150914–5219.

Comments Due: 5 p.m. ET 10/5/15.

Docket Numbers: ER15–2652–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2252R4 Cottonwood Wind Project GIA to be effective 9/3/2015.

Filed Date: 9/15/15.

Accession Number: 20150915–5027.

Comments Due: 5 p.m. ET 10/6/15.

Docket Numbers: ER15–2653–000.

Applicants: Campbell County Wind Farm, LLC.

Description: Baseline eTariff Filing: Filing of Market-Based Rate Tariff to be effective 11/14/2015.

Filed Date: 9/15/15.

Accession Number: 20150915–5044.

Comments Due: 5 p.m. ET 10/6/15.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM15–3–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Amendment to April 15, 2015 Application of Arkansas Electric Cooperative Corporation on Behalf of Itself and Its Members to Terminate Mandatory PURPA Purchase Obligation in the Midcontinent ISO, Inc.

In addition, Response to July 14, 2015 Deficiency Letter of Arkansas Electric Cooperative Corporation.

Filed Date: 9/14/15.

Accession Number: 20150914–5282; 20150914–5288.

Comments Due: 5 p.m. ET 10/13/15.

Docket Numbers: QM15–4–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Amendment to April 15, 2015 Application of Arkansas Electric Cooperative Corporation on Behalf of Itself and Its Members to Terminate Mandatory PURPA Purchase Obligation in the Southwest Power Pool, Inc.

In addition, Response to July 14, 2015 Deficiency Letter of Arkansas Electric Cooperative Corporation.

Filed Date: 9/14/15.

Accession Number: 20150914–5291; 20150914–5292.

Comments Due: 5 p.m. ET 10/13/15.

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: September 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–23611 Filed 9–18–15; 8:45 am]

BILLING CODE 6717–01–P

seeking an order authorizing TPGS to provide wheeling service at market-based rates, consistent with TPGS' current market-based rate authorization applicable to all of its existing firm and interruptible storage services and interruptible wheeling services, 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 September 28, 2015.

Dated: September 15, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–23581 Filed 9–18–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP15–1225–000; Tres Palacios Gas Storage LLC]

Notice of Petition for Declaratory Order

Take notice that on August 28, 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) (2014), Tres Palacios Gas Storage LLC (TPGS) filed a petition for a declaratory order

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER15-2615-000]

Goodwell Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Goodwell Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 5, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: September 15, 2015.

Kimberly D. Bose,*Secretary.*

[FR Doc. 2015-23578 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EL15-102-000]

DCR Transmission, LLC; Notice of Petition for Declaratory Order

Take notice that on September 14, 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) and section 219 of the Federal Power Act, 16 U.S.C. 824s (2012), DCR Transmission, LLC's (Petitioner) filed a petition for declaratory order (petition) requesting authorization for certain incentive rate treatments for the Delaney Colorado River transmission line project (Project). The Project consists of a new, single-circuit 500-kilovolt, alternating current overhead transmission line approximately 114 miles in length, connecting the Delaney Substation in Arizona (currently under construction by Arizona Public Service Company) to the existing Colorado River Substation in California (owned by Southern California Edison), as more fully explained in its 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 October 14, 2015.

Dated: September 15, 2015.

Kimberly D. Bose,*Secretary.*

[FR Doc. 2015-23582 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP15-1218-000]

Central New York Oil and Gas Company, L.L.C.; Notice of Petition for Declaratory Order

Take notice that on August 27, 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) (2014), Central New York Oil And Gas Company, L.L.C. (CNYOG) filed a petition for a declaratory order seeking an order authorizing CNYOG to provide interruptible park and loan services at market-based rates, consistent with CNYOG's current market-based rate authorization applicable to all of its existing firm and interruptible storage services and interruptible wheeling services furnished through the Stagecoach Storage Facility, 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 September 28, 2015.

Dated: September 15, 2015.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015–23580 Filed 9–18–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–549–000]

Columbia Gas Transmission, LLC; Notice of Application

Take notice that on September 2, 2015, Columbia Gas Transmission, LLC (Columbia), 5151 San Felipe, Suite 2500, Houston, TX 77056, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission’s regulations requesting authorization to abandon 3.3 miles of 30-inch diameter pipe and construct 3.85 miles of 30-inch diameter pipe all located in Wayne County, West Virginia, 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.

Any questions regarding this application should be directed to

counsel for Columbia, Tony Sala, Senior Counselor, Columbia Gas Transmission, LLC, 5151 San Felipe, Suite 2500 Houston, TX 77056; telephone: (713) 386–3743.

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.

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 seven 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.

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

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 October 6, 2015.

Dated: September 15, 2015.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015–23577 Filed 9–18–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–97–000]

Newark Energy Center, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On September 11, 2015, the Commission issued an order in Docket

No. EL15-97-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of Newark Energy Center, LLC's Reactive Power Tariff. *Newark Energy Center, LLC*, 152 FERC ¶ 61,188 (2015).

The refund effective date in Docket No. EL15-97-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: September 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23532 Filed 9-18-15; 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 exempt wholesale generator filings:

Docket Numbers: EG15-119-000.

Applicants: PHR Holdings LLC.

Description: Notice of Self-

Certification of Exempt Wholesale Generator Status of PHR Holdings LLC.

Filed Date: 8/31/15.

Accession Number: 20150831-5256.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: EG15-120-000.

Applicants: Golden West Power Partners, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Golden West Power Partners, LLC.

Filed Date: 8/31/15.

Accession Number: 20150831-5365.

Comments Due: 5 p.m. ET 9/21/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2719-022; ER10-2718-022; ER10-2633-020; ER10-2570-020; ER10-2717-020; ER10-3140-019; ER13-55-010.

Applicants: East Coast Power Linden Holding, L.L.C., Cogen Technologies Linden Venture, L.P., Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Notice of Non-Material Change in Status of the GE Companies.

Filed Date: 8/31/15.

Accession Number: 20150831-5264.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-704-004.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: eTariff Migration Compliance Filing to Update Pending Records in CCSF WDT SA 275 to be effective 7/23/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5324.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-1120-001.

Applicants: Nevada Power Company.

Description: Report Filing: Service Agreement No. 14-00081 NPC and Aiya LGIA Refund Report to be effective N/A.

Filed Date: 8/31/15.

Accession Number: 20150831-5338.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-1121-001.

Applicants: Nevada Power Company.

Description: Report Filing: Service Agreement No. 12-00082 NPC and Moapa LGIA Refund Report to be effective N/A.

Filed Date: 8/31/15.

Accession Number: 20150831-5348.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-1122-001.

Applicants: Nevada Power Company.

Description: Report Filing: Service

Agreement No. 12-00076 NPC and Playa Refund Report to be effective N/A.

Filed Date: 8/31/15.

Accession Number: 20150831-5350.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-1852-001.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Compliance Filing to be effective 11/2/2010.

Filed Date: 8/31/15.

Accession Number: 20150831-5241.

Comments Due: 5 p.m. ET 9/21/15

Docket Numbers: ER15-1865-001.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Compliance Filing to be effective 8/5/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5238.

Comments Due: 5 p.m. ET 9/21/15

Docket Numbers: ER15-2571-000.

Applicants: GenOn Energy

Management, LLC.

Description: Section 205(d) Rate Filing: Proposed Rate Schedule FERC No. 1 to be effective 10/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5220.

Comments Due: 5 p.m. ET 9/21/15

Docket Numbers: ER15-2572-000.

Applicants: GenOn Energy

Management, LLC.

Description: Section 205(d) Rate Filing: Proposed Rate Schedule FERC No. 2 to be effective 10/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5221.

Comments Due: 5 p.m. ET 9/21/15

Docket Numbers: ER15-2573-000.

Applicants: GenOn Energy

Management, LLC.

Description: Section 205(d) Rate Filing: Proposed Rate Schedule FERC No. 3 to be effective 10/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5222.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2574-000.

Applicants: PJM Interconnection,

L.L.C.

Description: Section 205(d) Rate Filing: First Revised Interconnection Service Agreement No. 3476, Queue No. R11/Z2-109 to be effective 7/30/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5224.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2575-000.

Applicants: Duke Energy Progress,

LLC.

Description: Section 205(d) Rate Filing: Second Amended RS 200 FRPPA NCEMPA to be effective 8/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5266.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2576-000.

Applicants: NorthWestern

Corporation.

Description: Initial rate filing: SA 744—Firm Point-to-Point TSA with Energy Keepers Inc. to be effective 9/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5277.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2577-000.

Applicants: The Connecticut Light

and Power Company.

Description: Notice of Cancellation of Eversource Energy Service Company (as agent) for The Connecticut Light and Power Company.

Filed Date: 8/31/15.

Accession Number: 20150831-5279.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2578-000.

Applicants: ISO New England Inc.,

Emera Maine.

Description: Section 205(d) Rate Filing: Emera Maine Revisions to Schedule 20A-EM to be effective 10/30/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5278.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2579-000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015-08-31_SA 2632 AECI-Northeast Power-ITC Midwest Facilities

Charge Template to be effective 9/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5290.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2580-000.

Applicants: Western Massachusetts Electric Company.

Description: Notice of Cancellation of Eversource Energy Service Company (as agent) for Western Massachusetts Electric Company.

Filed Date: 8/31/15.

Accession Number: 20150831-5293.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2581-000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing; Second Revised Service Agreement No. 3665; Queue No. AA1-084 to be effective 7/31/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5325.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2582-000.

Applicants: Carousel Wind Farm, LLC.

Description: Baseline eTariff Filing; Carousel Wind Farm, LLC Application for MBR Authority to be effective 10/30/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5327.

Comments Due: 5 p.m. ET 9/21/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15-39-000; ES15-49-00; ES15-50-000; ES15-51-000; ES15-52-000; ES15-53-000; ES15-54-000; ES15-55-000; ES15-56-000; ES15-57-000.

Applicants: AEP Generating Company, AEP Texas North Company, AEP Texas Central Company, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Wheeling Power Company.

Description: Amendment and Restatement of the July 24, 2015 Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of AEP Generating Company, et al.

Filed Date: 8/31/15.

Accession Number: 20150831-5244.

Comments Due: 5 p.m. ET 9/21/15.

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: August 31, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23530 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15-197-000.

Applicants: Joliet Battery Storage LLC, West Chicago Battery Storage LLC.

Description: Joint Application of Joliet Battery Storage LLC and West Chicago Battery Storage LLC for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period.

Filed Date: 8/28/15.

Accession Number: 20150828-5292.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: EC15-198-000.

Applicants: NRG Chalk Point LLC, NRG Chalk Point CT LLC.

Description: Joint Application of NRG Chalk Point LLC and NRG Chalk Point CT LLC for Approval under Section 203 of the Federal Power Act and Request for Expedited Action.

Filed Date: 8/28/15.

Accession Number: 20150828-5294.

Comments Due: 5 p.m. ET 9/18/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15-861-004.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing; 2015-08-28 EIM Readiness Compliance to be effective 3/16/2015.

Filed Date: 8/28/15.

Accession Number: 20150828-5271.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15-2453-000.

Applicants: Passadumkeag Windpark, LLC.

Description: Supplement to August 14, 2015 Passadumkeag Windpark, LLC.

Filed Date: 8/28/15.

Accession Number: 20150828-5233.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15-2564-000.

Applicants: Southern Power Company.

Description: Section 205(d) Rate Filing; Decatur Parkway PPA Filing to be effective 10/12/2015.

Filed Date: 8/28/15.

Accession Number: 20150828-5272.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15-2565-000.

Applicants: California Independent System Operator Corporation.

Description: Section 205(d) Rate Filing; 2015-08-28 EIM Transition Period Amendment to be effective 11/1/2015.

Filed Date: 8/28/15.

Accession Number: 20150828-5291.

Comments Due: 5 p.m. ET 9/18/15.

Docket Numbers: ER15-2566-000.

Applicants: Pacific Gas and Electric Company.

Description: Section 205(d) Rate Filing; 6th Amendment to Extend the PGE-SVP Interconnection Agreement to be effective 10/31/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5025.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2567-000.

Applicants: Duke Energy Progress, LLC, Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.

Description: Section 205(d) Rate Filing; Tariff Name Change Filing to be effective 11/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5170.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2568-000.

Applicants: Duke Energy Progress, LLC.

Description: Section 205(d) Rate Filing; Tariff Name Change Filing to be effective 11/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5173.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2569-000.

Applicants: Duke Energy Florida, LLC.

Description: Section 205(d) Rate Filing; Tariff Name Change Filing to be effective 11/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5175.

Comments Due: 5 p.m. ET 9/21/15.

Docket Numbers: ER15-2570-000.

Applicants: Potomac Electric Power Company.

Description: Section 205(d) Rate Filing: Construction Agreement Between PEPSCO and SMECO to be effective 9/1/2015.

Filed Date: 8/31/15.

Accession Number: 20150831-5200.

Comments Due: 5 p.m. ET 9/21/15.

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: August 31, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23529 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID-7741-000]

Bartlett, Jay C.; Notice of Filing

Take notice that on September 14, 2015, Jay C. Bartlett submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act (FPA), 16 U.S.C. 825d(b), Part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45, and Order No. 664.¹

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 electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on October 5, 2015.

Dated: September 15, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-23612 Filed 9-18-15; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2008-0707; FRL-9931-79-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Data Reporting Requirements for State and Local Vehicle Emission Inspection and Maintenance (I/M) Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "Data Reporting Requirements for State and Local Vehicle Emission Inspection and Maintenance (I/M) Programs" (EPA ICR No. 1613.05, OMB Control No. 2060-0252) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

This is a proposed extension of the ICR, which is currently approved through November 30, 2015. Public comments were previously requested via the **Federal Register** (80 FR 27949) on May 15, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2008-0707, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Dave Sosnowski, Transportation and Climate Division, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, Michigan 48105; telephone number: 734-214-4823; fax number: 734-214-4052; email address: sosnowski.dave@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: To provide general oversight and support to state and local I/M programs, U.S. Environmental Protection Agency requires that state or local program management for both basic and enhanced I/M programs collect two varieties of reports for

¹ *Commission Authorization to Hold Interlocking Positions*, 112 FERC ¶ 61,298 (2005) (Order No. 664); *order on reh'g*, 114 FERC ¶ 61,142 (2006) (Order No. 664-A).

submission to EPA. The annual report provides general program operating data and summary statistics, addresses the program's current design and coverage, a summary of testing data, enforcement program efforts, quality assurance and quality control efforts, and other miscellaneous information allowing for an assessment of the program's relative effectiveness. The second report is a biennial, and includes changes and impacts to the program over the previous two-year period.

General program effectiveness is determined by the degree to which a program misses, meets, or exceeds the emission reductions committed to in the state's approved State Implementation Plan (SIP), which, in turn, must meet or exceed the minimum emission reductions expected from the relevant performance standard, as promulgated under EPA's revisions to 40 CFR, Part 51, in response to requirements established in section 182 of the Clean Air Act Amendments of 1990 (Act). This information will be used by EPA to determine a program's progress toward meeting requirements under 40 CFR, Part 51, as well as to assess national trends in the area of basic and enhanced I/M programs and to provide background information in support of periodic site visits and evaluations.

Form Numbers: None.

Respondents/affected entities: State I/M program managers.

Respondent's obligation to respond: Mandatory (40 CFR 51.366).

Estimated number of respondents: 28 (total).

Frequency of response: Annual and biennial.

Total estimated burden: 2,408 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$147,476 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23549 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2015-0278; FRL-9933-67-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal)" (EPA ICR No. 1745.08, OMB Control No. 2050-0154) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (80 FR 34154) on June 15, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-RCRA-2015-0278, to (1) EPA online using www.regulations.gov (our preferred method), by email to rcra-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Craig Dufficy, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, mailcode 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703-308-9037; fax number: 703-308-8686; email address: Dufficy.craig@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: In order to effectively implement and enforce final changes to 40 CFR part 257—Subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes will have to comply with the final reporting and recordkeeping requirements. This continuing ICR documents the recordkeeping and reporting burdens associated with the location and ground-water monitoring provisions contained in 40 CFR part 257—Subpart B.

Form Numbers: None.

Respondents/affected entities: Private solid waste disposal facilities and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory under Section 4010(c) and 3001(d)(4) of the Resource Conservation and Recovery Act (RCRA) of 1976.

Estimated number of respondents: 142.

Frequency of response: On occasion.

Total estimated burden: 11,219 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$2,108,037 (per year), includes \$1,577,659 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 1 hour in the total estimated respondent burden compared with the ICR currently approved by OMB. This change is due to rounding and a decrease of 10 responses anticipated in the next three years.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23548 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2014-0075; FRL-9934-31-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Municipal Solid Waste Landfills (Renewal)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Municipal Solid Waste Landfills (40 CFR part 63, subpart AAAA) (Renewal)” (EPA ICR No. 1938.06, OMB Control No. 2060-0505) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2014-0075, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance,

and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA’s public docket, visit www.epa.gov/dockets.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart AAAA. Owners or operators of affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Form Numbers: None.

Respondents/affected entities:

Owners or operators of municipal solid waste landfills.

Respondent’s obligation to respond: Mandatory (40 CFR part 63, subpart AAAA).

Estimated number of respondents: 1,127 (total).

Frequency of response: Occasionally and semiannually.

Total estimated burden: 20,900 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$2,120,000 (per year), includes \$16,900 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is due to an increase in the number of new sources due to industry growth; it is not due to any program changes. In addition, we have adjusted the respondent burden calculation to assume all respondents will re-familiarize themselves with the regulatory requirements each year.

There is also an increase in the total O&M cost associated with this ICR. Similar to the total estimated burden, EPA has adjusted the total O&M cost to account for industry growth that has occurred since the previous ICR.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23555 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9934-38-OW]

Environmental Financial Advisory Committee; Request for Nominations of Candidates to the Environmental Financial Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations of candidates to the Environmental Financial Advisory Board.

SUMMARY: The United States Environmental Protection Agency (EPA) invites nominations of qualified candidates to be considered for appointments to fill vacancies on the Environmental Financial Advisory Board (the Board or EFAB). The Board seeks to maintain diverse representation across all workforce sectors and geographic locations. Nominees should demonstrate experience in any of the following areas: Environmental insurance; energy efficiency; commercial banking; local utility management and finance; green infrastructure financing; sustainable community partnerships; water resiliency; water and wastewater utility financial management; public-public; public-private; and public-nonprofit partnerships. Nominees are encouraged who live and work in the pacific northwest, northeast, and mid-west parts of the United States.

EPA values and welcomes diversity. In an effort to obtain a diverse pool of candidates, EPA encourages nominations of women and men of all racial and ethnic groups. In addition to this notice, other sources may be utilized in the solicitation of nominees. The deadline for receiving nominations is Friday, October 9, 2015. Appointments will be made by the Deputy Administrator of the Environmental Protection Agency and will be announced in November 2015. Nominee qualifications will be assessed under the mandates of the Federal

Advisory Committee Act, which requires Committees to maintain diversity across a broad range of constituencies, sectors, and groups.

DATES: Nominations should be submitted in time to arrive no later than October 9, 2015.

ADDRESSES: EPA, Office of Water, 1301 Constitution Avenue NW., (4102M), Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Submit nomination materials by postal mail or electronic mail to: Pamela Scott, Membership Coordinator, Environmental Financial Advisory Board, or email scott.pamela@epa.gov.

SUPPLEMENTARY INFORMATION: The Environmental Financial Advisory Board was chartered in 1989 under the Federal Advisory Committee Act to provide advice and recommendations to EPA on the following issues:

- Reducing the cost of financing environmental facilities and discouraging polluting behavior;
- Creating incentives to increase private investment in the provision of environmental services and removing or reducing constraints on private involvement imposed by current regulations;
- Developing new and innovative environmental financing approaches and supporting and encouraging the use of cost-effective existing approaches;
- Identifying approaches specifically targeted to small/disadvantaged community financing;
- Increasing the capacity of state and local governments to carry out their respective environmental programs under current Federal tax laws;
- Analyzing how new technologies can be brought to market expeditiously;
- Increasing the total investment in environmental protection of public and private environmental resources to help ease the environmental financing challenge facing our nation.

The Board meets two times each calendar year (two days per meeting) at different locations within the continental United States. Board members typically contribute approximately 1–3 hours per month to the Board's work. The Board's membership services are voluntary and the Agency is unable to provide honoraria or compensation, according to FACA guidelines. However, Board members may receive travel and per diem allowances, where appropriate, and in accordance with Federal Travel Regulations for invitational travelers.

Evaluation Criteria: The following criteria will be used to evaluate nominees:

- Residence in the continental United States;

- Professional knowledge of, and experience with, environmental financing activities;

- Senior level-experience that fills a gap in Board representation, or brings a new and relevant dimension to its deliberations;

- Demonstrated ability to work in a consensus-building process with a wide range of representatives from diverse constituencies; and

- Willingness to serve a two-year term as an active and contributing member, with possible re-appointment to a second term.

Nominations for membership must include a resume describing the professional and educational qualifications of the nominee as well as expertise/experience. Contact details should include full name and title, business mailing address, telephone, fax, and email address. A supporting letter of endorsement is encouraged but not required.

Dated: September 10, 2015.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2015–23629 Filed 9–18–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0087; FRL–9934–23–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR part 63, subpart LLLLL) (Renewal)” (EPA ICR No. 2029.06, OMB Control No. 2060–0520), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested, via the **Federal Register** (79 FR 30117) on May 27, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given

below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0087, to: (1) EPA online using www.regulations.gov (our preferred method), or by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

Abstract: The affected entities are subject to the General Provisions of the NESHAP (40 CFR part 63, subpart A), and any changes, or additions to the Provisions are specified at 40 CFR part 63, subpart LLLLL. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during

which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Form Numbers: None.

Respondents/affected entities:

Asphalt processing and asphalt roofing manufacturing facilities.

Respondent's obligation to respond:

Mandatory (40 CFR part 63, subpart LLLLL).

Estimated number of respondents: 27 (total).

Frequency of response: Initially, occasionally and semiannually.

Total estimated burden: 13,400 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,480,000 (per year), which includes \$135,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in labor hours and number of responses as currently identified in the OMB Inventory of Approved Burdens. This decrease is not due to any program changes. The estimates decreased because we do not expect additional sources to become subject to the standard during the next three years. However, the O&M cost increased because we have updated the ongoing maintenance cost to maintain PM control devices. The information was obtained from consultation with trade associations and internal EPA experts during the renewal of this ICR.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23558 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2014-0102; FRL-9934-30-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (40 CFR part 60, subpart OOOO) (Renewal)" (EPA ICR No. 2437.03, OMB Control No. 2060-0673) to the Office of Management

and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2014-0102, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit www.epa.gov/dockets.

Abstract: The NSPS covers the requirements at Subpart OOOO. The existing provisions of Subparts KKK/LLL will be included in this subpart along with the new proposed provisions for the following affected facilities: Gas wellheads, pneumatic controllers, centrifugal and reciprocating compressors, and storage vessels. The oil and natural gas sector includes operations involved in the extraction and production of oil and natural gas, as well as the processing, transmission, and distribution of natural gas. The potential respondents are owners or operators of oil and gas affected facilities found throughout these industry segments. We estimate 500 entities will be affected by this NSPS.

Form Numbers: None.

Respondents/affected entities: Oil and natural gas production and natural gas transmission and distribution facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOOO).

Estimated number of respondents: 596 (total).

Frequency of response: Initially, semiannually and annually.

Total estimated burden: 93,900 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$11,200,000 (per year), includes \$1,750,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated respondent burden and total annual O&M as currently identified in the OMB Inventory of Approved Burdens. This burden increase is due to adjustments EPA has made to account for industry growth that has occurred since the ICR was last approved.

EPA has also revised the respondent burden associated with compressor notifications and storage vessel annual reports. The previous ICR assumed respondents would submit initial notifications for affected centrifugal and reciprocating compressors. These sources, however, are not subject to initial notification requirements, thus we have removed them from the burden calculations. For storage vessels, the previous ICR assumed respondents would complete an individual report for each affected storage vessel. The rule, however, allows respondents to submit a single report for all affected storage vessels at their site. EPA's experience has been that respondents typically consolidate reporting activities in order to reduce the overall reporting burden. For this reason, we have revised the

burden calculations to assume each respondent will submit a single report.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–23559 Filed 9–18–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0077; FRL–9934–27–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Paper and Other Web Coating (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Paper and Other Web Coating (40 CFR part 63, subpart JJJJ) (Renewal)” (EPA ICR No. 1951.06, OMB Control No. 2060–0511) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0077, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public

docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart JJJJ. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Form Numbers: None.

Respondents/affected entities: Paper and other web coating facilities.

Respondent’s obligation to respond: Mandatory (40 CFR part 63, subpart JJJJ).

Estimated number of respondents: 251 (total).

Frequency of response: Initially, occasionally and semiannually.

Total estimated burden: 13,800 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$2,390,000 (per year), includes \$1,010,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the respondent and Agency burden, including the respondent O&M cost. The increase is not due to any program changes. Rather, it is due to an increase in the estimated

number of sources subject to the rule. Based on information from previous ICR renewals and past industry analyses conducted by the Agency, we assume a linear growth rate of 6 new sources per year for this sector. The growth in the number of sources subject to this NESHAP results in an increase in the total estimated burden hours and costs.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–23552 Filed 9–18–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0084; FRL–9934–29–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Coke Oven Pushing, Quenching, and Battery Stacks (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Coke Oven Pushing, Quenching, and Battery Stacks (40 CFR part 63, subpart CCCC) (Renewal)” (EPA ICR No. 1995.06, OMB Control No. 2060–0521) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0084, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T,

1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart CCCCC. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Form Numbers: None.

Respondents/affected entities:

Owners or operators of coke oven batteries at a coke plant that is a major source of HAP.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCCCC).

Estimated number of respondents: 17 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Total estimated burden: 24,400 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$2,600,000 (per year), includes \$152,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an overall decrease in the respondent and Agency burden, including a decrease in labor hours, labor cost, O&M cost, and estimated number of responses. The decrease from the previous ICR occurred because two U.S. Steel facilities have closed in the past three years. These two facilities operated 5 by-product batteries. The facility closure information was obtained through EPA OAQPS, trade associations, and facility representatives.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23557 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2015-0343; FRL-9933-56-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal)" (EPA ICR No. 1775.07, OMB Control No. 2050-0161) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (80 FR 34156) on June 15, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-RCRA-2015-0343, to (1) EPA, either online using www.regulations.gov (our preferred method), by email to rcra-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Peggy Vyas, Mail Code: 5303P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703-308-5477; fax number: 703-308-8433; email address: vyas.peggy@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The Resource Conservation and Recovery Act (RCRA) requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. Under this program, EPA regulates newly generated hazardous wastes, as well as hazardous remediation wastes (*i.e.*, hazardous wastes managed during cleanup). Hazardous remediation waste management sites must comply with all parts of 40 CFR part 264 except subparts B, C, and D. In place of these requirements, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 CFR 264.1(j).

Under § 264.1(j), owners/operators of remediation waste management sites

must develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. In addition, the Remedial Action Plan streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

Form Numbers: None.

Respondents/affected entities: Private waste management facilities; State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA § 3004(u)).

Estimated number of respondents: 215.

Frequency of response: One-time.

Total estimated burden: 6,953 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$431,798 (per year), includes \$39,356 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB. There is an increase of \$13,438 in operation & maintenance costs and this is due to a more accurate assessment of analyses costs.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23554 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2014-0076; FRL-9934-28-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for the Surface Coating of Large Household and Commercial Appliances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "NESHAP for the Surface Coating of Large Household and Commercial Appliances (40 CFR part 63, subpart NNNN) (Renewal)" (EPA ICR No. 1954.06, OMB Control No. 2060-0457) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through September 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 21, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2014-0076, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center,

EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Paper and Other Web Coating were proposed on September 13, 2000 and promulgated on December 4, 2002. These regulations apply to existing facilities and new paper and to other web coating facilities, including web coating lines engaged in the coating of metal webs used in flexible packaging, and web coating lines engaged in the coating of fabric substrates for use in pressure sensitive tape and abrasive materials. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart JJJJ.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Any owner/operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records.

Form Numbers: None.

Respondents/affected entities: Facilities that perform surface coating of large household and commercial appliances and related parts.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart NNNN).

Estimated number of respondents: 114 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 36,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$4,350,000 (per year), includes \$680,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This

increase is not due to any program changes. The change in the burden and cost estimates occurred because the total number of respondents has increased, after accounting for anticipated industry growth over three years.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015-23553 Filed 9-18-15; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1048]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before November 20, 2015. If you anticipate that you will be submitting comments, but find it

difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1048.

Title: Section 1.929(c)(1), Composite Interference Contour (CIC).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 50 respondents; 50 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 309(j).

Total Annual Burden: 100 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

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

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request.

Under 47 CFR 1.929(c)(1) of the Commission's rules, any increase in the composite interference contour (CIC) of a site-based licensee in the Paging and Radiotelephone Service, Rural Radiotelephone Service, or 800 MHz Specialized Mobile Radio Service is a major modification of a license that requires prior Commission approval.

However, in February 2005, the Commission adopted and released final rules which amended section 1.929(c)(1) to specify that expansion of a composite interference contour (CIC) of a site-based licensee in the Paging and Radiotelephone Service—as well as the Rural Radiotelephone Service and 800 MHz Specialized Mobile Radio Service—over water on a secondary, non-interference basis should be classified as a minor (rather than major) modification of a license. Such reclassification has eliminated the filing requirements associated with these license modifications, but requires site-

based licensees to provide the geographic area licensee (on the same frequency) with the technical and engineering information necessary to evaluate the site-based licensee's operations over water.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2015-23545 Filed 9-18-15; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1029]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before November 20, 2015. If you anticipate that you will be submitting comments, but find it

difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-1029.

Title: Data Network Identification Code (DNIC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i)-(j), 201-205, 211, 214, 219, 220, 303(r), 309 and 403.

Total Annual Burden: 1 hour.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality:

In general, there is no need for confidentiality with this collection of information.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

A Data Network Identification Code (DNIC) is a unique, four-digit number designed to provide discrete identification of individual public data networks. The DNIC is intended to identify and permit automated switching of data traffic to particular networks. The FCC grants the DNICs to operators of public datanetworks on an international protocol. The operators of public data networks file an application for a DNIC on the Internet-based, International Bureau Filing System (IBFS). The DNIC is obtained free of charge on a one-time only basis unless there is a change in ownership or the owner chooses to relinquish the code to the FCC. The Commission's lack of an assignment of DNICs to operators of public data networks would result in technical problems that prevent the identification and automated switching of data traffic to particular networks.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2015-23544 Filed 9-18-15; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, September 17, 2015 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open To The Public.

Federal Register Notice of Previous Announcement—80 FR 55115

This item was also discussed:

Second Motion to Set Priorities and Scheduling on Pending Enforcement Matters Awaiting Reason-to-Believe Consideration

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202)694-1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION:

Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2015-24047 Filed 9-17-15; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments

must be received not later than October 6, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Marian Dahlgren, and Lee Dahlgren, individually, Greg Dahlgren, and Lee Dahlgren, as co-trustees of the Marian Dahlgren Trust*, all of Vergas, Minnesota; to join the Dahlgren Family group and acquire voting shares of Vergas Bancorporation, Inc., and thereby indirectly acquire voting shares of Vergas State Bank, both in Vergas, Minnesota.

Board of Governors of the Federal Reserve System, September 16, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015-23584 Filed 9-18-15; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "*Online Submission Form for Supplemental Evidence and Data for Systematic reviews for the Evidence-based Practice Center Program.*" In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by November 20, 2015.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:**Proposed Project**

This is a new activity of AHRQ's Evidence-based Practice Center Program.

Evidence-based Practice Center Program

AHRQ's Evidence-based Practice Center (EPC) Program develops evidence reports and technology assessments on topics relevant to clinical and other health care organization and delivery issues—specifically those that are common, expensive, and/or significant for the Medicare and Medicaid populations. For example recent reviews have focused on clinical conditions, such as “Treatment of Nonmetastatic Muscle-Invasive Bladder Cancer”; health delivery topics such as “Management Strategies to Reduce Psychiatric Admissions”; and specific technologies such as “Imaging Techniques for Treatment Evaluation for Metastatic Breast Cancer.” These evidence reports include systematic reviews and technical briefs, and provide an essential foundation from which to understand what we know from existing research and what critical research gaps remain. These reports, reviews, and technology assessments are based on rigorous, comprehensive syntheses and analyses of the scientific literature on topics. EPC reports and assessments emphasize explicit and detailed documentation of methods, rationale, and assumptions. EPC reports are conducted in accordance with an established policy on financial and nonfinancial interests. These scientific syntheses may include meta-analyses and cost analyses.

The EPC Program supports AHRQ's mission by synthesizing and disseminating the available research as a “science partner” with private and public organizations in their efforts to improve the quality, effectiveness, and appropriateness of health care. The EPC Program is a trusted source of rigorous, comprehensive, and unbiased evidence reviews for stakeholders. The resulting evidence reports and technology assessments are used by Federal and State agencies, private-sector professional societies, health delivery systems, providers, payers, and others committed to evidence-based health care. These end users may use EPC Program evidence reports to inform policy decisions, clinical practice guidelines, and other health care decisions.

EPC research has the following goals:

- Use research methods to gather knowledge on the effectiveness of

certain treatments for specific medical conditions, both published and unpublished, to evaluate the quality of research studies and the evidence from these studies.

- Promote the use of evidence in health care decision making to improve health care and health.

- Identify research gaps to inform future research investments.

The Institute of Medicine standards for quality systematic reviews include an assessment of publication bias through the identification of unpublished studies. This is an important source for bias which could affect the nature and direction of research findings. Identifying and including the results of these additional unpublished studies may provide a more complete and accurate assessment of an intervention's effect on outcomes. An important way to identify unpublished studies is through requests to medical device manufacturers, pharmaceutical companies, and other intervention developers.

The proposed project involves sending a request letter to relevant medical device manufacturers, pharmaceutical companies and other intervention developers to invite them to submit unpublished studies or other scientific information to the EPC Program Web site, with one request per systematic review topic. Because research on each topic must be completed in a timely manner in order for it to be useful, the collections are never ongoing—there is one request and collection per topic. Investigators in the EPC Program will review the information and assess potential risk of bias from both published and unpublished studies and its impact on the EPC Program's findings. AHRQ believes the display of these assessments in the systematic review's evidence tables will improve the response and submission rates of industry stakeholders by informing the health care community of the impact of potential bias on the research conclusions, and for health care decision making.

This activity is being conducted by AHRQ's EPC Program through its contractor, the Scientific Resource Center (SRC), pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care and to disseminate government-funded research relevant to comparative clinical effectiveness research. 42 U.S.C. 299a(a); 42 U.S.C. 299b–37(a).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

- Online Submission Form Instrument. This information is collected for the purposes of providing supplemental evidence and data for systematic reviews (SEADS). The online submission form (OSF) collects data from respondents on their organization name, their product's name, and whether they are providing all information on requested studies characteristic of the review in progress. This happens following receipt of a request letter from the SRC. These requests will be sent to relevant sponsors of preventative and treatment interventions (e.g., medical device manufacturers, pharmaceuticals, and other intervention and health care system developers), with one request per topic. For the purposes of meta-analyses, trial summary data from missing and unidentified studies are sought. For the purposes of constructing evidence tables and quality ratings (e.g. on public reporting of cost measures or health information exchange), data can vary (e.g., URLs, study designs, and consumer-mediated exchange forms). Information on both completed and ongoing studies are requested.

The EPC Program, through the SRC, currently uses a **Federal Register** notice and broad-based email announcement to stakeholders to allow the public to know about each topic, and the opportunity to submit scientific information. In 2014, the Program sent 517 notifications to 336 industry stakeholders. Of those 517 announcements sent, 14.1% received a response; 56.2% of the responses (or 7.9% of all requests) contained submissions of information on the results of interventions. This experience has prompted this proposed project.

The additional use of direct requests to relevant organizations would improve the Program's ability to obtain this information. Contacting intervention sponsors for missing and potentially unidentified studies could improve the impact of research efforts and downstream dissemination efforts and could positively impact the health of individuals, burdened by poor health along with their supporting communities. Including information about response data to these requests to more accurately characterize the completeness of the evidence in the systematic reviews may also address this issue.

The proposed project does not duplicate other available sources of this

information. Available study registries and databases may not be complete to sufficiently inform the Program’s research.

The purpose of SEADS requests is not to collect generalizable data, but to supplement the published and grey literature searches EPC investigators are conducting. Furthermore, considering the evidence and data included in responses collected from industry stakeholders, an assessment pertaining to the completeness of the evidence-base will be produced. This, AHRQ believes, will increase the value of AHRQ’s research reviews to end users and potentially provide stakeholders a

better understanding of how their submissions are used.

Estimated Annual Respondent Burden

Exhibit 1 presents estimates of the reporting burden hours for the data collection efforts. Time estimates are based on pilot testing of materials and what can reasonably be requested of respondents. The number of respondents listed in “Number of respondents per SEADS request” of Exhibit 1 reflects a projected 80% response rate.

Online Submission Form: A form for submitting scientific evidence and data related to medical interventions

sponsored by organizations and individuals such as pharmaceutical companies and independent researchers. The form has three required fields: The organization’s name, the intervention in question, and whether the information they provide is all the information they know to exist. They may upload documents and they are also provided a data entry form if they wish to offer greater details on their studies.

An Optional Data Entry Form is available as an alternative to the Online Submission form. The time requirements for response would be same as the Online Submission Form.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents per SEADS request	Number of responses per respondent	Hours per response	Total burden hours per SEADS
Online Submission Form (OSF)	70	1	15/60	17.5
Total	70	1	15/60	17.5

EXHIBIT 2—ESTIMATED ANNUALIZED COST HOURS

Form name	Number of SEADS requests	Total burden hours per SEADS	Average hourly wage rate*	Total cost burden
OSF	70	17.5	\$55.48 ^a	\$970.90
Total	70	17.5	55.48	970.90

* Occupational Employment Statistics, May 2014 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. http://www.bls.gov/oes/current/oes_nat.htm#b29-0000.

^aBased on the mean wages for *Public Relations and Fundraising Managers, 11–2031*, the occupational group most likely tasked with completing the OSF.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ’s information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All

comments will become a matter of public record.

Sharon Arnold,

Deputy Director,

[FR Doc. 2015–23573 Filed 9–18–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of Five AHRQ Subcommittee Meetings.

SUMMARY: The subcommittees listed below are part of AHRQ’s Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before

closing to the public for the duration of the meeting. These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6).

DATES: See below for dates of meetings:

1. *Healthcare Effectiveness and Outcomes Research (HEOR)*
Date: October 7, 2015 (Open from 8:30 a.m. to 9:00 a.m. on October 7th and closed for remainder of the meeting)
2. *Health System and Value Research (HSVR)*
Date: October 7, 2015 (Open from 8:30 a.m. to 9:00 a.m. on October 7th and closed for remainder of the meeting)
3. *Healthcare Safety and Quality Improvement Research (HSQR)*
Date: October 14–15, 2015 (Open from 8:00 a.m. to 8:30 a.m. on October 14th and closed for remainder of the meeting)
4. *Health Care Research and Training (HCRT)*
Date: October 15–16, 2015 (Open from 8:00 a.m. to 8:30 a.m. on October 15th and closed for remainder of the meeting)

5. *Healthcare Information Technology Research (HITR)*

Date: October 22–23, 2015 (Open from 8:30 a.m. to 9:00 a.m. on October 22nd and closed for remainder of the meeting)

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

FOR FURTHER INFORMATION CONTACT: (To obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, AHRQ, 540 Gaither Road, Suite 2000, Rockville, Maryland 20850, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the scientific peer review groups listed above, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). 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.

Agenda items for these meetings are subject to change as priorities dictate.

Sharon B. Arnold,
Deputy Director.

[FR Doc. 2015–23575 Filed 9–18–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project:

“*Developing a Registry of Registries.*” In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by November 20, 2015.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at doris.lefkowitz@AHRQ.hhs.gov.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Renewal of an Existing Project: “Developing a Registry of Registries.” OMB Control Number 0935–0203

Patient registries have received significant attention and funding in recent years. Similar to controlled studies, patient registries represent some burden to patients (*e.g.*, time to complete patient reported outcome measures, risk of loss of privacy), who often participate voluntarily in hopes of improving the public's and medical community's knowledge about a disease or condition. Patient registries also represent a substantial investment of health research resources. Despite these factors, patient registries are not required to be registered in ClinicalTrials.gov, presenting the potential for duplication of efforts and insufficient dissemination of findings that are not published in the peer-reviewed literature. To fulfill the obligation of advancing the quality and specificity of patient healthcare, and to ensure that resources are used in the most efficient manner, patient registries need to be listed in a manner similar to that of trials in ClinicalTrials.gov.

By creating a central point of collection for information about all patient registries in the United States, the Registry of Patient Registries (RoPR) furthers AHRQ's goals by making information regarding quality, appropriateness, and effectiveness of health services (and patient registries in particular) more readily available, in a central location.

This research has the following goals:

(1) Maintaining and updating the RoPR database system to be compatible with ClinicalTrials.gov; meeting the following objectives:

a. Providing a searchable database of patient registries in the United States (to promote collaboration, reduce redundancy, and improve transparency);

b. Facilitating the use of common data fields and definitions in similar health conditions (to improve opportunities for sharing, comparing, and linkage) and free-text search field for highlighting information specific to an individual registry;

c. Providing a public repository of searchable summary results (including results from registries that have not yet been published in the peer-reviewed literature);

d. Offering a search tool to locate existing data that researchers can request for use in new studies; and

e. Serving as a recruitment tool for researchers and patients interested in participating in patient registries.

The RoPR is a web-based application, and does not require users to submit any type of paper form.

The RoPR collects patient registry data in two ways: users are able to enter information into the web-based system manually, or use an automated upload feature.

Information being collected in the RoPR Record is visible to the public and patient registries visiting the RoPR Web site, and is available for public use in this capacity.

The RoPR system provides email notification to registry holders informing them on an annual basis of the need to update basic statistics and contact information. It is the responsibility of the registry holder to update the information.

If a Registry Profile has not been reviewed and updated to the RoPR search site within four (4) years, it is archived.

As of August 8, 2015, the RoPR has 138 patient registries listed.

This study is being conducted by AHRQ through its contractor L&M Policy Research and sub-contractor to L&M, Quintiles, pursuant to AHRQ's statutory authority to conduct and support research and disseminate information on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to database development. 42 U.S.C. 299a(a)(1) and (8).

Method of Collection

To achieve the goals of this project, the following data collection will be implemented: Collect information from users who populate the RoPR database system, which will achieve all of the above goals.

The purpose and the use of the RoPR is to provide a readily available public resource strictly for patient registries, following the model of ClinicalTrials.gov, allowing for the increased availability and efficacy of patient registries. The information being collected in the RoPR Record is visible to the public visiting the RoPR Web site, and is readily available for public use. The RoPR is an ongoing data collection initiative.

Estimated Annual Respondent Burden

Between July 2014 and June 2015, 59 respondents entered their RoPR record manually.

Each respondent need enter his or her new RoPR record only once. The RoPR system sends an automated reminder to any registry owner who has not updated his or her RoPR record in the past year. Approximately, 57.25% of RoPR records were estimated to have been eligible for updates between July 2014 and June 2015, either on the registry owner’s own initiative, or prompted by the automated reminder. As the RoPR continues to grow and more patient registry records are added over time, this percentage represents a growing, cumulative number.

Prior to the deployment of the live RoPR system, Quintiles conducted six (6) usability sessions with RoPR stakeholders using a web-based prototype.

In February 2015, Quintiles conducted a knowledge transfer webinar for registry contacts to learn how to enter new records into the RoPR. As a result of the knowledge gained during these processes, it is estimated that it takes users 45 minutes to manually enter a new RoPR record; and 15 minutes to upload a new RoPR record (an average of 30 minutes using either method). It takes 15 minutes for a user to review and make updates to an existing RoPR record.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Minutes per response (average)	Total burden hours (average)
New RoPR Record (manually—entered or uploaded electronically method)	59	1	30/60	29.5
Review/update existing RoPR Record	79	1	15/60	19.75
Total	138	.....	.....	49.25

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate †	Total cost burden
New RoPR Record (manually—entered or uploaded electronically method)	59	29.5	\$36.54	\$1,077.93
Review/update existing RoPR Record	79	19.75	36.54	721.67
Total	138	44.25	.....	\$1,799.60

† * Based on the mean wages for Healthcare Practitioners and Technical Occupations, 29-0000. National Compensation Survey: Occupational wages in the United States May 2014, “U.S. Department of Labor, Bureau of Labor Statistics.” Available at: http://www.bls.gov/oes/current/oes_nat.htm#b29-0000..

In order to highlight patient registry concerns about using the RoPR system and turning user feedback into future system maintenance and upgrade initiatives (increasing the usability of the RoPR and lowering the burden of entering patient registry information), plans for a voluntary user satisfaction survey is being considered for development and deployment in 2Q 2016. Its full nature and design is still in the concept stage and so this survey is not part of the Estimated Annualized Respondent Hourly/Cost Burden noted in Exhibits 1 and 2.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ’s information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care

research and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All

comments will become a matter of public record.

Sharon Arnold,
Deputy Director.

[FR Doc. 2015-23574 Filed 9-18-15; 8:45 am]
BILLING CODE 4160-90-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day-15-15BFV; Docket No. CDC-2015-0085]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed information collection request entitled “A Study of Viral Persistence in Ebola Virus Disease (EVD) Survivors”. The purpose of this information collection is to gather the necessary information for the CDC and the international community to begin the activities necessary to reach the goal of zero new EVD cases throughout West Africa. Once that goal is reached, the 42-day countdown to declare West Africa Ebola-free can begin. “Persistence of Ebola Virus in Body Fluids of Ebola Virus Disease (EVD) Survivors in Sierra Leone”. This information collection will be the first systematic examination of the post-recovery persistence of Ebola virus and the risks of transmission from a cohort of convalescent Ebola survivors during close or intimate contact.

DATES: Written comments must be received on or before November 20, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0085 by any of the following methods:

- Federal eRulemaking Portal: *Regulations.gov*. Follow the instructions for submitting comments.

- Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta,

Georgia 30329; phone: 404–639–7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Persistence of Ebola Virus in Body Fluids of Ebola Virus Disease (EVD) Survivors in Sierra Leone—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Much progress has been made in the year since the CDC first responded to the Ebola outbreak in West Africa, but the agency’s efforts must continue until there are zero new cases of Ebola virus disease (EVD). As the CDC’s 2014 Ebola virus response draws closer to the international goal of zero new EVD cases in 2015, the agency must intensify its efforts to identify and prevent every potential route of human disease transmission and to understand the most current community barriers to reaching that final goal.

“Persistence of Ebola Virus (EBOV) in Body Fluids of EVD Survivors in Sierra Leone” will be the first systematic examination of the post-recovery persistence of EBOV and the risks of transmission from a cohort of convalescent Ebola survivors during close or intimate contact. This activity is currently approved by OMB for emergency use under OMB Control Number 0920–1064—Persistence of Ebola Virus (EBOV) in Body Fluids of EVD Survivors in Sierra Leone, which expires on November 30, 2015. It is important to fully understand how long the virus stays active in body fluids other than blood in order to target and refine public health interventions to arrest the ongoing spread of disease.

The research study is comprised of three modules based on the body fluids to be studied: A pilot module of adult males (semen) and two full modules: Module A of adult men and women repeating collections and questionnaires every two weeks (semen, vaginal secretions, and saliva, tears, sweat, urine, rectal swab), and Module B of lactating adult women repeating collections and questionnaires every three days (sweat and breast milk).

Participants for each module will be recruited by trained study staff from Ebola treatment units and survivor registries. Participants will be followed up at study sites in government hospitals.

Specimens will be tested for EBOV ribonucleic acid (RNA) by reverse transcription polymerase chain reaction test (RT–PCR) in Sierra Leone at the CDC laboratory facility in Bo. All positive RT–PCR samples will be sent to CDC for virus isolation. Each body fluid will be collected until two negative RT–PCR results are obtained.

Participants will be followed until all their studied body fluids are negative. They will receive tokens of appreciation for their participation at the initial visit and again at every subsequent follow-up visit [e.g., 120,000 Leones (approximately \$28 US dollars) and a

supply of condoms]. For Module A, men and women will be recruited in equal numbers for this study until more information on gender effects of viral persistence is available. A trained study data manager will collect test results for all participants in a laboratory results form.

Results and analyses are needed to update relevant counseling messages

and recommendations from the Sierra Leone Ministry of Health, World Health Organization and CDC. The study will provide the most current information that is critical to the development of public health measures, such as recommendations about sexual activity, breastfeeding, and other routine activities and approaches to evaluation of survivors to determine whether they

can safely resume sexual activity. These approaches in turn are expected to reduce the risk of Ebola resurgence and mitigate stigma for thousands of survivors. The information is likewise critical to reducing the risk that Ebola would be introduced in a location that has not previously been affected. The total estimated annualized burden hours are 2,474.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Pilot participants	Survivor Questionnaire	80	1	30/60	40
Pilot participants	Survivor Follow-up Questionnaire	80	12	10/60	160
Module A male participants	Survivor Questionnaire	175	1	30/60	88
Module A male participants	Survivor Follow-up Questionnaire	175	12	10/60	350
Module A female participants	Survivor Questionnaire	175	1	30/60	88
Module A female participants	Survivor Follow-up Questionnaire	175	12	10/60	350
Module B female participants	Survivor Questionnaire	100	1	30/60	50
Module B female participants	Survivor Follow-up Questionnaire	100	12	10/60	200
Data manager	Laboratory Results Form	1	6,890	10/60	1,148
TOTALS .....	.....	.....	.....	.....	2,474

Leroy A. Richardson,
 Chief, Information Collection Review Office,
 Office of Scientific Integrity, Office of the
 Associate Director for Science, Office of the
 Director, Centers for Disease Control and
 Prevention.

[FR Doc. 2015-23572 Filed 9-18-15; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day-15-15BFD; Docket No. CDC-2015-0082]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed collection Active Monitoring of Travelers Coming

from Ebola-affected Countries and Their Contacts Currently Residing in State, Territorial, and Local Jurisdictions.

DATES: Written comments must be received on or before November 20, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2015-0082 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta,

Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Active Monitoring of Travelers Coming from Ebola-affected Countries and Their Contacts Currently Residing in State, Territorial, and Local Jurisdictions—New—Office of Emergency Preparedness and Response (OPHPR); Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is seeking Office of Management and Budget (OMB) clearance for 3 years to allow the agency to effectively complement its ongoing international and travel-related efforts

for rapid case identification, contact tracing, and infection control of Ebola virus disease (EVD) now within the United States.

CDC is requesting an approval to receive daily and weekly active monitoring reports from any, or as many as, 62 state and local health departments (SLHDs) involved in active monitoring of EVD in their jurisdictions. This information collection is currently approved via an emergency review under OMB Approval number 0920–1066, which expires on 11/30/2015. These 62 health departments are all awardees of CDC’s Public Health Emergency Preparedness (PHEP) cooperative agreement (CDC–RFA–TP12–1201). This information collection is authorized under Section 319C–1 of the Public Health Service Act (42 U.S.C. 241), as amended by the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (PAHPRA, *Public Law 113–5*).

Travelers coming from Ebola-affected countries are screened by U.S. Quarantine Stations upon entry into the United States, and are classified into one of four risk categories according to the CDC’s “Interim Guidance for Monitoring and Movement of Persons with Potential Ebola Virus Exposure.” These risk categories are “high risk”, “some risk”, “low (but not zero) risk” and “no identifiable risk.” The travelers’ risk classification information is transmitted by the U.S. Quarantine

Stations to the state, territorial, or local jurisdictions which the travelers declare as their final destination. At this point, the state and local health departments (SLHDs) begin active monitoring of these travelers and their contacts for the development of EVD for 21 days.

For those persons who are identified during entry screening as being at “high risk”, “some risk,” or who are returning healthcare workers at “low, but not zero, risk,” SLHDs are responsible for ensuring that a public health authority (or delegate for healthcare workers) conducts direct active monitoring (DAM) by directly observing each person at least once daily to review the presence of symptoms consistent with EVD; and discussing plans to work, travel, take public conveyances, or be present in congregate locations.

For non-healthcare workers assessed as being at “low, but not zero, risk”, SLHDs are responsible for conducting active monitoring (AM) by receiving daily reports of temperature monitoring and symptoms from these persons.

The CDC will provide the reporting forms which will require a minimum number of data fields to be updated daily or weekly until active monitoring is no longer necessary. The respondents are reporting this information as part of their official duties as CDC cooperative agreement awardees. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,359.

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State and Local Health Departments	Daily Direct Active Monitoring (DAM) Recording and CDC Reporting Form (Excel).	25	365	5/60	760
	Daily Direct Active Monitoring (DAM) Recording and CDC Reporting (email).	12	365	4/60	292
	Daily Direct Active Monitoring (DAM) Recording and CDC Reporting Form (Web).	25	365	4/60	608
	Weekly Active Monitoring (AM) CDC Reporting Form (Web).	62	52	13/60	699
Total .....	.....	.....	.....	.....	2,359

Leroy A. Richardson,
Chief, Information Collection Review Office,
Office of Scientific Integrity, Office of the
Associate Director for Science, Office of the
Director, Centers for Disease Control and
Prevention.

[FR Doc. 2015-23567 Filed 9-18-15; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC-2015-0080, NIOSH-
283]

NIOSH Oil and Gas Sector Program— Strategic Plan for Research and Prevention, 2016–2025; Request for Comment

AGENCY: National Institute for
Occupational Safety and Health
(NIOSH) of the Centers for Disease
Control and Prevention (CDC),
Department of Health and Human
Services (HHS).

ACTION: Notice of draft document
available for public comment.

SUMMARY: The National Institute for
Occupational Safety and Health
(NIOSH) of the Centers for Disease
Control and Prevention (CDC)
announces the availability of a draft
strategic plan entitled *NIOSH Oil and
Gas Sector Program—Strategic Plan for
Research and Prevention, 2016–2025* for
public comment. The document and
instructions for submitting comments
can be found at www.regulations.gov.

DATES: Electronic or written comments
must be received by October 21, 2015.

ADDRESSES: You may submit comments,
identified by CDC-2015-0080 and
Docket Number NIOSH-283, by either
of the following methods:

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

- **Mail:** National Institute for
Occupational Safety and Health, NIOSH
Docket Office, 1090 Tusculum Avenue,
MS C-34, Cincinnati, Ohio 45226-1998.

Instructions: All information received
in response to this notice must include
the agency name and docket number
[CDC-2015-0080; NIOSH-283]. All
relevant comments received will be
posted without change to
www.regulations.gov, including any
personal information provided. Please
make reference to CDC-2015-080 and
Docket Number NIOSH-283. All
information received in response to this
notice will also be available for public
examination and copying at the NIOSH

Docket Office, 1150 Tusculum Avenue,
Room 155, Cincinnati, OH 45226-1998.

FOR FURTHER INFORMATION CONTACT:
David L. Caruso, NIOSH, Office of the
Director, 626 Cochrans Mill Road,
Pittsburgh, PA 15236, (412) 386-6473
(not a toll-free number), Email: ake3@cdc.gov.

SUPPLEMENTARY INFORMATION:

Background

The purpose of this strategic plan is
to define and prioritize occupational
safety and health research and
prevention activities for NIOSH in the
oil and gas exploration and production
industry through 2025. This strategic
plan focuses on conducting priority
research to prevent injuries, illnesses
and fatalities to workers employed in
the onshore, exploration and production
industry. The plan's research goals are
organized according to the four areas
that make up the NIOSH Oil and Gas
Sector Program: (1) Epidemiology and
surveillance, (2) exposure assessment,
(3) control technologies, and (4)
communications. The plan also includes
performance measures that describe
specific research activities that will be
used to guide research, measure
progress, and evaluate the success of the
NIOSH Oil and Gas Sector Program in
improving safety and health in this
high-risk industry.

Information Needs

NIOSH is seeking public review and
comment on this document from
everyone with an interest in the health
and safety of workers in the oil and gas
extraction and production industry.

Dated: September 10, 2015.

John Howard,

Director, National Institute for Occupational
Safety and Health, Centers for Disease Control
and Prevention.

[FR Doc. 2015-23705 Filed 9-18-15; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-15-0009; Docket No. CDC-2015-
0083]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), as part of
its continuing efforts to reduce public
burden and maximize the utility of
government information, invites the
general public and other Federal
agencies to take this opportunity to
comment on proposed and/or
continuing information collections, as
required by the Paperwork Reduction
Act of 1995. This notice invites
comment on a proposed revision of the
information collection entitled
*“National Disease Surveillance
Program—I—Case Reports.”*

DATES: Written comments must be
received on or before November 20,
2015.

ADDRESSES: You may submit comments,
identified by Docket No. CDC-2015-
0083 by any of the following methods:

- **Federal eRulemaking Portal:**
Regulations.gov. Follow the instructions
for submitting comments.

- **Mail:** Leroy A. Richardson,
Information Collection Review Office,
Centers for Disease Control and
Prevention, 1600 Clifton Road NE., MS-
D74, Atlanta, Georgia 30329.

Instructions: All submissions received
must include the agency name and
Docket Number. All relevant comments
received will be posted without change
to Regulations.gov, including any
personal information provided. For
access to the docket to read background
documents or comments received, go to
Regulations.gov.

Please note: All public comment
should be submitted through the
Federal eRulemaking portal
(Regulations.gov) or by U.S. mail to the
address listed above.

FOR FURTHER INFORMATION CONTACT: To
request more information on the
proposed project or to obtain a copy of
the information collection plan and
instruments, contact the Information
Collection Review Office, Centers for
Disease Control and Prevention, 1600
Clifton Road NE., MS-D74, Atlanta,
Georgia 30329; phone: 404-639-7570;
Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the
Paperwork Reduction Act of 1995 (PRA)
(44 U.S.C. 3501-3520), Federal agencies
must obtain approval from the Office of
Management and Budget (OMB) for each
collection of information they conduct
or sponsor. In addition, the PRA also
requires Federal agencies to provide a
60-day notice in the **Federal Register**
concerning each proposed collection of
information, including each new
proposed collection, each proposed
extension of existing collection of
information, and each reinstatement of
previously approved information

collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Disease Surveillance Program I—Case Reports—(OMB Control Number 0920–0009, Expiration, 4/30/2016)—Revision—National Center for Emerging and Zoonotic Infectious Disease (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Surveillance of the incidence and distribution of disease has been an important function of the US Public Health Service (PHS) since an 1878 Act of Congress authorized the PHS to collect morbidity reports. After the Malaria Control in War Areas Program had fulfilled its original 1942 objective of reducing malaria transmission, its basic tenets were carried forward and broadened by the formation of the Communicable Disease Center (CDC) in 1946. CDC was conceived of as a well-equipped, broadly staffed agency used to translate facts about analysis of morbidity and mortality statistics on communicable diseases and through field investigations.

The surveillance emphasis has shifted as certain diseases have declined in incidence, national emergencies have prompted involvement in new areas, and other diseases have taken on new aspects. Surveillance for the following diseases was approved three years ago: Creutzfeldt-Jakob Disease (CJD), Cyclosporiasis cayetanensis, Q Fever, Dengue, Reye Syndrome, Hantavirus pulmonary syndrome (HPS), Tick-borne Rickettsial Disease, Kawasaki syndrome, Trichinosis, Legionellosis, Tularemia, Lyme Disease (LD), Typhoid Fever, Malaria, Viral Hepatitis, and Plague. Due to change requests and surveillance systems moving to 0920–0728 (National Notifiable Diseases Surveillance System (NNDSS)) during the last three years, the following diseases/conditions are now included in this program: Creutzfeldt-Jakob Disease (CJD), Reye Syndrome, Kawasaki syndrome, and Acute Flaccid Myelitis. CDC needs to continue this surveillance package for another 3 years to maintain continuity in these surveillance systems. The data throughout the years are used to monitor the occurrence of non-notifiable conditions and to plan and conduct prevention and control programs at the state, territorial, local and national levels.

CDC currently collects data for certain diseases in summary form under OMB No. 0920–0004, (National Disease Surveillance Program II—Disease Summaries). These disease summaries are for important, yet different types of infections from those covered in this disease case reports request. Maintaining separate OMB numbers for these two types of data collections assists CDC in managing the two surveillance activities.

CDC works with state health departments to propose, coordinate, and evaluate nationwide surveillance systems. State epidemiologists are responsible for the collection, interpretation, and transmission of medical and epidemiological information to CDC.

The original purpose for reporting communicable diseases was to determine the prevalence of diseases dangerous to public health. However, collecting data also provided the basis for planning and evaluating effective programs for prevention and control of infectious diseases. Current information on disease incidence is needed to study present and emerging disease problems. CDC coordination of nationwide reporting maintains uniformity so that comparisons can be made from state to state and year to year.

In addition to development of prevention and control programs, surveillance data serves as statistical material for those engaged in research or medical practice, aid to health education officials and students, and data for manufacturers of pharmaceutical products. Annual surveillance data are published in the MMWR Surveillance Summary. The total burden requested is 190 hours, a decrease in 11,257 hours since the last submission. This is due to the other diseases moving to the Notifiable Diseases Surveillance System (0920–0728). There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Epidemiologist	CJD	20	2	20/60	13
Epidemiologist	Kawasaki Syndrome	55	8	15/60	110
Epidemiologist	Reye Syndrome	50	1	20/60	17
Epidemiologist	Acute Flaccid Myelitis	100	1	30/60	50
Total .....	.....	.....	.....	.....	190

Leroy A. Richardson,
Chief, Information Collection Review Office,
Office of Scientific Integrity, Office of the
Associate Director for Science, Office of the
Director, Centers for Disease Control and
Prevention.

[FR Doc. 2015-23568 Filed 9-18-15; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-1771]

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 November 20, 2015.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection

document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.
3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786-1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-1771 Emergency and Foreign Hospital Services

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:* Reinstatement without change of a previously approved collection;

Title of Information Collection: Emergency and Foreign Hospital Services; *Use:* Section 1866 of the Social Security Act states that any provider of services shall be qualified to participate in the Medicare program and shall be eligible for payments under Medicare if it files an agreement with the Secretary to meet the conditions outlined in this section of the Act. Section 1814(d)(1) of the Social Security Act and 42 CFR 424.100, allows payment of Medicare benefits for a Medicare beneficiary to a nonparticipating hospital that does not have an agreement in effect with the Centers for Medicare and Medicaid Services. These payments can be made if such services were emergency services and if CMS would be required to make the payment if the hospital had an agreement in effect and met the conditions of payment. This form is used in connection with claims for emergency hospital services provided by hospitals that do not have an agreement in effect under Section 1866 of the Social Security Act. As specified in 42 CFR 424.103(b), before a nonparticipating hospital may be paid for emergency services rendered to a Medicare beneficiary, a statement must be submitted that is sufficiently comprehensive to support that an emergency existed. Form CMS-1771 contains a series of questions relating to the medical necessity of the emergency. The attending physician must attest that the hospitalization was required under the regulatory emergency definition and give clinical documentation to support the claim. A photocopy of the beneficiary's hospital records may be used in lieu of the CMS-1771 if the records contain all the information required by the form. *Form Number:* CMS-1771 (OMB control number: 0938-0023); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 100; *Total Annual Responses:* 200; *Total Annual Hours:* 50. (For policy questions regarding this collection contact Shauntari Cheely at 410-786-1818.)

Dated: September 15, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015-23528 Filed 9-18-15; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
[Docket No. FDA-2015-D-2994]
Draft Compliance Policy Guide *Crotalaria* spp. Seeds in Grains; Availability
AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft Compliance Policy Guide (CPG) entitled “Compliance Policy Guide Sec. 100.101 *Crotalaria* spp. Seeds in Grains” (the draft CPG). The draft CPG, when finalized, will provide guidance for FDA staff on our regulatory action guidance criteria for *Crotalaria* species (spp.) seeds in grains.

