time segments does not create an undue burden on competition, rather, it provides the Market Maker with clarity as to the manner in which the System counts quotes and orders and thereby provides NOM Market Makers with an increased ability to monitor transactions.

Rounding

The Exchange's amendment to add that if the Issue Percentage, rounded to the nearest integer, equals or exceeds the Specified Percentage, the System automatically removes a Market Maker's quotes and orders in all series of an underlying security does not create an undue burden on competition because this amendment also provides the Market Maker with clarity as to the manner in which the System will remove quotes and orders and thereby provides NOM Market Makers with an increased ability to monitor transactions and set risk limits.

Reset

The amendment to the rule text concerning resetting does not create an undue burden on competition. The Exchange proposes to amend the manner in which a Market Maker may re-enter the System after a removal of quotes and orders. This amendment provides information to NOM Market Makers as to the procedure to re-enter the System after a trigger. This information is intended to provide NOM Market Makers with access to the market.

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

No written comments were either solicited or received.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [28] and subparagraph (f)(6) of Rule 19b–4 thereunder.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved. The Exchange has provided the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

IV. Solicitation of Comments

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

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–NASDAQ–2015–122 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–NASDAQ–2015–122.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–NASDAQ–2015–122* and should be submitted on or before November 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–28143 Filed 11–4–15; 8:45 am]

BILLING CODE 8011–01–P

[28] 15 U.S.C. 78s(b)(3)(a)(iii).

[29] 17 CFR 240.19b–4(f)(6).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of a new task assignment for the Aviation Rulemaking Advisory Committee.

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations regarding occupant protection rulemaking in normal and transport category rotorcraft for older certification basis type designs that are still in production. The FAA amended regulations to incorporate occupant protection rules, including those for emergency landing conditions and fuel system crash resistance, for new type designs in the 1980s and 1990s. These rule changes do not apply to newly manufactured rotorcraft with older type designs or to derivative type designs that keep the certification basis of the original type design. This approach has resulted in a very low incorporation rate of occupant protection features into the rotorcraft fleet, and fatal accidents remain unacceptably high. At the end of 2014, only 16% of U.S. fleet had complied with the crash resistant fuel system requirements effective 20 years earlier, and only 10% had complied with the emergency landing requirements effective 25 years earlier. A recent fatal accident study has shown these measures would have been effective in saving lives.

This notice informs the public of the new ARAC activity and solicits

[30] 17 CFR 200.30–3(a)(12).

membership for the new Rotorcraft Occupant Protection Working Group.

FOR FURTHER INFORMATION CONTACT: Martin R. Crane, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, Texas 76177, *Martin.R.Crane@faa.gov,* phone number 817–222–5110, facsimile number 817–222–5961.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of the September 17, 2015, ARAC meeting, the FAA assigned and ARAC accepted this task establishing the Rotorcraft Occupant Protection Working Group. The Rotorcraft Occupant Protection Working Group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and accept the recommendation report and will submit it to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation-related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The Rotorcraft Occupant Protection Working Group will provide advice and recommendations to the ARAC on occupant protection rulemaking, including both initial certification and continued airworthiness. The basic concept of occupant protection is to give all occupants the greatest possible chance to egress an aircraft without serious injury after a survivable emergency landing or accident. While the number of U.S. helicopter accidents and the corresponding accident rate over the past 10 years have steadily decreased, during that same time period data associated with fatal helicopter accidents and fatalities remains virtually unchanged. A number of regulations were promulgated in the 1980s and 1990s to address and greatly improve occupant protection in a survivable emergency landing or accident. These occupant protection improvements involve seat systems that reduce the likelihood of fatal injuries to the occupant in a crash (14 CFR 27.562, 27.785, 29.562, and 29.785); structural requirements that maintain a survivable volume and restrain large items of mass above and behind the occupant (14 CFR 27.561 and 29.561); and fuel systems that reduce the likelihood of an immediate post-crash fire (14 CFR 27.952 and 29.952). If the occupant protection improvement rules are not incorporated in new production helicopters, there will be no meaningful reduction in the number of fatalities in helicopter accidents.

Following a series of accidents involving post-crash fires, the Australian Civil Aviation Safety Authority asked the FAA for assistance in determining the airworthiness of certain helicopters. This request resulted in a collaborative post-crash fire/blunt force trauma study performed by the FAA's Rotorcraft Directorate and Civil Aerospace Medical Institute (CAMI). The data consisted of 97 fatal accidents involving U.S. registered, type-certificated helicopters in a five-year timeframe from 2008 to 2013. Part 27 rotorcraft comprised the largest mass of data (87 of 97 fatal accidents, 90% of the total) in the study. The post-crash fire portion of the study found that post-crash fires occurred in 30 of 76 (39%) of fatal accidents involving part 27 helicopters without fuel systems that meet the full crash resistance requirements of 14 CFR 27.952. The post-crash fire contributed to a fatality in 20% of these fatal accidents. While the data set for part 29 rotorcraft was much smaller (10 of 97 fatal accidents, 10% of the total), the results were comparable. Through the course of the study, the Rotorcraft Directorate further discovered that there were only about 16% of U.S. registered, type-certificated rotorcraft that fully complied with the fuel system crash resistance provisions in §§ 27.952 and 29.952, despite those rules having been in effect for 20 years at the time of the study.

In the time since increased rotorcraft occupant protection standards became effective as federal regulations, research efforts have studied injury patterns in fatal rotorcraft accidents. In April 2003, *Aviation, Space, and Environmental Medicine* published Narinder Taneja and Douglas A. Wiegmann's ''Analysis of Injuries Among Pilots Killed in Fatal Helicopter Accidents.'' Using autopsy data from 1993 to 1999, Taneja and Wiegmann analyzed the pattern of specific bony injuries (ribs, skull, and pelvis) and organ/visceral injuries (brain, lung, and heart) documented in 74 fatal rotorcraft accidents. They found blunt trauma as the cause of death in 88% of the cases, with the highest percentages of injuries to the head and core body regions. Among the implications cited in their study was, ''Protection of the occupants exposed to a crash is a realistic objective that can be achieved if crashworthiness becomes a primary element of initial helicopter design and future upgrade programs.''

The second component of the Rotorcraft Directorate/CAMI study involved blunt force trauma. Blunt force trauma accounted for cause of death in 92% of the 2008–2013 fatal accident data. In addition, blunt force trauma also was the cause of death in 80% of the part 27 fatal rotorcraft accidents where a post-crash fire occurred. The Rotorcraft Directorate and CAMI built their study using the framework and methodology previously established by Taneja and Wiegmann's 2003 study. Further, they used the percentages of bony injuries and organ/visceral injuries documented in Taneja and Wiegmann's study as a baseline for comparison. The intent was to see if a statistically significant change occurred in blunt force trauma injury patterns in fatal rotorcraft accidents in the 10 years since the previous study. They concluded there was no statistically significant difference across most categories of bony injuries and across all categories of organ/visceral injuries. The Rotorcraft Directorate further discovered that only 10% of U.S. registered, type-certificated rotorcraft complied with increased occupant protection measures related to blunt force trauma mandated in the §§ 27.562 and 29.562 rules, despite the rules being in effect for 25 years at the time of the study. The provisions of §§ 27.562 and 29.562 were specifically designed for increased protection of the head and core body regions, the same regions documented with the highest levels of injury in the fatal accident studies conducted by Taneja and Wiegmann and the Rotorcraft Directorate/CAMI.

Additional research found that about 9,000 occupants had been involved in U.S. helicopter accidents in the 25 years since §§ 27.562 and 29.562 became effective. Only 2% of helicopters in those accidents were compliant with §§ 27.562 and 29.562. Over 1,300 occupants were killed in accidents involving the 98% of helicopters that were not compliant with §§ 27.562 and 29.562.

The Task

The Rotorcraft Occupant Protection Working Group is tasked to:

1. Perform a cost-benefit analysis for incorporating the existing occupant protection standards 14 CFR 27.561, 27.562, 27.785, 27.952, 29.561, 29.562, 29.785, and 29.952 via §§ 27.2 and 29.2 for newly manufactured rotorcraft that addresses the following:

a. Estimate what the regulated parties would do differently as a result of the proposed regulation and how much it would cost.

b. Estimate the improvement in survivability of future accidents.

c. Estimate any other benefits (*e.g.,* reduced administrative burden) or costs

that would result from implementation of the occupant protection standards identified above.

2. Develop a cost-benefit analysis report containing the information explained in task 1 above.

3. After the FAA accepts and considers the cost benefit analysis report, the FAA will task the Rotorcraft Occupant Protection Working Group either to make specific written recommendations on how all or part of the existing occupant protection standards 14 CFR 27.561, 27.562, 27.785, 27.952, 29.561, 29.562, 29.785, and 29.952 should be made effective via §§ 27.2 and 29.2 for newly manufactured rotorcraft, or to propose new alternative performance-based occupant protection safety regulations for newly manufactured rotorcraft that will be effective via §§ 27.2 and 29.2.

4. If new alternative performance-based occupant protection safety regulations effective via §§ 27.2 and 29.2 are proposed, perform a cost-benefit analysis that addresses the following:

a. Estimate what the regulated parties would do differently as a result of the proposed regulation and how much it would cost.

b. Estimate the improvement in survivability of future accidents from the proposed recommendations.

c. Estimate any other benefits (*e.g.,* reduced administrative burden) or costs that would result from implementation of the recommendations.

5. Develop an initial report containing recommendations on the findings and results of the tasks explained above.

a. The initial recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.

b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

6. Complete the following after the FAA accepts the initial recommendation report identified in task 5:

a. Specifically advise and make written recommendations on incorporating rotorcraft occupant protection improvements and standards into the existing rotorcraft fleet. Occupant protection standards include either all or part of 14 CFR 27.561, 27.562, 27.785, 27.952, 29.561, 29.562, 29.785, and 29.952, or new alternative proposed performance-based regulations.

b. Develop an addendum report containing recommendations on the findings and results of the tasks explained above.

c. Document both majority and dissenting positions on the findings and the rationale for each position.

d. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

7. The working group may be reinstated to assist the ARAC in responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

This tasking notice requires three reports.

- The task 2 cost-benefit analysis report must be submitted to the FAA for review and acceptance no later than 6 months after publication of this notice in the **Federal Register**.
- The task 5 initial recommendation report must be submitted to the FAA for review and acceptance no later than 12 months after initiation of task 3 above.
- The task 6 addendum recommendation report must be submitted to the FAA for review and acceptance no later than 6 months after the initial recommendation report is submitted.

Working Group Activity

The Rotorcraft Occupant Protection Working Group must comply with the procedures adopted by the ARAC as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.

3. Provide a status report at each ARAC meeting.

4. Draft and submit the recommendation reports based on review and analysis of the assigned tasks.

5. Present the cost-benefit analysis report in task 2 at the ARAC meeting.

6. Present the initial recommendation report at the ARAC meeting.

7. Present the findings from the addendum recommendation report at the ARAC meeting.

Participation in the Working Group

The Rotorcraft Occupant Protection Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The FAA would like a wide range of members (normal category rotorcraft manufacturers, transport category rotorcraft manufacturers, and rotorcraft operators from various segments of the industry such as oil and gas exploration, emergency medical services, and air tour operators) to ensure all aspects of the tasks are considered in development of the recommendations. The provisions of the August 13, 2014, Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 as amended, 2 U.S.C 1603, 1604, and 1605.)

If you wish to become a member of the Rotorcraft Occupant Protection Working Group, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by December 7, 2015. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

The ARAC meetings are open to the public. However, meetings of the

Rotorcraft Occupant Protection Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

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

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2015–28151 Filed 11–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0053; Notice 2]

BMW of North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Grant of Petition.

SUMMARY: BMW of North America, Inc. (BMW) has determined that certain model year (MY) 2015 MINI Cooper, Cooper S hardtop 2 door, and Cooper S hardtop 4 door passenger cars do not fully comply with paragraph S4.2.3(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 226, *Ejection Mitigation.* BMW has filed an appropriate report dated May 20, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Karen Nuschler, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5829, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on September 1, 2015 in the **Federal Register** (80 FR 52845). No comments were received. To view the petition, and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2015–0053.''

II. Vehicles Involved: Affected are approximately 4,208 MY 2015 MINI Cooper, Cooper S hardtop 2 door, and Cooper S hardtop 4 door passenger cars manufactured from February 25, 2015 to April 24, 2015.

III. Noncompliance: BMW explains that written information describing the ejection mitigation countermeasure installed in the vehicles was not provided to the vehicle consumers as required by paragraph S4.2.3(a) of FMVSS No. 226.

IV. Rule Text: Paragraph S4.2.3 of FMVSS No. 226 requires in pertinent part:

S4.2.3 *Written information.*

(a) Vehicles with an ejection mitigation countermeasure that deploys in the event of a rollover must be described as such in the vehicle's owner manual or in other written information provided by the vehicle manufacturer to the consumer. . . .

V. Summary of BMW's Arguments: BMW stated its belief that the subject noncompliance in the affected vehicles is inconsequential to motor vehicle safety. A summary of its reasoning is provided as follows. Detailed explanations of its reasoning are included in its petition:

1. The vehicles are equipped with a countermeasure that meets the performance requirements of FMVSS No. 226.

2. The owner's manuals contain a description of the ejection mitigation countermeasure in the context of side impact.

3. The owner's manuals contain precautions related to the [ejection mitigation] system even though not required by FMVSS No. 226.

4. The [ejection mitigation] system uses the FMVSS No. 208 required readiness indicator, as allowed by FMVSS No. 226.

5. BMW has not received any customer complaints due to this issue.

6. BMW is not aware of any accidents or injuries due to this issue.

7. NHTSA may have granted similar manufacturer petitions re owner's manuals.

8. BMW has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 226.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA's Decision

NHTSA's Analysis: NHTSA believes that while written information was not provided to vehicle owners describing the installed head air bags (side curtain) as vehicle occupant ejection mitigation countermeasures that deploy in the event of a rollover, the owner's manuals for the affected vehicles otherwise effectively describe, and illustrate the location of, the head air bags. NHTSA also believes that the status of the head air bags is monitored by the vehicle's air bag readiness indicator intended to show operational readiness of the entire airbag system. Therefore, drivers should be alerted to a malfunction of the head air bags that are intended to provide ejection countermeasures in the event of a rollover event, and occupant protection in the event of a significant side impact event.

BMW has also reported that they have not received any complaints from vehicle owners regarding the subject noncompliance and that vehicle production was corrected so that the noncompliance did not occur in subsequent vehicles. *NHTSA's Decision:* In consideration of the foregoing, NHTSA has decided that BMW has met its burden of persuasion that the subject FMVSS No. 226 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, BMW's petition is hereby granted and BMW is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that BMW no longer controlled at the time it determined that the noncompliance existed. However, the Granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.