

# 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

### Office of the Secretary

#### 14 CFR Part 382

[Docket No. DOT-OST-2015-0246]

RIN 2105-AE12

#### Nondiscrimination on the Basis of Disability in Air Travel: Negotiated Rulemaking Committee Fifth Meeting

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice of fifth public meeting of advisory committee.

**SUMMARY:** This notice announces the fifth meeting of the Advisory Committee on Accessible Air Transportation (ACCESS Advisory Committee).

**DATES:** The fifth meeting of the ACCESS Advisory Committee will be held on September 21–23, from 9:00 a.m. to 5:00 p.m., Eastern Daylight Time.

**ADDRESSES:** The meeting will be held at the Ritz Carlton, Pentagon City, 1250 Hayes Street, Arlington, VA 22202. Attendance is open to the public up to the room's capacity of 150 attendees. Since space is limited, any member of the general public who plans to attend this meeting must notify the registration contact identified below no later than September 14, 2016.

**FOR FURTHER INFORMATION CONTACT:** To register to attend the meeting, please contact Kyle Ilgenfritz ([kilgenfritz@linkvisum.com](mailto:kilgenfritz@linkvisum.com); 703-442-4575 extension 128). For other information, please contact Livaughn Chapman or Vinh Nguyen, Office of the Aviation Enforcement and Proceedings, U.S. Department of Transportation, by email at [livaughn.chapman@dot.gov](mailto:livaughn.chapman@dot.gov) or [vinh.nguyen@dot.gov](mailto:vinh.nguyen@dot.gov) or by telephone at 202-366-9342.

#### SUPPLEMENTARY INFORMATION:

#### I. Fifth Public Meeting of the ACCESS Committee

The fifth meeting of the ACCESS Advisory Committee will be held on

September 21–23, 2016, from 9:00 a.m. to 5:00 p.m., Eastern Daylight Time. The meeting will be held at the Ritz Carlton, Pentagon City, 1250 Hayes Street, Arlington, VA 22202. At the meeting, the ACCESS Advisory Committee will continue to address whether to require accessible inflight entertainment (IFE) and strengthen accessibility requirements for other in-flight communications, whether to require an accessible lavatory on new single-aisle aircraft over a certain size, and whether to amend the definition of “service animals” that may accompany passengers with a disability on a flight. We expect to negotiate on proposals to amend the Department’s disability regulation regarding one or more of these issues. Prior to the meeting, the agenda will be available on the ACCESS Advisory Committee’s Web site, [www.transportation.gov/access-advisory-committee](http://www.transportation.gov/access-advisory-committee). Information on how to access advisory committee documents via the FDMC is contained in Section III, below.

The meeting will be open to the public. Attendance will be limited by the size of the meeting room (maximum 150 attendees). Because space is limited, we ask that any member of the public who plans to attend the meeting notify the registration contact, Kyle Ilgenfritz ([kilgenfritz@linkvisum.com](mailto:kilgenfritz@linkvisum.com); 703-442-4575 extension 128) at Linkvisum, no later than September 14, 2016. At the discretion of the facilitator and the Committee and time permitting, members of the public are invited to contribute to the discussion and provide oral comments.

#### II. Submitting Written Comments

Members of the public may submit written comments on the topics to be considered during the meeting by September 15, 2016, to FDMC, Docket Number DOT-OST-2015-0246. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. DOT 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 DOT can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, put the docket number, DOT-OST-2015-0246, in the keyword box, and click “Search.”

When the new screen appears, click on the “Comment Now!” button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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.

#### III. Viewing Comments and Documents

To view comments and any documents mentioned in this preamble as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov). Enter the docket number, DOT-OST-2015-0246, in the keyword box, and click “Search.” Next, click the link to “Open Docket Folder” and choose the document to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

#### IV. ACCESS Advisory Committee Charter

The ACCESS Advisory Committee is established by charter in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. Secretary of Transportation Anthony Foxx approved the ACCESS Advisory Committee charter on April 6, 2016. The committee’s charter sets forth policies for the operation of the advisory committee and is available on the Department’s Web site at [www.transportation.gov/office-general-counsel/negotiated-regulations/charter](http://www.transportation.gov/office-general-counsel/negotiated-regulations/charter).

#### V. 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### VI. Future Committee Meeting

DOT anticipates that the ACCESS Advisory Committee will have one additional three-day meeting in

Washington, DC. The sixth and final meeting is tentatively scheduled for October 12–14. Notices of all future meetings will be published in the **Federal Register** at least 15 calendar days prior to each meeting.

Notice of this meeting is being provided in accordance with the Federal Advisory Committee Act and the General Services Administration regulations covering management of Federal advisory committees. See 41 CFR part 102–3. Issued under the authority of delegation in 49 CFR 1.27(n).

Dated: August 29, 2016.

**Molly J. Moran,**

*Acting General Counsel.*

[FR Doc. 2016–21357 Filed 9–2–16; 8:45 am]

**BILLING CODE 4910–9X–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1500

[Docket No. CPSC–2016–0020]

#### Statement of Policy on the Commission’s Interpretation of Intent To Produce Audible Effects Within the Meaning of the Commission’s Fireworks Regulations Under the Federal Hazardous Substances Act

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Proposed interpretive rule.

**SUMMARY:** The Consumer Product Safety Commission (CPSC) has approved a Proposed Statement of Policy regarding the Commission’s interpretation of the phrase “intended to produce audible effects” that appears in the Commission’s fireworks regulations.

**DATES:** Submit comments by October 6, 2016.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC–2016–0020 by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through [regulations.gov](http://www.regulations.gov). The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Written Submissions:* Submit written comments by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East-West Highway,

Bethesda, MD 20814; telephone (301) 504–7923.

*Instructions:* All submissions received must include the agency name and docket number. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing by mail/hand delivery/courier.

#### FOR FURTHER INFORMATION CONTACT:

DeWane Ray, Deputy Executive Director for Safety Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301)–504–7547; email: [jray@cpsc.gov](mailto:jray@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Federal Hazardous Substances Act (FHSA),<sup>1</sup> the Consumer Product Safety Commission (CPSC or Commission) has banned all “[f]ireworks devices intended to produce audible effects . . . if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition.”<sup>2</sup> Pursuant to staff’s Consumer Fireworks Testing Manual (Manual), Commission staff determine whether a fireworks device was intended to produce an audible effect by evaluating the relative intensity of the sound produced by such device (the Sound Test).

Through this publication, the Commission proposes to interpret the “audible effects” provision such that staff will consider the presence of metallic powder less than 100 mesh in particle size within the burst (or break) charge of a fireworks device to mean the device is intended to produce an audible effect, consistent with the American Pyrotechnic Association Standard 87–1 definition.

The Commission notes that this interpretation is not a binding rule and would not change any person’s rights, duties, or obligations under the FHSA or any other Act administered by the Commission. The Commission invites comment on this proposed interpretation.

#### A. Background

The FHSA empowers the Consumer Product Safety Commission (CPSC or Commission) to, “by regulation[,] declare to be a hazardous substance . . .

any substance or mixture of substances”<sup>3</sup> which the Commission finds meets a series of statutory requirements. Under the FHSA, the Commission prohibits, as banned hazardous substances, the introduction into interstate commerce of all

Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M–80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition.<sup>4</sup>

The goal of this ban was to remove from consumer use the kinds of devices that had, as noted in the 1970 Food and Drug Administration (FDA) rulemaking that imposed the ban, “caused eight fatalities (six were teenage or younger) and a large number of serious injuries ranging from puncture wounds to broken bones and shattered hands.”<sup>5</sup>

The Commission’s rules do not further define or describe “devices intended to produce audible effects,” nor do they define how the Commission will determine whether a product falls under this category. The Manual directs Commission staff to evaluate the relative intensity of any sound produced by a firework device to determine whether such sound is an intended effect or merely incidental to the operation of the device. Any device in the former category must comply with the two grain limitation stated in the regulation.

Since the adoption of the Sound Test, there have been many developments in the fireworks market, including the use of fine-mesh metallic fuels to intensify device operation. Voluntary standards bodies, including the APA, have addressed the use of metallic fuels directly.<sup>6</sup>

Under the APA standard, “any burst [or break] charge containing metallic powder (such as magnalium or aluminum) less than 100 mesh in particle size, is considered to be intended to produce an audible effect, and is limited to 130 mg [the equivalent of two grains] in [consumer] fireworks.”<sup>7</sup> This provides a bright-line

<sup>3</sup> 15 U.S.C. 1262(a)(1).

<sup>4</sup> 16 CFR 1500.17(a)(3). This rule provides an exception for devices intended and sold for bona fide agricultural use. *Id.* at § 1500.17(a)(3)(i)–(ii).

<sup>5</sup> Fireworks Devices, 35 FR 7415 (May 13, 1970).

<sup>6</sup> Amer. Pyrotechnics Assoc., *APA Standard 87–1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics* § 2.5 (2001).

<sup>7</sup> *Id.*

<sup>1</sup> Pub. L. 86–613, 74 Stat. 372 (July 12, 1960) (codified as amended at 15 U.S.C. 1261–78).

<sup>2</sup> 16 CFR 1500.17(a)(3).