DATES: Although you can comment on any CPG at any time (see 21 CFR 10.115(g)(5)), to ensure that we consider your comment on the draft CPG before we begin work on the final version of the CPG, submit written or electronic comments on the draft CPG by November 20, 2015.

ADDRESSES: Submit electronic comments on the draft CPG to <http://www.regulations.gov>. Submit written comments on the draft CPG to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the draft CPG to the Office of Policy and Risk Management, Office of Regulatory Affairs, Office of Global Regulatory Operations and Policy, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 240-632-6861. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft CPG.

FOR FURTHER INFORMATION CONTACT: George C. Ziobro, Center for Food Safety and Applied Nutrition (HFS-316), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-1700; or Amber M. McCoig, Center for Veterinary Medicine (HFV-230), Food and Drug Administration, 7519 Standish Place, Rockville, MD 20855, 240-402-5556.

SUPPLEMENTARY INFORMATION:
I. Background

We are announcing the availability of a draft CPG entitled “Compliance Policy

Guide Sec. 100.101 *Crotalaria* spp. Seeds in Grain.” We previously provided guidance on *Crotalaria spectabilis* and *Crotalaria striata* seeds in grains in a CPG entitled “Compliance Policy Guide 7126.15 *Crotalaria* Seeds in Grains and Feeds” (CPG 7126.15), which we issued on December 1, 1980. We revoked CPG 7126.15 on July 22, 1994, because at the time we deemed the CPG to be no longer relevant (59 FR 37498). However, because *Crotalaria* plants persist in the agricultural environment and still present a potential public health risk, we continue to monitor grains for the presence of *Crotalaria* spp. seeds.

We are making available the draft CPG because the revocation of CPG 7126.15 in 1994 inadvertently affected interactions between FDA and the U.S. Department of Agriculture’s (USDA’s) Federal Grain Inspection Service (FGIS). Under a Memorandum of Understanding between FDA and USDA (MOU 225-80-2000; <http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/ucm116312.htm>), FGIS reports to FDA’s district offices the results of FGIS’s analysis that may be actionable under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). FGIS has been using the CPG 7126.15 criteria for reporting their analytical results relating to *Crotalaria* in grain to FDA.

CPG 7126.25 established a regulatory action criterion of “an average of at least one whole seed of *Crotalaria spectabilis* and/or *Crotalaria striata* per pound” of grain. In developing the draft CPG, we converted the unit of weight from pounds to kilograms because metric units of measurement (e.g., kilograms) are generally used for scientific calculations. The conversion from “seeds per pound” to “seeds per kilogram” resulted in 2.2 seeds per kilogram. Because the analytical method is based on determining whole seeds, we rounded 2.2 to the nearest number of whole seeds (i.e., 2 whole seeds). The draft CPG also refers to *Crotalaria* spp. seeds in grain instead of *Crotalaria spectabilis* and *Crotalaria striata* because it is impracticable to distinguish between *Crotalaria* seeds based on species. Thus, the draft CPG states that FDA may regard grain that contains more than two whole *Crotalaria* spp. seeds per one kilogram of grain to be adulterated within the meaning of section 402(a)(1) of the FD&C Act (21 U.S.C. 342(a)(1)).

The draft CPG is being made available consistent with FDA’s good guidance practices regulation (21 CFR 10.115).

The draft CPG, when finalized, will represent our current thinking on *Crotalaria* spp. seeds in grains. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternate approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding the draft CPG. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday and may be posted to the docket at <http://www.regulations.gov>.

III. Electronic Access

Persons with access to the Internet may obtain the draft CPG from FDA’s Office of Regulatory Affairs Compliance Policy Guide Revision/Update History page. It may be accessed at <http://www.fda.gov/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/default.htm> or <http://www.regulations.gov>. Always access an FDA guidance document by using FDA’s Web site listed previously to find the most current version of the guidance.

Dated: September 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-23619 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
[Docket No. FDA-2007-D-0369]
Product-Specific Bioequivalence Recommendations; Draft and Revised Draft Guidances 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 additional draft and revised draft product-specific bioequivalence (BE) recommendations. The recommendations provide product-

specific guidance on the design of BE studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products” that explained the process that would be used to make product-specific BE recommendations available to the public on FDA’s Web site. The BE recommendations identified in this notice were developed using the process described in that 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 comments on these draft and revised draft guidances before it begins work on the final versions of the guidances, submit either electronic or written comments on the draft and revised draft product-specific BE recommendations listed in this notice by November 20, 2015.

ADDRESSES: Submit written requests for single copies of the individual BE guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Bldg., 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 recommendations.

Submit electronic comments on the draft product-specific BE recommendations to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Xiaoqiu Tang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993-0002, 301-796-5850.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products” that explained the process that would be used to make product-specific BE recommendations available to the public on FDA’s Web site at <http://www.fda.gov/Drugs/GuidanceCompliance>

Regulatory Information/Guidances/default.htm.

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. Under that process, draft recommendations are posted on FDA’s Web site and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final recommendations or publishes revised draft recommendations for comment. Recommendations were last announced in the **Federal Register** on June 30, 2015 (80 FR 37273). This notice announces draft product-specific recommendations, either new or revised, that are posted on FDA’s Web site.

II. Drug Products for Which New Draft Product-Specific BE Recommendations are Available

FDA is announcing the availability of a new draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

Acidinium bromide
Acyclovir
Aminocaproic acid
Apremilast
Benazepril hydrochloride; Hydrochlorothiazide
Brimonidine tartrate
Carbidopa; Levodopa
Certinib
Clobetasol propionate
Clomipramine hydrochloride
Clonidine hydrochloride
Cobicistat
Cysteamine bitartrate
Dapagliflozin propanediol; Metformin hydrochloride
Dasabuvir sodium; Ombitasvir; Paritaprevir; Ritonavir
Desvenlafaxine fumarate
Esllicarbazepine acetate
Esomeprazole magnesium
Ferric citrate
Fluticasone propionate (multiple reference listed drugs)
Formoterol fumarate
Idelalisib
Ledipasvir; Sofosbuvir
Levocarnitine
Loperamide hydrochloride; Simethicone
Mometasone furoate monohydrate
Naltrexone HCL; Bupropion HCL
Netupitant; Palonosetron hydrochloride
Nintedanib esylate
Nortriptyline hydrochloride
Pirfenidone
Pomalidomide

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS—Continued

Ponatinib hydrochloride
Rivaroxaban
Ruxolitinib phosphate
Suvorexant
Tasimelteon
Tedizolid phosphate
Tramadol hydrochloride
Trimipramine maleate

III. Drug Products for Which Revised Draft Product-Specific BE Recommendations are Available

FDA is announcing the availability of a revised draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

Acitretin
Amantadine hydrochloride
Benzonate
Carbamazepine
Colesevelam hydrochloride
Cyclophosphamide
Dabigatran etexilate mesylate
Dasatinib
Desvenlafaxine succinate
Esomeprazole magnesium
Estradiol
Ethinyl estradiol; Norethindrone
Gabapentin
Isotretinoin
Minocycline hydrochloride
Naltrexone
Sevelamer carbonate
Sirolimus

For a complete history of previously published **Federal Register** notices related to product-specific BE recommendations, go to <http://www.regulations.gov> and enter Docket No. FDA-2007-D-0369.

These draft and revised draft guidances are being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). These guidances represent the Agency’s current thinking on product-specific design of BE studies to support ANDAs. They do not establish any rights for anyone and are not binding on FDA or the public. You may use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

IV. Comments

Interested persons may submit either electronic comments on any of the specific BE recommendations posted on FDA’s Web site to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments.

Identify comments with the docket number found in brackets in the heading of this document. The guidances, notices, and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

V. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/Drugs/RegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>.

Dated: September 15, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-23571 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2009-N-0025]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Animal Food Labeling; Declaration of Certifiable Color Additives

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Animal Food Labeling; Declaration of Certifiable Color Additives" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: On July 16, 2015, the Agency submitted a proposed collection of information entitled "Animal Food Labeling; Declaration of Certifiable Color Additives" to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned

OMB control number 0910-0721. The approval expires on August 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at <http://www.reginfo.gov/public/do/PRAMain>.

Dated: September 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-23566 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-3224]

Request for Nominations of Individuals and Consumer Organizations for the Patient Engagement Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any consumer organizations interested in participating in the selection of a voting consumer representative to serve on the Patient Engagement Advisory Committee (the Committee) notify FDA in writing. FDA is also requesting nominations for a voting consumer representative to serve on the Committee. Nominees recommended to serve as a voting consumer representative may either be self-nominated or may be nominated by a consumer organization. Nominations will be accepted for the current vacancy effective with this notice.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

DATES: Any consumer organization interested in participating in the selection of an appropriate voting member to represent consumer interests on the Committee may send a letter or email stating that interest to FDA by October 21, 2015. Concurrently, nomination materials for prospective candidates should be sent to FDA by October 21, 2015.

ADDRESSES: All statements of interest from consumer organizations interested in participating in the selection process should be sent electronically to Kimberly Hamilton (see **FOR FURTHER INFORMATION CONTACT**). All Consumer

Representative nominations may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm>, by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002, or FAX: 301-847-8640. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT: For questions relating to participation in the selection process: Kimberly Hamilton, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5117, Silver Spring, MD 20993-0002, 301-796-6319, kimberly.hamilton@fda.hhs.gov.

For questions relating to the Committee: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993-0002, 301-796-8398, letise.williams@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for a voting consumer representative on the Committee.

Elsewhere in this issue of the **Federal Register**, FDA is publishing separate documents regarding:

1. Patient Engagement Advisory Committee; Notice of Establishment.
2. Request for Nominations for Voting Members for the Patient Engagement Advisory Committee.
3. Request for Nominations of Individuals and Industry Organizations for the Patient Engagement Advisory Committee.

I. General Description of the Committee's Duties

The Committee provides advice on complex issues relating to medical devices, the regulation of devices, and their use by patients. Agency guidance and policies, clinical trial or registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes and device-related quality of life or health status issues are among the topics that may be considered by the Committee. Members are knowledgeable in areas such as clinical research, primary care patient experience, health care needs of patient groups in the

United States, or are experienced in the work of patient and health professional organizations, methodologies for eliciting patient preferences, and strategies for communicating benefits, risks, and clinical outcomes to patients and research subjects.

II. Criteria for Members

Persons nominated for membership as a consumer representative on this Committee should meet the following criteria: (1) Demonstrate ties to consumer and community-based organizations, (2) be able to analyze technical data, (3) understand research design, (4) discuss benefits and risks, and (5) evaluate the safety and efficacy of products under review. The consumer representative should be able to represent the consumer perspective on issues and actions before the Committee; serve as a liaison between the Committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the Committees on scientific issues that affect consumers.

III. Selection Procedures

Selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and public advocacy groups. These organizations recommend nominees for the Agency's selection. Representatives from the consumer health branches of Federal, State, and local governments also may participate in the selection process. Any consumer organization interested in participating in the selection of an appropriate voting member to represent consumer interests must send a letter stating that interest to FDA (see **ADDRESSES**) within 30 days of publication of this document.

Within the subsequent 30 days, FDA will compile a list of consumer organizations that will participate in the selection process and will forward to each such organization a ballot listing three to five qualified nominees selected by the Agency based on the nominations received, together with each nominee's current curriculum vitae or resume. Ballots are to be filled out and returned to FDA within 30 days. The nominee receiving the highest number of votes ordinarily will be selected to serve as the member representing consumer interests for that particular advisory committee.

IV. Nomination Procedures

Any interested person or organization may nominate one or more qualified individuals to represent consumer interests on the Committee. Self-

nominations are also accepted. Nominations should include a cover letter; a current, complete resume or curriculum vitae for each nominee, including a current business and/or home address, telephone number, and email address if available; and a list of consumer or community-based organizations for which the candidate can demonstrate active participation. Nominations should also specify the advisory committee for which the nominee is recommended. In addition, nominations should also acknowledge that the nominee is aware of the nomination, unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Members will be invited to serve for terms up to 4 years.

FDA will review all nominations received within the specified timeframes and prepare a ballot containing the names of three to five qualified nominees. Names not selected will remain on a list of eligible nominees and be reviewed periodically by FDA to determine continued interest. Upon selecting qualified nominees for the ballot, FDA will provide those consumer organizations that are participating in the selection process with the opportunity to vote on the listed nominees. Only organizations vote in the selection process. Persons who nominate themselves to serve as voting consumer representatives will not participate in the selection process.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23523 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-3224]

Request for Nominations for Voting Members for the Patient Engagement Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for members to serve on the Patient Engagement Advisory Committee (the Committee), Office of the Center Director, Center for Devices and Radiological Health.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups.

DATES: Nominations received by November 20, 2015, will be given first consideration for membership on the Committee. Nominations received after November 20, 2015, will be considered for nomination to the Committee as later vacancies occur.

ADDRESSES: All nominations for membership should be sent electronically by logging into the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm>, by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002, or by FAX: 301-847-8640. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm>

FOR FURTHER INFORMATION CONTACT: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, 301-796-8398, FAX: 301-847-8510, Letise.Williams@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members for the Committee.

Elsewhere in this issue of the **Federal Register**, FDA is publishing separate documents regarding:

1. Patient Engagement Advisory Committee; Notice of Establishment.
2. Request for Nominations of Individuals and Industry Organizations for the Patient Engagement Advisory Committee.
3. Request for Nominations of Individuals and Consumer Organizations for the Patient Engagement Advisory Committee.

I. General Description of the Committee's Duties

The Committee provides advice on complex issues relating to medical devices, the regulation of devices, and their use by patients. Agency guidance

and policies, clinical trial or registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes and device-related quality of life or health status issues are among the topics that may be considered by the Committee. Members are knowledgeable in areas such as clinical research, primary care patient experience, healthcare needs of patient groups in the United States, or are experienced in the work of patient and health professional organizations, methodologies for eliciting patient preferences, and strategies for communicating benefits, risks, and clinical outcomes to patients and research subjects.

II. Criteria for Voting Members

The Committee consists of a core of nine voting members including the Chair. Members and the Chair are selected by the Commissioner of Food and Drugs or designee from among authorities who are knowledgeable in areas such as clinical research, primary care patient experience, healthcare needs of patient groups in the United States, or are experienced in the work of patient and health professional organizations, methodologies for eliciting patient preferences, and strategies for communicating benefits, risks, and clinical outcomes to patients and research subjects. Members will be invited to serve for overlapping terms of up to 4 years. Prospective members should also have an understanding of the broad spectrum of patients in a particular disease area. Almost all non-Federal members of this Committee serve as Special Government Employees.

III. Nomination Procedures

Any interested person may nominate one or more qualified individuals for membership on the Committee. Self-nominations are also accepted. Nominations should include a cover letter; a current, complete resume or curriculum vitae for each nominee, including a current business and/or home address, telephone number, and email address if available; and should specify the advisory committee for which the nominee is recommended. Nominations should also acknowledge that the nominee is aware of the nomination, unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23524 Filed 9-18-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-3173]

Request for Nominations of Individuals and Industry Organizations for the Patient Engagement Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting industry organizations interested in participating in the selection of a pool of nonvoting industry representatives to serve as temporary nonvoting members on the Patient Engagement Advisory Committee (the Committee) for the Center for Devices and Radiological Health notify FDA in writing. FDA is also requesting nominations for temporary nonvoting industry representatives to be included in a pool of individuals to serve on the Committee. Nominees recommended to serve as a temporary nonvoting industry representative may either be self-nominated or nominated by an industry organization. This position may be filled by representatives of different medical device areas based on areas of expertise relevant to the topics being considered by the Committee. Nominations will be accepted for current vacancies effective with this notice.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

DATES: Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interest, must send a letter stating that interest to FDA by *October 21, 2015*, (see sections I and II of this document for details). Concurrently, nomination materials for prospective candidates should be sent to FDA by *October 21, 2015*.

ADDRESSES: All statements of interest from interested industry organizations interested in participating in the selection process should be sent electronically to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm>, by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002, or FAX: 301-847-8640. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT: *For questions relating to participation in the selection process:* Margaret Ames, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5234, Silver Spring, MD 20993-0002, 301-796-5960, FAX: 301-847-8510, margaret.ames@fda.hhs.gov.

For questions relating to the Committee: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993-0002, 301-796-8398, letise.williams@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for a pool of nonvoting industry representatives for the Committee (this position may be filled by representatives of different medical device areas based on areas of expertise relevant to the topics being considered by the Committee).

Elsewhere in this issue of the **Federal Register**, FDA is publishing separate documents regarding:

1. Patient Engagement Advisory Committee; Notice of Establishment.
2. Request for Nominations for Voting Members for the Patient Engagement Advisory Committee.
3. Request for Nominations of Individuals and Consumer Organizations for the Patient Engagement Advisory Committee.

I. General Description of the Committee's Duties

The Committee provides advice on complex issues relating to medical devices, the regulation of devices, and their use by patients. Agency guidance and policies, clinical trial or registry design, patient preference study design,

benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes and device-related quality of life or health status issues are among the topics that may be considered by the Committee. Members are knowledgeable in areas such as clinical research, primary care patient experience, health care needs of patient groups in the United States, or are experienced in the work of patient and health professional organizations, methodologies for eliciting patient preferences, and strategies for communicating benefits, risks and clinical outcomes to patients and research subjects. The Commissioner of Food and Drugs (the Commissioner), or designee, shall have the authority to select from a group of individuals nominated by industry to serve temporarily as nonvoting members who are identified with industry interests. The number of temporary members selected for a particular meeting will depend on the meeting topic(s).

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interest must send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate or candidates (to serve in a pool of individuals, with varying areas of expertise), to represent industry interest for the Committee, within 60 days after the receipt of the FDA letter. The interested organizations are not bound by the list of nominees in selecting a candidate or candidates. However, if no individual is selected within 60 days, the Commissioner will select temporary nonvoting members (or pool of individuals) to represent industry interests.

III. Nomination Procedure

Individuals may self nominate and/or an organization may nominate one or more individuals to serve as a temporary nonvoting industry representative. Nominations should include a cover letter and a current, complete resume or curriculum vitae for each nominee, including a current

business and/or home address, telephone number, and email address if available. Nominations should specify the advisory committee for which the nominee is recommended within 30 days of publication of this document (see **DATES**). In addition, nominations should also acknowledge that the nominee is aware of the nomination, unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the Committee. Only interested industry organizations participate in the selection process. Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23522 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-0001]

Vaccines and Related Biological Products 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: Vaccines and Related Biological Products 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 November 13, 2015, from 8:45 a.m. to 4 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD, 20993-0002. For those unable to attend in person, the meeting will also be Webcast and will be available at the following link <https://collaboration.fda.gov/vrbpac1115/>. Answers to commonly

asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

Contact Person: Sujata Vijh or Denise Royster, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6128, Silver Spring, MD 20993-0002, 240-402-7107 or 240-402-8158, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On November 13, 2015, the committee will meet in open session to discuss considerations for evaluation of the safety and effectiveness of vaccines administered to pregnant women to protect the infant. 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 October 29, 2015. Oral presentations from the public will be scheduled between approximately 10:45 a.m. to 11:45 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time

requested to make their presentation on or before October 21, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 22, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Sujata Vijh at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23550 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-0001]

Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pulmonary-Allergy Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 9, 2015, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

Contact Person: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, FAX: 301-847-8533, PADAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss biologics license application 761033, reslizumab for injection, submitted by Teva Pharmaceutical Industries, Ltd., for the proposed indication to reduce exacerbations, relieve symptoms, and improve lung function in adults and adolescents 12 years of age and above, with asthma and elevated blood eosinophils, who are inadequately controlled on inhaled corticosteroids.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending

before the committee. Written submissions may be made to the contact person on or before November 24, 2015. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 16, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 17, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cindy Hong at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23556 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-3166]

Establishment of the Patient Engagement Advisory Committee; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the establishment of the Patient Engagement Advisory Committee (the Committee). The Committee will provide advice to the Commissioner of Food and Drugs (the Commissioner) or designee, on complex issues relating to medical devices, regulation of devices, and their use by patients. The Committee may consider topics such as Agency guidance and policies, clinical trial or registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes and device-related quality of life or health status issues, and other patient-related topics. The Agency is also announcing the establishment of a public docket for comments on the potential topics.

DATES: Comments received by November 20, 2015, will be provided to the Agency.

ADDRESSES: Submit electronic comments to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, 301-796-8398, FAX: 301-847-8510.

SUPPLEMENTARY INFORMATION:

I. Background

The Committee will provide advice to the Commissioner or designee, on complex issues relating to medical devices, the regulation of devices, and their use by patients. The Committee may consider topics such as: Agency guidance and policies, clinical trial or

registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes and device-related quality of life or health status issues, and other patient-related topics. The Committee will provide relevant skills and perspectives, in order to improve communication of benefits, risks, clinical outcomes, and increase integration of patient perspectives into the regulatory process for medical devices. It will perform its duties by discussing and providing advice and recommendation in ways such as: Identifying new approaches, promoting innovation, recognizing unforeseen risks or barriers, and identifying unintended consequences that could result from FDA policy.

A. Composition of the Committee

The Committee will consist of a core of nine voting members, including the Chair. Members and the Chair are selected by the Commissioner or designee from experts who are knowledgeable in areas such as clinical research, primary care patient experience, and health care needs of patient groups in the United States. Selected Committee members may also be experienced in the work of patient and health professional organizations; methodologies for eliciting patient preferences; and strategies for communicating benefits, risks and clinical outcomes to patients and research subjects. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The voting members may include one consumer representative who is a technically qualified member, selected by the Commissioner or designee, identified with consumer interests, and is recommended by either a consortium of consumer oriented organizations or other interested persons.

The Commissioner or designee will also have the authority to select from a group of individuals nominated by industry to serve temporarily as non-voting members who are identified with industry interests. The number of temporary non-voting members selected for a particular meeting will depend on the meeting topic.

B. Topics

FDA is also soliciting public feedback on potential topics for this Committee to discuss and advise the Agency. The following topics may include, but are not limited to:

- Where can patients provide input across the medical device total product lifecycle? What should be the focus of that input (e.g., input on unmet medical needs; input on endpoints of interest for particular diseases/conditions; input on feasibility of clinical study plans and protocols to reduce barriers to patient participation and retention; input on draft patient labeling; postmarket data reported directly from patients; input on potential risk communication related to products already on the market)? How should the process of soliciting patient input for various purposes work?

- How should FDA directly engage patients for input related to medical device premarket considerations (e.g., in considering public health impact criterion for eligibility for Expedited Access Program)?

- How should FDA engage patients for input related to medical device performance once products are available on the market?

- Under what conditions should health care professional or patient labeling include information about patient preference studies or patient reported outcomes (PROs)?

- How should sponsors present patient preference information or PROs in the health care professional and patient labeling?

- How should labeling indicate that only a portion of patients in a patient preference study were willing to accept certain risks in order to achieve probable benefits?

- How should sponsors and the FDA ensure that patients receive and understand patient preference information?

- How can patient preferences be obtained in an unbiased manner if the device study has already enrolled and/or been published?

- How do patients view clinical study informed consent forms?

Elsewhere in this issue of the **Federal Register**, FDA is publishing separate documents regarding:

1. Request for Nominations for Voting Members for the Patient Engagement Advisory Committee

2. Request for Nominations of Individuals and Consumer Organizations for the Patient Engagement Advisory Committee

3. Request for Nominations of Individuals and Industry Organizations for the Patient Engagement Advisory Committee

FDA intends to publish a final rule in the **Federal Register**, adding the Patient Engagement Advisory Committee to 21 CFR part 14.100.

II. Comments

FDA is opening a docket for 60 days to provide an opportunity for public comment on the potential topics. Interested persons may submit either electronic comments regarding the potential topics to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Divisions of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: September 15, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015-23521 Filed 9-18-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL HEART, LUNG, AND BLOOD INSTITUTE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: October 27, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A, Convent Drive, Bethesda, MD 20892.

Contact Person: Robert S. Balaban, Ph.D. Scientific Director, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 10, 10 Center Drive, CRC, 4th Floor,

Room 1581, Bethesda, MD 20892, 301-496-2116, balabanr@nhlbi.nih.gov.

Information is also available on the Institute's/Center's home page: www.nhlbi.nih.gov/meetings/index.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23505 Filed 9-18-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Clinical Trial Implementation Grant (R01).

Date: October 20, 2015.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3E73, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3F30B, Rockville, MD 20852, 240-669-5029, battlesja@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 15, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23565 Filed 9-18-15; 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: Cancer Immuno Therapeutics.

Date: October 1, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806-2515, chatterm@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 PAR Panel: Investigations on Primary Immunodeficiency Diseases.

Date: October 15, 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: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301-435-1230, jh377p@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR-13-

231: Phenotyping Embryonic Lethal Knockout Mice.

Date: October 15, 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: Maqsood A. Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301-435-2270, wanimags@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group Language and Communication Study Section.

Date: October 26, 2015.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7770, Bethesda, MD 20892, (301) 455-1761, kellya2@csr.nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group Molecular Oncogenesis Study Section.

Date: October 26-27, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, 301-435-1718, sizemoren@csr.nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Neural Oxidative Metabolism and Death Study Section.

Date: October 26-27, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Ave. NW., Washington, DC 20005.

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.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group Diseases and Pathophysiology of the Visual System Study Section.

Date: October 26-27, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Nataliya Gordiyenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301-435-1265, gordiyenkon@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Genes, Genomes and Genetics.

Date: October 26-27, 2015.

Time: 8:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7804, Bethesda, MD 20892, belangerm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel Molecular Neuroscience.

Date: October 26, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Ave. NW., Washington, DC 20005.

Contact Person: Carole L. Jelsema, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435-1248, jelsemac@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel Mentored Training in Comparative Medicine.

Date: October 26, 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: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301-435-2902, filpuladr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23507 Filed 9-18-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Analyses of Human Datasets and Aging-related Changes.

Date: November 3, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301-402-7704, MIKHAILI@MAIL.NIH.GOV.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 15, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23525 Filed 9-18-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health And Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 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 Child Health and Human Development Special Emphasis Panel.

Date: October 13, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892-9304, (301) 451-3415, duperes@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS).

Dated: September 25, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23506 Filed 9-18-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health And Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 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 Child Health and Human Development Special Emphasis Panel.

Date: October 30, 2015.

Time: 11:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard Rm 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892-9304, (301) 451-3415, duperes@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 15, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23504 Filed 9-18-15; 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; DDK-D Member Conflict SEP.

Date: October 8, 2015.

Time: 7:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Kinzie Hotel, 20 W Kinzie Street, Chicago, IL 60654.

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-4719, guox@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special, Emphasis Panel, TODAY2 Phase 2 (T2P2): Long-Term Post-Intervention Follow-Up.

Date: October 20, 2015.

Time: 11:00 a.m. to 12:00 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: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, rushing@extra.niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 15, 2015.

David Clary,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2015-23564 Filed 9-18-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

[DHS-2015-0051]

Committee Name: Homeland Security Information Network Advisory Committee (HSINAC); Correction

AGENCY: Information Sharing Environment (ISEO)/Office of Chief Information Officer (OCIO), HSD.

ACTION: Notice; correction.

SUMMARY: The Department of Homeland Security (DHS) Homeland Security Information Network Advisory Committee (HSINAC) published a document in the **Federal Register** of August 25, 2015, concerning the announcement of a meeting in Washington, DC on September 28-29, 2015. The document contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: Allison Buchinski, allison.buchinski@associates.dhs.gov, 202-343-4277.

Correction

In the **Federal Register** of August 25, 2015, in FR Doc. 2015-20945, on page 51581, in the first column, correct the **DATES** caption to read:

DATES: The HSINAC will meet on Wednesday, April 27, 2016 from 9 a.m.-5 p.m. EST and Thursday, April 28, 2016 from 9 a.m.-12 p.m. in

Washington, DC, and via conference call and HSIN Connect, an online web-conferencing tool, both of which will be made available to members of the general public. Please note that the meeting may end early if the committee has completed its business.

In the **Federal Register** of August 25, 2015, in FR Doc. 2015–20945, on page 51581, in the second column, correct the “Docket” paragraph 2 caption to read:

A public comment period will be held during the meeting on Wednesday, April 27, 2016 from 4:30 p.m. to 4:45 p.m. and again on Thursday, April 28, from 11:00 a.m. to 11:15 a.m. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact one of the individuals listed below to register as a speaker.

Dated: September 15, 2015.

James Lanoue,

HSIN Program Director.

[FR Doc. 2015–23621 Filed 9–18–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Agency Information Collection Activities: Comment Request; Extension of an Information Collection

ACTION: 60-Day Notice of Information Collection for review; G–79A; Information Relating to Beneficiary of Private Bill; OMB Control No. 1653–0026.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 20, 2015.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Chief Information Office, Forms Management Office, U.S. Immigrations and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection

(2) *Title of the Form/Collection:* Information Relating to Beneficiary of Private Bill.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* G–79A; U.S. Immigration and Customs Enforcement

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement of States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

Dated: September 15, 2015.

Scott Elmore,

Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2015–23491 Filed 9–18–15; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–13]

60-Day Notice of Proposed Information Collection: Mortgage’s Certification of Fees and Escrow and Security Bond Against Defects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* November 20, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT:

Theodore K. Toon, Director, Office of Multifamily Production, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Theodore.K.Toon@hud.gov or telephone (202) 402–8386. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Collete Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection*Title of Information Collection:*

Mortgagee's Certification of Fees and Escrow and Security Bond Against Defects.

OMB Approval Number: 2502-0468.

Type of Request: Extension of currently approved collection.

Form Number: HUD-93259, HUD-2432.

Description of the need for the information and proposed use: The information collection is legally required to collect information to evaluate the character, ability, and capital or the sponsor, mortgagor, and general contractor for mortgage insurance.

Respondents (i.e. affected public): 1,070.

Estimated Number of Respondents: 1,070.

Estimated Number of Responses: 2,000.

Frequency of Response: 1.

Average Hours per Response: 1.

Total Estimated Burdens: 1,050.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: September 11, 2015.

Janet M. Golrick,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015-23618 Filed 9-18-15; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5838-N-06]

60-Day Notice of Proposed Information Collection: Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* November 20, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, ODAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-0306 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202-402-4109, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Housing Choice Voucher (HCV) Program.

OMB Approval Number: 2577-0169.

Type of Request: Revision of currently approved collection with changes that include portability paperwork and inclusion of the information or briefing packet.

Form Numbers: HUD-52515, HUD-52667, HUD-52580, HUD-52580-A, HUD-52517, HUD-52646, HUD-52665, HUD-52641, HUD-52641-A, HUD 52642, HUD 52649, HUD 52531A and B, HUD 52530A, HUD 52530B, HUD 52530C, HUD 52578B.

Description of the need for the information and proposed use: Public Housing Agencies (PHA) will prepare an application for funding which specifies the number of units requested, as well as the PHA's objectives and plans for administering the HCV program. The application is reviewed by HUD Headquarters and HUD Field Offices and ranked according to the PHA's administrative capability, the need for housing assistance, and other factors specified in a notice of funding availability. The PHAs must establish a utility allowance schedule for all utilities and other services. Units must be inspected using HUD-prescribed forms to determine if the units meet the housing quality standards (HQS) of the HCV program. After the family is issued a HCV to search for a unit pursuant to attending a briefing and receiving an information packet, the family must complete and submit to the PHA a Request for Tenancy Approval when it finds a unit which is suitable for its needs. Initial PHAs will use a standardized form to submit portability information to the receiving PHA who will also use the form for monthly portability billing. PHAs and owners will enter into housing assistance payments (HAP) contract each providing information on rents, payments, certifications, notifications, and owner agreement in a form acceptable to the PHA. A tenancy addendum is included in the HAP contract as well as incorporated in the lease between the owner and the family. Families that participate in the Homeownership option will execute a statement regarding their responsibilities and execute contracts of sale including an additional contract of sale for new construction units. PHAs participating in the project-based voucher (PBV) program will enter into Agreements with developing owners, HAP contracts with the existing and New Construction/Rehabilitation owners, Statement of Family Responsibility with the family and a lease addendum will be provided for execution between the family and the owner.

Respondents (i.e. affected public): State and Local Governments, businesses or other non-profits.

Total Estimated Burdens:

Description	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total hours	Regulatory reference
Application (HUD-52515)	1,000	1	1,000	1	1,000	982.103
Application for Federal Assistance (SF-424).	1,000	1	1,000	0.75	750	982.103
Applicant/Recipient Disclosure/Update Report (HUD-2880).	1,000	1	1,000	0	0	982.103
Acknowledgement of Application Receipt (HUD-2993).	1,000	1	1,000	0	0	982.103
Third Party Documentation Facsimile Transmittal (HUD-96011).	500	1	500	0	0	982.103
Certification of Consistency with the Consolidated Plan (HUD-2991).	1,000	1	1,000	0	0	982.103
Disclosure of Lobbying Activities (SF-LLL).	500	1	500	0.17	85	982.103
Tenant-Furnished Utilities (HUD-52667).	2,224	1	2,224	1.5	3,336	982.517
Inspection Forms (HUD-52580 and 52580-A).	2,224	955	2,123,920	0.5	1,061,960	982.401
Request for Tenancy Approval (HUD-52517).	2,224	90	200,160	0.5	100,080	982.302
Notice of Unit Approval/Denial	2,224	90	200,160	0.5	100,080	982.303(c)
Voucher (HUD-52646)	2,224	90	200,160	0.05	10,008	982.305
Information Packet	2,224	60	133,440	1	133,440	982.301(b)
PHA Information to Owner	2,224	40	88,960	0.05	4,448	982.307
Portability Information (HUD-52665)	2,224	90	200,160	0.5	100,080	982.355
PHA Notification to Field Office Insufficient Funds.	400	1	400	0.5	200	982.354(e)
HAP Contracts (HUD-52641, 52641-A, 52642, 52642).	2,224	65	144,560	0.5	72,280	982.451
Statement of Homeowner Obligation (HUD-52649).	150	10	1,500	0.25	375	982.625
Homeownership: Required Contract of Sale Provisions.	1500	1	1,500	0.25	375	982.631(c)(2)
PHA PBV Public Notice	50	1	50	3	150	983.51(c)
PHA PBV Notice of Owner Selection ...	50	1	50	0.5	25	983.51(c)
PBV Agreement to enter into a HAP Contract (HUD-52531A and B).	50	1	50	0.5	25	983.51(c)
PBV NC/SR HAP Contract (HUD-52530A).	50	1	50	0.25	12.5	983.152
PBV Existing HAP Contract (HUD-52530B).	50	1	50	0.25	12.5	983.202
PBV Tenancy Addendum (HUD-52530C).	50	1	10	0.25	2.5	983.202
PBV Statement of Family Responsibilities (HUD-52578B).	50	10	500	0.25	125	983.256(b)(3)
Notice of Intent to Project-Base Vouchers.	218	1	218	0.5	109	983.6(d)
Request for HUD Approval to Terminate PBV HAP Contract.	15	1	15	1	15	983.205(d)
Owner Notice to Terminate PBV HAP Contract.	20	30	600	0.25	150	983.206(b)
Totals	* 2,224	.....	3,304,737	.....	1,589,124	

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
	2,224	Varies	3,304,737	.48	1,589,124	\$20	\$31,782,480
Total	2,224	Varies	3,304,737	.48	1,589,124	20	31,782,480

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the

proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: September 14, 2015.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2015-23484 Filed 9-18-15; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-NAL-2015-N174];
[FXGO1660091NALO156FF09D02000]

Native American Policy for the U.S. Fish and Wildlife Service

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Draft policy for public notice and comment; reopening of comment period.

SUMMARY: We, the Fish and Wildlife Service (Service), are reopening the comment period for the draft Native American Policy, which we announced for public comment in the **Federal Register** on August 2, 2015. The purpose of this Policy is to further the United States' trust responsibility to Indian tribes by establishing a framework on which to base our continued interactions with federally recognized tribes and Alaska Native Corporations. The Policy recognizes the sovereignty of federally recognized tribes; states that the Service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education.

DATES: The Service will accept public comment through October 21, 2015.

ADDRESSES: The draft Native American Policy is available at www.fws.gov/policy/draft510fw1.pdf. The existing Policy is available in the Fish and Wildlife Service Manual at <http://www.fws.gov/policy/native-american-policy.pdf>. To submit comments, please mail or email them to Scott Aikin (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Scott Aikin, Native American Programs Coordinator, by mail at U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, OR 97232; or via email at scott_aikin@fws.gov.

SUPPLEMENTARY INFORMATION: We are reopening the comment period for the

draft Native American Policy, which we made available for public comment from August 2, 2015 (80 FR 46043), through September 2, 2015. The purpose of this Policy is to further the United States' trust responsibility to Indian tribes by establishing a framework on which to base our continued interactions with federally recognized tribes and Alaska Native Corporations. The Policy recognizes the sovereignty of federally recognized tribes; states that the Service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education.

The draft Native American Policy is available for review and comment at www.fws.gov/policy/draft510fw1.pdf. For the overview we provided in our August 2, 2015, **Federal Register** notice, see 80 FR 46043.

Open Comment Period

This publication opens a new 30-day comment period, during which we invite and encourage tribes and Alaska Native Corporations (ANCs) to continue to review and submit comments. The Service's invitation to federally recognized tribal governments to consult on a government-to-government basis regarding development of this updated Native American Policy continues until 30 days after this **Federal Register** notification. Comments from local, State, and Federal government agencies; federally recognized tribal governments; non-federally recognized tribal governments; ANCSA corporations; and the general public are welcome. If you submitted comments or information during the initial open comment period, which ended on September 2, 2015 (80 FR 46043), you need not resubmit them. They will be reviewed and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, 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: September 4, 2015.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015-23689 Filed 9-18-15; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/
AOA501010.999900 253G]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Little River Band of Ottawa Indians Fruitport Casino Project, Fruitport Township, Muskegon County, Michigan

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Little River Band of Ottawa Indians (Tribe) application for a proposed 60-acre fee-to-trust transfer and casino project to be located in Fruitport Township, Muskegon County, Michigan. This notice also announces the beginning of the public scoping process to solicit public comments and identify potential issues and content for inclusion in the EIS.

DATES: Written comments on the scope of the EIS must arrive by October 21, 2015. The date and location of a public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper, the Muskegon Chronicle, and posted at www.littlerivereis.com.

ADDRESSES: You may mail, hand carry, or fax written comments to Ms. Diane Rosen, Midwest Regional Director, Bureau of Indian Affairs, Midwest Region, Norman Pointe II Building, 5600 West American Boulevard, Suite 500, Bloomington, Minnesota 55437; Fax: (612) 713-4401. Additionally, you may email comments to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Please include your name, return address, and "NOI Comments, Little River Casino Project" on the first page of your written comments.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Doig, Acting Regional Environmental Scientist, Bureau of

Indian Affairs, Midwest Region, Norman Pointe II Building, 5600 West American Boulevard, Suite 500, Bloomington, MN 55437; Phone (612) 725-4514; email scott.doig@bia.gov.

SUPPLEMENTARY INFORMATION: The Tribe has submitted an application to BIA requesting that approximately 60 acres of land be transferred from fee to trust status upon which the Tribe would develop a casino, hotel, parking, and other supporting facilities. In order for the Department to fully consider and either grant or deny the Tribe's application, the Department must first comply with NEPA. The property is located within Fruitport Township, Muskegon County, Michigan, approximately 5 miles south of the City of Muskegon. It is bounded by Interstate 96 to the northeast and Ellis Road to the south. Areas of environmental concern identified for analysis in the EIS include land resources, water resources, air quality, noise, biological resources, cultural resources, resource use patterns, traffic and transportation, public health/environmental hazards, public services and utilities, socioeconomic, environmental justice, and visual resources/aesthetics. Alternatives identified for analysis include the proposed action, a non-gaming alternative, a reduced-intensity alternative, and an alternative site location. The range of issues and alternatives are open to revision based on comments received in response to this notice. Other related approvals may be required to implement the project, including approval of the Tribe's fee-to-trust application, determination of the site's eligibility for gaming, compliance with the Clean Water Act, and local service agreements. To the extent applicable, the EIS will identify and evaluate issues related to these approvals. The purpose of the Tribe's proposed action is to improve the economic status of the Tribal government so it can better provide housing, health care, education, cultural programs, and other services to its members. Additional information, including a map of the project site, is available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section of this notice, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number,

email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, BIA cannot guarantee that this will occur.

Authority: This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4345 *et seq.*), and the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: September 14, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015-23609 Filed 9-18-15; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORW00000.L1610000.
DP0000.LXSSH093000015XL1109AF
HAG15-0227]

San Juan Islands National Monument Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the Bureau of Land Management's (BLM) San Juan Islands National Monument Advisory Committee (MAC) will meet as indicated below.

DATES: The MAC will meet on October 6, 2015, from 8:30 a.m.–3:45 p.m. at Brickworks, 150 Nichols St, Friday Harbor, Washington 98250.

Meeting discussion will include an update on the planning process and a brief review of the scoping report (which is currently available to the public). The committee will then discuss the BLM's progress on developing preliminary draft management alternatives based on scoping comments, MAC input, and internal discussions.

FOR FURTHER INFORMATION CONTACT: Marcia deChadenèdes, San Juan Islands National Monument Manager, P.O. Box 3, 37 Washburn Ave., Lopez Island,

Washington 98261, (360) 468-3051, or mdechade@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 twelve member San Juan Islands MAC was chartered to provide information and advice regarding the development of the San Juan Islands National Monument's RMP. Members represent an array of stakeholder interests in the land and resources from within the local area and statewide. All advisory committee meetings are open to the public. At 12 p.m. members of the public will have the opportunity to make comments to the MAC during a one-hour public comment period. Persons wishing to make comments during the public comment period should register in person with the BLM by 12 p.m. that meeting day, at the meeting location. Depending on the number of persons wishing to comment, the length of comments may be limited. The public may send written comments to the MAC at San Juan Islands National Monument, Attn. MAC, P.O. Box 3, 37 Washburn Ave., Lopez Island, Washington 98261. The BLM appreciates all comments.

Dennis Strange,

Spokane District Manager.

[FR Doc. 2015-23686 Filed 9-18-15; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.
PH0000.LXSS020H0000.15XL1109AF;
HAG15-0228]

Steens Mountain Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

DATES: October 22, 2015, from 10 a.m. to 4 p.m. and October 23, 2015 from

8:30 a.m. to 12 p.m., at the Burns District BLM Office, 28910 Highway 20 West, in Hines, Oregon. Daily sessions may end early if all business items are accomplished ahead of schedule, or go longer if discussions warrant more time.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573-4519, or email tmartina@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 SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106-399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area, recommends cooperative programs and incentives for landscape management that meet human needs, and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area. Agenda items for the October 22-23 session include: Updates from the Designated Federal Official and the Andrews/Steens Resource Area Field Manager; discussions regarding projects for the Steens Mountain Comprehensive Recreation Plan, inholder access, and fencing in the No Livestock Grazing Area; and regular business items such as approving the previous meeting's minutes, member round-table, and planning the next meeting's agenda. Any other matters that may reasonably come before the SMAC may also be addressed. A public comment period is available both days. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the SMAC for a maximum of five minutes. The public is welcome to attend all sessions, including the field tour, but must provide personal transportation.

Rhonda Karges,
Andrews/Steens Resource Area Field
Manager.

[FR Doc. 2015-23704 Filed 9-18-15; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRSS-SSB-19329;
PPWONRADE2, PMP00E105.YP0000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Glen Canyon Survey

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) 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. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

DATES: You must submit comments on or before October 21, 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) and identify your submission as 1024-0270. Please also send a copy of your comments to Bret Meldrum, Chief, Social Science Program, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525-5596 (mail); Bret_Meldrum@nps.gov (email); or 970-267-7295 (phone) and Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or pponds@nps.gov (email). Please reference Information Collection 1024-0270 in the subject line.

FOR FURTHER INFORMATION CONTACT: Dr. John Duffield, University of Montana, Department of Mathematical Sciences, Missoula, MT 5981; bioecon@montana.com (email); or 406-721-2265. 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:

I. Abstract

On September 23, 2013 we published a 60-day **Federal Register** Notice (78 FR 58344) asking OMB to approve a pilot and final survey for a collection of information to study the economic value of National Park System resources along the Colorado River Corridor (which includes the Glen Canyon Dam and

Grand Canyon National Park). On September 18, 2014, we received a Notice of Action (NOA) from the Office of Management and Budget approving the pilot version of the survey. The survey was pretested using a small sample to determine the respondents' reaction to key choice attributes (cost). The focus of the pretest was on the understandability and effectiveness of the conjoint questions in conveying information, and eliciting consistent, meaningful responses. The results of the pretest suggested that the survey and sampling methods provided the replication of the Welsh et al. (1995) study we expected. We were also satisfied that the pretest results could provide current information about the passive use value held by the American public for resources in Glen and Grand Canyon along the Colorado River.

The purpose of this ICR is to request the use of the final version of the survey instrument that the NPS will use to collect information from the general public about their understanding of National Park System resources along the Colorado River Corridor. In addition to providing information to the Secretary of the Interior, we anticipate that the data will also update the Welsh et al. (1995) study that was used in the 1996 Record of Decision which the Department of the Interior used to inform its decision on Glen Canyon Dam operations. We acknowledge that planning processes related to Glen Canyon Dam operations will rely on many sources and providers of information to evaluate economic impacts and affected resources. The primary purpose of this ICR is to obtain information contemplated by the National Park Service Organic Act of 1916, Mission and Policy as follows: Social science research in support of park planning and management is mandated in the NPS Management Policies 2006 (Section 8.11.1, "Social Science Studies"). The NPS pursues a policy that facilitates social science studies in support of the NPS mission to protect resources and enhance the enjoyment of present and future generations (National Park Service Act of 1916, 38 Stat 535, 16 U.S.C. 1, *et seq.*). NPS policy mandates that social science research will be used to provide an understanding of park visitors, the non-visiting public, gateway communities and regions, and human interactions with park resources. Such studies are needed to provide a scientific basis for park planning and development.

II. Data

OMB Control Number: 1024-0270.

Title: Glen Canyon Survey.
Type of Request: Revision of a currently approved collection.

Description of Respondents: Individual Households and general public.

Respondent's Obligation: Voluntary.

Frequency of Collection: One-time.

Estimated Annual Number of Responses: Total 1,573 (1,503 mail back surveys and 70 non-response surveys).

Estimated Completion Time per Response: 30 minutes per mail back survey and 5 minutes per non response survey.

Estimated Total Annual Burden Hours: 758 hours.

Estimated Annual Non-hour Burden Cost: There are no non-hour burden costs associated with this collection.

Hours: 758 hours.

Estimated Annual Non-hour Burden Cost: There are no non-hour burden costs associated with this collection.

Estimated Annual Non-hour Burden Cost: There are no non-hour burden costs associated with this collection.

III. Comments

On September 23, 2013 (78 FR 58344) we published a 60-day **Federal Register** Notice asking OMB to approve a pilot and final survey for a collection of information to study the economic value of the resources of the Colorado River. The Notice announced that we were preparing an information collection to be submitted to OMB for approval. We received three requests to review the survey instruments. In response to the requests, we provided a summary of the study purpose and design and informed the requestors that the final versions of the survey would be available for review once the request was submitted to OMB.

On July 9, 2014 we published in the **Federal Register** (73 FR 38946) a Notice of our intent to request that OMB approve the pilot study for this information collection. In that Notice, we solicited comments for 30 days, ending on August 8, 2014. We received comments from the following organizations in response to that Notice: (1) Colorado River Energy Distributors Assoc. (CREDA); (2) Southern Nevada Water Authority; (3) Colorado River Board of California (CRB); (4) Arizona Department of Water Resources; (5) Western Area Power Administration; (6) Irrigation & Electrical Districts Association Of Arizona; and (7) American Public Power Association.

In summary, comments received from the organizations primarily concerned their overall objections towards the study and the overall utility of the collection. However, none of the letters addressed any specific changes or editorial corrections that could be made to the survey or the methodology. The NPS gave a presentation and addressed many questions regarding this survey and its methodology at the August 28, 2014 Glen Canyon Dam Adaptive Management Work Group (AMWG)

meeting. The AMWG is a semi-annual meeting that is attended and represented by federal and state government agencies, including the National Park Service, and other stakeholders, tribal governments, and environmental organizations. Economists from the NPS also provided updates and addressed additional questions during two AMWG stakeholder conference calls (November 13, 2014 and December 16, 2014). A summary of the comments received from the following organizations are included below:

Colorado River Energy Distributors Assoc. (CREDA)

Comment: This collection is not necessary and will not have practical utility and does not clearly meet the requirements of 5 CFR 1320. Public will have the opportunity to comment on actual alternatives in public draft of the EIS. Survey alternatives do not accurately portray LTEMP alternatives therefore study is unnecessary and misleading. The purpose and intent of study needs to be clarified otherwise CREDA believes it is an unwarranted and unnecessary burden on respondents. The requested materials were not available until recently. Commitment to "include or summarize each comment in our request to OMB to approve this ICR" was not met. There are inaccurate and misleading references in the Authorizing Statue(s) information and in Supporting Document A.

NPS Response: In order to collect information from the public, we must be granted approval by the Office of Management and Budget to do such. In accordance with, and as required by the Paperwork Reduction Act of 1995, which is the purpose of 5 CFR 1320.1, we have submitted the proper paperwork to OMB to request approval for this information collection, and were granted the approval to collect the information for the pilot study associated with this collection. We are again following the proper guidance provided by OMB to request approval to collect the requested information. For the conjoint analysis methodology, respondents are provided with information about the resource outcomes, not the alternatives. This methodology values individually the management outcomes, such as the conditions of river beaches, native fish populations, and trout populations. The outcome levels selected for the survey are set statistically to maximize estimation efficiency and are intended to represent the range of potential impacts. It is then possible to estimate

the values of LTEMP alternatives by setting individual outcome levels to match those of the respective alternatives and adding their indicated values together. The NPS presented and addressed these questions regarding the survey methodology at the August 28, 2014 AMWG meeting. The NPS also provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

Southern Nevada Water Authority

Comment: The survey fails to adequately represent resource interactions, dam operations, and associated management actions. The survey overemphasizes recreational values and underemphasizes values of other stakeholders. Results will misrepresent the value of important resources and provide false valuation of contemplated actions. Request that AMWG be given opportunity to discuss the survey's details at their August 2014 meeting.

NPS Response: For the conjoint analysis methodology, respondents are provided with information about the resource outcomes, not the alternatives. This methodology values individually the management outcomes such as the conditions of river beaches, native fish populations, and trout populations. The outcome levels selected for the survey are set statistically to maximize estimation efficiency and are intended to represent the range of potential impacts. It is then possible to estimate the values of LTEMP alternatives by setting individual outcome levels to match those of the respective alternatives and adding their indicated values together. The NPS presented and addressed these questions regarding the survey methodology at the August 28, 2014 AMWG meeting. The NPS also provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

Colorado River Board of California (CRB)

Comment: The FRN lacks specific information that would aid the public in more fully understanding the purpose and need of the study. Unclear how any data and/or information collected via the ICR survey instruments would be used by the NPS. The CRB suggests that the appropriate venues for those activities should be through the AMWG and with the input of the LTEMP EIS co-lead agencies (*i.e.*, Reclamation and NPS) and cooperating agencies. It is not clear that any information collected by the NPS would contribute to the overall

analysis of the six detailed and complex alternatives being evaluated through the LTEMP EIS process. The CRB suggests that both survey instruments significantly oversimplify and/or understate the current state of scientific knowledge and uncertainty. As presently structured, the survey is incomplete and potentially misleading. The CRB suggests that the most meaningful and appropriate venue in which to solicit public feedback is through the LTEMP EIS process.

NPS Response: The current 30-day FRN attempts to provide the clarity requested. The title has been changed to "Glen Canyon Passive Use Survey." For the conjoint analysis methodology, respondents are provided with information about the resource outcomes, not the alternatives. This methodology values individually the management outcomes such as the conditions of river beaches, native fish populations, and trout populations. The outcome levels selected for the survey are set statistically to maximize estimation efficiency and are intended to represent the range of potential impacts. It is then possible to estimate the values of LTEMP alternatives by setting individual outcome levels to match those of the respective alternatives and adding their indicated values together. The NPS presented and addressed questions regarding the survey methodology at the August 28, 2014 AMWG meeting. The NPS also provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

Arizona Department of Water Resources

Comment: Alternatives presented in the survey do not represent the range of alternatives in the EIS and would result in little or no practical utility. It would be more appropriate for the public to comment on actual alternatives in the public draft of the LTEMP EIS.

NPS Response: For the conjoint analysis methodology, respondents are provided with information about the resource outcomes, not the alternatives. This methodology values individually the management outcomes such as the conditions of river beaches, native fish populations, and trout populations. The outcome levels selected for the survey are set statistically to maximize estimation efficiency and are intended to represent the range of potential impacts. It is then possible to estimate the values of LTEMP alternatives by setting individual outcome levels to match those of the respective alternatives and adding their indicated values together. The NPS presented and

addressed questions regarding the survey methodology at the August 28, 2014 AMWG meeting. The NPS also provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

Western Area Power Administration

Comment: The FRN Notice is insufficient to discern utility of the information collection and therefore recommends that NPS clarify scope and purpose of information collection to allow parties to better understand the utility. The title of information collection is misleading. WAPA requested that NPS share the survey document and proposed that NPS integrate the collection of information through the survey, economic analysis, and any analysis that is being conducted to inform the Secretary on alternative management options.

NPS Response: The current 30-day FRN attempts to provide the clarity requested. The title has been changed to "Glen Canyon Passive Use Survey." All documents associated with this submission are posted in Reginfo.gov as required by the Office of Management and Budget. The request for additional information in the 60-day **Federal Register** Notice provided three separate addresses—to which this letter was addressed and received. The Web site for Reginfo.gov is displayed, as required, in the 30-day **Federal Register** Notice of July 9, 2014 (79 FR 38946) for this request. A second 60-day Notice was not required for the final survey because the request was made in the 60-day FRN published on September 23, 2013 (78 FR 58344) and closed on November 23, 2013. This study is only one of many studies being conducted to inform the Secretary on alternative LTEMP management options.

Irrigation & Electrical Districts Association of Arizona

Comment: Echoed comments from others. Concerned about hidden and obscure documents not easily available for review by the public and interested parties so the ICR is fatally flawed as to be beyond salvage. Improper use of federal funds for which there is no credible use in the upcoming EIS analysis.

NPS Response: All documents associated with this submission are posted in Reginfo.gov as required by the Office of Management and Budget. The request for additional information in the 60-day **Federal Register** Notice provided three separate addresses—to which this letter was addressed and received. The Web site for Reginfo.gov

is displayed, as required, in the 30-day **Federal Register** Notice of July 9, 2014 (79 FR 38946) for this request. A second 60-day Notice was not required for the final survey because the request was made in the 60-day FRN published on September 23, 2013 (78 FR 58344) and closed on November 23, 2013. The NPS presented and addressed questions regarding the survey methodology at the August 28, 2014 AMWG meeting. The NPS also provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

American Public Power Association

Comment: The collection is not necessary for proper performance of NPS functions as required by 5 CFR 1320 and will not have practical utility. Concerned by methodologies used and requested further examination of all aspects of this ICR including survey methodologies.

NPS Response: In order to collect information from the public, we must be granted approval by the Office of Management and Budget to do such. In accordance with, and as required by the Paperwork Reduction Act of 1995, which is the purpose of 5 CFR 1320.1, we have submitted the proper paperwork to OMB to request approval for this information collection and were granted the approval to collect the information for the pilot study associated with this collection. We are again following the proper guidance provided by OMB to request approval to collect the requested information. The NPS presented and addressed questions regarding the survey methodology at the August 28, 2014 AMWG meeting and provided updates and addressed questions during the November 13, 2014 and December 16, 2014 AMWG stakeholder calls.

Each of the organizations above rejected the notion of the need for this collection. The NPS participated in a number of conference calls coordinated by these groups to answer the concerns voiced in these correspondences. The NPS stated the basis for this collection is predicated on the research needed to update the Welsh et. al. (1995) because this was the most recent study addressing this topic and therefore up-to-date information on economic value of the NPS resources along Colorado River is overdue and necessary for NPS management needs.

In addition to the pilot survey, we solicited feedback from three professionals with expertise in economic valuation, natural resource management and planning as well as survey design and methodology. The

reviewers were asked to provide comments concerning the structure of the revised survey instrument and to provide feedback about the validity of the questions and the clarity of instructions. We also asked if the estimated time to complete the survey seemed adequate. We received several editorial and grammatical suggestions to provide clarity and to correct punctuation. Those edits were incorporated into the final versions of the surveys.

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 us or OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: September 15, 2015.

Madonna L. Baucum,

*Information Collection Clearance Officer,
National Park Service.*

[FR Doc. 2015-23673 Filed 9-18-15; 8:45 am]

BILLING CODE 4310-EH-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-929]

Certain Beverage Brewing Capsules, Components Thereof, and Products Containing the Same; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (“ALJ”) has issued an Initial

Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The ALJ found no violation of section 337. Should the Commission, however, find a violation of section 337, the ALJ recommends that the Commission issue a limited exclusion order against DongGuan Hai Precision Mould Co., Ltd. and issue a limited exclusion order and a cease and desist order against Solofill LLC with respect to U.S. Patent No. 8,720,320. The Commission is soliciting comments on public interest issues raised by the recommended relief. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT:

Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-5468. The public version of the complaint can be accessed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>, 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 (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. 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: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease-and-desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file

submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge’s Initial Determination and Recommended Determination on Remedy and Bonding issued in this investigation on September 4, 2015. Comments should address whether issuance of limited exclusion orders and a cease and desist order 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 recommended limited exclusion orders and cease and desist order are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended limited exclusion orders and cease and desist order;
- (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 recommended limited exclusion orders and cease and desist order within a commercially reasonable time; and
- (v) explain how the recommended limited exclusion orders and cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 5, 2015.

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 investigation number (“Inv. No. 929”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). 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. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: September 15, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–23551 Filed 9–18–15; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Advisory Committee on Rules of Appellate Procedure, Judicial Conference of the United States.

ACTION: Notice of Open Meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation.

DATES: October 29–30, 2015.

TIME: 9:00 a.m. to 5:00 p.m.

ADDRESSES: University of Notre Dame Law Suite, 224 S. Michigan Avenue, Suite 250, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: September 15, 2015.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2015–23515 Filed 9–18–15; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 14–17]

Chung-Kuang Chen, M.D.; Dismissal of Proceeding

On June 20, 2014, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Chung-Kuang Chen, M.D. (Respondent), of Chicago, Illinois. The Show Cause Order proposed the denial of Respondent's application for a DEA Certificate of Registration as a practitioner, based, *inter alia*, on the ground that on June 10, 2013, the Illinois Department of Financial and Professional Regulation had indefinitely suspended Respondent's Illinois Controlled Substance license, and therefore, he is not entitled to hold a registration under the Controlled Substances Act. GX 1.

Respondent initially requested a hearing and the matter was placed on the docket of the Office of Administrative Law Judges. The Government moved for summary disposition, after which Respondent sought to withdraw his application. See 21 CFR 1301.16(a). Thereafter, the ALJ terminated the proceeding, and on September 10, 2014, the Government filed a Request for Final Agency Action with this Office. Therein, the Government noted that it was requesting the issuance of a Final Order in the event Respondent "is not allowed to withdraw his pending application" but that if his request to withdraw is granted, that "would end this matter." Request for Final Agency Action, at 1. The Government further represented that it had forwarded Respondent's withdrawal request to the Office of Diversion Control.

When, as of August 13, 2015, this Office had not been notified as to whether Respondent's withdrawal request had either been granted or denied, I ordered that Respondent's withdrawal request be ruled on no later than 10 days from the date of the Order. Order of the Administrator (Aug. 13, 2015). Thereafter, on September 4, 2015, the Government moved to dismiss the proceeding, explaining that on September 2, 2015, the Deputy Assistant Administrator granted Respondent's withdrawal request, based on Respondent's decision to retire from the practice of medicine. Gov. Mot. to Dismiss the Order to Show Cause, at 2–3.

Having considered the Government's motion, I grant the Government's

motion and will dismiss the Order to Show Cause.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 28 CFR 0.100(b), I order that the Order to Show Cause issued to Chung-Kuang Chen, M.D., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: September 15, 2015.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2015–23599 Filed 9–18–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Lister Harrell, et al.*, Civil Action No. 3:12-cv-00111–JRH–BKE, was lodged with the United States District Court for the Southern District of Georgia (Dublin Division) on September 14, 2015.

This proposed Consent Decree concerns a complaint filed by the United States against Lister Harrell, Saraland, L.L.L.P., Middle Georgia Road Builders, Inc., and Robert Sutton ("Defendants") pursuant to 33 U.S.C. § 1311(a), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas, perform mitigation, and pay a civil penalty.

The United States Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Martin McDermott, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Post Office Box 7611, Washington, DC 20044 and refer to *United States v. Lister Harrell, et al.*, DJ #90–5–1–1–18422.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Georgia (Augusta Division), United States Courthouse, 600 James Brown Boulevard, Augusta, GA 30901. In addition, the proposed Consent Decree may be examined electronically

at <http://www.justice.gov/enrd/consent-decrees>.

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2015-23546 Filed 9-18-15; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1123-0011]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Update With Changes, of a Previously Approved Collection Which Expires January 18, 2018: Department of Justice Equitable Sharing Agreement and Certification

AGENCY: Asset Forfeiture and Money Laundering Section, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Criminal Division, Asset Forfeiture and Money Laundering Section, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 80 FR 42546, on July 17, 2015, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until October 21, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer Bickford, Assistant Deputy Chief, Asset Forfeiture and Money Laundering Section, 1400 New York Avenue NW., Washington, DC 20005 (phone: 202-514-1263). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information

are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with changes, of the Department of Justice Equitable Sharing Agreement and Certification, a previously approved collection for which approval will expire on January 31, 2018.

2. *The Title of the Form/Collection:* Department of Justice Equitable Sharing Agreement and Certification.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is not an agency form number. The applicable component within the Department of Justice is the Asset Forfeiture and Money Laundering Section, in the Criminal Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

The Attorney General is required by statute to “assure that any property transferred to a State or local law enforcement agency . . . will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.” 21 U.S.C. 881(e)(3). The Asset Forfeiture and Money Laundering Section (AFMLS) ensures such cooperation by requiring that all such “equitably shared” funds be used only for law enforcement purposes and not be distributed to other governmental agencies by the recipient law enforcement agencies. By requiring that law enforcement agencies that participate in the Equitable Sharing Program (Program) file an Equitable

Sharing Agreement and Certification (ESAC), AFMLS can readily ensure compliance with its statutory obligations.

The ESAC requires information regarding the receipt and expenditure of Program funds from the participating agency. In addition, AFMLS will now require reporting in response to Executive Order 13688 “Federal Support for Local Law Enforcement Equipment Acquisition”, issued January 16, 2015, that identified controlled equipment. Executive Order 13688 requires the applicable federal agency to collect and report data on any purchases of controlled equipment, as defined in the Executive Order, by state, local, and tribal law enforcement agencies.

Accordingly, it seeks information that is exclusively in the hands of the participating agency.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 7,600 state and local law enforcement agencies electronically file the ESAC annually with AFMLS. It is estimated that it takes 30 minutes per year to enter the information. All of the approximately 7,600 agencies must fully complete the form each year to maintain compliance and continue participation in the Department of Justice Equitable Sharing Program.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 3,800 hours. It is estimated that respondents will take 30 minutes to complete the form. (7,600 participants × 30 minutes = 3,800 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: September 15, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015-23493 Filed 9-18-15; 8:45 am]

BILLING CODE 4410-14-P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received and permit issued

under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: ACApermits@nsf.gov

SUPPLEMENTARY INFORMATION: The Foundation issued a permit (ACA 2016–003) to Celia Lang, Lockheed Martin IS&GS on August 11, 2015. The issued permit allows the applicant to enter specifically named McMurdo area ASPAs to support NSF funded USAP science operations. Now the applicant proposes a modification to the permit to add ASPA 175 High Altitude Geothermal Sites of the Ross Sea Region to the list for possible entry. The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

DATES: August 11, 2015 to August 31, 2020.

The permit modification was issued on September 16, 2015.

Nadene G. Kennedy,
Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2015–23569 Filed 9–18–15; 8:45 am]
BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.
ACTION: Notice of Permit Modification Request Received and Permit Issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the

Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

DATES: September 16, 2015 to August 31, 2017.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: The Foundation issued a permit (ACA 2013–019) to Celia Lang, Lockheed Martin IS&GS on October 15, 2012. The issued permit allows the applicant to enter various ASPAs for environmental reasons.

A recent modification to this permit, dated November 11, 2014, permitted the applicant to enter Cape Hallett in November 2014.

Now the applicant proposes a modification to the permit to add the following ASPAs to the list for possible entry to: Barwick Valley (123), Lowe Taylor Glacier and Blood Falls (172), Cape Hallett (106), Cape Shirreff (149), Litchfield Island (113), and Biscoe Point (139). The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact. The permit modification was issued on September 16, 2015.

Nadene G. Kennedy,
Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2015–23570 Filed 9–18–15; 8:45 am]
BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of The ACRS Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on September 23, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 23, 2015—8:30 a.m. until 5:00 p.m.

The Subcommittee will review the Safety Evaluation Report (SER)

associated with the staff's review of the Davis-Besse Nuclear Power Station License Renewal Application. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, FirstEnergy Nuclear Operating Company, 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), Kent Howard (Telephone 301–415–2989 or Email: Kent.Howard@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: September 8, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015-23687 Filed 9-18-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (Acrs) Meeting of The Acrs Subcommittee on Radiation Protection and Nuclear Materials; Notice of Meeting

The ACRS Subcommittee on Radiation Protection and Nuclear Materials will hold a meeting on September 25, 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:

Friday, September 25, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review and discuss the status of the Revised Fuel Cycle Oversight Process (RFCOP) Cornerstones. The Subcommittee will hear presentations by and hold discussions with the NRC staff. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Girija Shukla (Telephone 301-415-6855 or Email: Girija.Shukla@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: September 9, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015-23671 Filed 9-18-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Radiation Protection and Nuclear Materials; Notice of Meeting

The ACRS Subcommittee on Radiation Protection and Nuclear Materials will hold a meeting on September 22, 2015, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, September 22, 2015—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review and discuss the SHINE construction permit application for a Mo99 medical radioisotopes production facility under 10 CFR part 50 (Chapters 11, 12 [Quality Assurance only], 6b, and 13b). The Subcommittee will hear presentations by and hold discussions with the NRC staff, and other interested persons regarding this matter. The Subcommittee will gather information,

analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone 301-415-6973 or Email: Maitri.Banerjee@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: September 9, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015-23685 Filed 9-18-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0001]

Sunshine Act Meeting Notice**DATE:** September 21, 28, October 5, 12, 19, 26, 2015.**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.**STATUS:** Public and Closed.**Week of September 21, 2015***Tuesday, September 22, 2015*

9:30 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 & 6)

Thursday, September 24, 2015

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting) (Contact: Donna Williams: 301-415-1322)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.**Week of September 28, 2015—Tentative***Monday, September 28, 2015*

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852

Thursday, October 1, 2015

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Spent Fuel Storage and Transportation Business Lines (Public Meeting) (Contact: Damaris Marcano: 301-415-7328)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.**Week of October 5, 2015—Tentative**

There are no meetings scheduled for the week of October 5, 2015.

Week of October 12, 2015—Tentative

There are no meetings scheduled for the week of October 12, 2015.

Week of October 19, 2015—Tentative*Monday, October 19, 2015*

9:30 a.m. Briefing on Security Issues (Closed—Ex. 1)

Wednesday, October 21, 2015

9:00 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Part 1) (Public Meeting) To be held at FERC Headquarters, 888 First Street NE., Washington, DC. (Contact: Tania Martinez-Navedo: 301-415-6561)

This meeting will be webcast live at the Web address—www.ferc.gov.

11:20 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Part 2) (Closed—Ex. 1 & 3) To be held at FERC Headquarters, 888 First Street NE., Washington, DC.

Week of October 26, 2015—Tentative

There are no meetings scheduled for the week of October 26, 2015.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301-415-0442 or via email at Glenn.Ellmers@nrc.gov.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0727, by videophone at 240-428-3217, or by email at Kimberly.Meyer-Chambers@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email Brenda.Akstulewicz@nrc.gov or Patricia.Jimenez@nrc.gov.

Dated: September 17, 2015.

Glenn Ellmers,*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2015-24042 Filed 9-17-15; 4:15 pm]

BILLING CODE 7590-01-P**NUCLEAR REGULATORY COMMISSION****Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Plant Operations and Fire Protection; Notice of Meeting**

The ACRS Subcommittee on Plant Operations and Fire Protection will hold a meeting on September 24, 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:

Thursday, September 24, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will review the Reactor Oversight Process Enhancements. The Subcommittee will hear presentations by and hold discussions with representatives of 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), Derek Widmayer (Telephone 301-415-5375 or Email: Derek.Widmayer@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained

from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: September 9, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015-23672 Filed 9-18-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (AcRS) Meeting of the ACRS Subcommittee on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on September 24, 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:

Thursday, September 24, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will discuss the NuScale Design-Specific Review Standard. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone 301-415-6973 or Email: Maitri.Banerjee@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation

should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014, (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: September 9, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015-23688 Filed 9-18-15; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on Tuesday, September 22, 2015 at 10:00 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to propose a new rule and amendments to certain rules and forms that would provide for liquidity risk management programs and related

disclosures for open-end management investment companies.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: The Office of the Secretary at (202) 551-5400.

Dated: September 15, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015-23970 Filed 9-17-15; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission Advisory Committee on Small and Emerging Companies will hold a public meeting on Wednesday, September 23, in Multi-Purpose Room LL-006 at the Commission's headquarters, 100 F Street NE., Washington, DC.

The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at www.sec.gov.

On September 2, 2015, the Commission published notice of the Committee meeting (Release No. 33-9899), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies under the federal securities laws.

For further information, please contact the Office of the Secretary at (202) 551-5400.

Dated: September 16, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015-23971 Filed 9-17-15; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-75923; File No. SR-CBOE-2015-075]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

September 15, 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 September 2, 2015, Chicago Board Options Exchange, Incorporated (“Exchange” or “CBOE”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange’s Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fees Schedule. Specifically, the

Exchange proposes to make changes to the Facility Fees section of the Fees Schedule and in particular, the Notes section associated with the Floor Broker Workstation (“FBW”) and Floor Broker Workstation 2 (“FBW2”) line-items. Pursuant to that section, the Exchange charges a Trading Permit Holder (“TPH”) a monthly fee of \$400.00 per login ID per month for the use of a FBW or FBW2.³ Pursuant to the Fees Schedule, the Exchange assesses these facility fees in arrears during the first week of the following month. For example, a TPH will be billed in February for use of an FBW or FBW2 in January. Monthly fees are assessed and applied in their entirety and are not prorated.⁴ Consequently, a TPH that cancels an FBW or FBW2 login ID on January 3 will still be charged the \$400.00 fee for all of January on the February bill.

The Exchange proposes to make changes to the Facility Fees section of the Fees Schedule in the Notes of the FBW and FBW2 line-items to add that FBW and FBW2 login IDs will be renewed automatically for the next month unless the TPH submits written notification to the Market Operations Department by 3:00 p.m. CT on the second-to-last business day of the prior month.⁵ This change would be effective immediately and apply to FBW and FBW2 cancellations beginning September 1, 2015.⁶

³ FBW and FBW2 are order management tools used by Floor Brokers to handle orders on the floor of the Exchange. FBW is a third-party facility of the Exchange. As provided in the Notes section of the FBW2 line-item, for every FBW login a TPH has, the FBW2 fee will be waived on a one-to-one basis for the months of July 2015 through September 2015.

⁴ See Fees Schedule, footnote 28.

⁵ The proposed new language would read FBW and FBW2 “login IDs will be renewed automatically for the next month unless the TPH submits written notification to the Market Operations Department by 3:00 p.m. CT on the second-to-last business day of the prior month to cancel the FBW or FBW2 login ID at or prior to the end of the applicable month.”

⁶ Effective September 1, 2015, FBW and FBW2 login IDs will be renewed automatically for the next month unless the Trading Permit Holder (TPH) submits written notification to the Market Operations Department by 3:00 p.m. (CT) on the second-to-last business day of the prior month. Requests for cancellation of logins for the FBW and FBW2 must be specified on the Exchange’s new FBW Login Cancellation Form, which is being adopted concurrently with this filing and can be found at <https://www.cboe.org/members/generalinfo/memberforms.aspx> and emailed to fbwcancel@cboe.com by 3:00 p.m. (CT) two business days prior to the intended inactivation date. Please note that in addition to specifying whether the cancellation will apply to an FBW (legacy) login or FBW2, FBW and FBW2 users will be asked to specify whether the risk limits associated with the particular FBW or FBW2 login should be suspended as well. A copy of the new Floor Broker Workstation (FBW) Login Cancellation Form is attached as Exhibit 3 to this filing.

Currently, the Fees Schedule makes clear that monthly fees are assessed and applied in their entirety and not prorated, but gives no time or day by which such cancellation must be received by the Exchange. Accordingly, so long as a work request is received before the end of the last second of the day before the end of the month, a TPH may cancel an FBW or FBW2 login ID for that month.⁷ As a third-party facility of the Exchange, however, cancellation requests received at the eleventh hour of the last day of the month cannot always be processed easily in time. Without ample time to decommission these logins, the Exchange is more susceptible to configuration and unauthorized access issues. The Exchange proposes this change to ensure that there is ample time for the Exchange to process such requests prior to the end of the month and ensure that cancellations are completed before the end of the month for which the TPH will be billed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to require that FBW and FBW2 login IDs will be renewed automatically for the next month unless the TPH submits written notification to the Market Operations Department by 3:00 p.m. CT on the second-to-last business day of the prior month to

⁷ FBW is being decommissioned on October 31, 2015.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

cancel the FBW or FBW2 login ID effective at or prior to the end of the applicable month is equitable and not unfairly discriminatory as it applies to all TPHs that have an FBW or FBW2 login ID and wish to cancel an FBW or FBW2 login ID effective prior to the end of a month. The Exchange believes the proposed rule change protects investors and the public interest by helping the Exchange to more easily ensure that configuration and unauthorized access issues are averted. The Exchange believes that the proposed rule change is fair and reasonable because it only requires that TPHs have the forethought to know how many login IDs they will need for the next month two business days prior to the end of each month and inform the Exchange at that time.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply to all FBW and FBW2 users. Moreover, the Exchange does not believe that the \$400.00 monthly charge that would apply to FBW and FBW [sic] users that do not submit written notification to the Market Operations Department by 3:00 p.m. CT on the second-to-last business day of the prior month to cancel the FBW or FBW2 login ID effective at or prior to the end of the applicable month is of a nature that is large enough to discourage the use of FBW or FBW2 or which would impose a burden on competition. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these changes apply to billing and fees that affect CBOE only, not other exchanges. Further, to the extent that the proposed changes ensure that configuration issues do not occur or affect Floor Brokers on the Exchange, such market participants may be more likely to operate on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2015-075 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-CBOE-2015-075. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2015-075 and should be submitted on or before October 13, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Brent J. Fields,
Secretary.

[FR Doc. 2015-23527 Filed 9-18-15; 8:45 am]
BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 20, 2015.

ADDRESSES: Send all comments to Daniel Upham, Chief, Microenterprise Development Division, Office of Capital Access, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Daniel Upham, Chief, Microenterprise Development Division, 202-205-7001,

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

Daniel.upham@sba.gov, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: The Microenterprise Development Division holds a national training conference every two years for intermediary lenders participating in the Microloan Program to ensure that intermediaries have the knowledge, skills and understanding of microlending practice necessary to operate successful microloan programs. At the conclusion of the training conference, SBA desires feedback in the form of a survey to allow future improvements to training materials and presentation techniques.

(a) Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

(b) Summary of Information Collection

Title: SBA Microenterprise Development Division Post-Conference Survey Questions.

Description of Respondents: SBA Microloan Program Intermediary Lenders.

SBA Form Number: Not Yet Assigned.

Total Estimated Annual Responses: 150.

Total Estimated Annual Hour Burden: 25.

Curtis B. Rich, Sr.,
Management Analyst.

[FR Doc. 2015–23602 Filed 9–18–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9277]

Culturally Significant Objects Imported for Exhibition Determinations: “Jackson Pollock: Blind Spots” Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as

appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition “Jackson Pollock: Blind Spots,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Dallas Museum of Art, Dallas, Texas, from on or about November 20, 2015, until on or about March 20, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/DP, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: September 15, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–23637 Filed 9–18–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9278]

Culturally Significant Objects Imported for Exhibition Determinations: “Poetry in Beauty: The Pre-Raphaelite Art of Marie Spartali Stillman” Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition “Poetry in Beauty: The Pre-Raphaelite Art of Marie Spartali Stillman,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the

foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Delaware Art Museum, Wilmington, Delaware, from on or about November 7, 2015, until on or about January 31, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/DP, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: September 15, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–23635 Filed 9–18–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on IH 30 from Cooper Street to SH 161, Including the IH 30/SH 360 Interchange, in Texas

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project making improvements to Interstate Highway (IH) 30 from Cooper Street to State Highway (SH) 161, in Tarrant County and Dallas County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before February 19, 2016. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for

filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, Director, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: 512-416-2734; email: carlos.swonke@txdot.gov. TxDOT's normal business hours are 8:00 a.m.-5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: IH 30 from Cooper Street to SH 161, including the IH 30/SH 360 interchange, in Tarrant County and Dallas County, Texas. The project will construct a fully directional, multi-level IH 30/SH 360 interchange providing direct-connecting ramps for all freeway-to-freeway traffic movements. The proposed interchange will require reconstructing the SH 360 main lanes from north of Avenue J to Road to Six Flags Street; widening the existing main lanes from Brown Boulevard/Avenue K to north of Avenue J; and reconstructing the one-way, continuous frontage roads along SH 360 within the project limits (approximately 1.6 miles). The proposed improvements to IH 30 will provide up to ten general-purpose lanes and auxiliary lanes from Cooper Street to SH 161 (approximately 5.0 miles). Two reversible managed lanes will be provided from Center Street to SH 161, tying into the existing two-lane reversible managed lane system in Dallas County. Selected main lane widening, ramp improvements, and restriping will be utilized to create the proposed number of lanes and reversible managed lanes. The limits and general configuration of the existing IH 30 frontage roads will not be altered, except that one-way collector-distributor roadways between Ballpark Way and Six Flags Drive will be constructed to facilitate access between the IH 30 ramps and the local street network. The proposed project design includes improvements for bicycle and pedestrian facilities, where practicable. The purpose of the proposed project is to help address current and projected travel demands, safety, and existing facility design and operational deficiencies in a manner compatible with local, county and regional plans.

The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the final Environmental Assessment (EA) for the project, for which a Finding of No Significant

Impact (FONSI) was issued on August 25, 2015, and in other documents in the TxDOT administrative record. The EA, FONSI, and other documents in the administrative record file are available by contacting TxDOT at the address provided above. The EA and FONSI may also be viewed and downloaded from the project Web site at <http://txdot.gov/inside-txdot/projects/studies/fort-worth/i-30.html>. Information about the project also is available from TxDOT at the address provided above.

This notice applies to all TxDOT decisions and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401-7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251-1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401-406]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].
8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income

Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Authority: 23 U.S.C. 139(l)(1).

Issued on: September 3, 2015.

Michael T. Leary,
*Director, Planning and Program Development,
Federal Highway Administration.*

[FR Doc. 2015-22877 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0107]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 10 individuals for exemptions from the Agency's physical qualifications standard concerning hearing for interstate drivers. The current regulation prohibits hearing impaired individuals from operating CMVs in interstate commerce. After notice and opportunity for public comment, the Agency concluded that granting exemptions for these drivers to operate property-carrying CMVs will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. The exemptions are valid for a 2-year period and may be renewed, and the exemptions preempt State laws and regulations.

DATES: The exemptions are effective September 21, 2015. The exemptions expire on September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202)

366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: www.regulations.gov.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA grants 10 individuals an exemption from § 391.41(b)(11) concerning hearing to enable them to operate property-carrying CMVs in interstate commerce for a 2-year period. The Agency’s decision on these

exemption applications is based on the current medical literature and information and the “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety” (the 2008 Evidence Report) presented to FMCSA on August 26, 2008. The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant’s driving record found in the CDLIS,¹ for CDL holders, and inspections recorded in MCMIS.² For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. Each applicant’s record demonstrated a safe driving history. The Agency believes the drivers covered by the exemptions do not pose a risk to public safety.

C. Comments

On February 4, 2015, FMCSA published a notice of receipt of exemption applications and requested public comment on 10 individuals (FR 80 6161; Docket number FMCSA-2015-02134). The comment period ended on March 6, 2015. In response to this notice, two comments were received; one in support of drivers wearing hearing aids while driving and one expressing safety concerns for the far reaching ramifications to the commercial driving industry of allowing deaf drivers to test, train and/or drive commercially. The Transportation Companies expressed concern for process by which exemptions are granted from parts of 49 CFR 391.41, the increased volume of exemptions, and the need to rely on scientific support as a basis for granting the exemptions. FMCSA acknowledges these concerns and may consider in the future, the initial steps to a formal rulemaking process to revise unnecessary physical qualification standards.

¹ *Commercial Driver License Information System* (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of 51 licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

² *Motor Carrier Management Information System* (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

D. Exemptions Granted

Following individualized assessments of the exemption applications, FMCSA grants exemptions from 49 CFR 391.41(b)(11) to 10 individuals. Under current FMCSA regulations, all of the 10 drivers receiving exemptions from 49 CFR 391.41(b)(11) would have been considered physically qualified to drive a CMV in interstate commerce except that they do not meet the hearing requirement. FMCSA has determined that the following 10 applicants should be granted an exemption:

Thomas J. Bertling

Mr. Bertling, 58, holds Class A commercial driver’s license (CDL) in Oregon.

Molly R. Bergstrom

Ms. Bergstrom, 37, holds an operator’s license in Iowa.

John Luegene Huey, Jr.

Mr. Huey, 50, holds a Class A commercial driver’s license (CDL) in Texas.

Jesus L. Javier

Mr. Javier, 24, holds an operator’s license in New Jersey.

Paul Robert Langlois

Mr. Langlois, 36, holds an operator’s license in Ohio.

Samuel E. Lovley

Mr. Lovley, 32, holds an operator’s license in Pennsylvania.

Scott M. Putman

Mr. Putman, 35, holds a Class A commercial driver’s license (CDL) in Pennsylvania.

Laird Lamont Smith

Mr. Smith, 59, holds a Class A commercial driver’s license (CDL) in Utah.

Kirk A. Soneson

Mr. Soneson, 48, holds an operator’s license in Ohio.

Christopher King Warner

Mr. Warner, 50, holds a Class A commercial driver’s license (CDL) in New York.

Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. With the exemption, applicants can drive in

interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce. The driver must comply with the terms and conditions of the exemption. This includes reporting any crashes or accidents as defined in 49 CFR 390.5 and reporting all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391.

Conclusion

The Agency is granting exemptions from the hearing standard, 49 CFR 391.41(b)(11), to 10 individuals based on an evaluation of each driver's safety experience. Safety analysis of information relating to these 10 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. In accordance with 49 U.S.C. 31315, each exemption will be valid for 2 years from the effective date with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 10 drivers for a period of 2 years from the physical qualification standard concerning hearing: Thomas J. Bertling (OR); Molly R. Bergstrom (IA); John Luegene Huey, Jr. (TX); Jesus L. Javier (NJ); Paul Robert Langlois (OH); Samuel E. Lovley (PA); Scott M. Putman (PA); Laird Lamont Smith (UT); Kirk A. Soneson (OH); and Christopher King Warner (NY).

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23591 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0255]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Transportation of Household Goods; Consumer Protection

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for information.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. The FMCSA requests approval to extend an ICR titled, "Transportation of Household Goods; Consumer Protection." The information collected will be used to help regulate motor carriers transporting household goods (HHG) for individual shippers. FMCSA invites public comment on the ICR.

DATES: We must receive your comments on or before *November 20, 2015*.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2015-0255 using any of the following methods:

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

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

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 for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-794.pdf>.

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Rodgers, Chief, Commercial Enforcement Division, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-366-0073; email Kenneth.rodgers@dot.gov. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Background

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106-159, 113 Stat. 1748, Dec. 9, 1999) authorized the Secretary of Transportation (Secretary) to regulate household goods carriers engaged in interstate operations for individual shippers. In earlier legislation, Congress abolished the former Interstate Commerce Commission and transferred the Commission's jurisdiction over household goods transportation to the U.S. Department of Transportation (DOT) (ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, Dec. 29 1995). Prior to FMCSA's establishment, the Secretary delegated this household goods jurisdiction to the Federal Highway Administration, FMCSA's predecessor organization within DOT.

The FMCSA has authority to regulate the overall commercial operations of the household goods industry under 49 U.S.C. 14104, "Household goods carrier operations." This ICR includes the information collection requirements contained in title 49 CFR part 375, "Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations." The information collected encompasses that which is generated, maintained, retained, disclosed, and provided to, or for, the agency under 49 CFR part 375.

Sections 4202 through 4216 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59, 119 Stat. 1144, Aug. 10, 2005) (SAFETEA-LU) amended various provisions of existing law regarding household goods transportation. It specifically addressed: Definitions (section 4202); payment of rates (section 4203); registration requirements for household goods motor carriers (section 4204); carrier operations (section 4205); enforcement of regulations (section 4206); liability of carriers under receipts and bills of lading (section 4207); arbitration requirements (section 4208); civil penalties for brokers and unauthorized transportation (section 4209); penalties for holding goods hostage (section 4210); consumer handbook (section 4211); release of broker information (section 4212); working group for Federal-State relations (section 4213); consumer complaint information (section 4214); review of liability of carriers (section 4215); and application of State laws (section 4216). The FMCSA regulations that set forth Federal requirements for movers that provide interstate transportation of household goods are found in 49 CFR part 375, "Transportation of Household Goods; Consumer Protection Regulation."

On July 16, 2012, FMCSA published a Direct Final Rule (DFR) titled, "Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Household Goods Motor Carrier Record Retention Requirements," (77 FR 41699). The rule amended the regulations governing the period during which HHG motor carriers must retain documentation of an individual shipper's waiver of receipt of printed copies of consumer protection materials. This change harmonized the retention period with other document retention requirements applicable to HHG motor carriers. FMCSA also amended the regulations to clarify that a HHG motor carrier is not required to retain waiver documentation from any individual shippers for whom

the carrier does not actually provide services.

Title: Transportation of Household Goods; Consumer Protection.

OMB Control Number: 2126-0025.

Type of Request: Extension of a currently-approved information collection.

Respondents: Household goods movers and consumers.

Estimated Number of Respondents: 8,565 respondents [6,065 household goods movers + 2,500 consumers = 8,565].

Estimated Time per Response: Varies from 5 minutes to display assigned U.S. DOT number in created advertisement to 12.5 minutes to distribute consumer publication, and 10 minutes to complete Form MSCA-2P, "Household Goods/Commercial Complaint Form.

Expiration Date: April 30, 2016.

Frequency of Response: Other (Once).

Estimated Total Annual Burden: 5,524,800 hours [Informational documents provided to prospective shippers at 43,800 hours + Written Cost estimates for prospective shippers at 4,620,000 hours + Service orders, bills of lading at 805,300 hours + In-transit service notifications at 22,600 hours + Complaint and inquiry records including establishing records system at 32,700 hours + Household Goods – Consumer Complaint Form MCSA-2P at 400 hours = 5,524,800].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the information collected. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87 on: September 11, 2015.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2015-23589 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0103]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 10 individuals for exemptions from the Agency's physical qualifications standard concerning hearing for interstate drivers. The current regulation prohibits hearing impaired individuals from operating CMVs in interstate commerce. After notice and opportunity for public comment, the Agency concluded that granting exemptions for these drivers to operate property-carrying CMVs will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. The exemptions are valid for a 2-year period and may be renewed, and the exemptions preempt State laws and regulations.

DATES: The exemptions are effective *September 21, 2015*. The exemptions expire on *September 21, 2017*.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: www.regulations.gov.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as

described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period. The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA grants 10 individuals an exemption from § 391.41(b)(11) concerning hearing to enable them to operate property-carrying CMVs in interstate commerce for a 2-year period. The Agency’s decision on these exemption applications is based on the current medical literature and information and the “Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety” (the 2008 Evidence Report) presented to FMCSA on August 26, 2008. The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant’s driving record found in the CDLIS,¹ for CDL holders, and inspections recorded in

MCMIS.² For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. Each applicant’s record demonstrated a safe driving history. The Agency believes the drivers covered by the exemptions do not pose a risk to public safety.

C. Comments

On July 17, 2014, FMCSA published a notice of receipt of exemption applications and requested public comment on 10 individuals (FR 79 41720; Docket number FMCSA-2014-16800). The comment period ended on August 18, 2014. There were no comments in response to this notice.

D. Exemptions Granted

Following individualized assessments of the exemption applications, FMCSA grants exemptions from 49 CFR 391.41(b)(11) to 10 individuals. Under current FMCSA regulations, all of the 10 drivers receiving exemptions from 49 CFR 391.41(b)(11) would have been considered physically qualified to drive a CMV in interstate commerce except that they do not meet the hearing requirement. FMCSA has determined that the following 10 applicants should be granted an exemption:

Kevin S. Beacham

Mr. Beacham, 42, holds an operator’s license in Maryland.

Tyler R. Carter

Mr. Carter, 23, holds an operator’s license in Louisiana.

Stephen K. Gensmer

Mr. Gensmer, 29, holds an operator’s license in Minnesota.

Nathaniel W. Godfrey

Mr. Godfrey, 41, holds an operator’s license in Kentucky.

Jared Y. Katakurd

Mr. Katakurd, 40, holds an operator’s license in Hawaii.

Ervin E. Mitchell

Mr. Mitchell, 36, holds a Class A commercial driver’s license (CDL) in Alabama.

Robert L. Parrish, Jr.

Mr. Parrish, 50, holds an operator’s license in California.

Matthew B. Skelton

Mr. Skelton, 36, holds a Class A commercial driver’s license (CDL) in Texas.

Charles A. Whitworth

Mr. Whitworth, 45, holds a Class A commercial driver’s license (CDL) in Louisiana.

Jesse W. Shelander

Mr. Shelander, 38, holds a Class A commercial driver’s license (CDL) in Texas.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. With the exemption, applicants can drive in interstate commerce. Thus, the Agency’s analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce. The driver must comply with the terms and conditions of the exemption. This includes reporting any crashes or accidents as defined in 49 CFR 390.5 and reporting all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391.

Conclusion

The Agency is granting exemptions from the hearing standard, 49 CFR 391.41(b)(11), to 10 individuals based on an evaluation of each driver’s safety experience. Safety analysis of information relating to these 10 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. In accordance with 49 U.S.C. 31315, each exemption will be valid for 2 years from the effective date with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 10 drivers for a period of 2 years from the physical qualification standard

¹ Commercial Driver License Information System (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of 51 licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

² Motor Carrier Management Information System (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

concerning hearing: Kevin S. Beacham (MD); Tyler R. Carter (LA); Stephen K. Gensmer (MN); Nathaniel W. Godfrey (KY); Jared Y. Katakurd (HI); Ervin E. Mitchell (AL); Robert L. Parrish, Jr. (CA); Matthew B. Skelton (TX); Charles A. Whitworth (LA); and Jesse W. Shelander (TX)

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23594 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0381]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 9 individuals for exemptions from the regulatory requirement that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The regulation and the associated advisory criteria published in the Code of Federal Regulations as the “Instructions for Performing and Recording Physical Examinations” have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. The Agency concluded that granting exemptions for these CMV drivers will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. FMCSA grants exemptions that will allow these 9 individuals to operate CMVs in interstate commerce for a 2-year period. The exemptions preempt State laws and regulations and may be renewed.

DATES: The exemptions are effective September 21, 2015. The exemptions expire on September 21, 2017.

FOR FURTHER INFORMATION CONTACT:

Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202)

366-4001, or via email at fmcsamedical@dot.gov, or by letter to FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period.

FMCSA grants 9 individuals an exemption from the regulatory requirement in § 391.41(b)(8), to allow these individuals who take anti-seizure medication to operate CMVs in interstate commerce for a 2-year period. The Agency’s decision on these exemption applications is based on an individualized assessment of each applicant’s medical information, including the root cause of the respective seizure(s), the length of time elapsed since the individual’s last seizure, and each individual’s treatment regimen. In addition, the Agency reviewed each applicant’s driving record found in the Commercial Driver’s License Information System (CDLIS) ¹

¹ Commercial Driver License Information System (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes

for commercial driver’s license (CDL) holders, and interstate and intrastate inspections recorded in Motor Carrier Management Information System (MCMIS).² For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers covered by the exemptions granted here have demonstrated that they are unlikely to have a seizure and their medical conditions do not pose a risk to public safety.

In reaching the decision to grant these exemption requests, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency’s Medical Expert Panel (MEP). The Agency gathered evidence for potential changes to the regulation previously at 49 CFR 391.41(b)(8) by conducting a comprehensive review of scientific literature that was compiled into the “*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*” (*Evidence Report*) [CD-ROM HD TL230.3 .E95 2007]. The Agency then convened a panel of medical experts in the field of neurology (the MEP) on May 14-15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure and the 2007 *Evidence Report*. The *Evidence Report* and the MEP recommendations are published on-line at <http://www.fmcsa.dot.gov/regulations/medical/reports-how-medical-conditions-impact-driving>, under Seizure Disorders, and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.³ The MEP recommendations are included in previously published dockets.

Epilepsy diagnosis. If there is an *epilepsy diagnosis*, the applicant should

the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

² Motor Carrier Management Information System (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

³ Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., “Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,” FMCSA, October 15, 2007.

be seizure-free for 8 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a single unprovoked seizure (i.e., there is no known trigger for the seizure), the individual should be seizure-free for 4 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a single provoked seizure (i.e., there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

- *Examples of low-risk factors for recurrence* include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; and by alcohol or illicit drug withdrawal.

- *Examples of moderate-to-high-risk factors for recurrence* include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke. The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board

Recommendations and Agency Decision

FMCSA presented the MEP's findings and the *Evidence Report* to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 "Seizure Disorders and Commercial Driver Safety" evidence report and the 2007 MEP recommendations. The MRB

recommended maintaining the current advisory criteria, which provide that "drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more" [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 "Conference on Neurological Disorders and Commercial Drivers" (NITS Accession No. PB89-158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis.

C. Exemptions

Following individualized assessments of the exemption applications, including a review of detailed follow-up information requested from each applicant, FMCSA is granting exemptions from 49 CFR 391.41(b)(8) to 9 individuals. Under current FMCSA regulations, all of the 9 drivers receiving exemptions from 49 CFR 391.41(b)(8) would have been considered qualified physically to drive a CMV in interstate commerce except that they presently take or have recently stopped taking anti-seizure medication. For these 9 drivers, the primary obstacle to medical qualification was the FMCSA Advisory Criteria for Medical Examiners, based on the 1988 "Conference on Neurological Disorders and Commercial Drivers," stating that a driver should be off anti-seizure medication in order to drive in interstate commerce. In fact, the Advisory Criteria have little if anything to do with the actual risk of a seizure and more to do with assumptions about individuals who are taking anti-seizure medication.

In addition to evaluating the medical status of each applicant, FMCSA evaluated the crash and violation data for the 9 drivers, some of whom currently drive a CMV in intrastate commerce. The CDLIS and MCMIS were searched for crash and violation data on the 9 applicants. For non-CDL holders, the Agency reviewed the driving records from the State licensing agency.

These exemptions are contingent on the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FMCSA's regulations for the physical qualifications for CMV drivers.

FMCSA published a notice of receipt of application and requested public comment during a 30-day public comment period in a **Federal Register** notice for each of the applicants. A short summary of the applicants' qualifications and a discussion of the comments received follows this section. For applicants who were denied an exemption, a notice was published previously.

Docket #FMCSA-2014-0381

On February 4, 2015, FMCSA published a notice of receipt of exemption applications and requested public comment on 12 individuals (80 FR 6166; Docket number FMCSA-2015-02135). The comment period ended on March 6, 2015. Four commenters responded to this notice. Of the 12 applicants, three were denied. The Agency has determined that the following nine applicants should be granted an exemption:

Robert Elmer Atkins

Mr. Atkins is a 54 year-old driver in Oregon. He has a history of epilepsy and has remained seizure free since 1980. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Atkins receiving an exemption.

Ronald Boogay

Mr. Boogay is a 57 year-old class C CDL holder in New Jersey. He has a history of a seizure disorder and has remained seizure free since 1989. He takes anti-seizure medication with the dosage and frequency remaining the

same since 2004. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Boogay receiving an exemption.

Ronald Francis Bohr

Mr. Bohr is a 59 year-old class A CDL holder in Iowa. He has a history of a seizure disorder and has remained seizure free since 1996. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Bohr receiving an exemption.

Earl Bernard Bomgaars

Mr. Bomgaars is a 66 year-old class A CDL holder in Iowa. He has a history of epilepsy and has remained seizure free since 1963. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Bomgaars receiving an exemption.

Teddy Hugh Dixon

Mr. Dixon is a 54 year-old class A CDL holder in Georgia. He has a history of a seizure disorder and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Dixon receiving an exemption.

John Griffith

Mr. Griffith is a 43 year-old class A CDL holder in North Dakota. He has a history of a seizure disorder and has remained seizure free since 1980. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Griffith receiving an exemption.

William Rainer, III

Mr. Rainer is a 41 year-old driver in Texas. He has a history of epilepsy and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Rainer receiving an exemption.

Michael R. Weymouth

Mr. Weymouth is a 48 year-old class A CDL holder in New Hampshire. He has a history of a seizure disorder and has remained seizure free since 1986. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. If granted an exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Weymouth receiving an exemption.

Everet Thomas Wright

Mr. Wright is a 67 year-old driver in Kentucky. He has a history of a seizure disorder and has remained seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. If granted an exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Wright receiving an exemption.

D. Comments

In response to this notice, FMCSA received 4 comments. All commenters were in support of commercial driving for individuals with a history of seizure, who have been seizure free for over four or five years.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting the driver to driving in intrastate commerce.

Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 9 individuals based on a thorough evaluation of each driver's safety experience and medical condition. Safety analysis of information relating to these 9 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 9 highly trained and experienced drivers.

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 9 drivers for a period of 2 years with annual medical certification required: Robert Elmer Atkins (OR); Ronald Boogay (NJ); Ronald Francis Bohr (IA); Earl Bernard Bomgaars (IA); Teddy Hugh Dixon (GA); John Griffith (ND); William Rainer, III (TX); Michael R. Weymouth (NH); and Everet Thomas Wright (KY) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23595 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0118]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 8 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) in interstate commerce. The regulation and the associated advisory criteria published in the Code of Federal Regulations as the "Instructions for Performing and Recording Physical Examinations" have resulted in numerous drivers being prohibited from

operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for up to 2 years in interstate commerce.

DATES: Comments must be received on or before October 21, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2015–0118 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov, at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, or via email at fmcamedical@dot.gov, or by letter to FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for up to a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statutes allow the Agency to renew exemptions at the end of the 2-year period. The 8 individuals listed in this notice have requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person’s condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute

metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number “FMCSA–2015–0118” and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number “FMCSA–2015–0118” and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to the proposed rulemaking.

Summary of Applications

Joshua Alan Abel

Mr. Abel is a 53 year-old driver in Maryland. He has a history of a seizure disorder and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Abel receiving an exemption.

Ricky B. Alegre

Mr. Alegre is a 29 year-old class B CDL holder in New Jersey. He has a history of a single provoked seizure in 2014. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Alegre receiving an exemption.

James E. Blosser, Jr.

Mr. Blosser is a 50 year-old driver in Virginia. He has a history of a seizure disorder and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Blosser receiving an exemption.

Jeremy H. Fryburg

Mr. Fryburg is a 30 year-old driver in Pennsylvania. He has a history of epilepsy and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Fryburg receiving an exemption.

Michael Todd Hill

Mr. Hill is a 50 year-old driver in Texas. He has a history of a seizure disorder and has remained seizure free since 2013. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Hill receiving an exemption.

Billy Ray Hunter

Mr. Hunter is a 29 year-old class A CDL holder in Kentucky. He has a history of a seizure disorder and has remained seizure free since 2012. He takes anti-seizure medication with the dosage and frequency remaining the

same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Hunter receiving an exemption.

Jonathan Robert Jones

Mr. Jones is a 42 year-old driver in Wisconsin. He has a history of epilepsy and has remained seizure free since 2005. He takes anti-seizure medication with the dosage and frequency remaining the same since 2009. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Jones receiving an exemption.

Anthony Edward Martens

Mr. Martens is a 44 year-old class B CDL holder in South Dakota. He has a history of epilepsy and has remained seizure free since 1990. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Martens receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: September 6, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23590 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0380]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 6 individuals for exemptions from the regulatory requirement that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any

loss of ability to control a CMV.” The regulation and the associated advisory criteria published in the Code of Federal Regulations as the “Instructions for Performing and Recording Physical Examinations” have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. The Agency concluded that granting exemptions for these CMV drivers will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. FMCSA grants exemptions that will allow these 6 individuals to operate CMVs in interstate commerce for a 2-year period. The exemptions preempt State laws and regulations and may be renewed.

DATES: The exemptions are effective September 21, 2015. The exemptions expire on September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366-4001, or via email at fmcamedical@dot.gov, or by letter to FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the safety regulations

for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the 2-year period.

FMCSA grants 6 individuals an exemption from the regulatory requirement in § 391.41(b)(8), to allow these individuals who take anti-seizure medication to operate CMVs in interstate commerce for a 2-year period. The Agency’s decision on these exemption applications is based on an individualized assessment of each applicant’s medical information, including the root cause of the respective seizure(s), the length of time elapsed since the individual’s last seizure, and each individual’s treatment regimen. In addition, the Agency reviewed each applicant’s driving record found in the Commercial Driver’s License Information System (CDLIS)¹ for commercial driver’s license (CDL) holders, and interstate and intrastate inspections recorded in Motor Carrier Management Information System (MCMIS).² For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers covered by the exemptions granted here have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

In reaching the decision to grant these exemption requests, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency’s Medical Expert Panel (MEP). The Agency previously gathered evidence for potential changes to the regulation at 49 CFR 391.41(b)(8) by conducting a comprehensive review of scientific literature that was compiled into the “*Evidence Report on Seizure Disorders and Commercial Vehicle Driving*” (*Evidence Report*) [CD-ROM HD TL230.3 .E95 2007]. The Agency then

convened a panel of medical experts in the field of neurology (the MEP) on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure, and the 2007 *Evidence Report*. The *Evidence Report* and the MEP recommendations are published on-line at <http://www.fmcsa.dot.gov/regulations/medical/reports-how-medical-conditions-impact-driving>, under Seizure Disorders, and are in the docket for this notice.

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.³ The MEP recommendations are included in previously published dockets.

Epilepsy diagnosis. If there is an *epilepsy diagnosis*, the applicant should be seizure-free for *8 years, on or off medication*. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for *2 years*. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a *single unprovoked seizure (i.e., there is no known trigger for the seizure)*, the individual should be seizure-free for *4 years, on or off medication*. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for *2 years*. Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a *single provoked seizure (i.e., there is a known reason for the seizure)*, the Agency should consider specific criteria that fall into the following two categories: Low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

• **Examples of low-risk factors for recurrence** include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to

recur; and by alcohol or illicit drug withdrawal.

• **Examples of moderate-to-high-risk factors for recurrence** include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes, or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP’s findings and the *Evidence Report* to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 “Seizure Disorders and Commercial Driver Safety” evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that “drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more” [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB’s position on the issue but believes relevant current medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 “Conference on Neurological Disorders and Commercial Drivers” (NITS Accession No. PB89–158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB’s recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver’s actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an

¹ *Commercial Driver License Information System (CDLIS)* is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

² *Motor Carrier Management Information System (MCMIS)* is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

³ Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., “Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,” FMCSA, October 15, 2007.

exemption from the seizure regulation on an individual, case-by-case basis.

C. Exemptions

Following individualized assessments of the exemption applications, including a review of detailed follow-up information requested from each applicant, FMCSA is granting exemptions from 49 CFR 391.41(b)(8) to 6 individuals. Under current FMCSA regulations, all of the 6 drivers receiving exemptions from 49 CFR 391.41(b)(8) would have been considered physically qualified to drive a CMV in interstate commerce except that they presently take or have recently stopped taking anti-seizure medication. For these 6 drivers, the primary obstacle to medical qualification was the FMCSA Advisory Criteria for Medical Examiners, based on the 1988 "Conference on Neurological Disorders and Commercial Drivers," stating that a driver should be off anti-seizure medication in order to drive in interstate commerce. In fact, the Advisory Criteria have little if anything to do with the actual risk of a seizure and more to do with assumptions about individuals who are taking anti-seizure medication.

In addition to evaluating the medical status of each applicant, FMCSA evaluated the crash and violation data for the 6 drivers, some of whom currently drive a CMV in intrastate commerce. The CDLIS and MCMIS were searched for crash and violation data on the 6 applicants. For non-CDL holders, the Agency reviewed the driving records from the State licensing agency.

These exemptions are contingent on the driver maintaining a stable treatment regimen and remaining seizure-free during the 2-year exemption period. The exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free. The driver must undergo an annual medical examination by a medical examiner, as defined by 49 CFR 390.5, following the FMCSA's regulations for the physical qualifications for CMV drivers.

FMCSA published a notice of receipt of application and requested public comment during a 30-day public comment period in a **Federal Register** notice for each of the applicants. A short summary of the applicants' qualifications and a discussion of the comments received follows this section. For applicants who were denied an exemption, a notice was previously published.

Docket #FMCSA-2014-0380

On January 22, 2015, FMCSA published a notice of receipt of exemption applications and requested public comment on 15 individuals (80 FR 3309; Docket number FMCSA-2015-01012). The comment period ended on February 23, 2015. Of the 15 applicants, nine were denied. Five commenters responded to this notice. A discussion of the comments is presented later in this document. The Agency has determined that the following six applicants should be granted an exemption.

Dennis Lee Brown

Mr. Brown is a 69 year-old class C CDL holder in Arizona. He has a history of epilepsy and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Brown receiving an exemption.

Grover M. Curtis

Mr. Curtis is a 52 year-old class A CDL holder in Oregon. He has a history of a seizure disorder and has remained seizure free since 2004. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Curtis receiving an exemption.

Harold James Durkee

Mr. Durkee is a 64 year-old driver in Wisconsin. He has a history of a seizure disorder and has remained seizure free since 1977. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Durkee receiving an exemption.

Timothy W. Eyerly

Mr. Eyerly is a 59 year-old driver in Pennsylvania. He has a history of a seizure disorder and has remained seizure free since 1981. He takes anti-seizure medication with the dosage and frequency remaining the same since 2002. If granted the exemption, he would like to drive a CMV. His physician.

Denton L. Hine

Mr. Hine is a 55 year-old class A CDL holder in Washington. He has a history of a seizure disorder and has remained seizure free since 1979. He takes anti-seizure medication with the

dosage and frequency remaining the same since 1988. If granted an exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Hine receiving an exemption.

Benjamin A. Reineke

Mr. Reineke is a 44 year-old class A CDL holder in Ohio. He has a history of seizures and has remained seizure free since 2005. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Reineke receiving an exemption.

D. Comments

In response to this notice, FMCSA received 5 comments. The American Trucking Associations, Inc. (ATA) submitted a comment stating, "ATA believes that the increased volume of applications for exemption from parts of 49 CFR 391.41 is cause for concern. The granting of such a large number of exemptions dilutes the physical qualification standards and constitutes regulation through exemption. FMCSA must begin a dialogue on the need and effectiveness of these standards. If it is determined that these standards need to be altered, it must be done through the formal rulemaking process." FMCSA acknowledges ATA's concerns and may consider in the future, the initial steps to a formal rulemaking process to revise physical qualification standards. An anonymous commenter submitted a comment in support of an individual with a history of seizure to drive commercially. Rebecca Shuman believes the federal epilepsy regulation should be similar to California's regulation in an attempt to balance safety and the right of the driver to earn a living. Asad Aftab and Rudy Bieteler support having a federal epilepsy standard to ensure the safe operation of CMVs.

E. Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce

as opposed to restricting the driver to driving in intrastate commerce.

Conclusion

The Agency is granting exemptions from the epilepsy standard, 49 CFR 391.41(b)(8), to 6 individuals based on a thorough evaluation of each driver's safety experience and medical condition. Safety analysis of information relating to these 6 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. By granting the exemptions, the interstate CMV industry will gain 6 highly trained and experienced drivers. In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for 2 years, with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 6 drivers for a period of 2 years with annual medical certification required: Dennis Brown (AZ); Grover Curtis (OR); Harold Durkee (WI); Timothy Eyerly (PA); Denton Hinehine (WA); and Benjamin Reineke (OH) from the prohibition of CMV operations by persons with a clinical diagnosis of epilepsy or seizures. If the exemption is still in effect at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23593 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0383]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant requests from 30

individuals for exemptions from the Agency's physical qualifications standard concerning hearing for interstate drivers. The current regulation prohibits hearing impaired individuals from operating CMVs in interstate commerce. After notice and opportunity for public comment, the Agency concluded that granting exemptions for these drivers to operate property-carrying CMVs will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions. The exemptions are valid for a 2-year period and may be renewed, and the exemptions preempt State laws and regulations.

DATES: The exemptions are effective September 21, 2015. The exemptions expire on September 21, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

A. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: www.regulations.gov.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the safety regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The current

provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA grants 30 individuals an exemption from § 391.41(b)(11) concerning hearing to enable them to operate property-carrying CMVs in interstate commerce for a 2-year period. The Agency's decision on these exemption applications is based on the current medical literature and information and the "Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety" (the 2008 Evidence Report) presented to FMCSA on August 26, 2008. The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the CDLIS,¹ for CDL holders, and inspections recorded in MCMIS.² For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. Each applicant's record demonstrated a safe driving history. The Agency believes the drivers covered by the exemptions do not pose a risk to public safety.

C. Comments

On April 7, 2015, FMCSA published a notice of receipt of exemption

¹ *Commercial Driver License Information System* (CDLIS) is an information system that allows the exchange of commercial driver licensing information among all the States. CDLIS includes the databases of 51 licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

² *Motor Carrier Management Information System* (MCMIS) is an information system that captures data from field offices through SAFETYNET, CAPRI, and other sources. It is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data.

applications and requested public comment on 30 individuals (FR 80 18697; Docket number FMCSA–2015–07909). The comment period ended on May 7, 2015. In response to this notice, nine comments were received expressing safety concerns for the far reaching ramifications to the commercial driving industry of allowing deaf drivers to test, train and/or drive commercially. Some of these comments were addressed in a previous notice. Additionally they expressed concern for the process by which exemptions are granted from parts of 49 CFR 391.41, the increased volume of exemptions, and the need to rely on scientific support as a basis for granting the exemptions. FMCSA acknowledges the stakeholder's concerns and may consider the initial steps to revising the physical qualification standards through a formal rulemaking process.

D. Exemptions Granted

Following individualized assessments of the exemption applications, FMCSA grants exemptions from 49 CFR 391.41(b)(11) to 30 individuals. Under current FMCSA regulations, all of the 30 drivers receiving exemptions from 49 CFR 391.41(b)(11) would have been considered physically qualified to drive a CMV in interstate commerce except that they do not meet the hearing requirement. FMCSA has determined that the following 30 applicants should be granted an exemption:

Neal Everett Boatman, Jr.

Mr. Boatman, 37, holds an operator's license in Arizona.

Herbert Dean Crowe

Mr. Crowe, 50, holds an operator's license in Missouri.

David Keith Cannon

Mr. Cannon, 47, holds an operator's license in Missouri.

Bryant Cater

Mr. Cater, 54, holds a Class A commercial driver's license (CDL) in Tennessee.

Frankye D. Crews

Ms. Crews, 44, holds an operator's license in Florida.

Justin Craig Cribb

Mr. Cribb, 36, holds an operator's license in South Carolina.

William Reeder Darnell

Mr. Darnell, 40, holds a Class A commercial driver's license (CDL) in Arizona.

Mark Dickson

Mr. Dickson, 55, holds an operator's license in Texas.

Kelly Gene Eller

Mr. Eller, 50, holds an operator's license in North Carolina.

Elliot David Fellows

Mr. Fellows, 22, holds an operator's license in New York.

David H. Grady

Mr. Grady, 46, holds a Class B commercial driver's license (CDL) in Colorado.

Alissa Haselhorst

Ms. Haselhorst, 27, holds an operator's license in Nebraska.

Nathan John Hill

Mr. Hill, 31, holds an operator's license in Georgia.

Jason R. Gensler

Mr. Gensler, 36, holds an operator's license in Ohio.

Thomas P. Lipyanic, Jr.

Mr. Lipyanic, 49, holds a Class A commercial driver's license (CDL) in Pennsylvania.

Brian L. Lloyd

Mr. Lloyd, 41, holds an operator's license in Ohio.

Kelsey Rae Maginity

Ms. Maginity, 23, holds an operator's license in Iowa.

Donald B. Malley

Mr. Malley, 60, holds a Class A commercial driver's license (CDL) in Missouri.

Courtney Maloney

Ms. Maloney, 26, holds an operator's license in New York.

Amy Elizabeth Marcus

Ms. Marcus, 42, holds an operator's license in Michigan.

Jonython A. Mason

Mr. Mason, 33, holds an operator's license in California.

Scott Matchett

Mr. Matchett, 32, holds an operator's license in New York.

Kathy Ann Meadows

Ms. Meadows, 57, holds a Class A commercial driver's license (CDL) in Georgia.

Devin Jamal Moffett

Mr. Moffett, 23, holds an operator's license in Georgia.

Anthony Joseph Saive

Mr. Saive, 29, holds a Class B commercial driver's license (CDL) in Ohio.

David W. Shores

Mr. Shores, 47, holds a Class A commercial driver's license (CDL) in North Carolina.

Jonathan P. Veach

Mr. Veach, 32, holds an operator's license in Illinois.

Michael Whitman

Mr. Whitman, 39, holds an operator's license in New Jersey.

Richard E. Whittaker

Mr. Whittaker, 44, holds a Chauffeur's license in Indiana.

Brian David Whittington

Mr. Whittington, 48, holds a Class A commercial driver's license (CDL) in Michigan.

Basis for Exemption

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. With the exemption, applicants can drive in interstate commerce. Thus, the Agency's analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce. The driver must comply with the terms and conditions of the exemption. This includes reporting any crashes or accidents as defined in 49 CFR 390.5 and reporting all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391.

Conclusion

The Agency is granting exemptions from the hearing standard, 49 CFR 391.41(b)(11), to 30 individuals based on an evaluation of each driver's safety experience. Safety analysis of information relating to these 30 applicants meets the burden of showing that granting the exemptions would achieve a level of safety that is equivalent to or greater than the level that would be achieved without the exemption. In accordance with 49 U.S.C. 31315, each exemption will be valid for 2 years from the effective date with annual recertification required unless revoked earlier by FMCSA. The exemption will be revoked if the

following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

FMCSA exempts the following 30 drivers for a period of 2 years from the physical qualification standard concerning hearing: Neal Everett Boatman, Jr. (AZ); Herbert Dean Crowe (MO); David Keith Cannon (MO); Bryant Cater (TN); Frankye D. Crews (FL); Justin Craig Cribb (SC); William Reeder Darnell (AZ); Mark Dickson (TX); Kelly Gene Eller (NC); Elliot David Fellows (NY); David H. Grady (CO); Alissa Haselhorst (NE); Nathan John Hill (GA); Jason R. Gensler (OH); Thomas P. Lipyanic, Jr. (PA); Brian L. Lloyd (OH); Kelsey Rae Maginity (IA); Donald B. Malley (MO); Courtney Maloney (NY); Amy Elizabeth Marcus (MI); Jonython A. Mason (CA); Scott Matchett (NY); Kathy Ann Meadows (GA); Devin Jamal Moffett (GA); Anthony Joseph Saive (OH); David W. Shores (NC); Jonathan P. Veach (IL); Michael Whitman (NJ); Richard E. Whittaker (IN); and Brian David Whittington (MI).

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-23596 Filed 9-18-15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0387]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 14 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the

exemptions would satisfy the statutory requirements and decides to grant these requests after reviewing the public comments submitted in response to this notice, the exemptions would enable these 14 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 21, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2014-0387 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation,

1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).¹ Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear

¹ This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled “Hearing Disorders and Commercial Motor Vehicle Drivers” prepared for the Federal Highway Administration, FMCSA’s predecessor, in 1993.²

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be *achieved absent such exemption before granting any such requests*.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov and in the search box insert the docket number “FMCSA–2014–0387” and click the search button.

² This report is available on the FMCSA Web site at http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.

When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, go to www.regulations.gov and in the search box insert the docket number “FMCSA–2014–0387” and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to the proposed rulemaking.

Information on Individual Applicants

John B. Burley

Mr. Burley, 44, holds an operator’s license in Colorado.

Jennifer Lenore Campbell

Ms. Campbell, 39, holds a class A CDL in Texas.

Carlos Campos

Mr. Campos, 43, holds a class A CDL in California.

Richard A. Carter

Mr. Carter, 58, holds a class B CDL in Maryland.

Charles Christopher Curran

Mr. Curran, 41, holds an operator’s license in Florida.

Joy L. Dalen

Ms. Dalen, 41, holds an operator’s license in Nebraska.

James Wels Hanson

Mr. Hanson, 25, holds an operator’s license in Wyoming.

Clint I. Homan

Mr. Homan, 35, holds an operator’s license in Illinois.

Sean C. Jackson

Mr. Jackson, 42, holds an operator’s license in Arizona.

Keith Kaimuloa

Mr. Kaimuloa, 47, holds an operator’s license in Hawaii.

John David Kielczewski, Jr.

Mr. Kielczewski, 43, holds an operator’s license in Rhode Island.

Timothy Knipp II

Mr. Knipp, 32, holds an operator’s license in Pennsylvania.

Donnie Lamar McEntire, Jr.

Mr. McEntire, 42, holds an operator’s license in Georgia.

Tami S. Richardson-Nelson

Ms. Richardson-Nelson, 56, holds an operator’s license in Nebraska.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business October 21, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: September 8, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–23592 Filed 9–18–15; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2015–0007–N–23]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection

activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than November 20, 2015.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Grant Awards and Cooperative Agreement." Alternatively, comments may be transmitted via facsimile to (202) 493-6170, or via email to Ms. Toone at kim.toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection

activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Grant Awards and Cooperative Agreements.

Abstract: FRA solicits grant applications for viable projects including, but not limited to, preconstruction planning activities, safety improvements, congestion relief, improvement of grade crossings, rail line relocation, as well as projects that encourage development, expansion, and upgrades to passenger and freight rail infrastructure and services. Funded projects are those that meet FRA and government wide evaluation standards and align with the President's key strategic transportation goals to create safe and efficient transportation choices, build a foundation for economic competitiveness, promote energy efficiency and environmental quality, and support interconnected livable communities.

FRA administers award agreements for both construction and non-construction projects that will result in service benefits or other tangible improvements in rail corridors. These projects include completion of preliminary engineering, environmental

research and development, final design, and construction.

To ensure accountability of Federal award recipients through performance and results, including expenditures in support of agreed-upon activities and allowable costs outlined in a FRA Notice of Grant Award (NGA), FRA requires systematic and uniform collection and submission of information, as approved by the OMB. Included in this information collection are reports and documentation mandated by OMB for completion, as well as additional resources to compile evidence relevant to addressing FRA's important policy challenges, promoting cost-effectiveness in FRA programs, and providing effective oversight of programmatic and financial performance. This justification draws on innovative FRA program designs to use sophisticated practices in delivering Federal financial assistance and encourage continuous improvements in service delivery.

FRA issues and manages awards in compliance with Title 2 of the Code of Federal Regulations (CFR): Grants and Agreements. This justification includes one document package for collection over the entire lifecycle of the award process, in adherence to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (78 FR 78589, Dec. 26, 2013; 79 FR 75871, Dec. 19, 2014). All non-research awards are subject to the application, reporting, closeout, and other processes described in this justification.

Additionally, the collection detailed in this justification represents a combination of previous FRA collection requests, including: OMB Control Number 2130-0578, OMB Control Number 2130-0580, OMB Control Number 2130-0584, and OMB Control Number 0587. Combining these collections under a new collection enables FRA to consolidate documentation under one collection, which allows for efficiency and provides a uniform period until expiration of this justification request.

Form Number(s): FRA forms 30, 31, 32, 33, 34, 35, and 229. SF forms 270, 424, 424A, 424B, 424C, 424D, 425, and LLL.

Affected Public: State and local governments, government sponsored authorities and corporations, and railroads.

Reporting Burden:

Item	Total annual responses	Average time per response (hours)	Total annual burden hours
FRA Form 30	383	.25	95.75
FRA Form 31	1	212	212
FRA Form 32	1	24	24
FRA Form 33	8	79	632
FRA Form 34	2	897	1,794
FRA Form 35	34	383	13,022
FRA Form 229	18	.25	4.5
Additional Buy America Documentation	1	19,944.50	19,944.50
SF Form 270	1	716	716
SF Form 424	1.1	383	421.30
SF Form 424A	3	192	576
SF Form 424B .....	.25	192	48
SF Form 424C	3	191	573
SF Form 424D .....	.25	191	47.75
SF 425	1.5	897	1,345
SF Form LLL .....	.17	383	65.11

* In minutes.

Total Estimated Annual Burden:
39,521 hours.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Rebecca Pennington,
Chief Financial Officer.

[FR Doc. 2015–23620 Filed 9–18–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0095; Notice 1]

Request for Public Comments on NHTSA Enforcement Guidance Bulletin 2015–01: Recommended Best Practices for Protective Orders and Settlement Agreements in Civil Litigation

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

ACTION: Request for public comments.

SUMMARY: NHTSA’s ability to identify and define safety-related motor vehicle defects relies in large part on manufacturers’ self-reporting. However, although federal regulations may require them to report certain information to NHTSA, manufacturers do not always do so, or do not do so in a timely manner. Additionally, the information a manufacturer is required to report varies greatly depending on the product and company size and purpose. Given these

constraints, safety-related information developed or discovered in private litigation is an important resource for NHTSA.

This proposed Enforcement Guidance Bulletin sets forth NHTSA’s current thinking on this topic, and guiding principles and best practices to be utilized in the context of private litigation. To the extent protective orders, settlement agreements, or other confidentiality provisions prohibit information obtained in private litigation from being transmitted to NHTSA, such limitations are contrary to Rule 26 of the Federal Rules of Civil Procedure, its state corollaries, and sound principles of public policy. Although such restrictions are generally prohibited by applicable rules and law, the Agency recommends that litigants include a specific provision in any protective order or settlement agreement that provides for disclosure of relevant motor vehicle safety information to NHTSA, regardless of any other restrictions on the disclosure or dissemination of such information.

This notice solicits comments from the public, from counsel, and from other interested parties concerning this proposed enforcement guidance, and best practices to be followed by litigants in private litigation regarding protective orders and settlement agreements that contain confidentiality provisions limiting disclosure of safety-related information.

DATES: All comments should be submitted early enough to ensure that Docket Management receives them not later than October 19, 2015.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Federal eRulemaking Portal:** go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Docket Management Facility, M–30, U.S. Department of Transportation, West Building Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery or Courier:** U.S. Department of Transportation, West Building Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC, 20590 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** (202) 493–2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202–366–9324.

Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kara Fischer, Office of the Chief Counsel, NCC–111, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202–366–8726).

SUPPLEMENTARY INFORMATION: In this notice, NHTSA has begun assembling for guidance and informative purposes an Enforcement Guidance Bulletin which sets forth guiding principles and best practices for private litigants utilizing protective orders and settlement agreements with confidentiality provisions. NHTSA is not establishing a binding set of rules on best practices, or even suggesting that a single set of best practices would apply in all situations. The Agency fully realizes that best practices may vary widely depending on circumstance, and

private litigants remain free to choose the practices that best fit their needs in pursuing litigation.

However, since NHTSA recognizes the public interest in this topic, we solicit public comment before issuing a final “Enforcement Guidance Bulletin” document. Commenters who recommend specific best practices should be careful to address the practical impact that those practices may have on individuals and entities of differing size, and the relative costs and benefits of implementing various practices. After receiving comments, we will issue a subsequent notice delineating a final Enforcement Guidance Bulletin for informative purposes. We will also post the Enforcement Guidance Bulletin on the Agency’s Web site for easy reference.

In light of the foregoing, NHTSA proposes the following Enforcement Guidance for private litigants pertaining to the use of confidentiality provisions in protective orders and settlement agreements:

The National Highway Traffic Safety Administration (“NHTSA” or “the Agency”) is tasked with, among other things, setting Federal Motor Vehicle Safety Standards (“FMVSS”), identifying and ensuring the remedy of safety-related defects, and monitoring and enforcing compliance with these standards to safeguard the well-being of the American public. The only way the Agency can fully achieve these objectives is if it has the necessary information within its grasp, including information discovered or identified in private litigation.

NHTSA’s ability to identify and define safety-related motor vehicle defects relies in large part on timely and accurate reporting by manufacturers, suppliers, and various parties throughout the industry, whether by statutory or regulatory requirement or pursuant to compulsory process. Although federal law may require industry participants to report certain information to NHTSA, they do not always do so, or do not do so in a timely manner. Additionally, the type of information an industry participant is required to report varies greatly depending on the product and company size and purpose. While certain entities are required to report both deaths and injuries resulting from the use of their products, others only must report deaths. In those cases, in the absence of a fatal incident a potentially defective product may not come across NHTSA’s radar until dozens, if not hundreds, of people have sustained serious injury—if it ever reaches NHTSA at all.

Given these constraints, safety-related information developed or discovered in private litigation is an important resource for NHTSA. Yet confidentiality restrictions imposed as part of a protective order or settlement agreement in private litigation—whether court-sanctioned or privately negotiated—often prevent parties from providing information about potentially dangerous products to the Agency. As many scholarly articles have noted, as history has borne out, such restrictions have kept critical safety information out of the hands of both regulators and the public. As a matter of law and sound public policy, NHTSA cannot countenance this situation.

There is no doubt that confidentiality provisions, protective orders, and the sealing of cases are appropriate litigation tools in some circumstances. In most instances, however, the interests of public health and safety trump any confidentiality interests. In matters that concern the safety of the American driving public and pedestrians, it is important that entities and individuals are not prevented from providing relevant information to the very Agency tasked with ensuring that safety.

To the extent protective orders, settlement agreements, or other confidentiality provisions prohibit vehicle safety-related information from being transmitted to NHTSA, such limitations are contrary to established principles of public policy and law, including Rule 26 of the Federal Rules of Civil Procedure and its state corollaries which require a showing of good cause to impose confidentiality. The recent General Motors ignition switch and Takata airbag recalls are but two examples of how vital early identification of motor vehicle risks or defects is for the safety and welfare of the American public.

To further this important public policy, the Agency encourages and recommends that parties include a provision in any protective order or settlement agreement that—despite whatever other restrictions on confidentiality are imposed—specifically allows for disclosure of relevant motor vehicle safety information to NHTSA and other applicable government authorities.

I. Legal and Policy Background

“Once a matter is brought before a court for resolution, it is no longer solely the parties’ case, but also the public’s case.” *Brown v. Advantage Eng’g, Inc.*, 960 F.2d 1013, 1016 (11th Cir. 1992). As a general rule, the public is permitted “access to litigation documents and information produced

during discovery.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir. 2002). Where there is a presumptive right of public access under the federal rules, courts have discretion upon a showing of “good cause” to restrict access to documents or information “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c)(1). As the Seventh Circuit has stated, Rule 26(c)’s good cause requirement means that, “[a]s a general proposition, pretrial discovery must take place in the public unless compelling reasons exist for denying the public access to the proceedings.” *Am. Telephone and Telegraph Co. v. Grady*, 594 F.2d 594, 596 (7th Cir. 1978); see also, *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 790 (1st Cir. 1988). Trial courts enjoy broad discretion in determining when to issue a protective order and the degree and scope of protection required. *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984).

General allegations of harm, unsubstantiated by specific examples or articulated reasoning, however, are insufficient to warrant such an order. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992); *Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1121 (3d Cir. 1986). Rather, the burden is on the party seeking protection from disclosure to “allege specific prejudice or harm” that will result if the protective order is not granted. *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417, 424 (9th Cir. 2011), cert. denied, 132 S. Ct. 1867 (2012); *In re Terra Intern., Inc.*, 134 F.3d 302 (5th Cir. 1998) (good cause requirement contemplates a particular and specific demonstration of fact as distinguished from conclusory statements); *Glenmeade Trust Co. v. Thompson*, 56 F.3d 476 (3d Cir. 1995) (generalized allegations of injury insufficient to satisfy the good cause requirement for issuance of protective order); *Iowa Beef Processors, Inc. v. Bagley*, 601 F.2d 949, 954 n. 5 (8th Cir. 1979) (party seeking protective order bears burden of making “good cause” showing that the information being sought falls within scope of Rule 26(c) and that moving party will be harmed by its disclosure).

Even if a court concludes that such harm will result from disclosure, it still must proceed to balance “the public and private interests to decide whether a protective order is necessary.” *Phillips*, 307 F.3d at 1211. See *Shingara v. Skiles*, 420 F.3d 301, 308 (3d Cir. 2005) (“[A] court always must consider the public interest when deciding whether to impose a protective order.”); *Glenmeade*

Trust Co. v. Thompson, 56 F.3d 476, 483 (3d Cir. 1995) (“[T]he analysis [of good cause] should always reflect a balancing of private versus public interests.”). In doing so, courts consider a number of factors, including:

(1) Whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or for an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.

Glenmede Trust Co., 56 F.3d at 483. See also *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d at 424.

The public’s interest in access to court records is strongest when the records concern public health or safety. See, e.g., *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180–81 (6th Cir. 1983) (vacating district court’s sealing of court records involving the content of tar and nicotine in cigarettes and emphasizing that the public had particularly strong interest in the court records at issue because the “litigation potentially involves the health of citizens who have an interest in knowing the accurate ‘tar’ and nicotine content of the various brands of cigarettes on the market”); see also *United States v. General Motors*, 99 FRD. 610, 612 (D.D.C. 1983) (the “greater the public’s interest in the case the less acceptable are restraints on the public’s access to the proceedings”); *In re Air Crash at Lexington, Ky., August 27, 2006*, No. 5:06–CV–316–KSF, 2009 WL 16836289, at *8 (E.D. Ky. June 16, 2009) (noting the “public has an interest in ascertaining what evidence and records the . . . Court [has] relied upon in reaching [its] decisions,” and that “the public interest in a plane crash that resulted in the deaths of forty-nine people is quite strong, as is the public interest in air safety”). In balancing the privacy interests of the party seeking protection, a court “must consider the need for public dissemination, in order to alert other consumers to potential dangers posed by the product.” *Koval v. Gen. Motors Corp.*, 62 Ohio Misc. 2d 694, 699, 610 NE.2d 1199, 1202 (Com. Pl. 1990) (citing *Hendricks v. Jeep Corp.* (D. Mont. June 3, 1986), case No. CV–82–092–M–PGH (unreported) and *United States v. Hooker Chemicals & Plastics Corp.*, 90 FRD. 421 (W.D.N.Y. 1981)).

A number of states have enacted “Sunshine in Litigation” acts, which thrust the interests of public health and safety into the forefront by preventing parties from concealing safety hazards through settlement agreements or protective orders. Some, such as Florida, broadly forbid courts from entering protective orders that may have the “purpose or effect of concealing a public hazard or any information concerning a public hazard” or that “may be useful to members of the public in protecting themselves from injury.” Fla. Stat. Ann. § 69.081 (West 2015). Others, such as Texas, establish a presumption that court records—including all documents filed with the court, unfiled settlement agreements, and unfiled discovery documents “concerning matters that have a probable adverse effect upon the general public health or safety”—are open to the general public; records may be sealed only upon a showing that there is a specific, serious, and substantial interest in nondisclosure which clearly outweighs the presumption of public access and any probable effect on public health or safety. Tex. R. Civ. P. 76a.

A federal corollary introduced on May 14, 2015, currently pending before the House of Representatives, H.R. 2336 (114th Congress, 2015–2017), would create a presumption against protective orders and the sealing of settlements and cases “in which the pleadings state facts that are relevant to the protection of public health or safety.” The presumption would control unless a party asks a judge to find that a specific and substantial interest in maintaining secrecy outweighs the public health and safety interest and that the order is no broader than necessary to protect the privacy interest asserted. *Id.* It would also prohibit a court from approving or enforcing a provision that restricts a party from disclosing public health or safety information to any federal or state agency with authority to enforce laws regulating an activity related to such information. *Id.*

Several states have taken a broader approach, enacting statutes and court rules to address the question of whether or not courts should enforce confidentiality agreements, regardless of the subject matter. The common theme of these statutes is a balancing of interests. For example, drawing upon federal precedent requiring consideration of the public interest at stake, Idaho Court Administrative Rule 32 directs courts considering shielding requests to first determine whether the interest in privacy or public disclosure predominates and to “fashion the least restrictive exception from disclosure

consistent with privacy interests.” Idaho R. Admin. 32(f). See also Mich. Ct. R. 8.119(F) (records may be sealed upon showing of good cause and that no less restrictive means are available to protect the interest asserted); D.S.C. LCivR 5.03 (party must state why sealing is necessary and explain why less restrictive alternatives will not afford adequate protection). Indiana’s legislature went a step further, requiring an affirmative showing that a public interest will be protected by sealing a record, and mandating that records shall be unsealed as soon as possible after the reason for sealing them no longer exists. Ind. Code § 5–14–3–5.5 (2011). See also, Richard Rosen, *Settlement Agreements in Com. Disputes*, n. 103 § 10.04 (2015) (citing to statutory provisions in California, Colorado, Michigan, Montana, New Hampshire, New York, Ohio, Oregon, South Carolina, and Utah). Although the specifics of each provision vary, all are consistent with the notion that the safety of public should be given considerable weight in determining whether to restrict access to information.

Basic contract principles also dictate that the public health and safety concern should be of paramount significance in drafting and approving protective orders and settlement agreements. While parties are generally free to contract as they see fit, “courts will not hesitate to declare void as against public policy contractual provisions which clearly tend to the injury of the public in some way.” 17A C.J.S. Contracts § 281 (2015) (internal citations omitted); see *Thomas James Associates, Inc. v. Jameson*, 102 F.3d 60, 66 (2d Cir. 1996) (“[C]ourts must not be timid in voiding agreements which tend to injure the public good or contravene some established interest of society.”) (internal quotations and citations omitted); see also *Vasquez v. Glassboro Service Ass’n, Inc.*, 83 N.J. 86, 415 A.2d 1156 (1980) (citing text for general proposition that courts have broad power to declare agreements violative of public policy).

“While the term ‘public policy’ lacks precise definition, . . . it may be stated generally as a legal principle which holds that no one may lawfully do that which has a tendency to injure the public welfare. . . .” *O’Hara v. Ahlgren, Blumenfeld and Kempster*, 537 NE.2d 730 (Ill. 1989). “An agreement is against public policy if it is injurious to the interests of the public, contravenes some established interest of society, violates some public statute, is against good morals, tends to interfere with the public welfare or safety, or is at war with the interests of society or is in

conflict with the morals of the time.” *E & B Mktg. Enterprises, Inc. v. Ryan*, 568 NE.2d 339, 209 Ill. App. 3d 626 (1st Dist. 1991). See also *Johnson v. Peterbilt of Fargo, Inc.*, 438 NW.2d 162 (N.D. 1989) (“Public policy, with respect to contract provisions, is a principle of law whereby a contract provision will not be enforced if it has a tendency to be injurious to the public or against the public good.”). An agreement is unenforceable if the interest in its enforcement is outweighed by the public policy harmed by enforcement of the agreement. 17A C.J.S. Contracts § 281 (citation omitted).

In fact, the Florida Sunshine in Litigation Act specifically codifies this concept: “Any portion of an agreement or contract which has the purpose or effect of concealing a public hazard, any information concerning a public hazard, or any information which may be useful to members of the public in protecting themselves from injury which may result from the public hazard, is void, contrary to public policy, and may not be enforced.” Fla. Stat. Ann. § 69.081(4). See also Ark. Code Ann. § 16–55–122 (2011) (rendering void any settlement provision purporting to restrict disclosure of an environmental hazard). Although the Florida provision broadly addresses any contract, this notion is particularly applicable in the context of protective orders or settlement agreement terms that prevent litigants from disclosing information to NHTSA.

The good cause requirements found in Rule 26 and related state provisions, and the doctrines underlying NHTSA’s own regulations all advance the unassailable public policy of maintaining and preserving the health and welfare of the public. This strong policy has been realized and enforced by the refusal of many courts and litigants to engage in protective orders or settlement agreements that keep regulators and the public in the dark about potential safety hazards. See *Culinary Foods, Inc. v. Raychem Corp.*, 151 FRD. 297 (N.D. Ill.), clarified 153 FRD. 614 (1993) (any information as to whether products liability defendant’s products were dangerous, and whether defendant knew of dangers and either failed to take action or attempted to conceal information, would not be encompassed by protective order under discovery rule); *Cipollone v. Liggett Group, Inc.*, 113 FRD. 86, 87 (D.N.J. 1986) (“Discovery may well reveal that a product is defective and its continued use dangerous to the consuming public. . . . It is inconceivable to this court that under such circumstances the public interest is not a vital factor to be considered in determining whether to

further conceal that information and whether a court should be a party to that concealment.”); *Toe v. Cooper Tire & Rubber Co.* (Iowa District Court, Polk County, No. CL 106914) (Order on Defendant’s Motion to Continue Protective Order, Jan. 18, 2012) (unsealing transcript where confidential documents related to tire defect were discussed). See also, *Ohio Valley Envtl. Coal. v. Elk Run Coal Co., Inc.*, 291 FRD. 114 (S.D. W.Va. 2013) (good cause did not exist for issuance of protective order in environmental group’s suit against company because there was no specific showing of identifiable harm company would suffer and case involved issues of importance to public health and safety); *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417 (9th Cir.), cert. denied, 132 S. Ct. 1867 (2011) (private interest in nondisclosure was not outweighed by public interests in protecting public safety).

II. Recommended Best Practices

Consistent with the foregoing legal and policy background, it is NHTSA’s position that protective orders and settlement agreements should not be used to shield critical safety information from the Agency, either intentionally or unintentionally. This is not to say that parties should not enter into these agreements. To the contrary, these tools are often necessary to promote full and complete disclosure, to prevent abuses of the discovery process, and to protect legitimate privacy and proprietary interests. However, as explained above, they cannot be used to preclude disclosure of safety-related information from regulatory agencies and other government authorities. To do so is contrary to law and the underlying policies inherent in Rule 26 and state corollaries, and against sound public policy.

NHTSA recommends that all parties include a provision in any protective order or settlement agreement that—despite whatever other restrictions on confidentiality are imposed, and whether entered into by consent or judicial fiat—specifically allows for disclosure of relevant motor vehicle safety information to NHTSA and other applicable authorities. Such a provision could be stated generically, providing that nothing in the order or agreement shall be construed to prohibit either party from disclosing information to a regulatory agency or governmental entity who has an interest in the subject matter of the underlying suit. For example, the provision could state that “discovery material may only be disclosed to . . . governmental entities with an interest in the public safety

hazards involving [description of product/vehicle].” Or, it could specifically address NHTSA’s interest, as contemplated by the recent NHTSA Consent Order requiring Chrysler to “develop and implement a plan ensuring that, in safety-related litigation, FCA US uses its best efforts to include in any protective order, settlement agreement, or equivalent, a provision that explicitly allows FCA US to provide information and documents to NHTSA.” See *In re: FCA US LLC*, AQ14–003, July 24, 2015 Consent Order, Attachment A, p. 27 at ¶ (B)(12), available at www.safercar.gov/rs/chrysler/pdfs/FCA_Consent_Order.pdf.

Whatever the language, confidentiality agreements and protective orders should not be utilized to prevent the parties from producing information that implicates public safety to the very entity charged with ensuring and protecting that safety. Instead, such orders and agreements should clearly authorize and facilitate the disclosure of safety-related information to NHTSA. Such a provision is consistent with, and in some cases mandated by, federal and state statutory schemes and regulations and applicable case law, and is wholly in line with principles of sound public policy.

Applicability/Legal Statement: This Enforcement Guidance Bulletin sets forth NHTSA’s current interpretation and thinking on this topic and guiding principles and best practices to be utilized in the context of private litigation. This Bulletin is not a final agency action and is intended as guidance only. This Bulletin is not intended, nor can it be relied upon, to create any rights enforceable by any party against NHTSA, the Department of Transportation, or the United States. Moreover, these recommended practices do not establish any defense to any violations of the statutes and regulations that NHTSA administers. This Bulletin may be revised in writing without notice to reflect changes in NHTSA’s evaluation and analysis, or to clarify and update text.

Authority: 49 U.S.C. 30101, *et seq.*; delegations of authority at 49 CFR 1.95(a), 501.2(a)(1), 501.5.

Issued: September 14, 2015.

Timothy H. Goodman,
Assistant Chief Counsel for Litigation and Enforcement.

[FR Doc. 2015–23638 Filed 9–18–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Notice 2009–26**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2009–26, Build America Bonds and Direct Payment Subsidy Implementation.

DATES: Written comments should be received on or before November 20, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Martha Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Kerry Dennis, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Kerry.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Build America Bonds and Direct Payment Subsidy Implementation.

OMB Number: 1545–2143.

Notice Number: Notice 2009–26.

Abstract: This Notice provides guidance on tax incentives for Build America Bonds under § 54AA of the Internal Revenue Code (“Code”) and the implementation plans for the refundable credit payment procedures for these bonds. This Notice includes guidance on the modified Build America Bond program for Recovery Zone Economic Development Bonds under § 1400U–2 of the Code. This Notice provides guidance on the initial refundable credit payment procedures, required elections, and information reporting. This Notice solicits public comments on the refundable credit payment procedures for these bonds. This Notice is intended to facilitate prompt implementation of the Build America Bond program and to enable state and local governments to begin issuing these bonds for authorized

purposes to promote economic recovery and job creation.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 1,000.

Estimated Average Time per Respondent: 15 hours.

Estimated Total Annual Burden Hours: 15,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 19, 2015.

Martha Brinson,
IRS Tax Analyst.

[FR Doc. 2015–23607 Filed 9–18–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 8882**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8882, Credit for Employer-Provided Child Care Facilities and Services.

DATES: Written comments should be received on or before November 20, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Martha Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Kerry.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Credit for Employer-Provided Child Care Facilities and Services.

OMB Number: 1545–1809.

Form Number: 8882.

Abstract: Qualified employers use Form 8882 to request a credit for employer-provided child care facilities and services. Section 45F provides credit based on costs incurred by an employer in providing child care facilities and resource and referral services. The credit is 25% of the qualified child care expenditures plus 10% of the qualified child care resource and referral expenditures for the tax year, up to a maximum credit of \$150,000 per tax year.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 666,666.

Estimated Time per Respondent: 3 hours, 41 minutes.

Estimated Total Annual Burden Hours: 2,459,998.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Approved: August 19, 2015.

Martha Brinson,
IRS Tax Analyst.

[FR Doc. 2015-23606 Filed 9-18-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

Reasonable Charges for Inpatient MS-DRGs and SNF Medical Services; V3.17, Fiscal Year 2016 Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document updates the acute inpatient and the skilled nursing facility/sub-acute inpatient facility charges. The updated charges are based on the 2016 Medicare severity diagnosis related groups (MS-DRGs).

FOR FURTHER INFORMATION CONTACT: Romona Greene, Chief Business Office (10NB), Veterans Health Administration, Department of Veterans

Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 382-2521. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Section 17.101 of Title 38 of the Code of Federal Regulations (CFR) sets forth the Department of Veterans Affairs (VA) medical regulations concerning "Reasonable Charges" for medical care or services provided or furnished by VA to a veteran: For a nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract; for a nonservice-connected disability incurred incident to the Veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or, for a nonservice-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance. The methodologies for establishing billed amounts for several types of charges are found in 38 CFR 17.101; however, this notice will only address the acute inpatient and the skilled nursing facility/sub-acute inpatient facility charges.

Based on the methodologies set forth in 38 CFR 17.101(b), this notice updates the acute inpatient facility charges that were based on the 2015 Medicare severity diagnosis related groups (MS-DRGs). Acute inpatient facility charges by MS-DRGs are posted on the Internet site of the Veterans Health Administration (VHA) Chief Business Office, currently at <http://www.va.gov/CBO/apps/rates/index.asp>, under the "Reasonable Charges Data Tables" section, v3.15 Inpatient Data Table, as Table A. This Table A corresponds to the Table A referenced in 79 FR 58048, September 26, 2014. Table A referenced in this notice is v3.17, which provides updated charges based on the 2016 MS-DRGs, and it will replace Table A posted on the Internet site of the VHA Chief Business Office.

Also, this document updates the skilled nursing facility/sub-acute inpatient facility all-inclusive per diem charge using the methodologies set forth in 38 CFR 17.101(c) and this charge is adjusted by a geographic area factor that is based on the location where the care is provided. See Table "N" Acute Inpatient and Table "O" Skilled Nursing Facility (SNF) for the geographic area factors on the VHA Chief Business Office Web site under the v3.16 link in the "Reasonable Charges Data Tables" section, which are not being updated by this notice. The skilled nursing facility/sub-acute inpatient facility per diem

charge is posted on the Internet site of the VHA's Chief Business Office, currently at <http://www.va.gov/CBO/apps/rates/index.asp>, under the "Reasonable Charges Data Tables" section, v3.15 as Table B. This Table B corresponds to the Table B referenced in 79 FR 58048, September 26, 2014. Table B referenced in this notice is v3.17, which provides an update to the all-inclusive nationwide skilled nursing facility/sub-acute inpatient facility per diem charge and will replace Table B posted on the Internet site of the VHA Chief Business Office.

The charges in this notice for acute inpatient and skilled nursing facility/sub-acute inpatient facility services are effective October 1, 2015.

This notice is retaining the table designations used for acute inpatient facility charges by MS-DRGs, which is posted on the Internet site of the VHA Chief Business Office, currently at <http://www.va.gov/CBO/apps/rates/index.asp>, under "Reasonable Charges Data Tables." We also are retaining the table designation used for skilled nursing facility/sub-acute inpatient facility charges, which is also posted on the Internet site of the VHA Chief Business Office. Accordingly, the tables identified as being updated by this notice correspond to the applicable tables referenced in 79 FR 58048, September 26, 2014.

The list of data sources presented in Supplementary Table 1 will be posted on the Internet site of the VHA Chief Business Office, currently at <http://www.va.gov/CBO/apps/rates/index.asp>, under "Reasonable Charges Data Sources" section, v3.15, to reflect the updated data sources used to establish the updated charges described in this notice.

We have also updated the list of VA medical facility locations. As a reminder, in Supplementary Table 3, posted on the Internet site of the VHA Chief Business Office, currently at <http://www.va.gov/CBO/apps/rates/index.asp>, under the VA Medical Facility Locations, v3.16 (January, 2015), in the "VA Medical Facility Locations" section, we set forth the list of VA medical facility locations, which includes the first three digits of their zip codes and provider-based/non-provider-based designations.

Consistent with VA's regulations, the updated data tables and supplementary tables containing the changes described in this notice will be posted on the Internet site of the VHA Chief Business Office, "Reasonable Charges (Rates) Information" Web page currently at <http://www.va.gov/CBO/apps/rates/index.asp>.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, Department of Veterans Affairs, approved this document on September 15, 2015, for publication.

Dated: September 16, 2015.

Michael Shores,

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

[FR Doc. 2015-23585 Filed 9-18-15; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**Commission on Care; Notice of Meeting**

In accordance with the Federal Advisory Committee Act, 5 U.S.C., App. 2, the Commission on Care gives notice that it will meet on Tuesday, October 6, 2015 at the Capital Hilton, 1001 16th Street NW., Washington, DC 20036. The meeting will convene at 8:30 a.m. and end at 5:30 p.m. The meeting is open to the public.

The purpose of the Commission, as described in section 202 of the Veterans Access, Choice, and Accountability Act of 2014 (VACAA), is to examine the access of Veterans to health care from the Department of Veterans Affairs (VA) and strategically examine how best to organize the Veterans Health Administration (VHA), locate health care resources, and deliver health care to Veterans during the next 20 years. In undertaking this assessment, the Commission will evaluate and assess the results of the Independent Assessment conducted by CMS Alliance to Modernize Healthcare (CAMH) in accordance with section 201 of VACAA.

On October 6, the Commission will hear from VHA and other Department officials as well as other experts on the feasibility, advisability, and cost implications of recommendations in the CAMH Independent Assessment.

No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Commission's review to Sharon Gilles, Designated Federal Officer, Commission on Care, 1575 I (Eye) Street NW., Suite 240, Washington, DC 20005, or email at sharon.gilles@va.gov. Any member of

the public wanting to attend may contact Ms. Gilles.

Dated: September 16, 2015.

Sharon Gilles,

Designated Federal Officer, Commission on Care.

[FR Doc. 2015-23576 Filed 9-18-15; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**Veterans' Advisory Committee on Education; Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Veterans' Advisory Committee on Education will meet on October 21-22, 2015 at the American Council on Education (ACE) located at One Dupont Circle, Washington, DC 20004. On October 21, the meeting will be held in Conference Rooms A&B located on floor 1B. On October 22, the meeting will be held in the Kellogg Room on the 8th floor. The meeting session begins at 8:00 a.m. and ends at 5:00 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of education and training programs for Veterans, Servicepersons, Reservists, and Dependents of Veterans under Chapters 30, 32, 33, 35, and 36 of title 38, and Chapter 1606 of title 10, United States Code.

The purpose of the meeting is to assist in the evaluation of existing GI Bill programs and services, review recent legislative and administrative changes to GI Bill benefits, and submit their recommendations to the Secretary.

On October 21st, the Committee will receive presentations about the administration of VA's education and training programs. Oral statements will be heard from 3:45 p.m. to 4:30 p.m.

On October 22nd, the Committee will review and summarize issues raised throughout the meeting and discuss Committee work groups and next steps.

The public may submit written statements for the Committee's review to Mr. Barrett Y. Bogue, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration (223D), 810 Vermont Avenue NW., Washington, DC 20420 or via email at Barrett.Bogue@va.gov. Any member of the public wishing to attend the meeting or seeking additional information should contact Mr. Bogue at (202) 461-9800.

Dated: September 16, 2015.

Rebecca Schiller,

Federal Advisory Committee Management Officer.

[FR Doc. 2015-23628 Filed 9-18-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS**Advisory Committee on Former Prisoners of War; Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the meeting of the Advisory Committee on Former Prisoners of War (FPOW), previously scheduled to be held at the Audie Murphy VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX, on October 5-7, 2015, *has been cancelled*.

For more information, please contact Mr. Eric Robinson, Designated Federal Officer at (202) 443-6016 or via email at eric.robinson3@va.gov.

Dated: September 16, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015-23615 Filed 9-18-15; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**MyVA Federal Advisory Committee; Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App.2., that the MyVA Advisory Committee (MVAC) will meet October 14 and 15, 2015 at the Department of Veterans Affairs, James A. Haley Veterans Hospital, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, and the James A. Haley Veterans Hospital Primary Care Annex, 13515 Lake Terrace Lane, Tampa, FL 33637.

The purpose of the Committee is to advise the Secretary, through the Executive Director, My VA Task Force Office regarding the My VA initiative and VA's ability to rebuild trust with Veterans and other stakeholders, improve service delivery with a focus on Veteran outcomes, and set the course for longer-term excellence and reform of VA.

On October 14 from 8:00 a.m. to 1:00 p.m., the Committee will convene a closed session in order to protect patient privacy as the Committee tours the VA Sunshine Healthcare Network, Patient

Care Annex. 5 U.S.C. 552b(b)(6). In the afternoon from 1:00 p.m. to 5:30 p.m., the Committee will reconvene in an open session to discuss the progress on and the integration of the work in the five key MyVA work streams—Veteran Experience (explaining the efforts conducted to improve the Veteran's experience), Employees Experience, Support Services Excellence (such as information technology, human resources, and finance), Performance Improvement (projects undertaken to date and those upcoming), and VA Strategic Partnerships.

On October 15, from 8:00 a.m. to 4:00 p.m., the Committee will meet at the

James A. Haley Veterans Hospital Primary Care Annex, 13515 Lake Terrace Lane, Tampa, FL 33673, to discuss and recommend areas for improvement on VA's work to date, plans for the future, and integration of the MyVA efforts. This session is open to the public. No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Committee's review to Debra Walker, Designated Federal Officer, MyVA Program Management Office, Department of Veterans Affairs, 1800 G Street NW., Room 880-40, Washington, DC 20420, or email at

Debra.Walker3@va.gov. Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Walker.

Because the meeting will be held in a Government building, anyone attending must be prepared to show a valid photo government issued ID. Please allow 15 minutes before the meeting begins for this process.

Dated: September 16, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015-23627 Filed 9-18-15; 8:45 am]

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Part II

Federal Trade Commission

Statement of Enforcement Principles Regarding "Unfair Methods of Competition" Under Section 5 of the Federal Trade Commission Act; Commission Policy Statement; Notice

FEDERAL TRADE COMMISSION**Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the Federal Trade Commission Act****AGENCY:** Federal Trade Commission.**ACTION:** Commission policy statement.

SUMMARY: The Federal Trade Commission has issued a Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act. The Statement describes the underlying antitrust principles that guide the Commission’s application of its statutory authority to take action against “unfair methods of competition” prohibited by Section 5 of the FTC Act but not necessarily by the Sherman Act or the Clayton Act.

DATES: The Commission announced the issuance of the Statement on August 13, 2015.

FOR FURTHER INFORMATION CONTACT: Donald S. Clark, Secretary, (202–326–2514), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:**Statement of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act**

Section 5 of the Federal Trade Commission Act declares “unfair methods of competition in or affecting commerce” to be unlawful. 15 U.S.C. 45(a)(1). Section 5’s ban on unfair methods of competition encompasses not only those acts and practices that violate the Sherman or Clayton Act but also those that contravene the spirit of the antitrust laws and those that, if allowed to mature or complete, could violate the Sherman or Clayton Act.

Congress chose not to define the specific acts and practices that constitute unfair methods of competition in violation of Section 5, recognizing that application of the statute would need to evolve with changing markets and business practices. Instead, it left the development of Section 5 to the Federal Trade Commission as an expert administrative body, which would apply the statute on a flexible case-by-case basis, subject to judicial review. This statement is intended to provide a framework for the Commission’s exercise of its “standalone” Section 5 authority to address acts or practices that are anticompetitive but may not fall within the scope of the Sherman or Clayton Act.

In deciding whether to challenge an act or practice as an unfair method of

competition in violation of Section 5 on a standalone basis, the Commission adheres to the following principles:

- The Commission will be guided by the public policy underlying the antitrust laws, namely, the promotion of consumer welfare;
- the act or practice will be evaluated under a framework similar to the rule of reason, that is, an act or practice challenged by the Commission must cause, or be likely to cause, harm to competition or the competitive process, taking into account any associated cognizable efficiencies and business justifications; and
- the Commission is less likely to challenge an act or practice as an unfair method of competition on a standalone basis if enforcement of the Sherman or Clayton Act is sufficient to address the competitive harm arising from the act or practice.

By direction of the Commission, with Chairwoman Ramirez and Commissioner Brill, Commissioner Wright, and Commissioner McSweeney voting in the affirmative, and Commissioner Ohlhausen dissenting.

Donald S. Clark,
Secretary.

Statement of the Federal Trade Commission¹ on the Issuance of Enforcement Principles Regarding “Unfair Methods of Competition” Under Section 5 of the FTC Act

The Federal Trade Commission was created in 1914 and vested with enforcement authority over “unfair methods of competition” under Section 5 of the FTC Act.² The Commission has issued a policy statement describing the enforcement principles that guide the exercise of our “standalone” Section 5 authority to address anticompetitive acts or practices that fall outside the scope of the Sherman and Clayton Acts.

In describing the principles and overarching analytical framework that guide the Commission’s application of Section 5, our statement affirms that Section 5 is aligned with the other antitrust laws, which have evolved over time and are guided by the goal of promoting consumer welfare and informed by economic analysis. The result of this evolution is the modern “rule of reason.”³ Our statement makes

¹ This statement reflects the views of Chairwoman Ramirez and Commissioners Brill, Wright, and McSweeney.

² 15 U.S.C. 45(a)(1). All references in this statement to “Section 5” relate to its prohibition of “unfair methods of competition” and not to its prohibition of “unfair or deceptive acts or practices.”

³ The “rule of reason” is the cornerstone of modern antitrust analysis. As the leading treatise on antitrust law explains,

clear that the Commission will rely on the accumulated knowledge and experience embedded within the “rule of reason” framework developed under the antitrust laws over the past 125 years—a framework well understood by courts, competition agencies, the business community, and practitioners. These principles also retain for the Commission the flexibility to apply its authority in a manner similar to the case-by-case development of the other antitrust laws. Finally, we confirm that the Commission will continue to rely, when sufficient and appropriate, on the Sherman and Clayton Acts as its primary enforcement tools for protecting competition and promoting consumer welfare.

There has been much thoughtful dialogue inside and outside of the agency over the course of the last century about the precise contours of Section 5’s prohibition against unfair methods of competition.⁴ We have benefited greatly from this ongoing dialogue and from judicial insights through the process of judicial review, and we believe that the principles we have set forth in our Section 5 statement are ones on which there is broad consensus.⁵

In antitrust jurisprudence, “reasonableness” sums up the judgment that behavior is consistent with the antitrust laws. A monopolist acting reasonably does not violate Sherman Act § 2. Reasonable collaboration among competitors does not violate Sherman Act § 1. Although reasonableness is usually judged case by case, it is sometimes made for a class of conduct, such as price fixing, which is then said to be intrinsically or “per se” unlawful. Thus, per se rules also derive from judgments about reasonableness, albeit for a type of behavior rather than for a particular case. Even under the Clayton Act, where decisions about tying, exclusive dealing, and mergers are seldom phrased in reasonableness terms, the application of those statutes depends on the same elements that define “reasonableness.”

VII Phillip E. Areeda & Herbert Hovenkamp, *Antitrust Law* ¶ 1500 (3d ed. 2010).

⁴ See Public Workshop Concerning the Prohibition of Unfair Methods of Competition in Section 5 of the Federal Trade Commission Act, 73 FR 50,818 (Aug. 28, 2008), available at <http://www.gpo.gov/fdsys/pkg/FR-2008-08-28/pdf/E8-2008.pdf> and at https://www.ftc.gov/sites/default/files/documents/public_events/section-5-ftc-act-competition-statute/p083900section5.pdf; *Section 5 of the FTC Act as a Competition Statute*, Fed. Trade Comm’n (Oct. 17, 2008), <https://www.ftc.gov/news-events/events-calendar/2008/10/section-5-ftc-act-competition-statute>.

⁵ Like the Commission’s policy statements on unfairness and deception, no public comment was sought here. The purpose of each of these policy statements is similar, which is to provide the Commission’s view on how it approaches the use of its statutory authority. See FTC Policy Statement on Unfairness, Letter from the Federal Trade Commission to Senator Wendell H. Ford, Chairman, Consumer Subcommittee, Senate Committee on Commerce, Science, and Transportation, and Senator John C. Danforth, Ranking Minority Member, Consumer Subcommittee, Senate Committee on Commerce, Science, and Transportation (Dec. 17, 1980), *appended to Int’l*

Dissenting Statement of Commissioner Maureen K. Ohlhausen: FTC Act Section 5 Policy Statement

I appreciate the effort to issue some form of guidance on the scope of Section 5 of the FTC Act's prohibition of "unfair methods of competition" (UMC).¹ However, I voted against the issuance of *this* policy statement in *this* manner. The approach of my colleagues to this important issue of competition policy is too abbreviated in substance and process for me to support. Moreover, what substance the statement does offer ultimately provides more questions than answers, undermining its value as guidance. In addition, the Commission's failure to seek public input has deprived us of guidance from key stakeholders on this particular interpretation of Section 5. Finally, the Commission's official embrace of such an unbounded interpretation of UMC is almost certain to encourage more frequent exploration of this authority in conduct and merger investigations and standalone Section 5 enforcement by the Commission.

First, the content of today's policy statement is seriously lacking. Unlike the detailed analysis in our policy statements on Section 5's prohibition of "unfair or deceptive acts or practices,"²

Harvester Co., 104 F.T.C. 949, 1070 (1984), and available at <https://www.ftc.gov/public-statements/1980/12/ftc-policy-statement-unfairness>; FTC Policy Statement on Deception, Letter from James C. Miller III, Chairman, Federal Trade Commission, to Representative John D. Dingell, Chairman, House Committee on Energy and Commerce (Oct. 14, 1983), appended to Cliff Assocs., Inc., 103 F.T.C. 110, 174 (1984), and available at <https://www.ftc.gov/public-statements/1983/10/ftc-policy-statement-deception>.

¹ Like many interested parties, I have called for Section 5 guidance on several occasions during my time on the Commission. See, e.g., *In re* Motorola Mobility LLC & Google Inc., FTC File No. 121-0120, Dissenting Statement of Commissioner Maureen K. Ohlhausen (Jan. 3, 2013), available at <https://www.ftc.gov/sites/default/files/documents/cases/2013/01/130103googlemotorolaohlhausenstmt.pdf>; *In re* Robert Bosch GmbH, FTC File No. 121-0081, Statement of Commissioner Maureen K. Ohlhausen (Nov. 26, 2012), available at <https://www.ftc.gov/sites/default/files/documents/cases/2012/11/121126boschohlhausenstatement.pdf>.

² See Fed. Trade Comm'n, Commission Statement of Policy on the Scope of the Consumer Unfairness Jurisdiction, 104 F.T.C. 1070, 1071 (1984) (appended to *In re* Int'l Harvester Co., 104 F.T.C. 949 (1984)) [hereinafter Unfairness Statement], available at <http://www.ftc.gov/bcp/policystmt/ad-unfair.htm>; Fed. Trade Comm'n, Policy Statement on Deception (appended to *In re* Cliffdale Assocs., Inc., 103 F.T.C. 110, 174 (1984)), available at <http://www.ftc.gov/bcp/policystmt/ad-decept.htm>. See also J. Howard Beales, *Brightening the Lines: The Use of Policy Statements at the Federal Trade Commission*, 72 Antitrust L.J. 1057, 1058 (2005) ("Each policy statement clarified and refined the legal standards that the Commission would apply, and each narrowed the range of the Commission's discretion. In their own ways, each statement has had a substantial impact on the development of the law.").

this Section 5 statement does not mention, much less grapple with, the existing case law. While the majority might like to sweep that unfortunate history under the rug, the fact is that the FTC was repeatedly rebuffed by the courts when it last tried to reach well beyond settled principles of antitrust law in asserting its Section 5 authority.³ Instead, the Commission acts as if it is writing on a clean slate for UMC. Further, and again in contrast to the consumer protection policy statements, this statement includes no examples of either lawful or unlawful conduct to provide practical guidance on how the Commission will implement this open-ended enforcement policy.⁴

To understand the impact of these deficiencies, it is instructive to consider, for example, the basic facts in the Commission's 1980 defeat in *Official Airline Guides* and how such facts could be analyzed under this new rubric. Requiring a monopolist provider of flight information to publish additional information on commuter airlines, as the Commission attempted to do, would undoubtedly benefit consumers in the ancillary market for commuter airline services. That would seem sufficient to satisfy the majority's "consumer welfare" requirement. It would also enhance competition in the market for air travel, a market in which the monopolist at issue in the case did not actually participate. That would not seem to be a bar to UMC liability, however, because competition would be enhanced somewhere and that ought to suffice under the second prong of the majority's statement. Finally, traditional antitrust laws do not provide the remedy the Commission sought to impose in *OAG*; however, pursuing such remedy likely would not be precluded by the statement's third prong.⁵ Similarly, incidents of simple oligopolistic interdependence, like the kind seen in *Ethyl*⁶ or *Boise Cascade*,⁷ are now arguably fair game under this framework. Because the policy statement fails to address past case law

³ See, e.g., *E.I. du Pont de Nemours & Co. v. FTC*, 729 F.2d 128, 139 (2d Cir. 1984) (*Ethyl*); *Boise Cascade Corp. v. FTC*, 637 F.2d 573, 582 (9th Cir. 1980); *Official Airline Guides, Inc. v. FTC*, 630 F.2d 920, 927 (2d Cir. 1980) (*OAG*).

⁴ See, e.g., William Blumenthal, *Clear Agency Guidelines: Lessons from 1982*, 68 Antitrust L.J. 5, 25 (2000) ("Good guidance goes beyond commonplace knowledge to offer specifics, to bridge gaps, to resolve ambiguities. It has an edginess; and because it provides details, it limits agency discretion.").

⁵ See *OAG*, 630 F.2d 920.

⁶ See *Ethyl*, 729 F.2d 128 (challenging unilateral pricing practices in oligopolistic industry).

⁷ See *Boise Cascade Corp.*, 637 F.2d 573 (challenging use of base point pricing system as incipient threat to competition).

or give examples of lawful and unlawful conduct, however, the business community and other agency stakeholders are left guessing whether these previous theories of liability are now revived.

Turning to the substance of the brief statement, if the Commission is going to issue a policy statement in this controversial area, it should provide meaningful guidance to those subject to our jurisdiction. This statement, however, provides no such guidance. Although no policy statement can anticipate all issues or questions that are likely to arise in the enforcement of a statute, this statement raises many more questions than it answers.

For example, to what extent will the Commission be "guided by the public policy underlying the antitrust laws"? In what way does "a framework similar to the rule of reason" differ from a traditional rule of reason analysis? Does "taking into account any associated cognizable efficiencies" mean the Commission will actually balance any such efficiencies against the alleged harms, or is there some other formula anticipated by the majority? Further, given the statement's embrace of incipiency as a guiding principle, at what point are harms or efficiencies measured? At what market share should a firm without monopoly power be concerned about triggering an incipient violation through its otherwise lawful conduct? What factors will the Commission consider in deciding whether to pursue under Section 5 conduct that it considers insufficiently addressed by the antitrust laws?⁸

Although short on details and constraints, one of the few guiding principles included in the statement is the pronouncement that Section 5 covers conduct that "contravenes the spirit of the antitrust laws" or which, "if allowed to mature or complete, could violate" the antitrust laws. These two extremely broad characterizations of the scope of Section 5 contribute to the vagueness of this statement.

The statement also explicitly permits the Commission to pursue conduct under Section 5 in the absence of substantial harm to competition.⁹ A

⁸ The brief majority statement that accompanies the policy statement does not meaningfully add to its contents. For example, how will the Commission determine that the antitrust laws are not "sufficient" or "appropriate"? When will the Commission use a traditional rule of reason analysis, and when will it use Section 5 "in a manner similar to the case-by-case development of the other antitrust laws"?

⁹ The statement may very well constrain the Commission from pursuing Section 5 to its broadest possible extent to reach conduct that is in bad faith,

Continued

substantial harm requirement, however, is found in our Unfairness Statement,¹⁰ and thoughtful commentary from leading antitrust scholars has suggested that such a requirement be included in any UMC statement.¹¹ In any case, the fact that this policy statement requires some harm to competition does little to constrain the Commission, as every Section 5 theory pursued in the last 45 years, no matter how controversial or convoluted, can be and has been couched in terms of protecting competition and/or consumers.¹²

Thus, the possibilities for expansive use of Section 5 under this policy statement appear vast. The majority's reading of Section 5 could easily accommodate a host of controversial theories pursued or considered by the Commission over the past four decades,

fraudulent, or oppressive without any possible relation to competition. *See, e.g.,* FTC v. Sperry & Hutchinson Co., 405 U.S. 233, 242 (1972). In practice, however, the Commission has not relied solely on such a rationale to support a UMC violation for several decades. Thus, in practice the statement constrains very little, if anything, in this regard.

¹⁰ *See* Unfairness Statement, *supra* note 2, at 1073 (“First of all, the injury must be substantial. The Commission is not concerned with trivial or merely speculative harms.”).

¹¹ *See, e.g.,* Section of Antitrust Law, Presidential Transition Report: The State of Antitrust Enforcement 2012–20 (2013) (“Standalone Section 5 enforcement should be used, if at all, only when the conduct involves substantial competitive harm.”); Transcript of Fed. Trade Comm’n Workshop, Section 5 of the FTC Act as a Competition Statute at 130 (Oct. 17, 2008) [hereinafter Section 5 Workshop], available at https://www.ftc.gov/sites/default/files/documents/public_events/section-5-ftc-act-competition-statute-transcript.pdf (“[M]y proposal was for where the practice causes very substantial harm, the remedy does not affect efficiencies or other good business reasons, and a clear line can be developed that allows predictability.”) (Robert Pitofsky). *See also* Herbert Hovenkamp, *The Federal Trade Commission and the Sherman Act*, 62 Fla. L. Rev. 871, 878–79 (2010) (“[T]he practices that [the FTC] condemns must really be ‘anticompetitive’ in a meaningful sense. That is, there must be a basis for thinking that the practice either does or will lead to reduced output and higher consumer prices or lower quality in the affected market.”).

¹² *See, e.g.,* *In re* Negotiated Data Solutions LLC, FTC File No. 051–0094, Statement of the Federal Trade Commission, at 2 & n.5 (Jan. 23, 2008), available at <https://www.ftc.gov/sites/default/files/documents/cases/2008/01/080122statement.pdf> (stating that Section 5 reaches conduct that is “oppressive and coercive” but also stating: “The process of establishing a standard displaces competition; therefore, bad faith or deceptive behavior that undermines the process may also undermine competition”); *In re* Intel Corp., FTC File No. 061–0247, Statement of Chairman Leibowitz and Commissioner Rosch, at 2 (Dec. 16, 2009), available at https://www.ftc.gov/system/files/documents/public_statements/568601/091216intelchairstatement.pdf (“We take seriously our mandate to find a violation of Section 5 only when it is proven that the conduct at issue has not only been unfair to rivals in the market but, more important, is likely to harm consumers, taking into account any efficiency justifications for the conduct in question.”).

including breach of standard-setting commitments, loyalty discounts, facilitating practices, conscious parallelism, business torts, incipient violations of the antitrust laws, and unfair competition through violation of various laws outside the antitrust context.¹³

To provide certainty regarding future enforcement under Section 5, a Commission policy statement must constrain the agency in some meaningful way. In truth, the open-ended “similar to the rule of reason” framework—to the extent I understand how it may be applied—does not seem to differ meaningfully from the existing case-by-case approach heretofore favored by a majority of the Commission. Indeed, my experience as a Commissioner leads me to believe that my colleagues, who have diverse views about antitrust law, would apply this policy statement to reflect these significant differences. No interpretation of the policy statement by a single Commissioner, no matter how thoughtful, will bind this or any future Commission to greater limits on Section 5 UMC enforcement than what is in this exceedingly brief, highly general statement.

Although some may argue that the courts will be an adequate check on this authority, many commenters have raised concerns about how frequently the FTC settles Section 5 cases and how infrequently courts review our UMC enforcement.¹⁴ I see no reason why this policy statement will change the incentives for settlement on either side or affect the infrequency of judicial scrutiny of FTC enforcement under Section 5.

The effect of this expansive policy statement also raises issues for our dual antitrust enforcement framework.

¹³ My colleagues have not ruled out any of these theories in their policy and majority statements.

¹⁴ *See, e.g.,* William E. Kovacic & Marc Winerman, *Competition Policy and the Application of Section 5 of the Federal Trade Commission Act*, 76 Antitrust L.J. 929, 941 (2010) (“As influences on doctrine and firm behavior, though, settlements are weak substitutes for decisions by the appellate courts that affirm FTC rulings based on Section 5. One can have confidence in a theory’s power and durability only when it has been tested in adversarial proceedings and endorsed by reviewing courts”); James Campbell Cooper, *The Perils of Excessive Discretion: The Elusive Meaning of Unfairness in Section 5 of the FTC Act*, 3 J. Antitrust Enforcement 87, 95 (2015) (“Even if the courts are the *de jure* arbiters of what constitutes an unfair method of competition, as long as the Commission avoids litigation, it becomes the *de facto* decider. This state of affairs calls into question the legitimacy of the FTC’s modern Section 5 cases. As long as the FTC’s theories remain untested in an adversarial proceeding, and unratified by appellate decisions, uncertainty will remain about the true reach of Section 5.”).

Principles of fairness and predictability require that divergence in liability standards between the two agencies resulting from enforcement of Section 5 be minimal.¹⁵ Otherwise, firms may face liability (or not), depending solely on which agency reviews their conduct. One can only imagine how this policy statement will affect the clearance process under which the agencies allocate matters, which is now primarily based on industry expertise. Even worse from a fairness standpoint is the prospect of the Commission leveraging its expansive Section 5 authority to pursue conduct by a firm whose time-sensitive merger happens to be under review by the Commission.¹⁶

In addition, the lack of internal deliberation and consultation surrounding this policy statement—as opposed to the topic of Section 5 more generally—is unfortunate.¹⁷ Many, including former Chairman Pitofsky, have urged the Commission to seek public comment on any proposed Section 5 policy statement before adopting it.¹⁸ Doing so here would have

¹⁵ *See, e.g.,* Antitrust Modernization Comm’n, Report and Recommendations 139 (2007) (addressing merger context and concluding: “So long as both agencies retain authority to enforce the antitrust laws, such divergence should be minimized or eliminated.”).

¹⁶ *See, e.g.,* *In re* Robert Bosch GmbH, FTC File No. 121–0081, Decision and Order (Nov. 26, 2012), available at <https://www.ftc.gov/sites/default/files/documents/cases/2013/04/130424robertboschdo.pdf> (consent order settling simultaneous merger and standalone Section 5 investigations). Indeed, concerns about the FTC having additional leverage over merging parties as compared to the DOJ have led to proposed legislation to strip the FTC of its ability to challenge an unconsummated merger in administrative litigation. *See* H.R. 5402, 113th Cong. (2014); *Hearing on The “Standard Merger and Acquisition Reviews Through Equal Rules (SMARTER) Act of 2014, Before the Subcomm. on Regulatory Reform, Commercial and Antitrust Law of the H. Comm. on the Judiciary*, 113th Cong. 2 (2014) (statement of Deborah A. Garza, former Chair, Antitrust Modernization Commission) (raising concerns about the FTC’s “potentially enormous advantage vis-à-vis DOJ and leverage over the parties with respect to the mergers it chooses to challenge”). The effect of today’s policy statement may well be to increase that perceived leverage.

¹⁷ The majority cites to a 2008 workshop to claim adequate discussion of our enforcement authority under Section 5. That workshop took place seven years ago, before any sitting member of the Commission was in office.

¹⁸ *See, e.g.,* Section 5 Workshop, *supra* note 11, at 67 (“If the FTC, by the way, is going to publish a rule along this line or any line, it should be put out for public comment so that people can react to it.”) (Robert Pitofsky); U.S. Chamber of Commerce, *Unfair Methods of Competition under Section 5 of the FTC Act: Does the U.S. Need Rules “Above and Beyond Antitrust”?*, CPI Antitrust Chronicle 8–9 (Sept. 2009) (“Any additional movement toward the use of Section 5 should be preceded by hearings and substantial time for debate among the antitrust community to ensure appropriate notice and guidance is provided to the business community and other interested constituents.”).

allowed the Commission to receive input from key stakeholders, including Congress, the Department of Justice (DOJ) Antitrust Division, the business community, and the antitrust bar on this particular policy formulation.¹⁹ Such input would have helped ensure that the Commission is offering durable and practical guidance around the fundamental question of whether and when this agency will reach beyond well-settled principles of antitrust law to impose new varieties of UMC liability.²⁰ It would also have allowed

¹⁹I also objected to the Commission's withdrawal, without any public input, of its policy statement on pursuing disgorgement in competition matters in 2012. See Statement of Commissioner Maureen K. Ohlhausen Dissenting from the Commission's Decision to Withdraw its Policy Statement on Monetary Equitable Remedies in Competition Cases (July 31, 2012), available at <http://www.ftc.gov/os/2012/07/120731ohlhausenstatement.pdf>.

²⁰Such consultation is especially warranted given the serious debate about the need to reach beyond the antitrust laws at all. See, e.g., II Phillip E. Areeda & Herbert Hovenkamp, *Antitrust Law* ¶ 302h, at 31 (4th ed. 2014) ("Apart from possible historical anachronisms in the application of those statutes, the Sherman and Clayton Acts are broad enough to cover any anticompetitive agreement or monopolistic situation that ought to be attacked whether 'completely full blown or not.' Nothing prevents those statutes from working their own condemnation of practices violating their basic policies."); *In re Negotiated Data Solutions LLC*, FTC File No. 051-0094, Dissenting Statement of Chairman Majoras, at 2-3 (Jan. 23, 2008), available at <http://www.ftc.gov/os/caselist/0510094/>

more careful consideration of how this expansive policy may be viewed by other antitrust regimes around the world.²¹

Finally, I disagree with the view that having an expansive UMC policy statement is better than having no statement at all. Arming the FTC staff with this sweeping new policy statement is likely to embolden them to explore the limits of UMC in conduct and merger investigations. The majority

080122majoras.pdf ("Although Section 5 enables the Commission to reach conduct that is not actionable under the Sherman or Clayton Acts, we have largely limited ourselves to matters in which respondents took actions short of a fully consummated Section 1 violation (but with clear potential to harm competition), such as invitations to collude. This limitation is partly self-imposed, reflecting the Commission's recognition of the scholarly consensus that finds the Sherman and Clayton Acts, as currently interpreted, to be sufficiently encompassing to address nearly all matters that properly warrant competition policy enforcement.") (footnotes omitted).

²¹See, e.g., James J. O'Connell, *Section 5, 1914, and the FTC at 100*, 29 *Antitrust* 5, 6 (Fall 2014) ("[T]he FTC does not operate in a vacuum but rather as part of an international enforcement community, the newer members of which study very closely the practices and policies of more experienced agencies. . . . [I]n the absence of clear limiting principles the FTC runs the risk of its [standalone Section 5] enforcement being seen by newer agencies as following a kind of 'We know it when we see it' approach, one which translates into other languages and cultures all too easily as a kind of implicit endorsement of arbitrary exercises of agency power.").

is also likely to pursue new UMC enforcement, else why bother to put out a statement with so little internal deliberation and no provision for public input? I fear that this will ultimately lead to more, not less, uncertainty and burdens for the business community.

I would prefer that any Section 5 policy statement be put out for public comment before adoption and include, among other things: (1) A substantial harm requirement; (2) a disproportionate harm test; (3) a stricter standard for pursuing conduct already addressed by the antitrust laws; (4) a commitment to minimize FTC-DOJ conflict; (5) reliance on robust economic evidence on the practice at issue and exploration of available non-enforcement tools prior to taking any enforcement action; and (6) a commitment generally to avoid pursuing the same conduct as both an unfair method of competition and an unfair or deceptive act or practice.²²

For all of these reasons, I dissent from the issuance of this policy statement.

[FR Doc. 2015-23498 Filed 9-18-15; 8:45 am]

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²²For a detailed discussion of factors that I believe should be included in a Section 5 statement, see Maureen K. Ohlhausen, *Section 5 of the FTC Act: Principles of Navigation*, 2 *J. Antitrust Enforcement* 1 (2014).



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Part III

The President

Presidential Determination No. 2015–12 of September 14, 2015—
Presidential Determination on Major Drug Transit or Major Illicit Drug
Producing Countries for Fiscal Year 2016
Proclamation 9323—Constitution Day and Citizenship Day, Constitution
Week, 2015

Presidential Documents

Title 3—

Presidential Determination No. 2015–12 of September 14, 2015

The President

Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2016

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit and/or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela.

A country's presence on the foregoing list is not a reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), the reason major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced, even if a government has carried out the most assiduous narcotics control law enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Included in this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B) of the FRAA. Explanations for these decisions are published with this determination.

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Burma and Venezuela are vital to the national interests of the United States.

This determination also highlights the importance of international cooperation and certain countries of particular concern to the United States relevant to our drug-control policies and programs.

The International Framework for Narcotics and Crime Control

The United States remains a leader in galvanizing international efforts to cooperate in addressing the full range of negative consequences tied to the drug trade and its links to criminal enterprise. The global framework for this cooperation is articulated in the three U.N. drug-control conventions as well as the U.N. conventions against transnational organized crime and corruption. The United States defines its priorities in this field in the annual *National Drug Control Strategy*, the *2011 U.S. Strategy to Combat Transnational Organized Crime*, and other Federal public policy guidelines.

The United States shares the view of the international community that the U.N. drug-control conventions are resilient enough to unify countries that often hold divergent views about the international narcotics problem, while at the same time providing a framework upon which to build the best solutions to it. The U.N. drug-control conventions allow sovereign nations the flexibility to develop and adapt the most appropriate policies and programs in keeping with their own national circumstances, while also

achieving the conventions' aims. These aims include ensuring the availability of controlled substances for medical and scientific purposes, preventing drug abuse and addiction, and suppressing drug trafficking and related criminal activities.

In April 2016, member states, the scientific community, and civil society will assemble in New York City for the U.N. General Assembly Special Session on drugs (UNGASS) to assess the successes and shortcomings of drug policy and to identify ways to meet new challenges in the future. The UNGASS is an opportunity to improve and develop international drug-control policies, in particular with regard to (1) increasing international efforts to address the world drug problem from a public health perspective; (2) sharing best practices in criminal justice reform; and (3) strengthening international law enforcement cooperation.

The world drug problem is complex and dynamic. This determination focuses selectively on those countries in Asia and the Americas that have been designated as major drug producing or transit countries that significantly impact the United States. The global challenges also include sophisticated crime networks that traffic narcotics along coastal regions of Africa, across the steppes of Central Asia, and into developed markets of Europe, East Asia, and Oceania.

Illegal poppy cultivation in Afghanistan is among the most difficult international drug-control problems. For 15 of the last 16 years, Afghanistan has been the world's largest producer of opium poppy. The United States Government estimated that in 2014 Afghanistan cultivated 211,000 hectares of opium poppy and produced 6,300 metric tons of opium (up 7 percent and 15 percent over 2013 levels, respectively).

A number of U.S. programs, in collaboration with multinational partners, have had positive results in developing economically viable alternatives for Afghan farmers. Successful programs include the U.S.-funded Good Performers Initiative that rewards provinces demonstrating verifiable counternarcotics achievements against defined standards with development assistance for alternative livelihood projects. The program promotes holistic and integrated action on counternarcotics and encourages farmers to forgo poppy cultivation by strengthening and diversifying alternatives to illegal poppy cultivation. United States funds also support the development of the specialized drug interdiction units of the Afghan Counternarcotics Police. In 2014, the Afghan police seized 23 metric tons of opium poppy. At the December 2014 London Conference on Afghanistan, the Kabul government pledged to intensify its drug-control efforts. United States and international experts agree that political resolve is integral in efforts to combat the production and trade of Afghan-sourced opiates. President Ghani has expressed a clear commitment to address Afghanistan's narcotics crisis comprehensively. Most recently, the Afghan Ministry of Counternarcotics shared with United States Government officials its draft National Drug Action Plan, which covers the full spectrum of government efforts for interdiction, eradication, treatment, education, and alternative development.

The Colombo Plan for Cooperative Economic and Social Development in Asia and the Pacific is an organization of 21 countries dedicated to providing technical assistance on drug-control issues to Afghanistan and the region. The Colombo Plan has taken the lead in strengthening Afghanistan's drug treatment services, especially for vulnerable populations such as women, children, and the homeless.

The Golden Triangle, which includes Burma and Laos, is also central to the Colombo Plan's regional focus. Burma and Laos are the second and third largest illegal opium poppy cultivation countries, respectively. As in Afghanistan, countering illegal drug cultivation in Burma and Laos will require strengthening of state institutions and sustainable economic development.

The international community is also taking steps to focus attention on illegal drug activity in China, especially precursor chemicals produced in China that are diverted from legitimate commerce to criminal elements for the production of illicit plant-based and synthetic drugs.

Mexico, the Caribbean, and Central America

Through the Merida Initiative, the United States and Mexico have engaged in an unprecedented partnership to break the power and impunity of transnational criminal organizations; strengthen border, air, and maritime controls; expand the capabilities and professionalism of Mexican law enforcement at the federal, state, and local levels; and improve the capacity of justice systems to investigate and prosecute cases. The two countries also collaborate to further respect for human rights and the rule of law, increase citizen security, and reduce the demand for drugs. The Merida Initiative is guided by four goals: (1) disrupt the capacity of organized crime to operate; (2) institutionalize the capacity to sustain the rule of law; (3) create a 21st century border; and (4) build strong and resilient communities. Each of these goals has a positive impact on our countries' ability to combat narcotics trafficking. For example, the United States has provided scanners, x-ray machines, other non-intrusive inspection equipment, as well as trained canines, to enhance Mexican authorities' ability to detect illicit goods at key checkpoints and ports of entry along the border, resulting in significant seizures of illicit drugs, currency, weapons, and explosives. The Mexican government has also undertaken innovative efforts to implement alternatives to incarceration for non-violent, low-level, drug-use offenders by instituting drug treatment courts in many Mexican states.

The seven Central American and four Caribbean nations are included in this year's determination as major drug transit countries that impact illegal drug activities and consumption in the United States. According to seizure data of cocaine destined for U.S. markets, an estimated 86 percent transited through the Central American corridor and the remaining 14 percent traveled via the Caribbean in 2014.

In recent years, Haiti has demonstrated serious political will as a regional partner to counter transnational criminal activity. In 2014, for example, with U.S. technical assistance and financial support, Haiti took meaningful steps to enhance the capabilities of its Police Brigade in the Fight against Narcotics Trafficking (BLTS). United States assistance continues to help improve Haiti's ability to address the drug problem, in particular by strengthening the operational capacity of its national law enforcement; providing infrastructure and equipment enhancements; and, facilitating training opportunities. Institution building is also being carried out to strengthen Haiti's maritime interdiction capabilities, which is a fundamental tool given the large percentage of drugs smuggled via its surrounding waterways. Working with the U.S. Coast Guard and the Drug Enforcement Administration, two operations in Haiti resulted in the seizure of almost a metric ton of cocaine and nearly five metric tons of marijuana. In 2014, Haiti also signed a law formally criminalizing public corruption, establishing standard penalties for corrupt practices by Haiti's officials.

South America

Within South America, Colombia and Peru demonstrate highly effective leadership in countering illegal drug trafficking and transnational crime. While Peru remains the top cocaine producer in the world, the Peruvian government has a comprehensive 5-year counternarcotics strategy to aggressively eradicate illicit coca, implement alternative development programs, interdict illicit narcotics, and reduce domestic drug abuse. With support from the United States, Peru exceeded its historic 2014 goal to eradicate 30,000 hectares of illicit coca, eradicating a total of 31,205 hectares. Peru has achieved success establishing state institutions and building infrastructure in coca-producing regions, and developing alternative livelihoods for farmers previously dependent on illicit cultivation. Peru has also achieved historic results in seizures of cocaine, netting nearly 30 metric tons in

2014. In total, 300 metric tons of cocaine was removed from global supply through Peruvian interdiction and eradication.

Colombia also continues to be a strong partner on counternarcotics. Annually, Colombian authorities seize well over 100 metric tons of cocaine. Due to sustained coca eradication efforts and drug enforcement activity, coca cultivation dropped 52 percent between 2007 and 2013, and cocaine production potential declined by 58 percent for the same time period. The government made substantial gains in establishing a state presence in remote areas, developing alternatives for coca producers, and improving the capacity of its law enforcement and judicial institutions. Calendar year 2014, however, saw a reversal in illegal crop cultivation, due primarily to increased cultivation in areas off limits to aerial eradication. Colombia is also exporting its hard-won security expertise to third countries. From 2009 to 2014, the Colombian National Police reported training nearly 26,500 international police personnel from over 61 countries from Latin America, Africa, and Europe.

The Way Forward

The United States will continue to expand and enhance collaborative counternarcotics and anti-crime partnerships to advance common goals and increase citizen security. The United States will also continue to support like-minded nations through evidence-based technical assistance to modernize law enforcement, reform justice systems, support training, and develop drug demand reduction and treatment programs. Such global undertakings aim to build sustainable national capacity and permanent international partnerships to counter the threat to international security posed by the world drug trade and other illegal activities associated with transnational organized crime.

You are hereby authorized and directed to submit this report, with the enclosed memoranda of justification regarding Bolivia, Burma, and Venezuela, under section 706 of the FRAA, to the Congress, and publish it in the *Federal Register*.



THE WHITE HOUSE,
Washington, September 14, 2015

Presidential Documents

Proclamation 9323 of September 16, 2015

Constitution Day and Citizenship Day, Constitution Week, 2015

By the President of the United States of America

A Proclamation

At the culmination of months of deliberation, debate, and compromise, on September 17, 1787, the Constitution of the United States of America was signed. Colonists came together in bold pursuit of a roadmap for citizenship and a framework for our democracy—exemplifying the statesmanship and character that would forever set our Nation apart. Yielding to the power of shared ideals over stubborn opinion, our forefathers upheld a belief that remains at the heart of America today: that men and women of free will have the capacity to shape their own destinies.

These early patriots understood what it meant to be American. They succeeded in crafting a document that enshrines our enduring faith in the notion that being a citizen is about more than circumstances of birth—we are bound together by our beliefs, our unalienable rights, and the idea that we must accept certain obligations to one another and to future generations. In what has become the supreme law of our land, and in the ensuing amendments to it, we see a reflection of our Founding Fathers' insistence that the task of perfecting our Union is never finished—we must constantly take up the critical work of bettering ourselves and our society. These ideals have driven America forward from her nascence on the cobblestone streets of Philadelphia through today, and we continue to shine as a beacon of hope and freedom to the rest of the world.

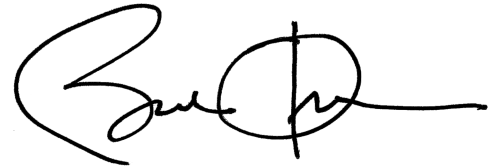
Each year on Citizenship Day, we welcome our country's newest citizens and reaffirm our proud legacy as a Nation of immigrants. In wave after wave through the centuries, people from every corner of the globe have come to our shores in pursuit of happiness and a better life for themselves and their families. In their home countries, our Constitution has stood out as an emblem of equality and representation for all. Those of us who have been Americans our entire lives have an obligation to remember that we were strangers once, too, and together we must work to extend the promise that citizenship provides to all who seek liberty's light. Since last year, we have redoubled these efforts by creating the White House Task Force on New Americans—a Government-wide effort tasked with better integrating immigrants and refugees into American communities. The Task Force released its strategic plan in April, which includes efforts to raise awareness about the rights, responsibilities, and importance of United States citizenship. It is essential that we encourage individuals who are eligible to take an important step in their American journey and commit to becoming a citizen.

On this day and throughout this week, let us honor the values for which the Framers stood by rededicating ourselves to carrying forward the spirit first embodied in their achievements—that what makes our country great is not that we are perfect, but that we can face our imperfections and decide that it is in our power to remake our Nation to more closely align with our highest ideals. With time, courage, and the participation of our citizenry, we can pay tribute to those who shaped the land we love today while working to secure everlasting peace, prosperity, and opportunity for all who call America home.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as "Constitution Day and Citizenship Day," and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2015, as Constitution Day and Citizenship Day, and September 17 through September 23, 2015, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that bring together community members to reflect on the importance of active citizenship, recognize the enduring strength of our Constitution, and reaffirm our commitment to the rights and obligations of citizenship in this great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style. The signature is positioned to the right of the text.

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