

As noted, the additional flexibility to be afforded to the Adviser and Sub-Adviser by permitting the Fund to invest in Derivative Instruments under the proposed rule change is intended to enhance the Adviser's and Sub-Adviser's ability to meet the Fund's investment objective. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-traded options, exchange-traded futures and exchange-traded options on futures with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded options, exchange-traded futures and exchange-traded options on futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-traded options, exchange-traded futures and exchange-traded options on futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, as indicated in the Prior Release, investors will have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value (as defined in NYSE Arca Equities Rule 8.600(d)(2)(A)), the Disclosed Portfolio, and quotation and last sale information for the Shares. Consistent with the No-Action Letter, (i) the Board of Trustees of the Trust will periodically review and approve the Fund's use of derivatives and how the Adviser assesses and manages risk with respect to the Fund's use of derivatives and (ii) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

#### *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 believes the proposed rule change will permit the Adviser and Sub-Adviser additional flexibility in achieving the Fund's investment objective, thereby offering investors additional investment options. The proposed rule change will allow the Fund to use Derivative Instruments as a more efficient substitute for taking a position in the underlying asset and/or as part of a strategy designed to reduce exposure to risks (such as interest rate), enhance liquidity or to enhance

investment returns. The proposed change, therefore, will provide additional flexibility to the Adviser and Sub-Adviser to seek the Fund's investment objective and will enhance the Fund's ability to compete with other actively managed exchange-traded funds and mutual funds.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act<sup>18</sup> and Rule 19b-4(f)(6) thereunder.<sup>19</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may temporarily suspend this rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

<sup>18</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>19</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2015-72 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-NYSEArca-2015-72. 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 this filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2015-72 and should be submitted on or before September 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2015-21207 Filed 8-26-15; 8:45 am]

**BILLING CODE 8011-01-P**

## **TENNESSEE VALLEY AUTHORITY**

### **Environmental Impact Statement— Closure of CCR Impoundments**

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of intent.

<sup>20</sup> 17 CFR 200.30-3(a)(12).

**SUMMARY:** The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the closure of coal combustion residual (CCR) impoundments at its coal-fired power plants. CCRs are byproducts produced from the combustion of coal or the control of combustion emissions and include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. The purpose of this EIS is to facilitate TVA's compliance with the CCR Rule that the U.S. Environmental Protection Agency (EPA) issued on April 17, 2015. This also will provide the public a meaningful opportunity to comment on the issues associated with that effort.

This EIS will programmatically consider the impacts of the two primary closure methods: (1) Closure-in-Place and (2) Closure-by-Removal. It will also consider the site-specific impacts of closing 11 of TVA's impoundments within three years. Public comment is invited concerning the scope of this EIS.

**DATES:** Comments on the scope of the EIS must be received on or before September 30, 2015.

**ADDRESSES:** Written comments should be sent to Ashley Farless, Tennessee Valley Authority, 1101 Market St., BR4A, Chattanooga, TN 37402. Comments also may be submitted to <http://www.tva.gov/environment/reports/ccr> or by email to [CCR@tva.gov](mailto:CCR@tva.gov).

**FOR FURTHER INFORMATION CONTACT:** Ashley Farless, 1101 Market Street, BR 4A, Chattanooga, TN 37402, 423.751.2361, [CCR@tva.gov](mailto:CCR@tva.gov).

**SUPPLEMENTARY INFORMATION:** This notice is provided in accordance with the regulations promulgated by the Council on Environmental Quality (40 CFR parts 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act ([http://www.tva.com/environment/reports/pdf/tvanepa\\_procedures.pdf](http://www.tva.com/environment/reports/pdf/tvanepa_procedures.pdf)).

### **TVA Power System and CCR Management**

TVA is a federal agency and instrumentality of the United States, established by an act of Congress in 1933. Its broad mission is to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the generation, transmission, and sale of reliable and affordable electric energy.

TVA operates the nation's largest public power system, producing approximately 4 percent of all of the electricity in the nation. TVA provides

electricity to most of Tennessee and parts of Virginia, North Carolina, Georgia, Alabama, Mississippi, and Kentucky. Currently, it serves more than 9 million people in this seven-state region. The TVA Act requires the TVA power system to be self supporting and operated on a nonprofit basis and directs TVA to sell electricity at rates as low as are feasible. TVA receives no appropriations.

Most of the electricity is generated on the TVA system from 3 nuclear plants, 10 coal-fired plants, 9 simple-cycle combustion turbine plants, 6 combined-cycle combustion turbine plants, 29 hydroelectric dams, a pumped-storage facility, a wind-turbine facility, a methane-gas cofiring facility, a diesel-fired facility, and several small solar photovoltaic facilities. Only its coal-fired power plants produce CCRs.

Historically, TVA has managed its CCRs in wet impoundments or dry landfills. After a CCR impoundment at its Kingston power plant failed in 2008, TVA committed to converting its CCR impoundments to dry systems. TVA has coal-fired plants and CCR impoundments in Alabama, Kentucky, and Tennessee. Its CCR impoundments or wet CCR management facilities vary in size from less than 10 acres to more than 300 acres. All of TVA's CCR facilities operate under permits issued by the States in which they are located.

### **EPA's CCR Rule and Determinations**

EPA's April 2015 CCR Rule establishes national criteria and schedules for the management and closure of CCR facilities. To support this rule, EPA compiled an extensive administrative record, including a number of technical and scientific studies. EPA decided to continue to regulate CCRs as solid waste and determined that compliance with its CCR criteria would ensure that CCR management activities and facilities would not pose a reasonable probability of adverse effects on health or the environment. The rule establishes location restrictions, liner design criteria, structural integrity requirements, operating criteria, groundwater monitoring and corrective action requirements, closure and post-closure care requirements, and recordkeeping, notification, and internet posting requirements.

EPA indicated that current management of CCRs poses risks primarily associated with potential structural failures and groundwater contamination. In its technical analyses, EPA determined that CCR impoundments posed greater risks than CCR landfills because ponded water

creates a hydraulic head that can stress impoundment structural integrity and promote groundwater contamination.

EPA's rule establishes two primary closure methods: (1) Closure with CCR in Place and (2) Closure through Removal. Closure-in-Place involves removing standing water from an impoundment and installing a final cover system that minimizes the infiltration of water. Closure-by-Removal involves excavating and relocating the CCRs from an impoundment (or beneficially using them in products or structural fills). EPA observed that most facilities would be closed in place because of the difficulty and cost of Closure-by-Removal. It determined that either closure method would be equally protective if done properly.

### **Closure-in-Place v. Closure-by-Removal**

TVA has decided to perform a programmatic review of the potential impacts of the two primary closure methods. EPA's technical analyses lend themselves to and support such an approach. Conclusions reached from such a programmatic comparison generally should be applicable to any CCR impoundment on the TVA system regardless of the location. Site specific conditions would affect the potential magnitude of effects, but not the kind of effects. For example, Closure-by-Removal would require excavating the accumulated CCRs and transporting them elsewhere either for beneficial use or disposal in a CCR-compliant or municipal solid waste landfill. In every instance where CCRs are moved off site there would be transportation impacts of some kind and to some degree depending on the transportation distance and method. Identifying, assessing, and contrasting the effects of these two closure methods on a generic basis would allow their merits to be considered by the public, interested stakeholders, and TVA decision makers. In this programmatic review, TVA may be able to identify general criteria for method selection that could be applied to site-specific closure actions when those are assessed.

### **Site-Specific Actions**

EPA structured its CCR Rule to encourage regulated entities to accelerate the closure of CCR impoundments because of the significant decrease in risk that results from eliminating the hydraulic head of ponded water. EPA determined that once a CCR impoundment is dewatered and closed, the risks are no greater than those of an inactive CCR landfill that is not subject to additional requirements

under the rule. This would require TVA to cease sending CCRs to an impoundment by October 19, 2015, remove the water, and close it by April 17, 2018. TVA has identified 11 CCR impoundments at six of its plants that it could cease using and close within the required timeframe. These are facilities at its Allen, Bull Run, Kingston and John Sevier plants in Tennessee and at its Widows Creek and Colbert plants in Alabama. The EIS would assess the site specific impacts of such closures.

### EIS Scope

Scoping is a process that allows the public to comment on an agency's plans for an EIS. This includes identifying issues that should be studied and those that have little significance. The public's views on the alternatives that should be addressed also can be helpful in preparing an EIS.

Programmatically, TVA proposes to examine two closure alternatives, Closure-in-Place and Closure-by-Removal. The EIS will address different methods of implementing the two closure approaches, including partial removal of CCRs. Various kinds of caps or surface liners could be used for Closure-in-Place and the merits of those approaches, sub-alternatives, will be addressed. Closure-by-Removal could involve moving CCRs off-site by truck, rail, or barge transportation and the potential impacts of these alternative transportation methods would be addressed. At the site-specific level, TVA will examine in more specific detail the implications of closing these eleven impoundments. TVA encourages the public to comment on this.

At either the programmatic or site-specific level, the typical range of resource impacts addressed in EISs would be assessed. This would include surface and groundwater impacts that were a focus of EPA's technical assessments. It also is likely that Closure-in-Place or Closure-by-Removal would involve movements to and from borrow areas to obtain cover material (soil, clay). For Closure-by-Removal, it would be necessary to fill in the depression or hole that is left when CCRs are removed unless it is possible to place the removed CCRs back into the hole after lining the bottom. It also may be possible to beneficially use some of the ash as cover material (structural fill) in lieu of using borrow material to close a dewatered CCR impoundment.

### Public Participation

The public is invited to submit comments on the scope of this EIS no later than the date identified in the **DATES** section of this notice. After TVA

prepares a draft of the EIS, TVA will release it for public comment. TVA anticipates holding public meetings near the plants where site-specific early closure actions are proposed after release of the draft EIS. Meeting details will be posted on TVA's Web site. The schedule for releasing the Draft EIS is December 2015 or January 2016.

Dated: August 19, 2015.

**Wilbourne (Skip) C. Markham,**  
*Director, Environmental Compliance.*

[FR Doc. 2015-21217 Filed 8-26-15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Third Meeting: RTCA Special Committee 233 (SC 233) Addressing Human Factors/Pilot Interface Issues for Avionics

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

**ACTION:** Third Meeting Notice of RTCA Special Committee 233.

**SUMMARY:** The FAA is issuing this notice to advise the public of the third meeting of the RTCA Special Committee 233.

**DATES:** The meeting will be held September 15th–17th from 8:00 a.m.–4:30 p.m.

**ADDRESSES:** The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036, Tel: (202) 330-0662.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org> or Jennifer Iversen, Program Director, RTCA, Inc., [jiversen@rtca.org](mailto:jiversen@rtca.org), (202) 330-0662.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of the RTCA Special Committee 233. The agenda will include the following:

**Tuesday, September 15, 2015 (8:00 a.m.–4:30 p.m.)**

1. Introduction, Upcoming PMC Dates, Minutes from Last Meeting
2. Rotorcraft Directorate Test Pilot Evaluations
3. Outline Discussion
4. Subcommittee Out-brief
5. Subcommittee Initial Breakout Session
6. Planning for Next Meeting

**Wednesday, September 16, 2015 (8:00 a.m.–4:30 p.m.)**

1. Subcommittee Breakout Sessions
2. Subcommittee Breakout Sessions
3. Subcommittee Out-brief

**Thursday, September 17, 2015 (8:00 a.m.–2:00 p.m.)**

1. Leadership Team Wrap-up/ Discussion on Outline Content
2. Subcommittee Assignments
3. Meeting Recap, Action Items, Key Dates

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 19, 2015.

**Latasha Robinson,**  
*Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.*

[FR Doc. 2015-21184 Filed 8-26-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2014-0025]

#### Notice of Buy America Waiver for Track Turnout Component

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Buy America Waiver.

**SUMMARY:** In response to a Buy America waiver request from the Long Island Rail Road (LIRR), a subsidiary of the New York Metropolitan Transportation Authority (MTA), the Federal Transit Administration (FTA) hereby waives its Buy America requirements for the movable point frog component of one track turnout that LIRR needs for Stage 1.1 of its Jamaica Station Capacity Improvements Project, Phase I (JCI-Phase 1 Project). The turnout itself, however, is subject to FTA's Buy America requirements and, accordingly, the turnout must be manufactured in the United States.

This Buy America waiver does not apply to track turnout components for Stages 2.0.1, 2.0.2, 2.0.3, and any other stages of LIRR's JCI-Phase I Project, or for LIRR's State of Good Repair Program, as LIRR has withdrawn such waiver