[7] ... FTC A... S... B.
42 U.S.C. 17303.

[7] S... 814( )... S... B... FTC A... S... 811
812... $1,000,000." F... S... 814( )
42 U.S.C. 17304.

[8] S... 815( )... S...
B... G... FTC A...
S... 815( )... S... B... : (1)
... (... S... 1( )
G... A... 15 U.S.C. 12( )... (2) S...
5... FTC A... S...
5... S... 815( )... S... B...
S... ." 42 U.S.C. 17305.

[9] FTC, ... t ... t t B ft
... f t ... t A t f 2007, 73 FR

FERC . . . SEC"). . . . M . . . 2 (. . . . SEC, FERC, . . . CFTC . . . "); MFA . . . 19–20 (. . . . S . . . 811 . . . S . . . 10( ). . . . SEA, ... G . . .). *f.* API . . . 18 (. . . . EISA . . . . G . . . SEC . . . . S . . . 811 . . . . SEA).

⁵⁵ 15 U.S.C. 717 –1; 16 U.S.C. 824 ; FERC, . . . , 71 FR 4244, 4246 (. . . 19, 2006).

⁵⁶ 17 CFR 240.10 –5.

⁵⁷ . . . . A . . . 2005, S.1735, 109 . . . . (2005). . . . .

5. Section 317.2( ):

1. Section 317.3( ): D[...]

Section 317.3( )[...]

( ) T[...],

( ) T[...],

( ) T[...]

1. Section 317.3( ): D[...]

Section 317.3( )[...]

A[...] SEA
Section 10( )[...] SEC Rule 10[...]-5. [...]

NPRM,

[...]104

2. Section 317.3( ): F[...]

Section 317.3( )[...]

Section 317.3: [...]

99 [...], MFA [...].2 [...]
[...]"); API [...] 23[...].42 [...]
[...]"); ISDA [...]
19[...]
[...]).

100 [...], CFDR [...].1; PMAA [...] 4-5.
101 API [...] 24-25. [...] PMAA [...] 4-5 [...]
[...].
102 (http:// [...] / [...]
[...]).
103 (http:// [...] . f [...] / [...]
).

104 [...], [...] t [...] t t, 384 U.S.
855, 861 (1966) [...]
[...]).
105 [...], [...] t [...], 426 U.S.
438 (1976) [...]

106 B [...] . 485 U.S. [...] 234.
108 [...] A [...], 938
F.2[...] 1529, 1534 (2[...] C[...]. 1991), [...], 502
U.S. 983 (1991).
109 API [...] 50; P [...] 4; PMAA [...] 7 [...]
[...]).
110 G[...]
[...]S [...] 812, EISA,
42 U.S.C. 17302. P [...] 2 (G[...]
[...] ....").
[...], 485 U.S. 224, 231-2 (1988) [...]
[...] Section 10( )[...] Rule
10[...]-5 [...]).

[116] S [illegible text]

R [illegible], IER [illegible] G [illegible]

S [illegible] IER, 4.

G [illegible]

S [illegible] 5 & .9. L [illegible], ISDA

[illegible] ISDA 17.

B [illegible]

H [illegible] API [illegible] ABA, F [illegible] S

811. ABA 6-7; API 47. F H

19 (T G [illegible]

[illegible]

[111] B [illegible text] [illegible], 228 F.3d 154, 165 (2 C . 2000).

[112] 71 FR 4252.

[113] .

[114] i .

[115] i .

(4 Cir. 2003) (" ... G ... A ...).
N ... S ... G ... ... SEA S ... 10( )
R ... 10 -5. ... ., 127 S. C ... 2507
.3.

[131] ... t ... ., 553
F. 2 1033, 1045 (7 Cir. 1977), ... t. ... , 434
U.S. 875 (1977) (... t ... t
... t A t ... t , CCH F ... S .
L. R ... * 95,786 ; 90,850 (.D. O ... 1976)).

[132] ... . t ... , 967 F.2 636, 641-42 (D.C.
Cir. 1992) (... t ... t ... ., 553 F.2 ;
1045).

[133] 42 U.S.C. 17301. ... f , 535 U.S.
813, 820 (2002); ... t ... t fi . f t t f
... . B ... f & ... ., 404 U.S. 6, 12-13
(1971) (... "
...)

... ").
... & ... t , ... t, 547
U.S. 71, 85 (2006) (M ...
... S ... 10( )
... R ... 10 -5, ...
... .").

[134] ... f , 535 U.S. 820.

[135] CAPP 4. O ...
... . API 26-27 (...
S ... 811 ... ...
...); H ... 10-11 (...
... G ...); ISDA 5 (...
... G ...); PMAA
4-5 (...
).

[136] API 25 (... S ... 811 ...
...). API ...
...
... " API 25-26.

[137] MFA 6-12; CFDR 0 .4; H 12 .10;
CFTC 1-2; API 3, 26-27; ISDA 9. T
... S ... II.B.

[138] T ...
... ." 42 U.S.C. 17301.

[139] N ... SEC
R 10 -5; ...
155 F.3 1051, 1063 (9 Cir. 1988);
. , 97 F.3 1276, 1289 (9 Cir. 1996).

[140] ... t t t ... . 48 F. S ... 2 386,
387 (S.D.N. . 1999) (...
... R ...
... A ...

[143]

G. 317.5:

S 317.5

[147]

NPRM. A

ADDRESSES S 18, 2008.

NPRM,

NPRM. I

EISA

317.4:

S 815( ) EISA

[146] 317.4

S 317.4

); ISDA 15-16 (

[143] T ABA. ABA 7 (D

FTC); IER 4 ( ); M 8 ( )).

[144]).

[145] F H 19 ( ); M 9 ((1)); API 31 (S 811 FTC).

[146] 42 U.S.C. 17305.

[147] D R F , 16 CFR 436.10( ); D R F 16 CFR 437 .2.

[148] T S R , 16 CFR 310.9; U M T R R , 16 CFR 455.7.

[149] 16 CFR 1.26( )(5).

[150] 5 U.S.C. 601-612.

[151] 5 U.S.C. 603.

[152] 5 U.S.C. 604.

[153] 5 U.S.C. 605.

[154] T RFA S A , 15 U.S.C. 632.

[155] 73 FR 25624.

[156] 42 U.S.C. 17301.

[157] ...

... (NAICS") ... (NAICS ... 324110) ... 1,500 ... 125,000 ... (NAICS ... 424710) ... 100 ... (NAICS ... 424720) ... 100 ... U.S. ... Administration, The ... Small Business Size Standards Matching North American ...

List of Subjects in 16 CFR Part 317

■ Accordingly, under Title 16, Chapter 1, Subchapter C, the Commission adds Part 317 to read as follows:

PART 317—PROHIBITION OF ENERGY MARKET MANIPULATION RULE

Sec.
317.1 Scope.
317.2 Definitions.
317.3 Prohibited practices.
317.4 Preemption.
317.5 Severability.

Authority: 42 U.S.C. 17301-17305; 15 U.S.C. 41-58.

§ 317.1 Scope.

... Subtitle B, Title VIII of the Energy Independence and Security Act of 2007 ("EISA"), Pub. L. 110-140, 121 Stat. 1723 (Dec. 19, 2007), ... 42 U.S.C. 17301-17305. ...Federal Trade Commission Act, 15 U.S.C. 41 et seq. ...

§ 317.2 Definitions.

( )
(1)
(2)

( ) Gasoline
(1)
(2)

§ 317.3 Prohibited practices.

( )
( )
( )
( )

§ 317.4 Preemption.

The Federal Trade Commission ...

§ 317.5 Severability.

...

By direction of the Commission.

Donald S. Clark,

Secretary.

Note: The following ... Federal Register.

Attachment A

A list of commenters

American Bar Association, Section of Antitrust Law ("ABA")

Association of Oil Pipe Lines ("AOPL")
American Petroleum Institute ("API")
Petroleum Marketers... ("B...")
B... ("B...")
B... ("B...")
B... ("B...")
B... ("B...")
B... Associates, PLLC ("B...")
B... ("B...")
B... ("B...")
B... ("B...")
B... ("J. B...")
C... B... ("B...")
B... ("B...")
B... ("B...")
R... B... ("B...")
B... ("B...")
C... Alliance... Properties... ("CAPP")
C... ("C...")
C... ("C...")
M... C... ("C...")
National Community... Gas... Fuel & Distributing... ("CFDR")
U.S. Commodity Futures Trading Commission ("CFTC")
M... ("C...")
M... ("C...")
D.C... ("C...")
E... ("G...")
D... ("G...")
K... ("G...")
J... D... ("D...")
D... D... ("D...")
C... D... ("D...")
K... D P... ("D P...")
P... D... ("D... 1")
P... D... ("D... 2")
P... D... ("D... 3")
P... D... ("D... 4")
H... D... ("D...")
Doctors... Group... ("DRG")
M... D... ("D...")
E... Research... ("E... G...")
K... ("H...")
DJ... ("B...")
M... ("F...")
F... H... R... ("F... H...")
B... ("F...")
J... ("E...")
T... G... ("G...")
R... G... ("G...")
J... G... ("G...")
M... G... ("G...")
C... G...Association, S... ("G...")
H... ("H...")
C... H... ("H...")
C... H... ("H...")
T... H... ("H...")
J... H... ("H...")
H... G... ("H...")
D... H... ("H...")
H... ("H...")
S... H... ("H...")
Intercontinental Exchange ("ICE")
Institute for Energy Research ("IER")
Independent Lubricant Manufacturers Association ("ILMA")
Independent Petroleum Marketers Association ("IPMA")
International Swaps and Derivatives Association ("ISDA")

FR Doc. E8 19154 Filed 8 18 08; 8:45 am
BILLING CODE 6750–01–S

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918 and 1926

[Docket No. OSHA–2008–0031]

RIN 1218–AC42

Clarification of Remedy For Violation of Requirements To Provide Personal Protective Equipment and Train Employees

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Proposed rule.

SUMMARY: