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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[AMS–CN–15–0051]

Classification of Foreign-Growth Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending regulations pertaining to administrative and operational procedures for the classification of foreign-growth cotton. In anticipation that cotton merchants may want to use AMS cotton quality determinations to establish foreign-growth cotton as tenderable against the World Cotton futures contract offered by the Intercontinental Exchange (ICE), representatives of the U.S. cotton industry and ICE formally requested that AMS make any regulatory amendments necessary to better accommodate the classification of foreign-growth cotton. Consequently, AMS seeks to clarify the existing language, update the terms and practices described to comply with today's industry norms and current cotton classification technologies, and establish procedural safeguards to the classification process for foreign-growth cotton that promote accuracy.

DATES: This direct final rule is effective April 11, 2016, without further action or notice, unless significant adverse comment is received by March 11, 2016. If significant adverse comment is received, AMS will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–15–0051, may be submitted electronically through the *Federal eRulemaking Portal at http://www.regulations.gov*. Please follow the instructions for submitting comments. In addition, comments may be submitted by mail or hand delivery to Darryl Earnest, Deputy Administrator, Cotton & Tobacco Program, AMS, USDA, 3275 Appling Road, Room 11, Memphis, TN 38133. Comments should be submitted in triplicate. All comments will be available for public inspection during regular business hours at Cotton & Tobacco Program, AMS, USDA, 3275 Appling Road, Memphis, TN 38133. A copy of this rule may be found at: *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Darryl Earnest, Deputy Administrator, Cotton & Tobacco Program, AMS, USDA, 3275 Appling Road, Room 11, Memphis, TN 38133. Telephone (901) 384–3060, facsimile (901) 384–3021, or email at *darryl.earnest@ams.usda.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

The U.S. cotton industry and the International Cotton Association (ICA) requested that Intercontinental Exchange (ICE) offer a World Cotton futures contract to better manage price risk in the global cotton market. In response, ICE began offering World Cotton futures contracts on November 2, 2015. With this contract offering, cotton grown outside the United States is allowed to participate in a U.S. commodity exchange for the first time.

The new contract is intended to serve as a price discovery and risk management vehicle for a broad set of cotton traded internationally. Unlike the Cotton No. 2 futures contract, which prices the delivery of U.S. cotton for U.S. delivery points only, the new World Cotton futures contract prices the delivery of cotton regardless of growth for U.S. and foreign delivery points. Cotton grown in the United States, Australia, Brazil, India, and the west African countries of Benin, Burkina Faso, Cameroon, Ivory Coast and Mali will be eligible for deliveries against the new World Cotton futures contract.

To facilitate the participation of foreign-growth cotton in the World Cotton futures contract, Congress amended the U.S. Cotton Futures Act (Act) (Pub. L. 114–36, July 20, 2015, 129 Stat. 435). This amendment allows for foreign-growth cotton to participate in U.S. cotton futures contracts without being subject to the provisions of the Act. While all cotton grown in the U.S. that is offered as tenderable against any cotton futures contract traded on a U.S. commodity exchange must continue to comply with the Act, commodity exchanges are now able to determine their own contract provisions for foreign-growth cotton. Of particular relevance are the contract provisions that establish the portion of the foreign-growth cotton in each lot that must have official quality determinations and that specify what entities are eligible to make such official determinations of quality for this foreign-growth cotton. Consequently, ICE established a provision requiring that at least twenty percent of the foreign-growth cotton in a lot meet specified quality parameters. ICE also designated AMS and International Cotton Association (ICA) Breman as two entities eligible to make official cotton quality determinations for its World Cotton futures contract.

In anticipation that cotton merchants may want to use AMS cotton quality determinations to establish foreign-growth cotton as tenderable against the World Cotton futures contract, the U.S. cotton industry and ICE formally requested that the AMS, Cotton & Tobacco Program make any regulatory amendments necessary to better accommodate the classification of foreign-growth cotton. Since the November 2nd offering of the World Cotton futures contract, merchants have already contacted AMS, requesting that foreign-growth cotton samples be classified.

With foreign-growth cotton excluded from the provisions of the U.S. Cotton Futures Act, AMS is no longer authorized to certify the quality of foreign-growth cotton as tenderable against a cotton futures contract as it does for U.S. cotton. However, AMS may provide cotton quality

determinations for foreign-growth cotton under the authority of Cotton Statistics and Estimates Act (7 U.S.C. 471–476). Regulations pertaining to the classification of foreign-growth cotton are found in 7 CFR part 28 in subpart B. Upon review of these regulations, AMS determined that amendments to both administrative and classification procedures are required.

Historically, very little foreign-growth cotton has been imported and, until recently, foreign-growth cotton was not able to be tendered against futures contracts offered by U.S. commodity exchanges. For these reasons, demand for AMS' foreign-growth cotton classification services was almost exclusively limited to providing classification data intended for non-commercial/research purposes only. Significant differences exist between the procedures and processes employed for generating classification data intended for commercial use and classification data intended for non-commercial use.

Cotton classification data that is intended for commercial use is generated by a set of processes and procedures that have multiple safeguards that contribute to confidence in the data's accuracy. One prominent procedural safeguard specifically for commercial classification of cotton futures requires each sample submitted to be classed twice—an initial classification (a.k.a., set-up classification) and an automatic review classification (a.k.a., final classification). In the event that the initial and review classifications fail a statistical comparison, a third classification is performed and its measurements considered in the final quality measurements assigned. Furthermore, in instances where a merchant submits the bale's Permanent Bale Identification (PBI) number along with the futures sample, statistical comparisons are made between the original Smith-Doxey classification data and the futures classification data. None of these safeguards are included in the current regulations pertaining to foreign-growth cotton, making the quality data resulting from current foreign-growth cotton classification procedures unsuitable for commercial use. Therefore, AMS is amending regulations in 7 CFR part 28 to help assure that foreign-growth cotton is classified according to the same rigor as U.S. grown cotton.

Subpart A

Subpart A of part 28 defines the administrative and operational regulations pertaining to the classification of Form A determinations, Form C determinations, Form D determinations, and Micronaire reading services. Amendments in this subpart are limited to sections that are referenced in subpart B and are necessary to comply with recent administrative changes, to be consistent with current industry norms, and to add clarification.

The terms ''Division'', ''Quality Control Section'', and ''Universal standards'' and their definitions are amended in § 28.2, paragraphs (g), (j) and (q), respectively. The terms ''Division'' and ''Quality Control Section'', were changed by administrative action. ''Division'' was changed to ''Program'' at the same time the Cotton Division and the Tobacco Division were merged into the Cotton and Tobacco Program. Therefore, the term ''Division'' in paragraph (g) of § 28.2 is replaced by ''Program'' and the term ''Cotton Division'' is replaced by ''Cotton and Tobacco Program'' in the definition of ''Program''. Likewise, the term ''Division'' in §§ 28.121 and 28.177 is replaced by ''Program''. The ''Quality Control Section'' of the Cotton and Tobacco Program was changed to the ''Quality Assurance Division'' by administrative action. Therefore, the term ''Quality Control Section'' in paragraph (j) of § 28.2 is replaced by ''Quality Assurance Division''. Likewise, the term ''Quality Control'' in § 28.32(a) subparagraph (3) is replaced by ''Quality Assurance'' and ''Quality Control Section'' is replaced by ''Quality Assurance Division'' in § 28.177. The Universal Cotton Standards are the official cotton standards of the United States. To ensure accuracy and consistency within the regulatory text, the term ''Universal standards'' in paragraph (q) of § 28.2 is replaced by ''Universal Cotton Standards'' and the definition is amended to include a note about familiar versions of this term. Likewise, § 28.35 is amended by adding ''the Universal Cotton Standards,'' to clearly identify in part 28 the official cotton standards of the United States.

Both Classing Offices and the Quality Assurance Division provide the services specified in part 28. Therefore, the authorities granted to the Area Director in §§ 28.36 and 28.37 are extended to the Quality Assurance Director also. For the same reason, the term ''Classing Office'' in § 28.37 is replaced with the broader term, ''Program''.

It is generally accepted that the term ''grade'' specifically pertains to color or leaf quality measures. To more accurately reflect that differences in quality between two sub-samples drawn from the same bale may extend beyond just color or leaf grade and staple length, ''grade'' in the heading of § 28.38 is replaced with ''class'' and the phrase ''grade or shorter length'' in this same section is replaced by the more generic term, ''class''.

The practice of reducing cotton in grade for the presence of extraneous matter or other irregularities was common when a ''grade'' reflected multiple quality characteristics. However, this practice has been replaced by the issuance of quality metrics for each individual quality characteristic. Therefore, the current language in § 28.39 is removed and the section number is held in reserve.

Terms pertaining to cotton classification are defined in § 28.40. Since these terms were last amended, several have become irrelevant or are in need of updating to comply with current industry norms and practices. Furthermore, several new terms have become commonplace within the industry and need to be added to the regulations. Amendments are made to paragraphs (a), (c), (d), (g), and (h). In paragraph (a), the definition of the obsolete term, ''Cotton of perished staple'', is replaced by the new term ''Fire-Damaged Cotton'' and its definition. The definition of the obsolete term, ''Gin-cut cotton'', in paragraph (c) is replaced by the new term, ''Extraneous Matter'', and its definition. Amendments to the definition of Re-ginned cotton in paragraph (d) are intended to add clarity to the definition and specify that the owner of the cotton or owner's agent are responsible for identifying re-ginned cotton. The definition of ''Mixed-packed cotton'' in paragraph (g) is updated to reflect current cotton classification terminology and to officially assign the designation for mixed-packed cotton that has become commonplace within the industry. ''Water-packed cotton'', which is defined in paragraph (h), is now more commonly called ''water-damaged cotton''. In addition to updating the term's name, the amendment provides additional instruction on how water-damaged cotton is marked on the classification record.

Amendments to § 28.47 reflect a change in standard operating procedures, which were made possible by technological advances and motivated to provide complete information to customers. Specifically, the amendment eliminates the subjective rankings of samples (''better,'' ''equal,'' or ''deficient'') submitted for comparison and, instead, provides objective quality measures for each sample being compared.

The term ''Division'', used in § 28.121 to represent the Cotton and Tobacco Program, is replaced by ''Program''. This

amendment more accurately reflects the current administrative structure, adding clarity to the language.

Subpart B

Subpart B of part 28 defines the administrative and operational regulations pertaining to the classification of foreign-growth cotton. Amendments to this subpart seek to clarify the existing language, update the terms and practices described to comply with today's industry norms and cotton classification technologies, and add procedural safeguards to the classification process that promote accuracy.

As previously stated, AMS is no longer authorized by the U.S. Cotton Futures Act to certify the quality of foreign-growth cotton as tenderable against a cotton futures contract as it does for U.S. cotton. However, AMS may provide cotton quality determinations for foreign-growth cotton that are robust enough for commercial purposes under the Cotton Statistics and Estimates Act (7 U.S.C. 471–476). Therefore the authority citation in subpart B is amended by adding ''7 U.S.C. 471–476''.

The definition of ''foreign-growth cotton'' is clarified in § 28.175 to include both cotton produced outside of the continental United States and U.S. cotton that is sampled while being stored at a location outside of the United States. Since samples stored at foreign locations are not drawn from bales under the jurisdiction of a USDA-licensed warehouse, the expansion of the definition of foreign-growth cotton to include U.S. cotton stored at a foreign location is necessary to restrict the representation of classification data to the cotton sample submitted.

Cotton classification terms as they pertain to section 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, are defined in § 28.176. Amendments to paragraphs (a), (b), (c) and (d) of this section update and clarify these definitions so as to reflect the classification of foreign-growth cotton. Paragraph (a) expands the definitions of official certificate to include electronic forms; replaces ''inspection, sampling, class, grade, quality, quantity, or conditions'' with ''fiber quality and conditions''; and replaces ''products'' with ''samples submitted'' to reflect the more limited scope of services provided under subpart B. Likewise, ''inspecting, or sampling'' is replaced by ''and classing'' throughout paragraph (b). The definition of official mark is amended in subsection (c) to limit the types of products ''marked'' in subpart B to samples submitted for classification. To reflect the more limited scope of services provided under subpart B in the definition of official identification in paragraph (d), the designation of ''quantity'' is removed and the term ''products'' is replaced with ''samples submitted''.

The administrative process for requesting the classification and/or comparison of foreign-growth cotton is specified in § 28.177. Amendments update these procedures, specifying that an application provided by the Program is to be used and applications are to be filed with the Quality Assurance Division or the Classing Office designated by the Deputy Administrator of the Cotton and Tobacco Program.

Physical specifications for foreign-growth cotton samples and instructions for submitting these samples to USDA for classification are specified in § 28.178. Amendments to this section include the insertion of new paragraphs (a) thru (g). New paragraphs (a) thru (f) are sample specifications for Form A, Form C and Form D determinations listed in §§ 28.25–28.27 that have been customized to facilitate the process of classifying foreign-growth cotton. New paragraph (g) contains amendments that specify the types of information that must accompany foreign-growth cotton samples. Furthermore, a statement about financial responsibility for transportation charges is removed.

New regulatory language is added to subpart B. Four new sections are inserted after § 28.178 and, therefore, current §§ 28.179–28.182 are redesignated as § 28.183 and §§ 28.185–28.187, respectively.

New language, derived from §§ 28.28–28.30 under subpart A, is added to redesignated §§ 28.179–28.180. This language pertains to financial responsibility for lost or damaged samples and the return and subsequent ownership of U.S. cotton samples submitted for classification. The language was added in order to clearly state that the Program is not financially responsible for lost or damaged samples, and that samples of foreign-growth cotton submitted for classification/comparison become the property of the Program.

New language, based on § 28.19 under subpart A, is added to redesignated § 28.181. It states the right of applicants to withdraw a request for classification/comparison before classing begins and the obligation of applicants to pay for requested services if the classification/comparison process has already begun.

The terms for denial of services expressed in § 28.31 in subpart A are revised and added to redesignated § 28.182 in order to promote clarity.

Methods of foreign-growth cotton classification and comparison are stipulated in redesignated § 28.183 and its paragraphs. New paragraph (a) is a modified version of § 28.8, while new paragraph (b) refers directly to §§ 28.36 through 28.40 for additional procedures and methods pertaining to the classification of foreign-growth cotton samples. Newly designated paragraph (c) refers to §§ 28.45 through 28.47 for procedures and methods used for comparison of cotton samples.

Since cotton classification results are most commonly communicated electronically, new § 28.184 is added to define the types of information to be included in electronic cotton classification reports. Reports must identify that classification records represent only the samples submitted rather than a particular bale of cotton. This information is necessary because the sampling procedures for foreign-growth cotton are not conducted by or under the supervision of a USDA-licensed agent.

Redesignated § 28.185 defines the information to be included in an optional cotton classification memorandum. The amendment to this section includes the elimination of references to a Classing Office performing the classification. References to the Universal Cotton Standards are corrected in paragraph (d). New language in paragraph (e) explicitly states that classification data resulting from foreign-growth classification/comparison services applies only to the sample submitted. The amendment to new subsection (f) requires that the signature of the Director of the facility providing the classification service be applied to the memorandum rather than just the signature of the Area Director of the Classing Office. This amendment is appropriate since all classification/comparison of foreign-growth cotton may be conducted under the supervision of the Quality Assurance Division.

Amendments to redesignated § 28.186 make immediate review classifications automatic for foreign-growth cotton. Immediate reviews to verify initial classifications are appropriate given that resubmitting samples for an optional review classification at some later date is cost prohibitive. The amendment also states that the cost of an automatic review is included in the classification fee for foreign-growth cotton.

Amendments clarifying to which entity memorandum are surrendered and who has the authority to request the

surrender of memorandum are stated in the redesignated § 28.187.

Amendments to redesignated § 28.188 change which sections in subpart A are cited, limiting citations to only those that pertain specifically to fee amounts. Citations of §§ 28.115, 28.122–28.123 are removed since they do not apply to this subpart. Citations of §§ 28.120 and 28.121 are removed since they require language specific to foreign-growth cotton. Since similar language will exist in a new section of this subpart, citation of § 28.125 is removed. Citation of § 28.126 is removed since it does not exist in current regulations. References to ''costs'' and ''method of payment'' are removed from this paragraph as these issues are covered in other amendments. Lastly, the term ''foreign-growth cotton'' replaces the phrase ''cotton produced outside the continental United States'' because it is not consistent with previous amendments.

New § 28.189 is derived from § 28.120, explicitly stating that expenses related to sampling and transporting samples are the financial responsibility of the owner of the cotton or the owner's agent. This section relieves the Program of any financial responsibility for the stated expenses.

New § 28.190 refers back to § 28.121 in order to define when advance deposits are required for services rendered under this subpart.

New § 28.191 defines the acceptable methods of payment or advance deposit for foreign-growth cotton classification services.

New § 28.192 is the same as § 28.125 in subpart A. It is being restated in this subpart for clarity.

B. Good Cause Finding That Proposed Rulemaking Is Unnecessary

Rulemaking under section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) ordinarily involves publication of a notice of proposed rulemaking in the **Federal Register** and the public is given an opportunity to comment on the proposed rule; however, an agency may issue a rule without prior notice and comment procedures if it determines for good cause that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest for such rule, and incorporates a statement of the finding with the underlying reasons in the final rule issued.

As described in this **Federal Register** notice, regulations in 7 CFR part 28 pertaining to administrative and operational procedures for the classification of foreign-growth cotton are being amended to assure that foreign-growth cotton is classified according to the same rigor as U.S. grown cotton. For the reasons mentioned in section A of this preamble, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the U.S. cotton industry and ICE have made formal declaration of their support of any regulatory amendments necessary to better accommodate the classification of foreign-growth cotton. Furthermore, implementation of the rule materially enhances the value of U.S. cotton by allowing U.S. cotton merchants to forward cotton onward through the supply chain—store at locations closer to foreign customers—while still providing the price risk mitigating benefits of a futures market. Reducing the transactional costs of cotton marketing will help cotton compete for market share with man-made fibers. Storing cotton closer to customers allows for U.S. merchants to meet demand faster, reducing competitive disadvantage with merchants of cotton grown in the Eastern hemisphere and with manufacturers of man-made synthetic fibers. Therefore, the publishing of a proposed rule and seeking public comment is contrary to the public interest.

If AMS receives significant adverse comment during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent direct final rule. AMS will not institute a second comment period on this rulemaking. Any parties interested in commenting must do so during this comment period.

C. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to access 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, reducing costs, harmonizing rules, and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866, and therefore, review has been waived, and this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. There are approximately sixty cotton merchant organizations of various sizes active in trading U.S. cotton. Cotton merchants voluntarily use the AMS cotton futures classification services under the Cotton Futures Act (Act) (7 U.S.C. 15b). The Small Business Administration defines, in 13 CFR part 121, small agricultural service firms as having receipts of no more than $7,500,000. Many of these cotton merchants are small businesses under this criterion. Some of these U.S. cotton merchants, along with non-U.S. cotton merchants, may request AMS classification services for foreign-growth cotton in order to use USDA's official cotton quality determinations to establish foreign-growth cotton as tenderable against the World Cotton

futures contract. Expanding cotton classification services for foreign-growth cotton will not significantly affect small businesses as defined in the RFA because:

(1) The use of foreign-growth cotton classification services would be voluntary;

(2) The fee for this service will not affect competition in the marketplace;

(3) The per-sample user fee for foreign-growth cotton classification services, determined using standardized formulas established by The Department of Agriculture for calculating and implementing the fees charged by AMS user-funded programs (79 FR 67313), is anticipated to represent a very small portion of the cost per-unit currently borne by those entities that would utilize the service; and

(4) The 2014 crop-year average ''A'' Index—a proxy for world price of cotton—was 83.90 cents per pound, making a 500 pound bale of cotton worth an average of $419.50. The user fee for foreign-growth cotton classification services is anticipated to be less than 1.5 percent of this average value of a bale of cotton on the world market.

Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320), which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501), the information collection requirements contained in the provisions to be amended by this rule have been previously approved by OMB and were assigned OMB control number 0581–0008, Cotton Classing, Testing, And Standards.

A 30-day comment period is provided to comment on the amendments described herein. This period is deemed appropriate because this rule will enhance access to cotton marketing tools that assist cotton merchants in managing cotton price risk in a very competitive global fiber market. Reducing the transactional cost of cotton marketing will help cotton compete for market share with man-made fibers.

List of Subjects in 7 CFR Part 28

Commodity futures, Cotton.

For the reasons set forth in the preamble, 7 CFR part 28 is amended to read as follows:

PART 28—[AMENDED]

■ 1. The authority citation for subpart A of 7 CFR part 28 continues to read as follows:

Authority: 7 U.S.C. 55 and 61.

■ 2. Amend § 28.2 to revise paragraphs (g), (j) and (q) to read as follows:

§ 28.2 Terms defined.

* * * * *

(g) *Program.* The Cotton and Tobacco Program of the Agricultural Marketing Service.

* * * * *

(j) *Quality Assurance Division.* The national classing supervision office at Memphis, Tennessee performing final review of cotton classification.

* * * * *

(q) *Universal Cotton Standards.* The official cotton standards of the United States for the grade of American upland cotton. May be referenced informally as ''Universal standards.''

* * * * *

■ 3. Amend § 28.32 to revise paragraph (a)(3) to read as follows:

§ 28.32 Misrepresentation; deceptive or fraudulent acts or practices; violations.

* * * * *

(a) * * *

(3) the making, issuing, or using of any memorandum or certificate of classification issued by a Classing Office or the Quality Assurance Division or

* * * * *

■ 4. Revise § 28.35 to read as follows:

§ 28.35 Method of classification.

All cotton samples shall be classified on the basis of the Universal Cotton Standards, the official cotton standards of the United States in effect at the time of classification.

■ 5. Revise § 28.36 to read as follows:

§ 28.36 Order of classification.

All samples for which classification requests are pending shall be classified, as far as practicable, in the order in which the samples are delivered for classification. When in the opinion of the Area Director or Quality Assurance Director there is a need to deviate from this order of classification, the director shall designate which samples will be given priority in classification.

■ 6. Revise § 28.37 to read as follows:

§ 28.37 Exposing of samples for classification.

Classification shall not proceed until the samples, after being delivered to the Program, shall have been exposed for such length of time as in the judgment of the Area Director or Quality Assurance Director shall be sufficient to put them in proper condition for the purpose.

■ 7. Revise § 28.38 to read as follows:

§ 28.38 Lower class (of two samples) to determine classification.

If a sample drawn from one portion of a bale is lower class than one drawn from another portion of such bale, except as otherwise provided in this subpart, the classification of the bale shall be that of the sample showing the lower class.

§ 28.39 [Removed and Reserved]

■ 8. Remove and reserve § 28.39.

■ 9. Revise paragraphs (a), (c), (d), (g), and (h) of § 28.40 to read as follows:

§ 28.40 Terms defined; cotton classification.

* * * * *

(a) *Fire-damaged cotton.* In those cases where it is certain that the cotton is fire damaged, the classification record shall be marked Code 97 (Fire-Damaged Upland Cotton saw ginned) and no official color grade assigned to the sample.

* * * * *

(c) *Extraneous matter.* Extraneous matter is any substance appearing in a cotton sample that is not discernible in the official cotton standards. Such material may consist of rough preparation, sand, dust, oil, grass, whole seeds, parts of seeds, motes, spindle twist, bark, stems, cloth and plastic.

(d) *Re-ginned cotton.* Cotton that, after having been ginned and baled, has been subjected to a ginning process and then re-baled. Responsibility for identifying cotton, which has been actually re-ginned, rests with the owner of the cotton or the owner's agent.

* * * * *

(g) *Mixed-packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows a difference of two or more color grades, and/or a difference of two or more color groups, or grade of the other side that is one color grade and one color group higher between the two portions of the sample. White, Light Spotted, Spotted, Tinged, and Yellow Stained shall each constitute a color group. The classification assigned will be that of the portion showing the lower color grade. The classification record for the bale will contain a code 75, to designate mixed quality.

(h) *Water-damaged cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior. If such condition can be ascertained, the classification record shall be marked Code 98 (Water-Damaged Upland Cotton saw ginned)

and no official color grade will be assigned.

■ 10. Revise § 28.47 to read as follows:

§ 28.47 Statement of finding for comparisons.

For requests to compare samples to a type, findings shall be stated in terms of the classification of each sample submitted, the classification of the type as measured by the official cotton standards of the United States, and other explanatory notations as needed.

■ 11. Revise § 28.121 to read as follows:

§ 28.121 Advance deposits.

Upon request, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official of the Program requesting the same.

Subpart B—Classification for Foreign-Growth Cotton

■ 12. The authority citation for subpart B of 7 CFR part 28 is revised to read as follows:

Authority: Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624); 7 U.S.C. 471–476.

■ 13. Revise subpart B heading to read as set forth above.

■ 14. Revise § 28.175 to read as follows:

§ 28.175 Administrative and general.

Insofar as applicable, and not inconsistent with this subpart, the provisions of subpart A of this part shall likewise apply to the classification and comparison of foreign-growth cotton. For the purposes of this subpart, foreign-growth cotton is defined as either cotton produced outside the continental United States or cotton produced in the continental United States but it is stored in and sample submitted for classification from location outside the continental United States.

■ 15. Amend § 28.176 by revising paragraphs (a), (b), (c) and (d) to read as follows:

§ 28.176 Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.

* * * * *

(a) Official certificate means any form of certification, either written, printed or electronic, used under this subpart to certify with respect to the fiber quality and conditions of samples submitted (including the compliance of submitted samples with applicable specifications).

(b) Official memorandum means any initial record of findings made by an authorized person in the process of grading and classing, pursuant to this subpart, any processing or plant-operation report made by an authorized person in connection with grading and classing under this subpart, and any report made by an authorized person of services performed pursuant to this subpart.

(c) Official mark, for the purposes of this subpart, means the grade mark, inspection mark, and any other mark associated only with the samples submitted to the Department for classification.

(d) Official identification means any United States (U.S.) standard designation of class, grade, quality, or condition specified in this subpart or any symbol, stamp, label, or seal indicating that the submitted sample has been officially graded and/or indicating the class, grade, quality, or condition of the submitted sample.

* * * * *

■ 16. Revise § 28.177 to read as follows:

§ 28.177 Request for classification and comparison of cotton.

The applicant shall make a separate request, using an application supplied by the Program, for each lot or mark of cotton that the applicant desires classified or compared separately. All requests for classification or comparison shall be filed with the Quality Assurance Division or the Classing Office designated by the Deputy Administrator of the Cotton and Tobacco Program.

■ 17. Revise § 28.178 to read as follows:

§ 28.178 Submission of cotton samples.

Samples for foreign-growth cotton classification or comparison shall be drawn, handled, identified, and shipped according to the methods and procedures specified in this section. Any samples or set of samples which do not meet these specified requirements may be rejected by the Program.

(a) Samples shall be freshly drawn.

(b) Each sample shall consist of two portions, one drawn from each side of the bale. Each portion shall be at least six (6) inches (15.25 cm) wide and approximately twelve (12) inches (30.5 cm) long and shall weigh at least eight (8) ounces (227 grams).

(c) Dressing, trimming, or discarding part of the sample is prohibited. No part of the cotton or pieces of bagging, leaf, grass, dirt, sand, or any other material shall be removed from either side of the sample.

(d) A barcoded coupon showing the correct location/warehouse code and bale number along with the name and address of owner/owner's agent shall be placed between the two portions of each sample.

(e) Samples shall be identified and sacked immediately after they are cut without further handling prior to shipment to the Program.

(f) Samples shall be addressed to and mailed, shipped, or delivered direct to the Program without being routed through the owner of the cotton or the owner's agent. All expenses related to the sampling and transportation of samples—including but not limited to any fees related to Customs clearance such as fumigation and/or phytosanitary certification—shall be prepaid by the owner of the cotton or the owner's agent.

(g) All foreign-growth cotton samples submitted for classification and/or comparison shall be enclosed in one or more wrappers, which shall be labeled or marked, or both, in such manner as to show the location/warehouse code; name and address of the owner/owner's agent; the number of bales represented by the samples in each wrapper; and such other information as may be necessary in accordance with the instructions of the Deputy Administrator.

■ 18. Redesignate §§ 28.179, 28.180, 28.181, 28.182, and 28.183 as §§ 28.183, 28.185, 28.186, 28.187, and 28.188 respectively.

■ 19. Add new § 28.179 to read as follows:

§ 28.179 Lost or damaged samples.

The Program is not responsible for compensating the owner or owner's agent of cotton samples that are lost, damaged or mutilated prior to the Program taking receipt of said samples. The Program shall inform applicants in the event that samples are lost, damaged or mutilated.

■ 20. Add new § 28.180 to read as follows:

§ 28.180 No return of samples.

Samples submitted for foreign-growth classification and/or comparison will not be returned to the applicant. Loosed cotton samples shall become the property of the Program.

■ 21. Add new § 28.181 to read as follows:

§ 28.181 Withdrawal of classification request.

Any classification or comparison request may be withdrawn by the applicant at any time before the classification of the cotton covered thereby. If the withdrawal request is communicated after the classification/comparison has been started, the

applicant shall pay the fees prescribed in § 28.188.

■ 22. Add new § 28.182 to read as follows:

§ 28.182 Denial of service.

The Deputy Administrator may for good cause, including the acts or practices set forth in § 28.32(a) or any knowing violation of the regulations in this subpart, deny any person, including the agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of this subpart for a specified period, after notice and opportunity for hearing has been afforded. Procedures outlined, or referred, in part 50 of this chapter (7 CFR 50.1 through 50.12) shall govern proceedings under this section.

■ 23. Revise redesignated § 28.183 to read as follows:

§ 28.183 Methods of cotton classification and comparison.

(a) The classification of foreign-growth cotton samples shall be determined by the quality of a sample in accordance with the Universal Cotton Standards (the official cotton standards of the United States) for the color grade and the leaf grade of Upland Cotton, the length of staple, and fiber property measurements such as length uniformity, strength, and micronaire. High Volume Instruments will determine all fiber property measurements except the determination of the presence of extraneous matter, special conditions and remarks. High Volume Instrument colorimeter measurements will be used for determining the official color grade. Cotton classers certified by the Cotton and Tobacco Program will determine the presence of extraneous matter, special conditions and remarks and authorized employees of the Cotton and Tobacco Program will determine all fiber property measurements using High Volume Instruments. The classification record issued by the Quality Assurance Division with respect to any cotton sample shall be deemed to be the classification record of the Department.

(b) Additional procedures and methods pertaining to the classification of foreign-growth cotton samples are outlined in §§ 28.36 through 28.40.

(c) When a comparison of such cotton samples with other actual samples or with a type is requested, the procedure and methods shall be as outlined in §§ 28.45 through 28.47.

■ 24. Add § 28.184 to read as follows:

§ 28.184 Availability of electronic cotton classification data.

As soon as practicable after the classification or comparison of cotton has been completed, electronic cotton classification data for each sample submitted will be made available for the owner or the owner's agent to retrieve. The data record transmitted is representative of only the sample submitted by the owner or the owner's agent rather than any particular cotton bale.

■ 25. In redesignated § 28.185, revise the introductory text and paragraph (d); redesignate paragraph (e) as (f); add a new paragraph (e); and revise redesignated paragraph (f) to read as follows:

§ 28.185 Issuance of cotton classification memoranda.

Upon request, there shall be issued a cotton classification memorandum which shall embody within its written or printed terms:

* * * * *

(d) A statement that any classification made has been on the basis of the Universal Cotton Standards (the official cotton standards of the United States) at the time of such classification.

(e) A statement that any classification made applies only to the samples as submitted by the owner or the owner's agent and does not purport to represent any particular cotton bales.

(f) The signature of the Director of the facility providing the classification service and the date of issuance of the memorandum.

■ 26. Revise redesignated § 28.186 to read as follows:

§ 28.186 Review of cotton classification or comparison.

An immediate review of every classification or comparison made pursuant to this subpart is performed automatically. Therefore, separate review classification services for foreign-growth cotton are not offered by the Program. Costs associated with such review classifications are integrated into the fees established in § 28.188.

■ 27. Revise redesignated § 28.187 to read as follows:

§ 28.187 Surrender of memoranda.

For good cause, any memorandum issued under this subpart shall be surrendered to the Program, upon the request of the Director of the Quality Assurance Division, and a new memorandum complying with this subpart issued in substitution therefor. If the memorandum is not surrendered upon such request, it shall nevertheless be invalid for the purpose of this subpart.

■ 28. Revise redesignated § 28.188 to read as follows:

§ 28.188 Fee amounts.

The provisions of §§ 28.116 through 28.119 relating to fees shall apply to services performed with respect to foreign-growth cotton.

■ 29. Add § 28.189 to read as follows:

§ 28.189 Expenses to be borne by party requesting classification.

For any samples submitted for foreign-growth classification, all expenses related to the sampling and transportation of samples, which may include but is not limited to any fees related to Customs clearance such as fumigation and/or phytosanitary certification, shall be prepaid by the owner of the cotton or the owner's agent.

■ 30. Add § 28.190 to read as follows:

§ 28.190 Advance deposits.

Advance deposit requirements for services rendered under this subpart are specified in § 28.121.

■ 31. Add § 28.191 to read as follows:

§ 28.191 Payments methods.

Acceptable methods of payment or advance deposit for fees specified in § 28.188 are as follows:

(a) Credit card (Visa, MasterCard, Discover, or American Express): For remittance of payment by credit card, cardholder's name, billing address, credit card number, expiration date, etc. are required.

(b) Wire transfers/Electronic Fund Transfers (EFT): Electronic payments are processed through the Federal Reserve Bank. Customer/company name and government issued identification number are required. All fees associated with wire transfers/EFT are the responsibility of the remitter. Orders will not be processed until the total amount of the order is collected.

(c) Check: Checks must be drawn on a United States bank in United States currency and include the bank routing number on the check. Checks should be made payable to ''USDA, AMS, Cotton and Tobacco Program''.

■ 32. Add § 28.192 to read as follows:

§ 28.192 No voiding or modifying claims for payment.

Nothing in this subpart shall be construed to void or modify any claim which a person or party requesting and paying for a service may have against any other person or party for the payment of part or all of such costs.

Dated: February 3, 2016.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–02461 Filed 2–9–16; 8:45 am]

BILLING CODE 3410–02–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Parts 1024 and 1026

RIN 3170–AA19

2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z); Correction of Supplementary Information

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Correction of supplementary information.

SUMMARY: In 2013, the Consumer Financial Protection Bureau (Bureau) issued the ''Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)'' final rule (TILA–RESPA Final Rule).[1] The Supplementary Information to the TILA–RESPA Final Rule contained a typographical error, which this document corrects, regarding the application of tolerances to property insurance premiums, property taxes, homeowner's association dues, condominium fees, and cooperative fees.

DATES: This correction is effective on February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Pedro De Oliveira or David Friend, Counsels, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, at (202) 435–7700.

SUPPLEMENTARY INFORMATION: In 2013, the Bureau issued the ''Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)'' final rule (TILA–RESPA Final Rule), combining certain disclosures that consumers receive in connection with applying for and closing on a mortgage loan.[2] The Supplementary Information to the TILA–RESPA Final Rule (2013 Supp. Information) contained a typographical error, which this notice corrects. Specifically, on page 79829 of Volume 78 of the **Federal Register**, in the first column, in the sentence containing ''property insurance premiums, property taxes, homeowner's association dues, condominium fees, and cooperative fees,'' the phrase ''are subject to tolerances'' should read ''are not subject to tolerances.''

Section 1026.19(e)(3)(iii) is titled ''*Variations permitted for certain charges*'' and lists certain charges—including property insurance premiums, ''[a]mounts placed into an escrow, impound, reserve, or similar account,'' and ''[c]harges paid for third-party services not required by the creditor''—in the category of charges not subject to tolerance.[3] Property taxes, homeowner's association dues, condominium fees, and cooperative fees are all ''[c]harges paid for third-party services not required by the creditor.'' Additionally, the 2013 Supp. Information sentence being corrected here is inconsistent with the sentence that precedes it, because the preceding sentence states that ''*property insurance premiums* are included in the category of settlement charges *not subject* to a tolerance, whether or not the insurance provider is a lender affiliate.''[4] Consequently, on page 79829 of the 2013 Supp. Information, regarding ''property insurance premiums, property taxes, homeowner's association dues, condominium fees, and cooperative fees,'' the phrase ''are subject to tolerances'' should read ''are not subject to tolerances.''

Accordingly, the Bureau makes the following correction to FR Doc. 2013–28210 published on December 31, 2013 (78 FR 79730):

1. On page 79829, in the first column, in the 48th, 49th, and 50th lines, revise ''are subject to tolerances whether or not they are placed into an escrow, impound, reserve, or similar account'' to read ''are not subject to tolerances whether or not they are placed into an escrow, impound, reserve, or similar account''.

Dated: February 2, 2016.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2016–02630 Filed 2–9–16; 8:45 am]

BILLING CODE 4810–AM–P

[1] 78 FR 79730 (Dec. 31, 2013).

[2] 78 FR 79730 (Dec. 31, 2013). The Bureau published subsequent amendments to the TILA–RESPA Final Rule at 80 FR 8767 (Feb. 19, 2015) and 80 FR 43911 (July 24, 2015).

[3] Such charge is in good faith so long as such charge is ''consistent with the best information reasonably available to the creditor at the time it is disclosed, *regardless of whether the amount paid by the consumer exceeds the amount disclosed*'' on the Loan Estimate. 12 CFR 1026.19(e)(3)(iii) (emphasis added).

[4] 78 FR 79730, 79829 (Dec. 31, 2013) (emphasis added).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0232; FRL–9941–15]

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) Ethers, Disodium Salts; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts with a polyoxyethylene (POE) content averaging 5–15 moles, specifically CAS Reg. Nos. 68815–56–5, 68954–91–6, 1013906–64–3, and 1024612–24–5, when used as inert ingredients (surfactants) in pesticide formulations applied to crops at a concentration not to exceed 10% by weight under 40 CFR 180.910. Keller and Heckman LLP on behalf of Cytec Industries, Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the establishment of exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of these poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts.

DATES: This regulation is effective February 10, 2016. Objections and requests for hearings must be received on or before April 11, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0232, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional

information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0232 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 11, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0232, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of May 20, 2015 (80 FR 28925) (FRL–9927–39), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10759) by Keller and Heckman LLP, 1001 G Street NW., Suite 500 West, Washington, DC 20001 on behalf of Cytec Industries, Inc., 5 Garret Mountain Plaza, Woodland Park, NJ 07424. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}-C_{16}) alkylethers, disodium salts with a polyoxyethylene (POE) content averaging 5–15 specifically poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{10-12}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 68954–91–6); poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{10-16}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg, No. 68815–56–5); poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{12-14}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 1024612–24–5); and poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-(isotridecyloxy)-, sodium salt (1:2), the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 1013906–64–3) when used as an inert ingredient (surfactant) in pesticide formulations applied to growing crops and raw agricultural commodities at a concentration not to exceed 10% by weight. That document referenced a summary of the petition prepared by Keller and Heckman LLP, on behalf of Cytec Industries, Inc., the petitioner, which is available in the docket, *http://www.regulations.gov.* Comments were not received on the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The acute oral and dermal toxicity in rats are low for poly(oxy-1,2-ethanediyl), α- (3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, -alkyl (C_{10}-C_{16}) ethers, disodium salts. They are not irritating to the eyes and moderately irritating to the skin in rabbits. They are weak dermal sensitizers. Acute inhalation toxicity studies were not available.

In subchronic toxicity studies, are available in rats and dogs. (CAS Reg No. 68815–56–5) was administered via the diet in both studies and similar effects are seen in both. Bodyweight decreases are seen in dogs at 565 milligrams/kilogram/day (mg/kg/day) and in rats at 4% (equivalent to 3,519 mg/kg/day, lowest observed adverse effect level (LOAEL)). Decreased feed efficiency is also observed at this dose in rats. The NOAELs are 140 mg/kg/day and 1% (equivalent to 770 mg/kg/day) in dogs and rats, respectively. The chronic reference dose (cRfD) is based on the 90-day oral toxicity study in dogs.

The Organization for Economic Cooperation and Development (OECD) 421 Reproduction/Developmental Toxicity Screening Test, ''secondary alcohol ethoxylate'', shows that parental, offspring and reproduction toxicity occur at 470 mg/kg/day. Maternal toxicity is manifested as decreased body weight and body weight gain, decreased food consumption, and clinical signs (ptosis and hypoactivity); offspring toxicity is manifested as decreased litter size, increased post-implantation loss, and microscopic changes of the testes and epididymides; and reproduction toxicity is manifested as a slightly increased incidence of microscopic changes of the testes and epididymides (testicular atrophy, increased intraluminal exfoliated spermatogenic cells in epididymides, and dilated seminiferous tubules). The parental, offspring and reproduction NOAELs are 168 mg/kg/day. Although fetal qualitative susceptibility is observed in this study, concern is low because it occurs only in the presence of maternal toxicity. Also, the cRfD is protective of these effects.

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts are not expected to be carcinogenic based on the lack of structural alerts for carcinogenicity in the Derek Nexus analysis. Also, they are not mutagenic based on the Ames and chromosomal aberration tests.

Neurotoxicity and immunotoxicity studies are not available for review. However, evidence of neurotoxicity and immunotoxicity is not observed in the submitted studies.

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts are expected to be metabolized similar to alkyl alcohol alkoxylates. These metabolites are expected to be further metabolized through degradation of the ether linkage resulting in the corresponding alkyl alcohol and polyalkoxylate group which would undergo further oxidative degradation and/or excretion. Excreted materials are mainly lower molecular weight POE-like compounds, carbon dioxide and water. Longer alkyl chain lengths are excreted at a higher proportion into expired air and less in urine and longer POE chain lengths lead to more being excreted via the feces and expired air.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

An acute effect was not found in the database therefore an acute dietary assessment is not necessary. The 90-day oral toxicity study in dogs was selected for the chronic exposure for this risk assessment. The NOAEL in this study was 140 mg/kg/day. The LOAEL was 565 mg/kg/day based on decreased bodyweight. This study represents the lowest NOAEL in the database in the most sensitive species. The dermal and inhalation absorption rates were assumed to be 100%. The standard inter- and intra- species uncertainty factors were applied. The FQPA safety factor of 10X was reduced to 1X.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts in food as follows:

Dietary exposure (food and drinking water) to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts can occur following ingestion of foods with residues from treated crops. Because no adverse effects attributable to a single exposure of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts are seen in the toxicity databases, an acute dietary risk assessment is not necessary. For the chronic dietary risk assessment, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID™, Version 3.16, and food consumption information from the U.S. Department of Agriculture's (USDA's) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). One hundred percent crop treated was assumed, default processing factors, and tolerance-level residues for all foods and use limitations of not more than 10% by weight in pesticide formulations.

2. *Dietary exposure from drinking water.* For the purpose of the screening-level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts, a conservative drinking water concentration value of 100 ppb based on screening-level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.*, textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts may be used in inert ingredients in products that are registered for specific uses that may result in residential exposure, such as pesticides used in and round the home, personal (care) products, and cosmetics. The Agency conducted an assessment to represent worst-case residential exposure by assessing poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts in pesticideformulations (outdoor scenarios) and in disinfectant-type uses (indoor scenarios).

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts to share a common mechanism of toxicity with any other substances, and poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The toxicity database for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts contains two subchronic studies, a reproduction/developmental toxicity screening study, and mutagenicity studies. There is no indication of neurotoxicity or immunotoxicity in the available studies; therefore, there is no need to require neurotoxicity or immunotoxicity studies. Qualitative fetal susceptibility was observed in the 2-generation toxicity study in rats. However, concern for fetal effects are low since they only occurred in the presence of maternal toxicity and protecting against maternal toxicity will subsequently prevent fetal toxicity. In addition, the cRfD, 1.40 mg/kg/day, will be protective of fetal effects. In addition, the Agency used conservative exposure estimates, with 100 percent crop treated, tolerance-level residues, conservative drinking water modeling numbers, and a worst-case assessment of potential residential exposure for infants and children. Therefore, the FQPA SF of 10X is reduced to 1X.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts from food and water will utilize 10.3% of the

cPAD for children 1 to 2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl(C_{10}-C_{16}) ethers, disodium salts may be used as inert ingredients in pesticide products that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts. Using the exposure assumptions described above, EPA has concluded that the combined short-term aggregated food, water, and residential exposures result in MOEs of 151 for both adult males and females respectively. Adult residential exposure combines high-end dermal and inhalation handler exposure from indoor hard surface, wiping with a high-end post application dermal exposure from contact with treated lawns. As the level of concern is for MOEs that are lower than 100, this MOE is not of concern. EPA has concluded the combined short-term aggregated food, water, and residential exposures result in an aggregate MOE of 430 for children. Children's residential exposure includes total exposures associated with contact with treated lawns (dermal and hand-to-mouth exposures). As the level of concern is for MOEs that are lower than 100, this MOEs is not of concern.

4. Intermediate-term risk. Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts may be used as inert ingredients in pesticide products that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts. Using the exposure assumptions described above, EPA has concluded that the combined intermediate-term aggregated food, water, and residential exposures result in aggregate MOEs of 1637 for adult males and females. Adult residential exposure combines Indoor hard surface, wiping with a high end post application dermal exposure from contact with treated lawns. As the level of concern is for MOEs that are lower than 100, this MOE is not of concern. EPA has concluded the combined intermediate-term aggregated food, water, and residential exposures result in an aggregate MOE of 597 for children. Children's residential exposure includes total exposures associated with contact with treated surfaces (dermal and hand-to-mouth exposures). As the level of concern is for MOEs that are lower than 100, this MOE is not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on a DEREK structural alert analysis and the lack of mutagenicity, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts are considered not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts residues.

V. Other Considerations

Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts in or on any food commodities. EPA is establishing a limitation on the amount of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts that may be used in pesticide formulations applied to growing crops. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for use on growing crops for sale or distribution that exceed 10% of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl (C_{10}-C_{16}) ethers, disodium salts.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for the following when used as inert ingredients (surfactants) in pesticide products at a concentration not to exceed 10% in the end-use formulation.

VII. Statutory and Executive Order Reviews

This action establishes exemptions to the requirement for a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR

67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 19, 2016.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, add alphabetically the following inert ingredient(s) to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * *	* *	*
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{10-12}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 68954–91–6).	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * *	* *	*
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{10-16}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg, No. 68815–56–5).	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * *	* *	*
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, C_{12-14}-alkyl ethers, disodium salts, the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 1024612–24–5).	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * *	* *	*
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-(isotridecyloxy)-, sodium salt (1:2), the poly(oxyethylene) content averages 5–15 moles (CAS Reg. No. 1013906–64–3).	Not to exceed 10% by weight of pesticide formulation.	Surfactant.
* * * *	* *	*

[FR Doc. 2016–02569 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XE430

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2016 Pacific cod total allowable catch allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 5, 2016, through 2400 hours, A.l.t., December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2016 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 6,226 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015), inseason adjustment (81 FR 184, January 5, 2016), and reallocation (81 FR 5627, February 3, 2016).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2016 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 3, 2016.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 5, 2016.

Emily H. Menashes,

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

[FR Doc. 2016–02689 Filed 2–5–16; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 27
Wednesday, February 10, 2016

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–2015–5802; Airspace Docket No. 15–ASW–17]

Proposed Establishment of Class E Airspace; Horseshoe Bend, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Horseshoe Bend, AR. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures developed at Horseshoe Bend Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 28, 2016.

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–2015–5802; Docket No.15–ASW–17, 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 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 FAA Order 7400.9Z 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: Rebecca Shelby., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817–222–5857.

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 establish Class E airspace at Horseshoe Bend Airport, Horseshoe Bend, AR.

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–2015–5802/Airspace Docket No. 15–ASW–17.'' 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 **ADDRESSES** section for 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 Central Service Center, Operation Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request 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 would 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 document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700

feet above the surface within an 6-mile radius of Horseshoe Bend Airport, Horseshoe Bend, AR, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Section 6005 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 E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (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 that this 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 1050.1F, ''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

In consideration of the foregoing, 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:

Section 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ASW AR E5 Horseshoe Bend, AR [New]

Horseshoe Bend Airport, AR
(Lat. 36°13′17″ N., long. 091°45′20″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Horseshoe Bend Airport.

Issued in Fort Worth, TX, on January 26 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–02548 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2016–1288; Airspace Docket No. 15–ASW–23

Proposed Establishment of Class E Airspace; Ketchum, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Ketchum, OK. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures developed at South Grand Lake Regional Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 28, 2016.

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–2016–1288; Docket No.15–ASW–23, 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 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 FAA Order 7400.9Z 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: Rebecca Shelby., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817–222–5857.

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 establish Class E airspace at South Grand Lake Regional Airport, Ketchum, OK.

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–2016–1288/Airspace Docket No. 15–ASW–23.'' 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 **ADDRESSES** section for 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 Central Service Center, Operation Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request 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 would 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 document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within an 6-mile radius of South Grand Lake Regional Airport, Ketchum, OK, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Section 6005 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 E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (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 that this 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 1050.1F, ''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

In consideration of the foregoing, 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:

Section 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ASW OK E5 Ketchum, OK [New]

South Grand Lake Regional Airport, OK
(Lat. 36°32′47″ N., long. 095°00′49″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of South Grand Lake Regional Airport.

Issued in Fort Worth, TX, on January 27, 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–02549 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2015–0025]

20 CFR Part 411

RIN 0960–AH50

Revising the Ticket to Work Program Rules

AGENCY: Social Security Administration.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: We are soliciting public input on whether and how we might revise the current Ticket to Work program rules. The Ticket to Work and Work Incentives Improvement Act of 1999 established the Ticket to Work program to allow individuals with disabilities to seek services to obtain and retain employment in order to reduce dependency on cash benefit programs. In creating the program, Congress found that eliminating barriers to work and providing individuals with real choice in obtaining services and technology to find, enter, and maintain employment can greatly improve the short and long-term financial independence and personal well-being of our beneficiaries.

We want to explore improving our Ticket to Work program as part of our ongoing effort to help our beneficiaries find and maintain employment that leads to increased independence and enhanced productivity. If we propose

specific revisions to our regulations, we will publish a notice of proposed rulemaking (NPRM) in the **Federal Register**.

DATES: To ensure that we consider your comments, we must receive them by no later than April 11, 2016.

ADDRESSES: You may submit comments by Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2015–0025 so that we may associate your comments with this ANPRM.

Caution: You should be careful to include in your comments only information you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend this method for submitting your comments. Visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the Web page's *Search* function to find docket number SSA–2015–0025. Once you submit your comment, the system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we post each comment manually. It may take up to a week for your comment to appear.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Mark Green, Deputy Director, Office of Beneficiary Outreach and Employment Support, Office of Research, Demonstration and Employment Support, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–9852. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

What is the purpose of this ANPRM?

The purpose of this ANPRM is to solicit ideas for improving the Ticket to Work program. We are considering whether and how we might update the Ticket to Work program rules to help both our beneficiaries and the providers that serve our beneficiaries in the program. The Ticket to Work program rules are contained in 20 CFR part 411. We last updated the program rules on May 20, 2008. Through this ANPRM, we are requesting comments and suggestions from the public on what we might include in new Ticket to Work program rules.

Why are we considering new Ticket to Work program rules?

According to the Bureau of Labor Statistics' (BLS) Current Population Survey (*http://www.bls.gov/news.release/empsit.t06.htm*), the July 2015 unemployment rate for individuals with a disability [1] was 10.4 percent, compared to 5.4 percent for people without disability. This number refers to those who were actively seeking a job, and were willing, able and available to work, but unable to find a job in the month prior to the survey. The July 2015 employment-population ratio, which measures the percent of people in a given population who are working, was 17.7 percent for persons with a disability, versus 65.3 percent for those without a disability.

Employment programs that assist people with finding jobs may focus on either short-term or long-term goals. For example, the Individual Placement and Support (IPS) model emphasizes rapid job search and placement. Other models focus on equipping people with the education, skills, and supports that are building blocks of sustainable success in the labor market. We seek comments on the effectiveness of different employment support models and on how we can change the structure of the Ticket to Work program to incorporate the most successful models.

Since the last change in the Ticket to Work rules, there has been increased research in the fields of financial literacy, behavioral economics, and psychology. This could inform us on how to improve Ticket to Work program outcomes. For example, research shows that the way information is presented influences the decisions an individual makes. Therefore, it is essential to present information clearly and effectively, particularly for decisions that are complex or have long-term consequences. Beneficiaries in the Ticket to Work program face complex decisions regarding employment and benefits options. We are seeking your suggestions on effective ways to present information to beneficiaries to improve participation and outcomes in the Ticket to Work program.

Further, beneficiaries may need other supports to manage their finances and benefits. In our preliminary research, we noticed three areas of possible interest to beneficiaries in the program: (1) Financial education and counseling, (2) access to financial services and products, and (3) asset building. We request comments on how the Ticket to Work program might assist beneficiaries in understanding the options for increasing their earnings and achieving/sustaining greater financial independence, and whether financial education, financial services, and asset building are necessary to foster work outcomes that are likely to lead to exit from the disability rolls.

We also welcome your ideas on fostering program success for and with employment networks (ENs), which are the approved service providers for the program. Beneficiaries may obtain assistance from ENs in locating, retaining, and advancing in jobs/careers. We want your input on how we can remove service barriers for and increase the effectiveness of ENs, and which services the ENs might provide to help beneficiaries to secure employment and increase their earnings. In particular, we welcome comments and actual examples of how ENs can best assist individuals—in concert with employers, VR agencies, public work force systems, WIPAs and other entities—to achieve and sustain our beneficiaries' employment success.

Under the current program rules, the amount of our payments to ENs remains the same as long as a beneficiary meets our earnings requirements. We do not increase EN payments when a beneficiary earns more than the substantial gainful activity (SGA) level for sustained periods. (SGA describes a

[1] The BLS uses a different definition of ''disability'' than we do. The BLS defines a person with disability as someone with at least one of the following conditions: Is deaf or has serious difficulty hearing; is blind or has serious difficulty seeing even when wearing glasses; has serious difficulty concentrating, remembering, or making decisions because of a physical, mental, or emotional condition; has serious difficulty walking or climbing stairs; has difficulty dressing or bathing; or has difficulty doing errands alone such as visiting a doctor's office or shopping because of a physical, mental, or emotional condition. Sections 223(d)(1)(A) and 1614(a)(3)(A) of the Social Security Act, 42 U.S.C. 423(d)(1)(A), 1382c(a)(3)(A), define ''disability'' as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment. The impairment must be one that can be expected to result in death or that has lasted or can be expected to last for a continuous 12-month period.

level of work activity and earnings, which we use as one factor to determine disability. We ordinarily consider an individual earning more than a certain monthly amount, excluding impairment-related work expenses, as engaging in SGA.) For 2015, earnings of more than $1,090 per month for non-blind individuals or $1,820 per month for blind individuals indicate SGA. We invite your comments on whether we should structure the payment system to provide ENs with increased payments for helping beneficiaries locate and keep higher paying jobs.

In general, with regard to removing service barriers for the ENs or changing the payment structure, we seek comments on how to foster a robust market of employment support services for our beneficiaries.

We are committed to identifying strategies that help people find and maintain employment and improve their economic status. Any changes we make to the Ticket to Work program should be based on strong research and effective practices that are evidence-based and data-driven. By adapting these practices to the Ticket to Work program, we hope to improve the long-term employment and economic prospects of our beneficiaries. If we propose specific revisions, we will publish a notice of proposed rulemaking in the **Federal Register**.

On which rules are we inviting comments and suggestions?

We are interested in any comments and suggestions you have on whether and how we should revise our Ticket to Work rules found in 20 CFR part 411. You can find the current rules for the Ticket to Work and Self-Sufficiency Program on the Internet at: *http://www.gpo.gov/fdsys/pkg/CFR-2009-title20-vol2/pdf/CFR-2009-title20-vol2-part411.pdf.*

We issued initial Ticket to Work program rules on December 28, 2001 (66 FR 67370). Based on our experience administering the program, we published amendments to those rules on May 20, 2008 (73 FR 29324). The revised rules simplified the program and made it more attractive to beneficiaries and potential service providers. In our ongoing effort to improve employment outcomes for beneficiaries, we are inviting your comments on whether and how we should revise the rules again.

We would like your comments on the program rules and your thoughts on our specific questions below. If you know of research studies supporting your recommendations, please attach the study to your comments or provide the name of the study, date of publication, and name(s) of the researcher(s) in your response.

Who should send us comments and suggestions?

We invite comments and suggestions from the following individuals and groups: Current and former beneficiaries, State Agencies (particularly State Vocational Agencies and Job Development Programs), advocates, current and former employment networks, and interested members of the public.

What should you comment about?

We are interested in any comments and suggestions on ways to improve the Ticket to Work program. For example:

1. Overall, how can we support the employment goals of social security beneficiaries through the Ticket to Work program?

2. How could we structure and present information to increase participation in and effectiveness of the program?

3. What employment support models are likely to be most effective in achieving the intent and goals of the program?

4. What incentives could we offer to help ensure ENs are financially and organizationally viable?

5. What incentives could we offer ENs for collaborating effectively with employers, VR agencies, public work force systems, WIPAs and other entities assisting our disability beneficiaries?

6. How could the program encourage youth with disabilities to pursue apprenticeships, career development programs, post-secondary education, and other work-related opportunities in a manner similar to their peers without disabilities?

7. How could ENs become integral to transition planning with youth who have disabilities, their families, and local schools?

8. Would offering beneficiaries financial education and planning services be appropriate for the program? If so, how could we accomplish this through changes to the program regulations?

9. What service barriers or administrative complexities do ENs face that inhibit their ability to serve our beneficiaries?

10. How might we encourage more organizations that can provide appropriate services to our beneficiaries to participate as ENs?

11. Should we adjust our payment systems to increase EN payments when a beneficiary earns more than the SGA level for sustained periods? If so, what adjustments could we make without increasing overall program costs?

12. Should we adjust our payment systems to provide even more EN payments than we currently do for helping a beneficiary secure and maintain part-time employment below the SGA level? If so, how might such a payment differ from the EN payments for a beneficiary earning at or above the SGA level?

13. The blanket purchase agreement we award to contractors to serve as ENs outlines their requirements to provide ongoing support services to beneficiaries. How should we define ''ongoing support services'' for the ENs? What ongoing services are necessary to support beneficiaries in jobs above SGA levels for sustained periods?

14. Under the program, State VR agencies participate either as ENs or under the cost reimbursement payment system (20 CFR 411.355) applicable to them. Should State VR agencies participating as ENs offer the same services and have the same responsibilities as other ENs? If not, what services and supports should State VR agencies participating as ENs provide?

15. In measuring EN performance, we consider factors such as:

- Completing employment support services as planned;
- the percentage of Ticket to Work clients who were placed in a job within 9–12 months;
- the percentage of clients who retained their jobs for significant periods; and
- the percentage of clients who progressed to long-term earnings above SGA.

Are these appropriate measures and, if not, what measures should we use?

16. What are some barriers that ENs face? How might we adjust our rules to help ENs succeed at providing the services and support beneficiaries need to find and maintain employment?

Will we respond to your comments from this notice?

We will consider all comments and suggestions we receive. However, we will not respond directly to the comments you send in response to this ANPRM.

What will we consider when we decide whether to propose revisions?

When we decide whether to propose revisions to our rules for the program, we will consider:

- All comments and suggestions we receive in response to this notice, and
- Our own experience working with the program.

If we decide to propose specific revisions, we will publish a Notice of Proposed Rulemaking in the **Federal Register**, and you will have an opportunity to comment on the revisions we propose.

List of Subjects in 20 CFR Part 411

Administrative practice and procedure, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Social security, Supplemental Security Income (SSI), Vocational rehabilitation.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

[FR Doc. 2016–02657 Filed 2–9–16; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2016–0009]

RIN 1625–AA08

Special Local Regulation; Bucksport/Lake Murray Drag Boat Spring Nationals, Atlantic Intracoastal Waterway; Bucksport, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the Atlantic Intracoastal Waterway in Bucksport, South Carolina during the Bucksport/Lake Murray Drag Boat Spring Nationals, on June 4 and June 5, 2016. This special local regulation is necessary to ensure the safety of participants, spectators, and the general public during the event. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before March 11, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0009 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *John.Z.Downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background, Purpose, and Legal Basis

On December 27, 2015, the Bucksport Marina notified the Coast Guard that it will be sponsoring a series of drag boat races from 1 p.m. to 7 p.m. on June 4 and June 5, 2016. The legal basis for the proposed rule is the Coast Guard's Authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the proposed rule is to ensure safety of life on the navigable water of the United States during the Bucksport/Lake Murray Drag Boat Spring Nationals, a series of high speed boat races.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a special local regulation on the Atlantic Intracoastal Waterway in Bucksport, South Carolina during the Bucksport/Lake Murray Drag Boat Spring Nationals, on June 4 and June 5, 2016. Approximately 50 powerboats are anticipated to participate in the races and approximately 35 spectator vessels are expected to attend the event. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O.13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under E.O. 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This proposed 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.

The economic impact of this proposed rule is not significant for the following reasons: (1) The special local regulation would be enforced for only six hours a day over a two-day period; (2) although persons and vessels would not be able to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement periods; (3) persons and vessels would still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard would provide advance notification of the regulated area to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, (5 U.S.C. 601–612), as amended requires Federal agencies to consider the potential impact of regulations on ''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 proposed rule would not have a significant economic impact on a substantial number of small entities. We have considered the impact of this proposed rule on small entities. This rule may affect the following entities, some of which may be small entities: the owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the enforcement period. For the reasons discussed in Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this proposed rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 proposed rule involves special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. 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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07–0009 to read as follows:

§ 100.T07–0009 Special Local Regulations; Bucksport/Lake Murray Drag Boat Spring Nationals, Atlantic Intracoastal Waterway, Bucksport, SC.

(a) *Regulated area.* All waters of the Atlantic Intracoastal Waterway encompassed by a line connecting the

following points: point 1 in position 33°39′13″ N., 079°05′36″ W.; thence west to point 2 in position 33°39′17″ N., 079°05′46″ W.; thence south to point 3 in position 33°38′53″ N., 079°05′39″ W.; thence east to point 4 in position 33°38′54″ N., 079°05′31″ W.; thence north back to point 1. All coordinates are North American Datum 1983.

(b) *Definition.* As used in this section, ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area, except persons and vessels participating in Bucksport/Lake Murray Drag Boat Spring Nationals or serving as safety vessels. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(2) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date.* This rule will be enforced on June 4 and June 5, 2016 from 1 p.m. until 7 p.m. daily.

Dated: January 29, 2016.

G.L. Tomasulo,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2016–02620 Filed 2–9–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R06–OAR–2015–0852; FRL–9942–13–Region 6]

Air Plan Approval and Designation of Areas; AR; Redesignation of the Crittenden County, 2008 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 10, 2015, the State of Arkansas, through the Arkansas Department of Environmental Quality (ADEQ), submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of Arkansas that is within the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN-MS-AR) 2008 8-hour ozone nonattainment area (hereafter referred to as the ''Memphis, TN-MS-AR Area'' or ''Area'') and to approve a State Implementation Plan (SIP) revision containing a maintenance plan for the Area. EPA is proposing to determine that the Memphis, TN-MS-AR Area is continuing to attain the 2008 8-hour ozone national ambient air quality standards (NAAQS); to approve the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and volatile organic compounds (VOC) for the years 2012 and 2027 for the Arkansas portion of the Area, into the SIP; and to redesignate the Arkansas portion of the Area to attainment for the 2008 8-hour ozone NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area.

DATES: Comments must be received on or before March 11, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0852, at *http://www.regulations.gov* or via email to *riley.jeffrey@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Riley or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION:

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I. What are the actions EPA is proposing to take?

EPA is proposing to take the following three separate but related actions, one of which involves multiple elements: (1) To determine that the Memphis, TN-MS-AR Area is continuing to attain the 2008 8-hour ozone NAAQS; [1] (2) to

[1] On August 27, 2015, EPA published a proposed rulemaking entitled ''Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Marginal for the 2008 Ozone National Ambient Air Quality Standards'' where the

approve Arkansas' plan for maintaining the 2008 8-hour ozone NAAQS (maintenance plan), including the associated MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area, into the SIP; and (3) to redesignate the Arkansas portion of the Memphis, TN-MS-AR Area to attainment for the 2008 8-hour ozone NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area. The Memphis, TN-MS-AR Area consists of a portion of DeSoto County in Mississippi, all of Shelby County in Tennessee and all of Crittenden County in Arkansas. Today's proposed actions are summarized below and described in greater detail throughout this notice of proposed rulemaking.

EPA is proposing to make the determination that the Memphis, TN-MS-AR Area is continuing to attain the 2008 8-hour ozone NAAQS based on recent air quality data and proposing to approve Arkansas' maintenance plan for its portion of the Memphis, TN-MS-AR Area as meeting the requirements of section 175A (such approval being one of the Clean Air Act (CAA or Act) criteria for redesignation to attainment status). The maintenance plan is designed to keep the Memphis, TN-MS-AR Area in attainment of the 2008 8-hour ozone NAAQS through 2027. The maintenance plan includes 2012 and 2027 MVEBs for NO_X and VOC for the Arkansas portion of the Memphis, TN-MS-AR Area for transportation conformity purposes. EPA is proposing to approve these MVEBs and incorporate them into the Arkansas SIP.

EPA also proposes to determine that the Arkansas portion of the Memphis, TN-MS-AR Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Accordingly, in this action, EPA is proposing to approve a request to change the legal designation of Crittenden County within the Arkansas portion of the Memphis, TN-MS-AR Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

EPA is also notifying the public of the status of EPA's adequacy process for the 2012 and 2027 NO_X and VOC MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area. The Adequacy comment period began on December 16, 2015, with EPA's posting of the availability of Arkansas' submissions on EPA's Adequacy Web site (*http://www3.epa.gov/otaq/stateresources/transconf/currsips.htm*). The Adequacy comment period for these MVEBs closed on January 11, 2016. No comments, adverse, or otherwise, were received during the Adequacy comment period. Please see section VII of this proposed rulemaking for further explanation of this process and for more details on the MVEBs.

In summary, today's notice of proposed rulemaking is in response to Arkansas' December 10, 2015, redesignation request and associated SIP submission that address the specific issues summarized above and the necessary elements described in section 107(d)(3)(E) of the CAA for redesignation of the Arkansas portion of the Memphis, TN-MS-AR Area to attainment for the 2008 8-hour ozone NAAQS.

II. What is the background for EPA's proposed actions?

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS, based on the three most recent years of complete, quality assured, and certified ambient air quality data at the conclusion of the designation process. The Memphis, TN-MS-AR Area was designated nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the Memphis, TN-MS-AR Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. In the final implementation rule for the 2008 8-hour ozone NAAQS (SIP Implementation Rule),[2] EPA established ozone nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA. This rule established an attainment date three years after the July 20, 2012, effective date of designation for areas classified as marginal for the 2008 8-hour ozone nonattainment designations.[3] Therefore, the Memphis, TN-MS-AR Area's attainment date was July 20, 2015.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and, (5) the state containing such area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (57 FR 13498), and supplemented this guidance on

Agency proposed to determine that the Memphis, TN-MS-AR area had attained the 2008 8-hour ozone NAAQS, by the applicable attainment date of July 20, 2015, based on 2012–2014 monitoring data. *See* 80 FR 51992. EPA is contemplating the final action for this proposed rule under a separate rulemaking from today's rulemaking.

[2] This rule, entitled Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements and published at 80 FR 12264 (March 6, 2015), addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology (RACT), reasonably available control measures (RACM), major new source review (NSR), emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. This rule also addresses the revocation of the 1997 ozone NAAQS and the anti-backsliding requirements that apply when the 1997 ozone NAAQS are revoked.

[3] The SIP Implementation Rule modified 40 CFR 51.1103 to establish attainment dates that run from the effective date of designation, *i.e.,* July 20, 2012. This action was in response to the D.C. Circuit's decision in *NRDC* v. *EPA* (D.C. Cir. No. 12–1321) (Dec. 23, 2014). The Court's decision held ''that the EPA's decision to run the attainment periods from the end of the calendar year in which areas were designated was unreasonable.'' 80 FR 12264, at 12268.

April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Ozone and Carbon Monoxide Design Value Calculations,'' Memorandum from Bill Laxton, Director, Technical Support Division, June 18, 1990;
2. ''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;
3. ''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;
4. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the ''Calcagni Memorandum'');
5. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;
6. ''Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;
7. ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;
8. ''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;
9. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and
10. ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

IV. Why is EPA proposing these actions?

On December 10, 2015, the State of Arkansas, through ADEQ, requested that EPA redesignate the Arkansas portion of the Memphis, TN-MS-AR Area to attainment for the 2008 8-hour ozone NAAQS. EPA's evaluation indicates that the entire Memphis, TN-MS-AR Area has attained the 2008 8-hour ozone NAAQS, and that the Arkansas portion of the Memphis, TN-MS-AR Area meets the requirements for redesignation as set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. As a result, EPA is proposing to take the three related actions summarized in section I of this notice.

V. What is EPA's analysis of the request?

Our analysis of the State's request with respect to the five redesignation criteria provided under CAA section 107(d)(3)(E) is discussed in the following paragraphs of this section.

Criteria (1)—The Memphis, TN-MS-AR Area Has Attained the 2008 8-Hour Ozone NAAQS

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). For ozone, an area may be considered to be attaining the 2008 8-hour ozone NAAQS if it meets the 2008 8-hour ozone NAAQS, as determined in accordance with 40 CFR 50.15 and Appendix I of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain the NAAQS, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. Based on the data handling and reporting convention described in 40 CFR part 50, Appendix I, the NAAQS are attained if the design value is 0.075 ppm or below. The data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS). The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

EPA is proposing to determine that the Memphis, TN-MS-AR Area is continuing to attain the 2008 8-hour ozone NAAQS. EPA reviewed ozone monitoring data from monitoring stations in the Memphis, TN-MS-AR Area for the 2008 8-hour ozone NAAQS for 2012–2014, and the design values for each monitor in the Area are less than 0.075 ppm. These data have been quality-assured, are recorded in Aerometric Information Retrieval System (AIRS–AQS), and indicate that the Area is attaining the 2008 8-hour ozone NAAQS. The fourth-highest 8-hour ozone values at each monitor for 2012, 2013, 2014, and the 3-year averages of these values (*i.e.,* design values), are summarized in Table 1, below.

TABLE 1—2012–2014 DESIGN VALUE CONCENTRATIONS FOR THE MEMPHIS, TN-MS-AR AREA

Location	Site	4th Highest 8-hour ozone value (ppm)			3-Year design values (ppm)
		2012	2013	2014	2012–2014
DeSoto, MS	Hernando	0.075	0.065	0.067	0.069
Shelby, TN	Frayser	0.083	0.069	0.067	0.073
Shelby, TN	Orgill Park	0.084	0.063	0.065	0.070
Shelby, TN	Shelby Farms	0.086	0.069	0.066	0.073
Crittenden, AR	Marion	0.079	0.067	0.067	0.071

The 3-year design value for 2012–2014 for the Memphis, TN-MS-AR Area is 0.073 ppm,[4] which meets the NAAQS. EPA has reviewed 2015 preliminary monitoring data for the Area.[5] This preliminary data is not yet certified to meet the QA requirements but continues to indicate the area is meeting the NAAQS. In today's action, EPA is proposing to determine that Memphis, TN-MS-AR Area is attaining the 2008 8-hour ozone NAAQS. EPA will not take final action to approve the

[4] The monitor with the highest 3-year design value is considered the design value for the Area.

[5] 2012–2014 data and preliminary 2015 data is available at EPA's air data Web site: *http://aqsdr1.epa.gov/aqsweb/aqstmp/airdata/download_files.html#Daily.*

redesignation if the 3-year design value exceeds the NAAQS prior to EPA finalizing the redesignation. As discussed in more detail below, the State of Arkansas has committed to continue monitoring in this Area in accordance with 40 CFR part 58.

Criteria (2)—Arkansas Has a Fully Approved SIP Under Section 110(k) for the Arkansas Portion of the Memphis, TN-MS-AR Area; and Criteria (5)—Arkansas Has Met All Applicable Requirements Under Section 110 and Part D of Title I of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that Arkansas has met all applicable SIP requirements for the Arkansas portion of the Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that the Arkansas SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA in accordance with section 107(d)(3)(E)(v). Further, EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The Arkansas Portion of the Memphis, TN-MS-AR Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

General SIP requirements. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (Nonattainment NSR permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation. *See* 75 FR 2091, at 2095–2096.

In addition, EPA believes other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 and part D requirements that are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 2008); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001).

Title I, Part D, applicable SIP requirements. Section 172(c) of the CAA sets forth the basic requirements of attainment plans for nonattainment areas that are required to submit them pursuant to section 172(b). Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the area's nonattainment classification. As provided in Subpart 2, the specific requirements of section 182(a) apply in lieu of the demonstration of attainment (and contingency measures) required by section 172(c). 42 U.S.C. 7511a(a). A thorough discussion of the requirements contained in sections 172(c) and 182 can be found in the General Preamble for Implementation of Title I (57 FR 13498).

Section 182(a) Requirements. Section 182(a)(1) requires states to submit a comprehensive, accurate, and current inventory of actual emissions from sources of VOC and NO_X emitted within the boundaries of the ozone nonattainment area. Arkansas provided an emissions inventory for the Memphis, TN-MS-AR Area to EPA in an August 28, 2015 SIP submission. On January 14, 2016, EPA published a direct final rule to approve this emissions inventory into the SIP. *See* 81 FR 1884.

Under section 182(a)(2)(A), states with ozone nonattainment areas that were designated prior to the enactment of the 1990 CAA amendments were required to submit, within six months of classification, all rules and corrections to existing VOC RACT rules that were required under section 172(b)(3) of the CAA (and related guidance) prior to the 1990 CAA amendments. The Arkansas portion of the Memphis, TN-MS-AR Area is not subject to the section 182(a)(2) RACT ''fix up'' because it was designated as unclassifiable/attainment at that time.

Section 182(a)(2)(B) requires each state with a marginal ozone nonattainment area that implemented, or was required to implement, an inspection and maintenance (I/M) program prior to the 1990 CAA amendments to submit a SIP revision providing for an I/M program no less stringent than that required prior to the 1990 amendments or already in the SIP at the time of the amendments, whichever is more stringent. The Arkansas portion of the Memphis, TN-MS-AR Area is not subject to the section 182(a)(2)(B) because it was designated as unclassifiable/attainment prior to 1990 and was not required to have an I/M program.

Regarding the permitting and offset requirements of section 182(a)(2)(C) and section 182(a)(4), Arkansas does have an approved part D NSR program in place

(72 FR 18394, April 12, 2007). However, EPA has determined that areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR, because PSD requirements will apply after redesignation. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Arkansas' PSD program will automatically become applicable in the Memphis, TN-MS-AR Area upon redesignation to attainment. Arkansas Regulation 31, Chapter 1, section 31.102

Section 182(a)(3) requires states to submit periodic inventories and emissions statements. Section 182(a)(3)(A) requires states to submit a periodic inventory every three years. As discussed below in the section of this notice titled Criteria (4)(e), *Verification of Continued Attainment,* the State will continue to update its emissions inventory at least once every three years. Under section 182(a)(3)(B), each state with an ozone nonattainment area must submit a SIP revision requiring emissions statements to be submitted to the state by sources within that nonattainment area. Arkansas provided a SIP revision to EPA on November 19, 2007, addressing the section 182(a)(3)(B) emissions statements requirement, and on January 15, 2009, EPA published a final rule to approve this SIP revision. *See* 74 FR 2383.

Section 176 Conformity Requirements. Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA interprets the conformity SIP requirements [6] as not applying for purposes of evaluating a redesignation request under section 107(d) because state conformity rules are still required after redesignation and Federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida). Crittenden County does not currently have fully approved conformity rules, but as mentioned, the Federal conformity rules apply, and a Memorandum of Agreement outlining interagency consultation procedures is in place for transportation conformity purposes.

EPA proposes that the Arkansas portion of the Memphis, TN-MS-AR Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of title I of the CAA.

b. The Arkansas Portion of the Memphis, TN-MS-AR Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the applicable Arkansas SIP for the Memphis, TN-MS-AR Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (*see* Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–90 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action (*see* 68 FR 25426 (May 12, 2003) and citations therein). Arkansas has adopted and submitted, and EPA has fully approved at various times, provisions addressing the various SIP elements applicable for the ozone NAAQS. *See e.g.* 77 FR 50033 (August 20, 2012).

As indicated above, EPA believes that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to an area's nonattainment status are not applicable requirements for purposes of redesignation. EPA has approved all part D requirements applicable for purposes of this redesignation.

[6] CAA section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain Federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the MVEBs that are established in control strategy SIPs and maintenance plans.

Criteria (3)—The Air Quality Improvement in the Memphis, TN-MS-AR Area Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable Federal air pollution control regulations, and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA has preliminarily determined that Arkansas has demonstrated that the observed air quality improvement in the Memphis, TN-MS-AR Area is due to permanent and enforceable reductions in emissions resulting from Federal measures and from state measures adopted into the SIP. EPA does not have any information to suggest that the decrease in ozone concentrations in the Memphis, TN-MS-AR Area is due to unusually favorable meteorological conditions.

Federal measures enacted in recent years have resulted in permanent emission reductions. Most of these emission reductions are enforceable through regulations. The Federal measures that have been implemented include the following:

Tier 2 vehicle and fuel standards. Implementation began in 2004 and requires all passenger vehicles in any manufacturer's fleet to meet an average standard of 0.07 grams of NO_X per mile. Additionally, in January 2006 the sulfur content of gasoline was required to be on average 30 ppm which assists in lowering the NO_X emissions. Most gasoline sold in Eastern Arkansas prior to January 2006 had a sulfur content of about 300 ppm (65 FR 6698, February 10, 2000).[7]

Large non-road diesel engines rule. This rule was promulgated in 2004, and was phased in between 2008 through 2014 (69 FR 38958, June 29, 2004). This rule reduces the sulfur content in the nonroad diesel fuel, and also reduces NO_X, VOC, particulate matter, and carbon monoxide emissions. These emission reductions are federally enforceable. This rule applies to diesel

[7] Arkansas also identified Tier 3 Motor Vehicle Emissions and Fuel Standards as a federal measure. EPA issued this rule in April 28, 2014, which applies to light duty passenger cars and trucks. EPA promulgated this rule to reduce air pollution from new passenger cars and trucks beginning in 2017. Tier 3 emission standards will lower sulfur content of gasoline and lower the emissions standards.

engines used in industries, such as construction, agriculture, and mining. It is estimated that compliance with this rule will cut NO_X emissions from nonroad diesel engines by up to 90 percent nationwide.

Heavy-duty gasoline and diesel highway vehicle standards. EPA issued this rule in January 2001 (66 FR 5002). This rule includes standards limiting the sulfur content of diesel fuel, which went into effect in 2004. A second phase took effect in 2007, which further reduced the highway diesel fuel sulfur content to 15 ppm, leading to additional reductions in combustion NO_X and VOC emissions. EPA expects that this rule will achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses and will reduce NO_X emissions by 2.6 million tons by 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.[8]

Nonroad spark-ignition engines and recreational engines standards. The nonroad spark-ignition and recreational engine standards, effective in January 2003, regulate NO_X, hydrocarbons, and carbon monoxide from groups of previously unregulated nonroad engines (67 FR 68242, November 8, 2002). These engine standards apply to large spark-ignition engines (*e.g.,* forklifts and airport ground service equipment), recreational vehicles (*e.g.,* off-highway motorcycles and all-terrain-vehicles), and recreational marine diesel engines sold in the United States and imported after the effective date of these standards. When all of the nonroad spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls reduce ambient concentrations of ozone, carbon monoxide, and fine particulate matter.

National Program for greenhouse gas (GHG) emissions and Fuel Economy Standards. The federal GHG and fuel economy standards apply to light-duty cars and trucks in model years 2012–2016 (phase 1) (75 FR 25324, May 7, 2010) and 2017–2025 (phase 2) (proposed at 80 FR 40138, July 13, 2015). The final standards are projected to result in an average industry fleet-wide level of 163 grams/mile of carbon dioxide which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements. The fuel economy standards result in less fuel being consumed, and therefore less NO_X emissions released.

Point Sources. Emissions reductions from industries in Crittenden County contribute to the area's improvement in air quality. Stationary point source emissions data is collected annually from sources that meet reporting requirements outlined in 40 CFR part 51, subpart A—Air Emissions Reporting Requirement. These point sources include, but are not limited to, refineries, chemical plants, bulk terminals, and utilities.

In 2010, Trojan Luggage Company/Americo was reclassified from a major source for Title V to a minor source and currently operates under Minor NSR Permit No. 1523–AR–2. With this action, allowable VOC emissions decreased by 0.1 tons per year (tpy) due to the modification of inks used at the printer. In addition, two facilities previously permitted to emit VOCs shut down and had their Title V and NSR permits voided, currently have no active air permit, and have been removed from the State's emissions inventory: Crittenden County Landfill, previously permitted to emit 55.2 tpy of VOC, had its Title V air permit voided in 2009. Automated Conveyer Systems, previously permitted to emit 84.0 tpy of VOC, had its Title V air permit voided in 2010.

Criteria (4)—The Arkansas Portion of the Memphis, TN-MS-AR Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Arkansas portion of the Memphis, TN-MS-AR Area to attainment for the 2008 8-hour ozone NAAQS, ADEQ submitted a SIP revision to provide for the maintenance of the 2008 8-hour ozone NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures as necessary to assure prompt correction of any future 2008 8-hour ozone violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed more fully below, EPA is proposing to determine that Arkansas' maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Arkansas SIP.

b. Attainment Emissions Inventory

EPA is proposing to determine that the Memphis, TN-MS-AR Area has attained the 2008 8-hour ozone NAAQS based on quality-assured monitoring data for the 3-year period from 2012–2014, and is continuing to attain the standard based on preliminary 2015 data. Arkansas selected 2012 as the base year (*i.e.,* attainment emissions inventory year) for developing a comprehensive emissions inventory for NO_X and VOC, for which projected emissions could be developed for 2017, 2020 and 2027. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 2008 8-hour ozone NAAQS. Arkansas began development of the attainment inventory by first generating a baseline emissions inventory for the State's portion of the Memphis, TN-MS-AR Area. The projected summer day emission inventories have been estimated using projected rates of growth in population, traffic, economic activity, and other parameters. In addition to comparing the final year of the plan (2027) to the base year (2012), Arkansas compared interim years to the baseline to demonstrate that these years are also expected to show continued maintenance of the 2008 8-hour ozone standard.

The emissions inventory is composed of four major types of sources: Point, area, on-road mobile, and non-road mobile. The complete descriptions of how the inventories were developed are discussed in the Appendix A through Appendix C of the December 10, 2015, submittal, which can be found in the

[8] 66 FR 5002, 5012 (January 18, 2001).

docket for this action. The 2012 NO_X and VOC emissions for the Arkansas portion of the Memphis, TN-MS-AR Area, as well as the emissions for other years, were developed consistent with EPA guidance and are summarized in Tables 2 through 4 of the following subsection discussing the maintenance demonstration.

c. Maintenance Demonstration

The maintenance plan associated with the redesignation request includes a maintenance demonstration that:

(i) Shows compliance with and maintenance of the 2008 8-hour ozone NAAQS by providing information to support the demonstration that current and future emissions of NO_X and VOC remain at or below 2012 emissions levels.

(ii) Uses 2012 as the attainment year and includes future emissions inventory projections for 2017, 2020 and 2027.

(iii) Identifies an ''out year'' at least 10 years after the time necessary for EPA to review and approve the maintenance plan. Per 40 CFR part 93, NO_X and VOC MVEBs were established for the last year (2027) of the maintenance plan (see section VII below).

(iv) Provides actual (2012) and projected emissions inventories, in tons per summer day (tpsd), for the Arkansas portion of the Memphis, TN-MS-AR Area, as shown in Tables 2 and 3, below.

TABLE 2—ACTUAL AND PROJECTED AVERAGE SUMMER DAY NO_X EMISSIONS (TPSD) FOR THE ARKANSAS PORTION OF THE MEMPHIS, TN-MS-AR AREA

Sector	2012	2017	2020	2027
Point	3.65	3.08	2.87	2.26
Area	3.22	2.85	2.65	2.10
Non-road	1.97	1.48	1.28	0.73
On-road	13.04	9.48	7.68	5.18
Total	21.88	16.89	14.48	10.27

TABLE 3—ACTUAL AND PROJECTED AVERAGE SUMMER DAY VOC EMISSIONS (TPSD) FOR THE ARKANSAS PORTION OF THE MEMPHIS, TN-MS-AR AREA

Sector	2012	2017	2020	2027
Point	0.78	0.73	0.68	0.53
Area	7.90	7.57	7.46	7.15
Non-road	3.26	2.27	2.03	1.36
On-road	2.35	1.55	1.39	0.98
Total	14.29	12.12	11.56	10.01

Tables 2 and 3 summarize the 2012 and future projected emissions of NO_X and VOC from the Arkansas portion of the Memphis, TN-MS-AR Area, as reflected in Section 4.1, Table 4 of the State's submittal. In situations where local emissions are the primary contributor to nonattainment, such as the Memphis, TN-MS-AR Area if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the ambient air quality standard should not be exceeded in the future. Arkansas has projected emissions as described previously and determined that emissions in the Arkansas portion of the Memphis, TN-MS-AR Area will remain below those in the attainment year inventory for the duration of the maintenance plan.

As discussed in section VI of this proposed rulemaking, a safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. Arkansas selected 2012 as the attainment emissions inventory year for the Arkansas portion of the Memphis, TN-MS-AR Area. The State has allocated a portion of the 2027 safety margin to its 2027 MVEBs for the Memphis, TN-MS-AR Area.

TABLE 4—TOTAL SAFETY MARGINS FOR THE ARKANSAS PORTION OF THE MEMPHIS, TN-MS-AR AREA TONS PER DAY

[tpd]

Year	VOC	NO_X
2027	4.28	11.61

The State has decided to allocate a portion of the available safety margin to the 2027 MVEBs to allow for unanticipated growth in VMT, changes and uncertainty in vehicle mix assumptions, etc., that will influence the emission estimations. ADEQ has allocated 6.29 tpd of the safety margin to the 2027 NO_X MVEB and 1.10 tpd of the safety margin to the 2027 VOC MVEB. After allocation of the available safety margin, the remaining safety margin was calculated as 5.32 tpd for NO_X and 3.18 tpd for VOC. This allocation and the resulting available safety margin for the Arkansas portion of the Memphis, TN-MS-AR Area are discussed further in section VI of this proposed rulemaking along with the MVEBs to be used for transportation conformity proposes.

d. Monitoring Network

There currently are 5 monitors measuring ozone in the Memphis, TN-MS-AR Area, one of which is in the Arkansas portion of the Memphis, TN-MS-AR Area. The State of Arkansas, through ADEQ, has committed to continue operation of the monitor in the Arkansas portion of the Memphis, TN-MS-AR Area in compliance with 40 CFR part 58 and have thus addressed the requirement for monitoring. EPA approved Arkansas' monitoring plan on November 16, 2015. Mississippi and Tennessee have made similar commitments in their maintenance

plans. Mississippi's monitoring plan was approved by EPA on November 7, 2014; whereas Tennessee's monitoring plan was approved by EPA on January 13, 2015.

e. Verification of Continued Attainment

The State of Arkansas, through ADEQ, has the legal authority to enforce and implement the maintenance plan for the Arkansas portion of the Area. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future ozone attainment problems.

Large stationary sources are required to submit an emissions inventory annually to ADEQ. ADEQ commits to review these emissions inventories to determine if any unexpected growth in NO_X emissions in the Area may endanger the maintenance of the 2008 8-hour ozone NAAQS.

Additionally, under the Consolidated Emissions Reporting Rule (CERR) and Air Emissions Reporting Requirements (AERR), ADEQ is required to develop a comprehensive, annual, statewide emissions inventory every three years that is due twelve to eighteen months after the completion of the inventory year. The AERR inventory years match the base year and final year of the inventory for the maintenance plan, and are within one or two years of the interim inventory years of the maintenance plan. Therefore, ADEQ commits to compare the CERR and AERR inventories as they are developed with the maintenance plan to determine if additional steps are necessary for continued maintenance of the 2008 8-hour ozone NAAQS in this Area.

f. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the state. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

In the December 10, 2015, submittal, Arkansas affirms that all programs instituted by the State and EPA will remain enforceable and that sources are prohibited from decreasing emissions controls following the redesignation of the Area. The contingency plan included in the submittal includes a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. The primary trigger of the contingency plan will be a violation of the 2008 8-hour ozone NAAQS (i.e., when the three-year average of the 4th highest values is equal to or greater than 0.076 ppm at a monitor in the Area). The trigger date will be the date that the State observes a 4th highest value that, when averaged with the two previous ozone seasons' fourth highest values, would result in a three-year average equal to or greater than 0.076 ppm. The secondary trigger will apply where no actual violation of the 2008 8-hour ozone NAAQS has occurred, but when ADEQ forecasts ozone levels above the 2008 8-hour ozone NAAQS.

Once the primary or secondary trigger is activated, the ADEQ, shall commence analyses including trajectory analyses of high ozone days and an emissions inventory assessment to determine those emission control measures that will be required for attaining or maintaining the 2008 8-hour ozone NAAQS. ADEQ commits [9] to adopt and implement at least one of the following contingency measures listed in Table 5 as expeditiously as practicable, but no later than 24 months after a primary triggering event.

TABLE 5—CRITTENDEN COUNTY CONTINGENCY MEASURE OPTIONS

- Reasonable Available Control Technology (RACT) for VOC and NO_X sources;
- Anti-idling ordinances;
- Open burning restrictions during peak ozone season;
- Diesel retrofit/replacement incentives;
- Programs or incentives to decrease motor vehicle use;
- Trip reduction ordinances;
- Requirements for additional emissions reductions from stationary sources;
- Enhancement of inspection of stationary sources to ensure emissions control equipment is functioning properly;
- Fuel programs, including incentives for alternative fuels;
- Employer-based transportation management plans, including incentives;
- Limitation/restriction of vehicle use in downtown areas, or other areas of high emissions concentration, particularly during periods of peak use;
- New construction and major reconstruction of paths for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest; and
- Other currently unspecified control measures that might prove to be advantageous.

[9] On January 20, 2016, ADEQ clarified ADEQ's commitment is to adopt and implement contingency measures upon a violation-triggering event if it is determined that the violation is caused by a source or sources within Crittenden County. Clarification Letter from Stuart Spencer to Ron Curry, January 20, 2016 (Clarification Letter). A copy is contained in the docket for this rulemaking.

EPA proposes to conclude that the maintenance plan adequately addresses the five basic components of a maintenance plan: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, EPA proposes that the maintenance plan SIP revision submitted by Arkansas for the State's portion of the Area meets the requirements of section 175A of the CAA and is approvable.

VI. What is EPA's analysis of Arkansas' proposed NO_X and VOC MVEBs for the Arkansas portion of the area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (*i.e.,* be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for

nonattainment areas. These control strategy SIPs, including maintenance plans, create MVEBs (or in this case sub-area MVEBs) for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB.

As part of the interagency consultation process on setting MVEBs, ADEQ held discussions to determine what years to set MVEBs for the Memphis, TN-MS-AR maintenance plan. According to the transportation conformity rule, a maintenance plan must establish MVEBs for the last year of the maintenance plan (in this case, 2027). *See* 40 CFR 93.118. Arkansas also provided MVEBs for 2012. Table 6 below provides the NO_X and VOC MVEBs in tpd for 2012 and 2027, as reflected in Section 4.2, Table 6 of the State's submittal.

TABLE 6—ARKANSAS' PORTION OF THE MEMPHIS, TN-MS-AR AREA MVEBS

[tpd]

	2012		2027	
	NO_X	VOC	NO_X	VOC
Base Emissions	13.04	2.35	5.18	0.98
Safety Margin Allocated to MVEB	N/A	N/A	6.29	1.10
Conformity MVEB	13.04	2.35	11.47	2.08

As mentioned above, Arkansas has chosen to allocate a portion of the available safety margin to the NO_X and VOC MVEBs for 2027. As discussed in section V of this proposed rulemaking, a safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the NAAQS. As discussed above, Arkansas has selected 2012 as the base year.

Through this rulemaking, EPA is proposing to approve the MVEBs for NO_X and VOC for 2012 and 2027 for the Arkansas portion of the Memphis, TN-MS-AR Area because EPA believes that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. Once the MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations.

VII. What is the status of EPA's adequacy determination for the proposed NO_X and VOC MVEBs for the Arkansas portion of the area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEBs, EPA may affirmatively find the MVEB contained therein adequate for use in determining transportation conformity. The adequacy process, as described below, is generally faster than approval of the controls strategy revision thus allowing submitted MVEBs to be used sooner. EPA is evaluating the adequacy of the submitted MVEBs in parallel to this proposed approval action on the redesignation request and maintenance plan. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEB must be used by state and Federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled, ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,'' 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, Arkansas' maintenance plan includes NO_X and VOC MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area for 2012 as well as 2027, the last year of the maintenance plan. EPA is reviewing the NO_X and VOC MVEBs through the adequacy process. The NO_X and VOC MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area, opened for public comment on EPA's adequacy Web site on December 16, 2015, found at: *http://www3.epa.gov/otaq/stateresources/transconf/currsips.htm.*

EPA intends to make its determination on the adequacy of the 2012 and 2027 MVEBs for the Arkansas portion of the Memphis, TN-MS-AR Area for transportation conformity purposes in the near future by completing the adequacy process that was started on December 16, 2015. After EPA finds the 2012 and 2027 MVEBs adequate or approves them, the new MVEBs for NO_X and VOC must be used for future transportation conformity determinations. For required regional emissions analysis years between 2012 and 2027, the applicable budgets will be the new 2012 MVEBs established in the maintenance plan, as defined in section VI of this proposed rulemaking. For analysis years 2027 and beyond, the applicable budgets will be the new 2027 MVEBs established in the maintenance plan.

VIII. What is the effect of EPA's proposed actions?

EPA's proposed actions establish the basis upon which EPA may take final

action on the issues being proposed for approval today. Approval of Arkansas' redesignation request would change the legal designation of the portion of Crittenden County that is within the Memphis, TN-MS-AR Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of Arkansas' associated SIP revision would also incorporate a plan for maintaining the 2008 8-hour ozone NAAQS in the Memphis, TN-MS-AR Area through 2027 into the SIP. This maintenance plan includes contingency measures to remedy any future violations of the 2008 8-hour ozone NAAQS and procedures for evaluation of potential violations. The maintenance plan also establishes NO_X and VOC MVEBs for 2012 and 2027 for the Arkansas portion of the Memphis, TN-MS-AR Area. The MVEBs are listed in Table 6 in section VI. Additionally, EPA is notifying the public of the status of EPA's adequacy determination for the newly-established NO_X and VOC MVEBs for 2012 and 2027 for the Arkansas portion of the Memphis, TN-MS-AR Area.

IX. Proposed Actions

EPA is taking three separate but related actions regarding the redesignation and maintenance of the 2008 8-hour ozone NAAQS for the Arkansas portion of the Memphis, TN-MS-AR Area. EPA is proposing to determine that the entire Memphis, TN-MS-AR Area is attaining the 2008 8-hour ozone NAAQS. EPA is also proposing to approve the maintenance plan (including the Clarification Letter) for the Arkansas portion of the Area, including the NO_X and VOC MVEBs for 2012 and 2027, into the Arkansas SIP (under CAA section 175A). The maintenance plan demonstrates that the Area will continue to maintain the 2008 8-hour ozone NAAQS through 2027 and that the budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5). Further, as part of today's action, EPA is describing the status of its adequacy determination for the NO_X and VOC MVEBs for 2012 and 2027 in accordance with 40 CFR 93.118(f)(2). Within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the publication date for the final rule for this action, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e)(3).

Additionally, EPA is proposing to determine that the Arkansas portion of the Memphis, TN-MS-AR Area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 2008 8-hour ozone NAAQS. On this basis, EPA is proposing to approve Arkansas' redesignation request for the Arkansas portion of the Memphis, TN-MS-AR Area. If finalized, approval of the redesignation request would change the official designation of the portion of Crittenden County that is within the Memphis, TN-MS-AR Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

X. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these proposed actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these proposed actions:

- Are not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 27, 2016.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2016–02567 Filed 2–9–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL–9942–08–Region 1]

Ocean Disposal; Proposed Amendments to Restrictions on Use of Dredged Material Disposal Sites in the Central and Western Portions of Long Island Sound; Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) today proposes to amend federal regulations that designated, and placed restrictions on the use of, the Central Long Island Sound and Western Long Island Sound dredged material disposal sites, located offshore from New Haven and Stamford, Connecticut, respectively. The amended regulation incorporates standards and procedures for the use of those sites as recommended in the Long Island Sound Dredged Material Management Plan, which was completed by the U.S. Army Corps of Engineers on January 11, 2016. The Dredged Material Management Plan identifies a wide range of alternatives to open-water disposal and recommends standards and procedures for determining which alternatives to pursue for different dredging projects, so as to reduce or eliminate wherever practicable the open-water disposal of dredged material.

DATES: Comments must be received on or before March 25, 2016. EPA will hold two public meetings to receive comment on the proposed rule. The first will be held on March 1, 2016, from 5 p.m. to 7 p.m. at the Port Jefferson Free Library, 100 Thompson Street, Port Jefferson, New York. The second will be held on March 2, 2016, from 3:30 p.m. to 5:30 p.m. at the University of Connecticut-Stamford, Auditorium 2, 1 University Place, Stamford, Connecticut.

ADDRESSES: Written comments should be sent to: Stephen Perkins, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square, Suite 100, Mail Code: OEP06–3, Boston, MA 02109–3912 or electronically to *CLDS@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen Perkins, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square, Suite 100, Mail Code: OEP06–3, Boston, MA 02109–3912, telephone (617) 918–1501, electronic mail: *perkins.stephen@epa.gov.*

Public Review of Documents: The file supporting these proposed revisions is available for inspection as follows:

In person. The Proposed Rule and the U.S. Army Corps of Engineers' Dredged Material Management Plan (DMMP) and Programmatic Environmental Impact Statement (PEIS) for Long Island Sound are available for inspection at the U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square, Boston, MA. Persons interested in inspecting materials in person should contact Stephen Perkins by telephone (617) 918–1501 or electronic mail: *perkins.stephen@epa.gov* to arrange a time to view them.

Electronically. You also may review and/or obtain electronic copies of the Proposed Rule from EPA's Web site *http://www3.epa.gov/region1/eco/lisdreg/eis.html.* The DMMP and PEIS are available from the U.S. Army Corps of Engineers' Long Island Sound DMMP Web site at: *http://www.nae.usace.army.mil/Missions/ProjectsTopics/LongIslandSoundDMMP.aspx.*

SUPPLEMENTARY INFORMATION: Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background
II. The Dredged Material Management Plan for Long Island Sound
III. Standards and Procedures
A. Standards
B. Procedures
IV. Compliance With Statutory and Regulatory Requirements
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. Background

On June 3, 2005, EPA published in the **Federal Register** (70 FR 32498) a final rule (the 2005 Rule) designating two open-water dredged material disposal sites, the Central Long Island Sound site (CLDS, previously referred to as CLIS) and the Western Long Island Sound site (WLDS, previously referred to as WLIS), for the disposal of dredged material from harbors and navigation channels in Long Island Sound (LIS) in the states of Connecticut and New York. These disposal site designations were subject to various restrictions designed both to ensure appropriate use of the sites and to support the goal of reducing or eliminating the disposal of dredged material into Long Island Sound. In support of this action, EPA also prepared a Final Environmental Impact Statement (FEIS) under the National Environmental Policy Act (NEPA) pursuant to the Agency's voluntary NEPA compliance policy.

Pursuant to the Coastal Zone Management Act (CZMA), EPA consulted with the New York Department of State (NY DOS) and the Connecticut Department of Environmental Protection (CT DEP) [1] on the designation of these two sites. NY DOS raised objections as to the consistency of the designations with the enforceable policies of New York's Coastal Management Program. After consulting with both states, as well as with the U.S. Army Corps of Engineers (USACE) and the National Oceanic and Atmospheric Administration (NOAA), EPA negotiated an interim resolution with NY DOS regarding its concerns. Specifically, EPA agreed to include restrictions on the use of the sites in order to meet NY DOS's concerns and provide enhanced assurance that the requirements of the CZMA, the Marine Protection, Research, and Sanctuaries Act (MPRSA), and NEPA are met.[2] These restrictions were agreed to by both the NY DOS and the CT DEP.

The restrictions were designed to ensure appropriate use and management of the designated disposal sites and to support the common goal of New York and Connecticut to reduce or eliminate wherever practicable the disposal of dredged material in Long Island Sound. To support this goal, the restrictions contemplated that there would be a regional dredged material management plan (DMMP) for Long Island Sound that would help to guide the management of dredged material from projects which occur after completion of the DMMP. DMMPs are comprehensive studies carried out by the USACE, in consultation with the EPA and the affected states, to help manage dredged material in a cost-effective and environmentally acceptable manner.

The Governors of New York and Connecticut jointly requested the USACE to develop a regional DMMP for Long Island Sound. Consistent with the two states' requests, the 2005 designations contemplated that the DMMP for Long Island Sound would include the identification of alternatives to open-water disposal and the development of procedures and standards for the use of the disposal sites and any practicable alternatives to open-water disposal, so as to reduce or eliminate wherever practicable the open-water disposal of dredged material. The restrictions also included transitional conditions to govern dredged material management during the development of the DMMP,

[1] CT DEP has since been renamed and reconfigured as the Connecticut Department of Energy & Environmental Protection (CT DEEP).

[2] EPA held, and continues to hold, the view that the site designations without the additional restrictions would have been consistent with the enforceable policies of New York's CMP. Nevertheless, EPA agreed that the additional site restrictions placed reasonable conditions on when the disposal sites could be used that provided enhanced assurance that the requirements of the CZMA, the MPRSA, and NEPA are met. Moreover, adding these site use restrictions represented a reasonable course of action lying between the alternatives of not designating any disposal sites at all, and designating sites for an indefinite term without the Restrictions. Furthermore, EPA noted that the added site use restrictions arose out of comments submitted by NY DOS and other parties and would be consistent with EPA's environmental analysis and proposed action.

including sunset provisions for the sites if the DMMP was not completed.

The restrictions also included conditions that specified that use of the sites would be suspended if, (a) within 60 days of the completion of the DMMP, the EPA does not propose legally binding amendments to the regulations for the two disposal sites to incorporate lawful procedures and standards consistent with those recommended in the DMMP for the use of the disposal sites and the use of practicable alternatives to open-water disposal, and (b) within 120 days of completion of the DMMP, and subject to the EPA's consideration of public comments, the EPA does not issue legally binding final amendments adopting such procedures and standards. Any such suspension in the use of the sites would be lifted if and when EPA issued the required final rule.

II. The Dredged Material Management Plan for Long Island Sound

On January 11, 2016, the USACE completed the Dredged Material Management Plan for Long Island Sound—Connecticut, New York, Rhode Island. EPA, NOAA, and the states of Connecticut and New York were active participants in the development of the DMMP. These agencies participated on a Steering Committee and other sub-groups to assist the USACE throughout the process. EPA provided feedback to USACE on individual sections of the DMMP as they were developed and on the draft of the complete DMMP.

The DMMP examines the need for dredging over a 30-year horizon, past dredging history and dredged material placement, and current beneficial use practices. The DMMP covers adjacent waters from which dredged material was likely to originate within the draw area of any proposed regional disposal solution, including Block Island Sound, Little Narragansett Bay, Fishers Island Sound, Peconic Bay and Gardiners Bay. A total of nearly 240 harbors, coves, bays and rivers supporting various levels of navigational access are located along these shores.

The Long Island Sound DMMP estimates a dredging need of 52.9 cubic yards over its 30-year planning horizon. Of this total, about 29 percent is expected to be sand, about 65 percent is expected to be fine-grained materials suitable for open-water placement, and about 6 percent is expected to be unsuitable for open-water placement. The distribution of this material among the three states is as follows: About 74 percent is from Connecticut, 25 percent is from New York and 1 percent from Rhode Island. Of the total volume, about 63 percent is from the USACE Federal Navigation Projects (FNP), 2 percent is from other federal agency projects, and 35 percent is from non-federal dredging activities under permit. The USACE has indicated that budgetary constraints are likely to reduce the dredging volumes from FNPs.

The DMMP identifies and assesses alternatives for future dredged material placement and beneficial use for each federal project and separable component, and identifies the likely Federal Base Plans (the least cost environmentally acceptable alternative) for future FNP dredging activities. Finally, the DMMP recommends procedures to be followed and standards to be applied in evaluating and recommending dredged material placement options, tracking dredged material placement, pursuing opportunities for alternative and beneficial uses of dredged material in Long Island Sound, and researching and monitoring the impacts of past and future placement activities.

The DMMP is not a decision document, in that it does not determine the specific dredged material placement solution for any specific Federal Navigation Project activity. It also does not authorize disposal or any other form of management of any particular dredged material. Instead, the DMMP will serve as a framework to help guide future investigations and inform decision-making for federal actions with respect to dredging and dredged material placement. As individual projects come up for their next maintenance cycle, or as feasibility studies for proposed improvement dredging projects are prepared, those studies should reference the evaluations and recommendations in the DMMP in examining placement alternatives and making a final determination as to the Federal Base Plan and appropriate beneficial use opportunities beyond the base plan.

The DMMP identifies the likely Federal Base Plans for each of the 52 FNPs and sub-projects in the Long Island Sound region that will or may require maintenance dredging of project features during the 30-year planning horizon. Opportunities for federal participation in beneficial use options are also identified along with non-federal responsibilities for study and implementation of the various placement alternatives.

Identification of the likely Federal Base Plan for a particular federal dredging project is not the same as selecting a placement option for that project, nor does it limit potential federal participation in the project. For each federal project, as it is considered for funding for dredging, the Corps must analyze the available alternatives, other eligible authorities, and the willingness and capability of non-federal cost-sharing partners to participate before recommending any final plan for dredged material placement or beneficial use. Other factors beyond cost can also contribute to decisions on placement options for dredging projects. Ecosystem restoration is recognized as one of the primary missions of the USACE under its planning guidance, and the placement option that is selected for a project should maximize the sum of net economic development and environmental restoration benefits. A beneficial use option may be selected for a project even if it is not the Federal Base Plan for that project.

In response to the 2005 Rule, and in accordance with the DMMP Project Management Plan (work plan), Section 7 of the DMMP recommends procedures to be followed and standards to be applied in evaluating and recommending dredged material placement options, tracking dredged material placement, pursuing opportunities for alternative and beneficial uses of dredged material in Long Island Sound, and researching and monitoring impacts of past and future placement activities. These recommendations form the basis for EPA's proposed amendments to the 2005 restrictions, as described below.

III. Standards and Procedures

Consistent with the 2005 Rule and with the recommendations of the DMMP, EPA is proposing to amend the current restrictions to include standards and procedures for the use of practicable alternatives to open-water disposal, so as to reduce or eliminate wherever practicable the open-water disposal of dredged material.

A. Standards

EPA proposes to retain the current restriction at 40 CFR 228.15(b)(4)(vi)(I)(1) which provides that disposal at the sites shall be allowed only if there is no practicable alternative to open-water disposal and that any practicable alternative will be fully utilized for the maximum volume of dredged material practicable. EPA also proposes to retain the first sentence of § 228.15(b)(4)(vi)(I)(2) which recognizes that any alternative to open-water disposal may add additional costs.

As discussed in the preamble to the 2005 Rule, the decision regarding whether there is a ''practicable alternative'' will continue to be made on

a case-by-case basis, in connection with the permitting process. The term ''practicable alternative'' is defined in 40 CFR 227.16(b) of the EPA's ocean disposal regulations as an alternative which is, ''available at reasonable incremental cost and energy expenditures, [and] which need not be competitive with the costs of ocean dumping, taking into account the environmental benefits derived from such activity, including the relative adverse environmental impacts associated with the use of alternatives to ocean dumping.'' This definition is incorporated by reference in 40 CFR 228.15(b)(4)(vi)(I)(1).

In addition, 40 CFR 228.15(b)(4)(vi)(I)(2)) in the 2005 Rule emphasizes that the designated sites may not be used whenever a ''practicable alternative'' is available even when this means reasonable added incremental costs. Under this paragraph and the general ocean dumping regulations, the USACE (the permitting agency) must make the initial determination of whether this test has been met, but the USACE decision is subject to review and possible objection by the EPA. Given that these regulations entail restrictions on an EPA site designation, if the EPA objects to any USACE determination that practicable alternatives are not available, use of the designated sites will be prohibited unless and until the EPA objection is resolved.

By definition, the requirement that projects use ''practicable alternatives'' will not impose unreasonably higher costs. Also, if an alternative does not have less adverse environmental impact or potential risk to other parts of the environment than use of the Sound, today's rule will not require that it be used. However, the EPA recognizes that even where use of Long Island Sound has been determined to be environmentally acceptable, there may be alternatives (*e.g.,* those involving beneficial use) that are environmentally preferable to open-water disposal at the designated disposal sites in the Sound. When such preferable alternatives are identified, they will need to be used if they are available at ''reasonable incremental cost.''

The language retained from the 2005 Rule does not attempt to specify in advance how the ''reasonable incremental cost'' standard will be applied in any particular case. The regulation contemplates a balancing test, and the EPA believes that the determination is best made on a case-by-case basis. The language of the 2005 Rule also does not attempt to specify who will need to pay for any reasonable incremental costs. Rather, the share of such costs (if any) to be borne by private parties, state government, local government, or the federal government also will need to be worked out in response to actual situations. It should be understood, however, that if the use of a practicable alternative is required in the future pursuant to today's proposed rule (and 40 CFR 227.16), and no entity is willing to pay the reasonable incremental costs, then use of the sites will be prohibited for such projects even when this means that planned projects cannot go forward. EPA recognizes that this could result in deferral of maintenance or improvement projects that could impact navigation.

EPA proposes to add the following standards, derived from the DMMP, for the disposal of dredged material, by type of material, in the amended restrictions for both disposal sites. These proposed amendments do not make decisions about the suitability of any particular dredged material for open-water disposal or any other type of management. Each dredging project will have to go through project-specific permitting evaluations.

1. Unsuitable Material

''Unsuitable fine-grained materials'' are those determined by physical, chemical and biological testing to be unsuitable for unconfined open-water placement. Accordingly, EPA's proposed rule specifies that unsuitable fine-grained materials shall not be disposed of at the designated sites.

2. Sandy Material

''Sandy material'' in Long Island Sound is coarse-grained material of generally up to 20 percent fines when used for direct beach placement, or up to 40 percent fines when used for nearshore bar/berm nourishment. Clean sandy material should be used for beach or nearshore bar/berm nourishment whenever practicable. Sandy material has a high value as nourishment or in other coastal resiliency applications, and recent experience is that state and local governments, as well as property owner groups, are willing to fund the additional cost for such material even where there is no other federal project authority to assist in that cost. This is primarily because using dredged sand is typically far less costly than acquiring sand from an upland source. As long as beach or nearshore placement is a practicable alternative, project proponents will need to identify and secure funding for any needed non-federal cost-sharing. Accordingly, the proposed rule specifies that coarse-grained material should be used for beach or nearshore bar/berm nourishment, or other beneficial use whenever practicable.

3. Suitable Fine-Grained Material

''Suitable fine-grained material'' in Long Island Sound is typically clay and silty material of more than 20 to 40 percent fines that is not suitable for beach or nearshore placement, yet is determined through testing and analysis to be suitable for open-water placement. Although the most likely cost-effective and environmentally acceptable method of placement of this material is at open-water disposal sites, EPA proposes that every proposed project exhaust the possibility for a practicable alternative to open-water disposal. More specifically, for materials dredged from upper river channels in the Connecticut, Housatonic and Thames Rivers, whenever practicable, the one existing Confined Open Water site, and on-shore or in-river placement, should be used for such projects.

Other beneficial uses, such as marsh creation, should be examined and used whenever practicable. Project proponents should determine if environmental and/or other benefits may offset the incremental project cost sufficiently to warrant federal participation under one or more of the other authorities discussed in Section 6 of the DMMP. EPA anticipates that the opportunities for beneficial use of fine grained materials may increase in the future as sea level rise and related resiliency concerns generate demand for materials to conserve and protect shorelines. As such, the alternatives for fine-grained materials described in the DMMP should be viewed as a current assessment of possible beneficial uses rather than the limit of such possibilities in the future.

The proposed rule specifies that beneficial uses such as marsh creation, should be examined and used whenever practicable. If no other alternative is determined to be practicable, suitable fine-grained material may be placed at the designated sites.

4. Source Reduction

Efforts to control sediment entering waterways can reduce the need for maintenance dredging of harbor features and facilities by reducing shoaling rates. Reducing sediment loads could help reduce the volumes dredged in each maintenance operation as well as reduce the frequency of maintenance. In addition, efforts to prevent introduction of contaminants into the watershed (*e.g.,* multi-sector and municipal stormwater permits, measures to control nonpoint agricultural runoff) can result in

reduced contaminant levels in sediments that can increase the range of options available to beneficially use those sediments. Continued source reduction efforts for both sediment and contaminants will assist in further reducing the need for open-water placement of dredged material in Long Island Sound. The EPA expects that federal, state and local agencies tasked with regulating those discharges into the watersheds tributary to Long Island Sound will exercise their authority under various statues and regulations in a continuing effort to reduce the flow of sediments and contaminants into state waterways and harbors.

B. Procedures

The restrictions in the 2005 Rule established a Regional Dredging Team (RDT) to identify practicable alternatives to open-water disposal and recommend their use for projects proposed while the DMMP was being prepared. The RDT was effectively used to review six projects while the DMMP was being prepared and the experience of the RDT resulted in some of the recommendations in the DMMP. Consistent with the recommendations in the DMMP, EPA proposes to extend and redefine the role of the RDT to ensure that the Standards described above are utilized in evaluating proposed dredging projects in Long Island Sound.

EPA proposes to retain the core linkage between the RDT and the USACE project approval process as described in the 2005 Rule (40 CFR 228.15(b)(4)(vi)((I) and (I)(1)). Disposal of dredged material at the designated sites shall be allowed only if, after full consideration of recommendations provided by the RDT, the USACE finds (and the EPA does not object to such finding), based on a fully documented analysis, that for a given dredging project there are no practicable alternatives (as defined in 40 CFR 227.16(b)) to open-water disposal in Long Island Sound, or that any available alternative to open-water disposal will be fully utilized for the maximum volume of dredged material practicable.

EPA proposes to amend the 2005 Rule to make more explicit the RDT's purpose, geographic scope, membership, structure and general process as described below.

1. Purpose of the Long Island Sound Regional Dredging Team (LIS RDT)

The primary purpose of the LIS RDT is to reduce or eliminate wherever practicable the open-water disposal of dredged material in Long Island Sound. The LIS RDT will accomplish this by reviewing all proposed dredging projects subject to MPRSA (namely all federal projects and non-federal projects that generate greater than 25,000 cubic yards) to assess whether there are practicable alternatives to open-water disposal, by recommending that any available alternative(s) to open-water disposal be utilized for the maximum volume of dredged material practicable, and to provide documented findings and recommendations to USACE on these points so that the USACE and the EPA can consider the LIS RDT's recommendations. The LIS RDT should review the alternatives analysis for all projects submitted to help ensure that available alternatives as described in the DMMP for each harbor and dredging center have been thoroughly evaluated and are implemented where practicable. While the LIS RDT will conduct project reviews and make submissions and recommendations to the USACE, the LIS RDT will not supplant the regulatory obligations or authorities of participant agencies under the MPRSA, CWA, CZMA or other applicable laws.

Other purposes of the LIS RDT include: Serving as a forum for continuing exploration of new beneficial use alternatives to open-water disposal; promoting the use of such alternatives; and suggesting approaches for cost-sharing opportunities. For example, the LIS RDT could further investigate and develop opportunities for approving and funding long-term regional Confined Disposal Facilities which could accommodate suitable and unsuitable dredged material and provide environmental and social benefits such as parkland and habitat once filled and closed.

The LIS RDT and its member agencies should also assist USACE and EPA in continuing a number of long term activities to continue the environmentally sound implementation of dredging and dredged material management in Long Island Sound. These activities include supporting USACE's dredged material tracking system, supporting USACE's DAMOS (Disposal Area Monitoring System) program and related efforts to study the long-term impacts of open-water placement, and promoting opportunities for beneficial use of clean, parent marine sediments often generated in the development of CAD cells.

2. Geographic Scope

The geographic range of the LIS RDT would be expanded to include all of Long Island Sound and adjacent waters landward of the seaward edge of the territorial sea (three mile limit) or, in other words, from Throgs Neck to a line three miles east of the baseline across western Block Island Sound. These boundaries would encompass all harbors and areas included in the DMMP except Block Island. If any other disposal sites are designated within these boundaries, review of projects proposed to be disposed of at those sites would also be within the RDT's purview.

3. Membership

The LIS RDT should include representatives from affected federal and state government organizations. EPA anticipates that federal participation would include EPA Regions 1 & 2; the New England and New York Districts and the North Atlantic Division of the USACE and the National Oceanic and Atmospheric Administration. EPA encourages the participation of the U.S. Navy, the U.S. Coast Guard and the U.S. Fish & Wildlife Service. EPA expects that the states of Connecticut, New York and Rhode Island would be participants through their environmental agencies, coastal zone management programs and relevant port authorities. EPA requests that, to the extent possible, member organizations will provide sufficient funding to enable their active participation in the LIS RDT.

4. Structure and Process

EPA proposes that the specific details for structure (*e.g.,* chair, committees, working groups) and process (*e.g.,* how projects come before the LIS RDT, coordination with other entities) be left for the LIS RDT to determine and allowed to evolve as best accomplishes the team's purpose.

The LIS RDT is encouraged to establish and maintain cooperative working relationships with other Long Island Sound-based organizations (*e.g.,* the Long Island Sound Study's Science and Technical Advisory Committee, non-governmental organizations, relevant university-based programs) so that relevant scientific, program and policy information is effectively shared and resources are leveraged to the maximum extent. The LIS RDT is also encouraged to consider retaining the Technical Working Group as a means of apprising stakeholder groups of the progress being made on beneficial use alternatives and aiding in soliciting public views on new alternatives that may arise.

Finally, EPA is proposing to revise 40 CFR 228.15(b)(4)(vi)(G) to retain only the provision that provides for a party to petition EPA if the party is not satisfied that EPA's 2016 amendments to the rule adopt procedures and standards to reduce or eliminate

wherever practicable disposal of dredged material in Long Island Sound to the greatest extent practicable, the party may petition the EPA to do a rulemaking to amend the designation to establish different or additional standards. The EPA will act on any such petition within 120 days by either, granting the petition (and proposing a rule change) or denying the petition. Consistent with the 2005 Rule, a party will have the obligation to first petition the EPA prior to filing any court action.

IV. Compliance With Statutory and Regulatory Requirements

The dredged material disposal site designation process that culminated in the 2005 Rule was conducted consistent with the requirements of the Marine Protection, Research, and Sanctuaries Act (MPRSA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), the Coastal Zone Management Act (CZMA), the Endangered Species Act (ESA), and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). *See* 70 FR 32502 (June 3, 2005).

EPA has determined that the proposed amendments to the 2005 Rule provide the same or greater protection of water quality and the marine environment and thus are also consistent with the laws noted above, as evaluated for the 2005 Rule. These proposed amendments do not make decisions about the suitability of any particular dredged material for open-water disposal or any other type of management of the material. Specific dredging projects will have to go through project-specific permitting evaluations to make those decisions. The proposed amendments, instead, provide specific standards and procedures that will further the goal of reducing or eliminating open-water disposal of dredged material at the CLDS and WLDS. Furthermore, EPA is not aware of any new information that would alter our prior conclusions that the disposal site designations, as restricted, comply with the MSFCMA, and will continue to do so with the proposed amendments to the 2005 Rule. To the extent that there are recurring requirements or new conditions under some of the applicable laws, the evaluation of the compliance of the proposed amendments with applicable requirements is described below.

1. Marine Protection, Research, and Sanctuaries Act (MPRSA)

Consistent with MPRSA, EPA, in cooperation with the USACE, published final Site Management and Monitoring Plans for the two disposal sites in 2004, and they went into effect when the sites were designated by the 2005 Rule. Section 102(c)(3)(F) of MPRSA requires that plans be updated no less frequently than every ten years. EPA and USACE initiated revisions in 2015 to the two SMMPs and EPA expects to separately release the updated plans for public comment by March 1, 2016. The draft revised SMMPs will be available at *http://www3.epa.gov/region1/eco/lisdreg/eis.html.*

2. National Environmental Policy Act (NEPA)

As stated above, EPA prepared a Final Environmental Impact Statement in 2004 (the 2004 FEIS) to support designation of the CLDS and WLDS, which ultimately included the applicable use restrictions set forth in the 2005 Rule. EPA has determined that a Supplemental EIS is not needed for the proposed amendments to the 2005 Rule because the new information that EPA has considered is sufficient to show that proposed amendments will not affect the environment in a significant manner or to a significant extent not already considered.[3] The proposed amendments retain and build on key substantive aspects of the original site use restrictions (see, *e.g.,* 40 CFR 228.15(b)(4)(vi)(A), (B), (G), (J) and (K)). In addition, key aspects of these site use restrictions were themselves built upon various preexisting requirements from EPA's MPRSA regulations (see, *e.g.,* 40 CFR 227.16(b) and 228.15(b)(4)(vi)(J)). While EPA expects the proposed amendments to help foster reductions in the disposal of dredged material at the CLDS and WLDS by clarifying and retaining the application of existing site use restrictions, the environment will not be affected by the amendments in a significant manner, or to a significant extent, that has not already considered.

For example, unsuitable dredged material (*i.e.,* material that does not satisfy the sediment quality criteria in EPA's MPRSA regulations) could not be disposed of in Long Island Sound even before the 2005 Rule. This was specified in the 2005 Rule (see 40 CFR 228.15(b)(4)(vi)(J)), and this specification would be retained in the new amendments. As another example, under the regulations prior to the 2005 Rule, dredged material consisting of clean (*i.e.,* suitable) sand should not have been disposed of in Long Island Sound when a practicable upland management alternative, such as a beach nourishment site or near shore placement, was available for the material. This remained the case under the 2005 Rule and will continue to be the case under the proposed amendments. Moreover, the likelihood of identifying practicable alternatives for dredged material should be greater given (1) the enhanced procedures involving the RDT that were created for the 2005 Rule and will be retained and strengthened in the proposed amendments, and (2) the additional information concerning beneficial use options and management methods presented in the DMMP. At the same time, of course, the proposed amendments do not address any specific dredging projects, and the regulatory review of such projects will occur on a project-specific basis.

In addition, the DMMP and the standards and procedures it recommends have been evaluated under NEPA. The USACE prepared a Programmatic Environmental Impact Statement (PEIS) for the LIS DMMP that also was completed on January 11, 2016. Throughout the NEPA process, EPA served as a cooperating agency. (See 40 CFR 1501.6 and 1508.5.) For the Final PEIS, the USACE made adjustments to the Draft PEIS in response to comments provided by EPA. The Final PEIS, among other things, evaluates available or potentially developable dredged material management alternatives in the LIS DMMP, including those contemplated by the proposed amendment for the CLDS and WLDS, such as, open-water placement, confined aquatic disposal; coastal, nearshore, and upland beneficial use; and landfill placement. Accordingly, EPA hereby adopts the Final PEIS as part of the record for this proposed rule amendment pursuant to 40 CFR 1506.3. As stated previously, because the proposed amendment does not, by itself, authorize the disposal of dredged material from a particular project at either site, appropriate additional NEPA analysis will be performed during the permitting process for individual projects.

3. Coastal Zone Management Act (CZMA)

Under the CZMA, EPA, like any other federal agency, is required to provide relevant states with a determination that any activity it proposes that could affect the uses or natural resources of a state's coastal zone is consistent to the

[3] Recognizing that, as discussed previously, EPA is not legally required to prepare an EIS for a dredged material disposal site designation, but has exercised its discretion to do so under EPA's Voluntary NEPA Policy. (*See* 63 FR 58045 (Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act Documents), October 29, 1998).

maximum extent practicable with the enforceable policies of the state's coastal zone management program. EPA has determined that the proposed amendments to the 2005 Rule are consistent with the enforceable policies of the coastal zone management programs of Connecticut and New York. EPA has provided each state with a written determination to this effect. EPA be will consulting with each state's coastal zone management program prior to final rulemaking, and the final determinations will be included in the record.

4. Endangered Species Act

Since the 2005 Rule, the National Marine Fishery Service has listed the Atlantic sturgeon as an endangered species under the ESA. Parts of Long Island Sound are among the distinct population segments listed as endangered by NOAA, National Marine Fisheries Service (NMFS) in 2012. Consistent with ESA, EPA has initiated consultation with NMFS on this rulemaking action. The consultation includes EPA's review of the Site Management and Monitoring Plans (SMMPs) for the two disposal sites as described below.

V. Proposed Action

EPA is publishing this Proposed Rule to amend the restrictions on the use of the CLDS and WLDS. This action is consistent with a number of the restrictions contained in the original designation of these sites in 2005. Some of those restrictions required the completion of a Dredged Materials Management Plan that would identify procedures and standards for reducing or eliminating the disposal of dredged material in Long Island Sound. Since the DMMP has been completed, EPA is proposing to remove the restrictions related to its development. The original restrictions further require EPA to propose, within 60 days of completion of the DMMP, amendments to the restrictions to incorporate procedures and standards consistent with those recommended in the DMMP for reducing or eliminating the disposal of dredged material in Long Island Sound. Today's proposal is intended to satisfy that requirement.

VI. Statutory and Executive Order Reviews

1. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action, as defined in the Executive Order, and was therefore not submitted to the Office of Management and Budget (OMB) for review.

2. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because it would not require persons to obtain, maintain, retain, report or publicly disclose information to or for a federal agency.

3. Regulatory Flexibility Act (RFA)

This action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA). The amended restrictions in this proposed rule are only relevant for dredged material disposal projects subject to the MPRSA. Non-federal projects involving 25,000 cubic yards or less of material are not subject to the MPRSA and, instead, are regulated under CWA section 404. This action will, therefore, have no effect on such projects. ''Small entities'' under the RFA are most likely to be involved with smaller projects not covered by the MPRSA. Therefore, EPA does not believe a substantial number of small entities will be affected by today's rule. Furthermore, the proposed amendments to the restrictions also will not have significant economic impacts on a substantial number of small entities because they primarily will create requirements to be followed by regulatory agencies rather than small entities, and will create requirements (*i.e.,* the standards and procedures) intended to help ensure that the existing regulatory requirement (*see* 40 CFR 227.16) that practicable alternatives to the ocean dumping of dredged material be utilized.

4. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

5. Executive Order 13132: Federalism

This action does not have federalism implications. It will 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.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 because the proposed restrictions will not have substantial direct effects on Indian tribes, on the relationship between the federal government and Indian Tribes, or the distribution of power and responsibilities between the federal government and Indian Tribes. EPA consulted with the affected Indian tribes in making this determination.

7. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

8. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

9. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have a disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations.

11. Executive Order 13158: Marine Protected Areas

Executive Order 13158 (65 FR 34909, May 31, 2000) requires EPA to ''expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment.'' EPA may take action to enhance or expand protection of existing marine protected areas and to establish or recommend, as appropriate, new marine protected areas. The purpose of the Executive Order is to protect the significant natural and cultural resources within

the marine environment, which means, ''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.''

The EPA expects that this proposed rule will afford additional protection to the waters of Long Island Sound and organisms that inhabit them. Building on the existing protections of the MPRSA and the ocean dumping regulations, the proposed regulatory amendments are designed to promote the reduction of open-water disposal of dredged material in Long Island Sound.

12. Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes

Section 6(a)(i) of Executive Order 13547, (75 FR 43023, July 19, 2010) requires, among other things, that EPA and certain other agencies ''. . . to the fullest extent consistent with applicable law [to] . . . take such action as necessary to implement the policy set forth in section 2 of this order and the stewardship principles and national priority objectives as set forth in the Final Recommendations and subsequent guidance from the Council.'' The policies in section 2 of Executive Order 13547 include, among other things, the following: ''. . . it is the policy of the United States to: (i) Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources; (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies. . . .'' As with Executive Order 13158 (Marine Protected Areas), the overall purpose of the Executive Order is to promote protection of ocean and coastal environmental resources.

The EPA expects that this proposed rule will afford additional protection to the waters of Long Island Sound and organisms that inhabit them. Building on the existing protections of the MPRSA and the ocean dumping regulations, the proposed regulatory amendments are designed to promote the reduction or elimination of open-water disposal of dredged material in Long Island Sound.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: February 1, 2016.

H. Curtis Spalding,

Regional Administrator, EPA Region 1-New England.

For the reasons stated in the preamble, title 40, Chapter I, of the *Code of Federal Regulations* is proposed to be amended as set forth below.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

■ 2. Section 228.15(b) is amended by:
■ a. Revising paragraphs (b)(4) introductory text and (b)(4)(i) and (v) and (b)(4)(vi) introductory text;
■ b. Removing paragraphs (b)(4)(vi)(C) through (F);
■ c. Adding new paragraph (b)(4)(vi)(D);
■ d. Adding new paragraph (b)(4)(vi)(E);
■ e. Redesignating paragraph (b)(4)(vi)(G) as (b)(4)(vi)(F) and revising it;
■ f. Removing paragraph (b)(4)(vi)(H);
■ g. Redesignating paragraph (b)(4)(vi)(I) as (b)(4)(vi)(C) and revising it;
■ h. Redesignating paragraph (b)(4)(vi)(J) through (L) as (b)(4)(vi)(G) through (I), respectively;
■ i. Removing paragraph (b)(4)(vi)(M);
■ j. Redesignating paragraph (b)(4)(vi)(N) as (b)(4)(vi)(J); and
■ k. Revising paragraphs (b)(5) introductory text and (b)(5)(v).

The revisions and additions read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(b) * * *

(4) Central Long Island Sound Dredged Material Disposal Site (CLDS).

(i) *Location:* Corner Coordinates (NAD 1983) 41°9.5′ N., 72°54.4′ W.; 41°9.5′ N., 72°51.5′ W.; 41°08.4′ N., 72°54.4′ W.; 41°08.4′ N., 72°51.5′ W.

* * * * *

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* The designation in this paragraph (b)(4) sets forth conditions for the use of Central Long Island Sound (CLDS) and Western Long Island Sound (WLDS) Dredged Material Disposal Sites. These conditions apply to all disposal subject to the MPRSA, namely, all federal projects and nonfederal projects greater than 25,000 cubic yards. All references to ''permittees'' shall be deemed to include the U.S. Army Corps of Engineers (USACE) when it is authorizing its own dredged material disposal from a USACE dredging project. The conditions for this designation are as follows:

* * * * *

(C) Disposal of dredged material at the designated sites pursuant to the designation in this paragraph (b)(4) shall be allowed only if, after full consideration of recommendations provided by the Long Island Sound Regional Dredging Team (LIS RDT), the USACE finds (and the EPA does not object to such finding), based on a fully documented analysis, that for a given dredging project:

(*1*) There are no practicable alternatives (as defined in 40 CFR 227.16(b)) to open-water disposal in Long Island Sound. Any available practicable alternative to open-water disposal will be fully utilized for the maximum volume of dredged material practicable;

(*2*) Determinations relating to paragraph (b)(4)(vi)(C)(*1*) of this section will recognize that any alternative to open-water disposal may add additional costs. Disposal of dredged material at the designated sites pursuant to this paragraph (b)(4) shall not be allowed to the extent that a practicable alternative is available.

(*3*) The following standards for different dredged material types have been appropriately considered:

(*i*) *Unsuitable material.* Any materials proposed for dredging that have been determined by physical, chemical and biological testing to be unsuitable for open-water placement shall not be disposed of at the designated sites.

(*ii*) *Suitable sandy material.* Coarse-grained material, which generally may include up to 20 percent fines when used for direct beach placement, or up to 40 percent fines when used for nearshore bar/berm nourishment, should be used for beach or nearshore bar/berm nourishment or other beneficial use whenever practicable.

(*iii*) *Suitable fine-grained material.* This material has typically greater than 20 to 40 percent fine content and, therefore, is not typically considered appropriate for beach or nearshore placement, but has been determined to be suitable for open-water placement by testing and analysis. Materials dredged from upper river channels in the Connecticut, Housatonic and Thames Rivers, whenever possible, should be disposed of at existing Confined Open Water sites, on-shore or through in-river placement. Other beneficial uses such as marsh creation, should be examined and used whenever practicable. If no other alternative is determined to be practicable, suitable fine-grained material may be placed at the designated sites.

(D) *Source reduction.* Efforts to control sediment entering waterways can reduce the need for maintenance dredging of harbor features and facilities by reducing shoaling rates. Federal, state and local agencies tasked with regulating discharges into the watershed should continue to exercise their authorities under various statues and regulations in a continuing effort to reduce the flow of sediments into state waterways and harbors.

(E) The goal of the Long Island Sound Regional Dredging Team (LIS RDT) is to reduce or eliminate wherever practicable the open-water disposal of dredged material. The LIS RDT's purpose, geographic scope, membership, organization and procedures are provided as follows:

(*1*) *Purpose.* The LIS RDT's primary purpose is to conduct the review of dredging projects and make recommendations as described in paragraph (vi)(C) above. The LIS RDT shall also: Serve as a forum for continuing exploration of new beneficial use alternatives to open-water disposal; promote the use of such alternatives; and suggest approaches for cost-sharing opportunities. The LIS RDT and its member agencies should also assist USACE and EPA in continuing long term activities intended to track disposal of dredged material and monitor dredging impacts in Long Island Sound. These activities include supporting USACE's dredged material tracking system, supporting USACE's DAMOS (Disposal Area Monitoring System) program and related efforts to study the long-term impacts of open-water placement, and promoting opportunities for beneficial use of clean, parent marine sediments often generated in the development of CAD cells.

(*2*) *Geographic scope.* The geographic scope of the LIS RDT includes all of Long Island Sound and adjacent waters landward of the seaward boundary of the territorial sea (three-mile limit) or, in other words, from Throgs Neck to a line three miles seaward of the baseline across western Block Island Sound.

(*3*) *Membership.* The LIS RDT shall be comprised of representatives from affected federal and state government organizations.

(*4*) *Organization and procedures.* Specific details regarding structure (*e.g.,* chair, committees, working groups) and process shall be determined by the RDT and may be revised as necessary to best accomplish the team's purpose.

(F) If any party is not satisfied that EPA's 2016 amendments to this rule adopt procedures and standards to reduce or eliminate wherever practicable disposal of dredged material in Long Island Sound to the greatest extent practicable, the party may petition the EPA to do a rulemaking to amend the designation to establish different or additional procedures and standards. The EPA will act on any such petition within 120 days by either, granting the petition (and proposing a rule change) or denying the petition.

(5) Western Long Island Sound Dredged Material Disposal Site (WLDS).

* * * * *

(v) *Period of use:* Continuing use.

* * * * *

[FR Doc. 2016–02585 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 81, No. 27
Wednesday, February 10, 2016

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

Office of the Secretary

Collaborative Forest Restoration Program Technical Advisory Panel

AGENCY: Forest Service, USDA.

ACTION: Call for nominations.

SUMMARY: The United States Department of Agriculture (USDA) is seeking nominations for the Collaborative Forest Restoration Program (CFRP) Technical Advisory Panel (Panel) pursuant to Section 606 of the Community Forest Restoration Act (Act) (Pub. L. 106–393), and the Federal Advisory Committee Act (FACA), (5 U.S.C. App. 2). Additional information on the Panel can be found by visiting the Panel's Web site at: *http://www.fs.usda.gov/goto/r3/cfrp.*

DATES: Written nominations must be received by March 11, 2016. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed Form AD–755 (Advisory Committee or Research and Promotion Background Information). The package must be sent to the address below.

ADDRESSES: Walter Dunn, Collaborative Forest Restoration Program, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Walter Dunn, Designated Federal Officer (DFO), Collaborative Forest Restoration Program Technical Advisory Panel, by telephone at (505) 842–3425, or by email at *wdunn@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 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of FACA, the Secretary of Agriculture is seeking nominations to fill positions representing a New Mexico State Natural Resource agency, Federal land management agencies, tribes or pueblos, commodity interests, and local communities on the Panel. The purpose of the Panel is to provide recommendations to the Secretary of Agriculture on which grant proposals submitted pursuant to the Act best meet the CFRP objectives. The CFRP provides cost-share grants to community and stakeholder groups for forest restoration projects that are designed through a collaborative process. The projects must be in New Mexico, and may be entirely on, or on any combination of, Federal, tribal, State, county, or municipal forest lands. The CFRP supports the development of cost effective restoration activities; empowers diverse organizations to implement activities that value local and traditional knowledge; builds ownership and civic pride; and contributes to the restoration of healthy, diverse, and productive forests and watersheds.

Vacancy

Seven representatives including a New Mexico State Natural Resource agency, at least two Federal land management agencies, at least one tribe or pueblo, and an equal number of commodity interests, and local communities will be appointed by the Secretary to serve 2 to 3 year terms. Vacancies will be filled in the manner in which the original appointment was made.

Nomination and Application Instructions

To be considered for membership on the Panel nominees must be United States citizens and be at least 18 years of age. The public is invited to submit nominations for membership on the Panel, either as a self-nomination or a nomination of any qualified and interested person. The appointment of members to the Panel is made by the Secretary of Agriculture. Any individual or organization may nominate one or more qualified persons to represent the above Panel vacancies. To be considered for membership, nominees must provide the following:

1. Resume describing qualifications for membership to the Panel;

2. Cover letter with a rationale for serving on the Panel and what you can contribute; and

3. Complete Form AD–755, Advisory Committee Membership Background Information. The Form AD–755 may be obtained from the DFO or from the Panel's Web site. The Form AD–755 and resume should address the following evaluation criteria:

(a) Knowledge of forest management issues in New Mexico;

(b) Experience working with government planning process;

(c) Knowledge and understanding of the various cultures and communities in New Mexico;

(d) Ability to actively participate in diverse team settings; and

(e) Demonstrated skill in working toward mutually beneficial solutions to complex issues.

Letter of recommendations are welcome. All nominations will be vetted by USDA. A list of qualified applicants from which the Secretary of Agriculture shall appoint members to the Panel will be prepared. Members of the Panel will serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Panel, subject to approval by the DFO.

Equal opportunity practices in accordance with USDA policies shall be followed in all appointments to the Panel. To ensure that the recommendations of the Panel have taken into account the needs of the diverse groups served by USDA, membership will, to the extent practicable, include individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: January 29, 2016.

Gregory L. Parham,

Assistant Secretary for Administration.

[FR Doc. 2016–02622 Filed 2–9–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

February 4, 2016.

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 are

requested regarding (1) 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; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 11, 2016 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), *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.

Food and Nutrition Service

Title: Food Program Reporting System (FPRS).

OMB Control Number: 0584–0594.

Summary of Collection: The Food and Nutrition Service (FNS) is the Federal agency responsible for managing the domestic nutrition assistance programs. Its mission is to increase food security and reduce hunger in partnership with cooperating organization by providing children and low-income people with access to food, a healthful diet and nutrition education in a manner that supports American agriculture and inspires public confidence. FNS is consolidating certain programmatic and financial data reporting requirements under the Food Programs Reporting System (FPRS), an electronic reporting system. The purpose is to give States and Indian Tribal Organizations (ITO) agencies one portal for the various reporting required for the programs that the States and ITO operate.

Need and Use of the Information: The data collected will be used for a variety of purposes, mainly program evaluation, planning, audits, funding, research, regulatory compliance and general statistics. The data is gathered at various times, ranging from monthly, quarterly, annual or final submissions. With the information FNS would be unable to meet its legislative and regulatory reporting requirements for the affected programs.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 5,095.

Frequency of Responses: Reporting: Quarterly, Semi-annually, Monthly; Annually

Total Burden Hours: 104,184.00.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–02643 Filed 2–9–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Humboldt County Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Humboldt County Resource Advisory Committee (RAC) will meet in Eureka, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/srnf/workingtogether/advisorycommittee.*

DATES: The meeting will be held March 8, 2016, at 4:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Six Rivers National Forest Supervisor's Office, 1330 Bayshore Way, Eureka, California.

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 Six Rivers National Forest (NF) Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lynn Wright, RAC Coordinator, by phone at 707–441–3562 or via email at *hwright02@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. Provide updates regarding status of Secure Rural Schools Title II program and funding; and

2. Review and recommend projects eligible for funding.

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 March 4, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Lynn Wright, RAC Coordinator, Six Rivers NF Office, 1330 Bayshore Way, Eureka, California 95501; by email to *hwright02@fs.fed.us,* or via facsimile to 707–445–8677.

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, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 3, 2016.

Merv George, Jr.,

Forest Supervisor.

[FR Doc. 2016–02651 Filed 2–9–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Call for nominations.

SUMMARY: The United States Department of Agriculture (USDA) is seeking nominations for the National Urban and Community Forestry Advisory Council (Council) pursuant to Section 9 of the Cooperative Forestry Assistance Act, as amended by Title XII, Section 1219 of Public Law 101–624 (the Act) (16 U.S.C. 2105g) and the Federal Advisory Committee Act (FACA) (5 U.S.C. App. II). Additional information on the Council can be found by visiting the Council's Web site at*: http://www.fs.fed.us/ucf/nucfac.shtml.*

DATES: Written nominations must be received by March 11, 2016. Nominations must contain a completed application packet that includes the nominee's name, resume, cover letter, and completed Form AD–755 (Advisory Committee or Research and Promotion Background Information). The package must be sent to the address below.

ADDRESSES: Nancy Stremple, USDA Forest Service, Office of Cooperative Forestry, Sidney Yates Federal Building, 201 14th Street SW., Mail Stop 1123, Washington DC 20024, or by email at *nstremple@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Nancy Stremple, Executive Staff to the National Urban and Community Forestry Advisory Council, Sidney Yates Federal Building, 201 14th Street SW., Mail Stop 1123, Washington, DC 20024, or by phone at (202) 205–0929 or by email at *nstremple@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 Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of FACA, the Secretary of Agriculture is seeking nominations to fill four positions that will occur when current appointments expire in December 2015. The purpose of the Council is to continue: (a) Developing a National Urban and Community Forestry Action Plan; (b) evaluating the implementation of that plan; and (c) developing criteria for, and submitting recommendations with respect to the National Urban and Community Forestry Challenge Cost-Share Grant Program.

The Council was created to draw representative members from all levels of government, citizen action groups, industry and trade associations, educational institutions, and national non-profit organizations to advise the Secretary.

Vacancy

Members appointed to the Council will be fairly balanced in terms of the points of view represented, functions to be performed, and will represent a broad array of expertise, leadership and relevancy to a membership position. Geographic balance and a balanced distribution among the positions are also important. Representatives from the following positions will be appointed by the Secretary for a term of 3 years:

(1) One of two members representing a national non-profit forestry and/or conservation citizen organization;

(2) A member representing city or town government;

(3) A member representing academic institutions with an expertise in urban and community forestry activities (first of two); and

(4) A member representing populations less than 50,000 who have experience and are active in urban and community forestry. They may not be officers or employees of any government body.

Vacancies will be filled in the manner in which the original appointment was made.

Nominations and Application Instructions

The appointment of members to the Council will be made by the Secretary of Agriculture from a list of qualified applicants. The public is invited to submit nominations for membership on the Council, either as a self-nomination or a nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the above vacancies on the Council. To be considered for membership, nominees must provide the following:

1. Resume describing qualifications for membership to the Council;

2. Cover letter with a rationale for serving on the Council and what you can contribute; and

3. Complete Form AD–755, Advisory Committee Membership Background Information. The Form AD–755 may be obtained from the Forest Service point of contact or from the Council's Web site.

Letters of recommendation are welcome. All nominations will be vetted by USDA. Applicants are strongly encouraged to submit nominations via overnight mail or delivery to ensure timely receipt by the USDA. Members of the Council will serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Council, subject to approval by the Designated Federal Officer. Equal opportunity practices in accordance with USDA policies shall be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership will, to the extent practicable, include individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: January 29, 2016.

Gregory L. Parham,

Assistant Secretary for Administration.

[FR Doc. 2016–02623 Filed 2–9–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Resource Coordinating Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Resource Coordinating Committee (Committee) will meet via teleconference. The Committee is established consistent with the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C. App. II), and the Food, Conservation, and Energy Act of 2008 (the Act) (Pub. L. 110–246). Committee information can be found at the following Web site: *http://www.fs.fed.us/spf/coop/frcc/.*

DATES: The teleconference will be held on March 9, 2016, from 12:00 p.m. to 1:30 p.m., Eastern Standard Time (EST).

All meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held via teleconference. For anyone who would like to attend the teleconference, please visit the Web site listed in the **SUMMARY** section or contact Andrea Bedell-Loucks at *abloucks@fs.fed.us* for further details.

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 placed on the Committee's Web site listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Bedell-Loucks, Designated Federal Officer, at 202–205–1190.

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. Landscape Scale Forest Stewardship Plans;
2. Future of forest nurseries; and
3. Finalize April agenda.

The teleconference is open to the public. However, the public is strongly encouraged to RSVP prior to the teleconference to ensure all related documents are shared with public meeting participants. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing 10 days before the planned meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Written comments and time requests for oral comments must be sent to Laurie Schoonhoven, 1400 Independence Avenue SW., Mailstop 1123, Washington, DC 20250; or by email to *lschoonhoven@fs.fed.us.* A summary of the meeting will be posted on the Web site listed above within 21 days after the meeting.

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, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: January 29, 2016.

James E. Hubbard,

Deputy Chief, State and Private Forestry.

[FR Doc. 2016–02642 Filed 2–9–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli Resource Advisory Committee (RAC) will meet in Hamilton, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with title II of the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/bitterroot/workingtogether/advisorycommittees.*

DATES: The meeting will be held February 23, 2016, at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Bitteroot National Forest (NF) Supervisor's Office, 1801 North 1st Street, Hamilton, Montana.

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 the Bitteroot NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Ryan Domsalla, Designated Federal Officer, by phone at 406–821–3269 or via email at *rdomsalla@fs.fed.us;* or Joni Lubke, RAC Coordinator, by phone at 406–363–7182 or via email at *jmlubke@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 for:

1. Project presentations; and
2. To review monitoring reports.

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 February 19, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Joni Lubke, RAC Coordinator, 1801 N. 1st Street, Hamilton, Montana 59840; by email to *jmlubke@fs.fed.us,* or via facsimile to 406–363–7159.

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: February 4, 2016.

Julie K. King,

Forest Supervisor.

[FR Doc. 2016–02702 Filed 2–9–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–870, C–570–035, C–542–801]

Certain New Pneumatic Off-the-Road Tires From India, the People's Republic of China, and Sri Lanka: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective date:* February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Spencer Toubia at (202) 482–0123 (India); Laurel LaCivita at (202) 482–4243 (People's Republic of China); and Elizabeth Eastwood at (202) 482–3874 (Sri Lanka); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 8, 2016, the Department of Commerce (Department) received countervailing duty (CVD) petitions concerning imports of certain new pneumatic off-the-road tires (off road tires) from India, the People's Republic of China (PRC), and Sri Lanka, filed in proper form on behalf of Titan Tire Corporation (Titan) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (USW) (collectively, Petitioners).[1] The

[1] *See* ''Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing

Continued

CVD petitions were accompanied by antidumping duty (AD) petitions for India and the PRC.[2] Petitioners are a domestic producer of off road tires and a recognized union, which represents the domestic industry engaged in the manufacture of off road tires in the United States.[3]

On January 12, 2016, the Department requested information and clarification for certain areas of the Petitions.[4] Petitioners filed responses to these requests on January 14, 2016,[5] and provided further clarification regarding scope on January 20, 2016.[6] On January 21, 2016, ATC Tires Private Ltd. and Alliance Tire Americas, Inc. (collectively, Alliance) provided comments on domestic industry support and requested that the Department poll the domestic industry with respect to the Petitions.[7] On January 22, 2016, Petitioners provided a response to Alliance's comments on industry support and request for polling.[8] Alliance provided additional comments on January 28, 2016.[9] On January 27, 2016, the Department determined to toll all deadlines four business days as a result of the Federal Government closure during snowstorm ''Jonas'', applicable to this initiation.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the initiation of these CVD investigations is now February 3, 2016.[10]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Government of India (GOI), the Government of China (GOC), and the Government of Sri Lanka (GOSL) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of off road tires from India, the PRC, and Sri Lanka, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs in India, the PRC, and Sri Lanka on which we have initiated a CVD investigation, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegation.

The Department finds that Petitioners filed these Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigations that Petitioners are requesting.[11]

Period of Investigation

Pursuant to 19 CFR 351.204(b)(2), because the Petitions were filed on January 8, 2016, the period of investigation is January 1, 2015, through December 31, 2015, for India, the PRC, and Sri Lanka.

Scope of the Investigations

The product covered by these investigations is off road tires from India, the PRC, and Sri Lanka. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice. As explained in more detail in Appendix I, the scope of the PRC investigation is narrower than the scope of the investigations from India and Sri Lanka because the PRC investigation excludes any products covered by the existing antidumping and countervailing duty orders on Certain New Pneumatic Off-the-Road Tires from the PRC.[12]

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[13]

As discussed in the preamble to the Department's regulations,[14] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from interested parties, and if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments

Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka,'' dated January 8, 2016 (collectively, Petitions).

[2] *Id.*

[3] *See* Volume I of the Petitions, at 1–2.

[4] *See* the following January 12, 2016, letters from the Department to the Petitioners: ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports from Sri Lanka: Supplemental Questions'' (General Issues Supplemental Questionnaire), ''Petition for the Imposition of Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India: Supplemental Questions,'' ''Petition for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from the PRC: Supplemental Questions for Volume III,'' and ''Petition for the Imposition of Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from Sri Lanka: Supplemental Questions.''

[5] *See* the following January 14, 2016, responses from Petitioners: ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding General Issues'' (General Issues Supplement); ''Scope Supplement to the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka'' (First Scope Supplement); ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding the Countervailing Duty Petition on India'' (India Supplemental Response); ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding the Countervailing Duty Petition on China'' (PRC Supplemental Response; and ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding the Countervailing Duty Petition on Sri Lanka'' (Sri Lanka Supplemental Response).

[6] *See* Petitioners' submission, ''Second Scope Supplement to the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka,'' dated January 20, 2016 (Second Scope Supplement).

[7] *See* letter from Alliance, ''Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China and Sri Lanka: Comments on Industry Support,'' dated January 21, 2016 (Alliance Letter).

[8] *See* letter from Petitioners, ''Petitioners' Response to Alliance's Polling Request Regarding the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka,'' dated January 22, 2016 (''Petitioners' Response to Alliance Letter'').

[9] *See* letter from Alliance, ''Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China and Sri Lanka: Reply Comments on Industry Support,'' dated January 21, 2016 (''Alliance Letter II'').

[10] *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016.

[11] *See* the ''Determination of Industry Support for the Petitions'' section below.

[12] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008) (A–570–912), and *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order,* 73 FR 51626 (September 4, 2008) (C–570–913).

[13] *See* General Issues Supplemental Questionnaire and First and Second Scope Supplements.

[14] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on Tuesday, February 23, 2016, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Friday, March 4, 2016, which is 10 calendar days after the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must also be filed on the record of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[15] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOI, GOC, and GOSL of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOI, GOC, and GOSL the opportunity for consultations with respect to the CVD Petitions.

Consultations were held in Washington, DC with representatives of GOSL on January 14, 2016, and with representatives from GOI on January 28, 2016.[16] The GOC did not accept our invitation to hold consultations before the initiation.[17] All invitation letters and memoranda regarding these consultations are on file electronically via ACCESS.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[18] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[19]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we determined that off road tires constitute a single domestic like product and we analyzed industry support in terms of that domestic like product.[20]

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the

[15] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[16] *See* Memorandum to the File from Whitley Herndon, Analyst, entitled, ''Consultations with Officials from the Government of Sri Lanka Regarding the Countervailing Duty Petition Concerning Certain New Pneumatic Off-The-Road Tires (Off Road Tires) from Sri Lanka,'' dated January 15, 2016; and Memorandum to the File from Spencer Toubia, Analyst, entitled, ''Countervailing Duty Petition on Certain New Pneumatic Off-The-Road Tires from India: Consultations with the Government of India,'' dated January 28, 2016.

[17] *See* Letter from Erin Begnal, Director, Office III, entitled, ''Countervailing Duty Petition on Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated January 11, 2016.

[18] *See* section 771(10) of the Act.

[19] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[20] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain New Pneumatic Off-the-Road Tires from India (India CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka (Attachment II); Countervailing Duty Investigation Initiation Checklist: Certain New Pneumatic Off-the-Road Tires from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II; and Countervailing Duty Investigation Initiation Checklist: Certain New Pneumatic Off-the-Road Tires from Sri Lanka (Sri Lanka CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioners provided Titan's production of the domestic like product in 2015 and estimated the 2015 production for each remaining U.S. producer of off road tires, by plant. Petitioners based their estimates of 2015 off road tire production by plant on daily plant-specific production capacity data published in *Modern Tire Dealer.* Petitioners multiplied the daily production capacity data by 360 (to estimate annual capacity) and then multiplied the annual production capacity for each plant by Titan's capacity utilization rate, which Petitioners believe is representative of the U.S. off road tires industry (to estimate domestic production by each plant). To calculate industry support, Petitioners added Titan's 2015 production of the domestic like product to the estimated 2015 production of the domestic like product for those plants represented by the USW, and divided the result by the estimated production of the domestic like product in 2015 for the entire U.S. off road tires industry.[21] We relied on the data Petitioners provided for purposes of measuring industry support.[22]

On January 21, 2016, we received comments on industry support from ATC Tires Private Ltd. and Alliance Tire Americas, Inc. (collectively, Alliance), an Indian producer of the subject merchandise and its U.S. importer.[23] Petitioners responded to these comments on January 22, 2016.[24] Alliance submitted additional industry support comments on January 28, 2016.[25] For further discussion of these comments, *see* the India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

On January 21, 2016, we received comments on industry support from Alliance, an Indian producer of the subject merchandise and its U.S. importer.[26] Petitioners responded to these comments on January 22, 2016.[27] Alliance submitted additional industry support comments on January 28, 2016.[28] For further discussion of these comments, *see* the India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

Our review of the data provided in the Petitions, General Issues Supplement, letters from Alliance and Petitioners, and other information readily available to the Department indicates that Petitioners have established industry support.[29] First, the Petitions established support from domestic producers and workers accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[30] Second, the domestic producers and workers have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers and workers who support the Petitions account for at least 25 percent of the total production of the domestic like product.[31] Finally, the domestic producers and workers have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers and workers who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[32] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting the Department initiate.[33]

Injury Test

Because India, the PRC, and Sri Lanka are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from India, the PRC, and Sri Lanka materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In CVD petitions, section 771(24)(A) of the Act provides that imports of subject merchandise must exceed the negligibility threshold of three percent, except that imports of subject merchandise from developing countries in CVD investigations must exceed the negligibility threshold of four percent, pursuant to section 771(24)(B) of the Act. Petitioners demonstrate that imports from India and Sri Lanka, which have been designated as least-developed countries under section 771(36)(B) of the Act, exceed the four percent negligibility threshold provided for under section 771(24)(B) of the Act.[34]

With regard to the PRC, Petitioners argue that the covered tires are entered under at least fifteen basket categories that do not permit the imports to be reliably quantified based on publicly available data. Accordingly, the data do not show whether imports from the PRC meet the statutory requirements for negligibility. However, Petitioners allege and provide supporting evidence that (1) there is a reasonable indication that data obtained in the ITC's investigation will establish that imports exceed the negligibility threshold,[35] and (2) there is the potential that imports from the PRC will imminently exceed the negligibility threshold. Petitioners' arguments regarding the limitations of publicly available import data and the collection of scope-specific import data in the ITC's investigation are consistent with the SAA. Furthermore, Petitioners' arguments regarding the potential for imports to imminently exceed the negligibility threshold are consistent with the statutory criteria for ''negligibility in threat analysis'' under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a

[21] *See* Volume I of the Petitions, at I–5—I–9 and Exhibits I–3—I–9 and I–33; *see also* General Issues Supplement, at 4–9 and Exhibits I–SQ–1, I–SQ–5—I–SQ–8.

[22] *Id.* For further discussion, *see* India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

[23] *See* Letter from Alliance, dated January 21, 2016.

[24] *See* Letter from Petitioners, dated January 22, 2016.

[25] *See* Letter from Alliance, dated January 28, 2016.

[26] *See* Alliance Letter.

[27] *See* Petitioners' Response to the Alliance Letter.

[28] *See* Alliance Letter II.

[29] *See* India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

[30] *See* section 702(c)(4)(D) of the Act; *see also* India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

[31] *See* India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment II.

[32] *Id.*

[33] *Id.*

[34] *See* Volume I of the Petitions, at I–27, I–28, I–34 and Exhibit I–17.

[35] *See Statement of Administrative Action* (SAA), H.R. Doc. No. 103–316, Vol. 1, (1994) (SAA), at 857; *see also* Volume I of the Petitions, at I–29—I–34 and Exhibits I–17—I–21.

potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

Petitioners contend that the industry's injured condition is illustrated by reduced market share; decline in shipments, production, and capacity utilization; underselling and price suppression or depression; reduced employment variables; lost sales and revenues; and decline in financial performance.[36] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[37]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party filed a CVD petition on behalf of an industry that: (1) Alleges elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to Petitioner supporting the allegations.

Petitioners allege that producers/exporters of off road tires in India, the PRC, and Sri Lanka benefit from countervailable subsidies bestowed by the GOI, GOC, and GOSL, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of off road tires from India, the PRC, and Sri Lanka receive countervailable subsidies from the GOI, GOC, and GOSL, respectively.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[38] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[39] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.[40]

India

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 27 of the 29 alleged programs in India.[41] For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the India CVD Initiation Checklist.

PRC

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on all 38 alleged programs in the PRC.[42] For a full discussion of the basis for our decision to initiate on each program, *see* the PRC CVD Initiation Checklist.

Sri Lanka

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 16 of the 22 alleged programs in Sri Lanka.[43] For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* Sri Lanka CVD Initiation Checklist.

A public version of the initiation checklists for each investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

Petitioners named six companies as producers/exporters of off road tires from India and 17 from Sri Lanka.[44] Following standard practice in CVD investigations, for the India and Sri Lanka CVD cases, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of off road tires during the periods of investigation under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the scope of Appendix I, below. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice.

Interested parties wishing to comment regarding the CBP data and/or respondent selection for India and Sri Lanka must do so within seven calendar days after the placement of the CBP data on the record of this investigation. Parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for the initial comments. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice.

With respect to the PRC, Petitioners named 28 companies as producers/exporters of off road tires.[45] Because of the existing CVD order on Certain New Pneumatic Off-the-Road Tires from the PRC, the Department is giving further consideration to the appropriate methodology for selecting respondents in this investigation.

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOI, GOC, and GOSL via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there

[36] *See* Volume I of the Petitions, at I–18 through I–22, I–24 through I–61 and Exhibits I–14, I–15, I–17 through I–37; *see also* General Issues Supplement, at 1–3 and Exhibits I–SQ–1 and I–SQ–4.

[37] *See* India CVD Initiation Checklist, PRC CVD Initiation Checklist, and Sri Lanka CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka.

[38] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[39] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*).

[40] *Id.,* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[41] *See* India CVD Initiation Checklist for a more detailed explanation.

[42] *See* PRC CVD Initiation Checklist for a more detailed explanation.

[43] *See* Sri Lanka CVD Initiation Checklist for a more detailed explanation.

[44] *See* Volume I of the Petitions, at Exhibits I–13 and I–36.

[45] *See* Volume I of the Petition at Exhibit I–12.

is a reasonable indication that imports of off road tires from India, the PRC, and Sri Lanka are materially injuring, or threatening material injury to, a U.S. industry.[46] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[47] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[48] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[49] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

Extension of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[50] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[51] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: February 3, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The scope of these investigations is certain new pneumatic off-the-road tires (certain off road tires). Certain off road tires are tires with an off road tire size designation. The tires included in the scope may be either tube-type[52] or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market.

Subject tires may have the following prefix or suffix designation, which appears on the sidewall of the tire:

Prefix designations:

DH—Identifies a tire intended for agricultural and logging service which must be mounted on a DH drop center rim.

VA—Identifies a tire intended for agricultural and logging service which must be mounted on a VA multipiece rim.

IF—Identifies an agricultural tire to operate at 20 percent higher rated load than standard metric tires at the same inflation pressure.

VF—Identifies an agricultural tire to operate at 40 percent higher rated load than standard metric tires at the same inflation pressure.

Suffix designations:

ML—Mining and logging tires used in intermittent highway service.

DT—Tires primarily designed for sand and paver service.

NHS—Not for Highway Service.

TG—Tractor Grader, off-the-road tire for use on rims having bead seats with nominal +0.188'' diameter (not for highway service).

K—Compactor tire for use on 5° drop center or semi-drop center rims having bead seats with nominal minus 0.032 diameter.

IND—Drive wheel tractor tire used in industrial service.

SL—Service limited to agricultural usage.

FI—Implement tire for agricultural towed highway service.

CFO—Cyclic Field Operation.

SS—Differentiates tires for off-highway vehicles such as mini and skid-steer loaders from other tires which use similar size designations such as 7.00–15TR and 7.00–15NHS, but may use different rim bead seat configurations.

All tires marked with any of the prefixes or suffixes listed above in their sidewall markings are covered by the scope regardless of their intended use.

In addition, all tires that lack any of the prefixes or suffixes listed above in their sidewall markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the following sections of the Tire and Rim

[46] *See* section 703(a)(2) of the Act.

[47] *See* section 703(a)(1) of the Act.

[48] *See* 19 CFR 351.301(b).

[49] *See* 19 CFR 351.301(b)(2).

[50] *See* section 782(b) of the Act.

[51] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[52] While tube-type tires are subject to the scope of these proceedings, tubes and flaps are not subject merchandise and therefore are not covered by the scope of these proceedings, regardless of the manner in which they are sold (*e.g.,* sold with or separately from subject merchandise).

Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set forth below. The sections of the Tire and Rim Association Year Book listing numerical size designations of covered certain off road tires include:

The table of mining and logging tires included in the section on Truck-Bus tires;

The entire section on Off-the-Road tires;

The entire section on Agricultural tires; and

The following tables in the section on Industrial/ATV/Special Trailer tires:

- Industrial, Mining, Counterbalanced Lift Truck (Smooth Floors Only);
- Industrial and Mining (Other than Smooth Floors);
- Construction Equipment;
- Off-the-Road and Counterbalanced Lift Truck (Smooth Floors Only);
- Aerial Lift and Mobile Crane; and
- Utility Vehicle and Lawn and Garden Tractor.

Certain off road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes certain off road tires produced in the subject countries whether mounted on wheels or rims in a subject country or in a third country. Certain off road tires are covered whether or not they are accompanied by other parts, *e.g.,* a wheel, rim, axle parts, bolts, nuts, etc. Certain off road tires that enter attached to a vehicle are not covered by the scope.

Excluded from the scope of these investigations are any products covered by the existing antidumping and countervailing duty orders on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008); *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order,* 73 FR 51627 (September 4, 2008).[53]

In addition, specifically excluded from the scope are passenger vehicle and light truck tires, racing tires, mobile home tires, motorcycle tires, all-terrain vehicle tires, bicycle tires, on-road or on-highway trailer tires, and truck and bus tires. Such tires generally have in common that the symbol ''DOT'' must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following prefixes and suffixes included as part of the size designation on their sidewalls:

Prefix letter designations:

AT—Identifies a tire intended for service on All-Terrain Vehicles;

P—Identifies a tire intended primarily for service on passenger cars;

LT—Identifies a tire intended primarily for service on light trucks;

T—Identifies a tire intended for one-position ''temporary use'' as a spare only; and

ST—Identifies a special tire for trailers in highway service.

Suffix letter designations:

TR—Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156″ or plus 0.250″;

MH—Identifies tires for Mobile Homes;

HC—Identifies a heavy duty tire designated for use on ''HC'' 15″ tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.

Example: 8R17.5 LT, 8R17.5 HC;

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service;

ST—Special tires for trailers in highway service; and

M/C—Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: Pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; aircraft tires; and turf, lawn and garden, and golf tires. Also excluded from the scope are mining and construction tires that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, 4011.94.8000, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035 and 8716.90.5055. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2016–02713 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–DS–P

[53] In these prior investigations, the Department found that imports of off road tires mounted on wheels were not within the scope of subject merchandise. *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances,* 73 FR 40485 (July 15, 2008) and accompanying Issues and Decision Memorandum at Comment 19.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–869, A–570–034]

Certain New Pneumatic Off-the-Road Tires From India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective date:* February 3, 2016.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey at (202) 482–0193 (India) and Alex Rosen at (202) 482–7814 (PRC), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 8, 2016, the Department of Commerce (Department) received antidumping duty (AD) petitions concerning imports of certain new pneumatic off-the-road tires (off road tires) from the People's Republic of China (PRC) and India, filed in proper form on behalf of Titan Tire Corporation (Titan) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (USW) (collectively, Petitioners).[1] The AD petitions were accompanied by three countervailing duty (CVD) petitions for the PRC, India and Sri Lanka.[2] Petitioners are a domestic producer of off road tires and a recognized union, which represents the domestic industry engaged in the manufacture of off road tires in the United States.[3]

On January 12, 2016, the Department requested additional information and clarification of certain areas of the AD Petitions.[4] Petitioners filed responses to

[1] *See* Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka, dated January 8, 2016 (collectively, Petitions).

[2] *Id.*

[3] *See* Volume I of the Petitions, at I–2.

[4] *See* the following January 12, 2016, letters from the Department to Petitioners: ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Certain New Pneumatic Off-The-Road Tires from India and The People's Republic of China and Countervailing Duties on Imports from Sri Lanka: Supplemental Questions'' (General Issues Supplemental Questionnaire), ''Petition for the Imposition of Antidumping Duties

Continued

these requests on January 14, 2016,[5] provided further information regarding India on January 19, 2016,[6] and provided further clarification regarding scope on January 20, 2016.[7] On January 21, 2016, ATC Tires Private Ltd. and Alliance Tire Americas, Inc. (collectively, Alliance) provided comments on domestic industry support and requested that the Department poll the domestic industry with respect to the Petitions.[8] On January 22, 2016, Petitioners provided a response to Alliance's comments on industry support and request for polling.[9] Alliance provided additional comments on January 28, 2016.[10] On January 27, 2016, the Department determined to toll all deadlines four business days as a result of the Federal Government closure during snowstorm ''Jonas'', applicable to this initiation.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the initiation of these AD investigations is now February 3, 2016.[11]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners alleged that imports of off road tires from India and the PRC are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed these Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioners are requesting.[12]

Periods of Investigation

Pursuant to 19 CFR 351.204(b)(1), because the Petitions were filed on January 8, 2016, the period of investigation (POI) is January 1, 2015, through December 31, 2015, for India and July 1, 2015, through December 31, 2015, for the PRC.

Scope of the Investigations

The product covered by these investigations is off road tires from India and the PRC. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice. As explained in more detail in Appendix I, the scope of the PRC investigation is narrower than the scope of the investigation from India because the PRC investigation excludes any products covered by the existing antidumping and countervailing duty orders on Certain New Pneumatic Off-the-Road Tires from the PRC.[13]

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[14]

As discussed in the preamble to the Department's regulations,[15] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Tuesday, February 23, 2016, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Friday, March 4, 2016, which is 10 calendar days after the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the

on Imports of Certain New Pneumatic Off-the-Road Tires from The People's Republic of China: Supplemental Questions,'' and ''Petition for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India: Supplemental Questions.''

[5] *See* the following January 14, 2016, responses from Petitioners: ''Petitioners' Response to the Department's January 12, 2016, Supplemental Questionnaire Regarding General Issues,'' (General Issues Supplement); ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding the Antidumping Petition on China (A–570–034),'' (PRC Supplemental Response); ''Petitioners' Response to the Department's January 12, 2016 Supplemental Questions Regarding the Antidumping Duty Petition on India'' (First India Supplemental Response); and ''Scope Supplement to the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka'' (First Scope Supplement).

[6] *See* Petitioners' submission, ''Petitioners' Second Supplement to the Antidumping Duty Petition on India,'' dated January 19, 2016 (Second India Supplemental Response). We note that Petitioners' submission of the Second India Supplemental Response was unsolicited by the Department. For further information, *see* the Department's memorandum to the File, ''Petition for Initiation of Antidumping Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Conference Call with Counsel to Petitioners,'' dated January 22, 2016.

[7] *See* Petitioners' submission, ''Second Scope Supplement to the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka,'' dated January 20, 2016 (Second Scope Supplement).

[8] *See* letter from Alliance, ''Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China and Sri Lanka: Comments on Industry Support,'' dated January 21, 2016 (Alliance Letter).

[9] *See* letter from Petitioners, ''Petitioners' Response to Alliance's Polling Request Regarding the Petitions for the Imposition of Antidumping Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India and the People's Republic of China and Countervailing Duties on Imports of Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka,'' dated January 22, 2016 (''Petitioners' Response to Alliance Letter'').

[10] *See* letter from Alliance, ''Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China and Sri Lanka: Reply Comments on Industry Support,'' dated January 21, 2016 (''Alliance Letter II'').

[11] *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016.

[12] *See* the ''Determination of Industry Support for the Petitions'' section below.

[13] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008) (A–570–912) and *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order,* 73 FR 51626 (September 4, 2008) (C–570–913).

[14] *See* General Issues Supplemental Questionnaire and First and Second Scope Supplements.

[15] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[16] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of off road tires to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe off road tires, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. ET on Tuesday, February 23, 2016, which is twenty calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on Monday, February 29, 2016.[17] All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of both the India and the PRC less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[18] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[19]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that off road tires constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[20]

In determining whether Petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in

[16] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[17] Where the deadline falls on a weekend/holiday, the appropriate date is the next business day. Because five days from February 23, 2016, is Sunday, February 28, 2016, the actual submission date is Monday, February 29, 2016.

[18] *See* section 771(10) of the Act.

[19] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[20] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Certain New Pneumatic Off-the-Road Tires from India (India AD Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka (Attachment II); and Antidumping Duty Investigation Initiation Checklist: Certain New Pneumatic Off-the-Road Tires from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

Appendix I of this notice. To establish industry support, Petitioners provided Titan's production of the domestic like product in 2015 and estimated the 2015 production for each remaining U.S. producer of off road tires, by plant. Petitioners based their estimates of 2015 off road tire production by plant on daily plant-specific production capacity data published in *Modern Tire Dealer.* Petitioners multiplied the daily production capacity data by 360 (to estimate annual capacity) and then multiplied the annual production capacity for each plant by Titan's capacity utilization rate, which Petitioners believe is representative of the U.S. off road tires industry (to estimate domestic production by each plant). To calculate industry support, Petitioners added Titan's 2015 production of the domestic like product to the estimated 2015 production of the domestic like product for those plants represented by the USW, and divided the result by the estimated production of the domestic like product in 2015 for the entire U.S. off road tires industry.[21] We relied on data Petitioners provided for purposes of measuring industry support.[22]

On January 21, 2016, we received comments on industry support from Alliance, an Indian producer of the subject merchandise and its U.S. importer.[23] Petitioners responded to these comments on January 22, 2016.[24] Alliance submitted additional industry support comments on January 28, 2016.[25] For further discussion of these comments, *see* the India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

Our review of the data provided in the Petitions, General Issues Supplement, letters from Alliance and Petitioners, and other information readily available to the Department indicates that Petitioners have established industry support.[26] First, the Petitions established support from domestic producers and workers accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[27] Second, the domestic producers and workers have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers and workers who support the Petitions account for at least 25 percent of the total production of the domestic like product.[28] Finally, the domestic producers and workers have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers and workers who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[29] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting the Department initiate.[30]

Allegations and Evidence of Material Injury and Causation

Petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, with regard to India, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[31]

With regard to the PRC, Petitioners argue that the covered tires are entered under at least fifteen basket categories that do not permit the imports to be reliably quantified based on publicly available data. Accordingly, the data do not show whether imports from the PRC meet the statutory requirements for negligibility. However, Petitioners allege and provide supporting evidence that (1) there is a reasonable indication that data obtained in the ITC's investigation will establish that imports exceed the negligibility threshold,[32] and (2) there is the potential that imports from the PRC will imminently exceed the negligibility threshold. Petitioners' arguments regarding the limitations of publicly available import data and the collection of scope-specific import data in the ITC's investigation are consistent with the SAA. Furthermore, Petitioners' arguments regarding the potential for imports from the PRC to imminently exceed the negligibility threshold are consistent with the statutory criteria for ''negligibility in threat analysis'' under section 771(24)(A)(iv) of the Act, which provides that imports shall not be treated as negligible if there is a potential that subject imports from a country will imminently exceed the statutory requirements for negligibility.

Petitioners contend that the industry's injured condition is illustrated by reduced market share; decline in shipments, production, and capacity utilization; underselling and price suppression or depression; reduced employment variables; lost sales and revenues; and decline in financial performance.[33] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[34]

Allegations of Sales at Less-Than-Fair-Value

The following is a description of the allegations of sales at less-than-fair-value upon which the Department based its decision to initiate investigations of imports of off road tires from India and the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

India

For India, Petitioners based U.S. prices on price quotes to customers in the United States for off road tires

[21] *See* Volume I of the Petitions, at I–5—I–9 and Exhibits I–3—I–9 and I–33; *see also* General Issues Supplement, at 4–9 and Exhibits I–SQ–1, I–SQ–5—I–SQ–8.

[22] *Id.* For further discussion, *see* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[23] *See* Alliance Letter.

[24] *See* Petitioners' Response to the Alliance Letter.

[25] *See* Alliance Letter II.

[26] *See* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[27] *See* section 732(c)(4)(D) of the Act; *see also* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[28] *See* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment II.

[29] *Id.*

[30] *Id.*

[31] *See* Volume I of the Petitions, at I–27, I–28 and Exhibit I–17.

[32] *See Statement of Administrative Action* (SAA), H.R. Doc. No. 103–316, Vol. 1, (1994), at 857; *see also* Volume I of the Petitions, at I–29—I–34 and Exhibits I–17—I–21.

[33] *See* Volume I of the Petitions, at I–18—I–22, I–24—I–61 and Exhibits I–14, I–15, I–17—I–37; *see also* General Issues Supplement, at 1–3 and Exhibits I–SQ–1 and I–SQ–4.

[34] *See* India AD Initiation Checklist and PRC AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain New Pneumatic Off-the-Road Tires from India, the People's Republic of China, and Sri Lanka.

produced in, and exported from, India by both Alliance Tire Group and Balkrishna Industries Limited (BKT).[35] Petitioners made deductions from U.S. price for movement expenses.[36] Petitioners also deducted from U.S. price brokerage and handling expenses.[37]

PRC

Petitioners based U.S. price on an export price (EP) derived from import data for wheel and tire assemblies (*i.e.*, tires mounted on wheels) of farm wagons and carts classified under Harmonized Tariff Schedule sub-heading 8716.9010.20 as obtained from the ITC's Trade DataWeb.[38] Because these data were for wheel and tire assemblies, in order to derive a comparison U.S. price for tires only, Petitioners selected four Titan (*i.e.*, one of the petitioning entities) models of tires sold in assembilies that are most similar to those PRC tires that were imported as part of assemblies under HTS 8716.9010.20. Using Titan's actual sales of these assemblies during the POI, Petitioners calculated ratios for both the portion of weight attributable to the tires and the portion of the per-kilogram price attributable to tires in these four assemblies.[39] After deducting unrebated export tax and foreign brokerage and handling from the HTS 8716.9010.20 import data to determine the EP for assembilies,[40] Petitioners applied the calculated ratios to the adjusted U.S. price for assemblies in order to derive a comparison U.S. price for tires only.[41]

In addition, Petitioners obtained 13 free-on-board (FOB) PRC prices from publicly-available internet sources of certain subject wheel and tire assemblies.[42] Similarly, Petitioners matched each product in the internet price quotes with Titan assembly sales that included a tire that was closest in size to the model in the internet price quote and calculated ratios for price and weight attributable to tires based on Titan's assembly sales.[43] After deducting unrebated export tax, foreign brokerage and handling, and inland freight from the factory to the port of export,[44] Petitioners applied the calculated ratios to the adjusted price quotes of assemblies in order to derive comparison U.S. prices for tires only.[45]

Petitioners valued foreign brokerage and handling and foreign inland truck freight based on data reported in the *Doing Business 2016: Thailand*.[46] The Department corrected for a conversion error in the calculation of per kilogram per kilometer truck freight as submitted by Petitioners.[47]

Normal Value

India

For India, Petitioners asserted that they were unable to obtain pricing data for off road tires sold in the home or third country markets.[48] Consequently, pursuant to section 773(a)(4) of the Act, Petitioners relied on constructed value (CV) as the basis for NV.[49]

Normal Value Based on Constructed Value

Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM); selling, general, and administrative (SG&A) expenses; financial expenses; packing expenses, and profit. Petitioners calculated COM based on a U.S. producer's experience adjusted for known differences between the industry in the United States and the industry in India during the proposed POI.[50] Using publicly available data to account for price differences, Petitioners multiplied the U.S. producer's usage quantities by the submitted value of the inputs used to manufacture off road tires in India.[51] The U.S. producer's labor cost was adjusted to reflect the experience of BKT, an Indian producer of off road tires, based on BKT's March 31, 2015 audited financial statements. To determine fixed overhead (including energy and packing material costs), SG&A, financial expenses, and profit, Petitioners again relied on BKT's March 31, 2015, financial statements.[52]

PRC

With respect to the PRC, Petitioners stated that the Department has found the PRC to be a non-market economy (NME) country in every administrative proceeding in which the PRC has been involved.[53] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The presumption of NME status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act. In the course of this investigation, all parties, and the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Petitioners claim that Thailand is an appropriate surrogate country because it is a market economy that is at a level of economic development comparable to that of the PRC and it is a significant producer of the merchandise under consideration.[54]

Based on the information provided by Petitioners, we believe it is appropriate to use Thailand as a surrogate country for initiation purposes. Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

[35] *See* India AD Initiation Checklist; *see also* Volume IV of the Petitions, at IV–2; and First India Supplemental Response at IV–SQ–1 and Exhibit IV–SQ–1.

[36] *See* India AD Initiation Checklist; *see also* Volume IV of the Petitions, at IV–2 and IV–3 and Exhibit IV–3; and First India Supplemental Response at Exhibit IV–SQ–2.

[37] *See* India AD Initiation Checklist; *see also* Volume IV of the Petitions, at IV–3 and Exhibit IV–4; and First India Supplemental Response at IV–SQ–1 and Exhibit IV–SQ–3.

[38] *See* Volume II of the Petitions, at II–2 through II–4, Exhibits II–2, II–2(A), II–2(C); PRC Supplemental Response at 3, Exhibits II–SQ–9, and II–SQ–10.

[39] *See* PRC Supplemental Response at 2, Exhibits II–SQ–3 and II–SQ–4.

[40] Petitioners stated they conservatively did not include an adjustment for inland freight from the factory to the port because information regarding the location of the companies exporting the farm wagon and cart wheel and tire assemblies was not reasonably available.

[41] *See* Volume II of the Petitions Exhibit II–2.

[42] *Id.,* at II–4, Exhibits II–1, II–2, II–2(G).

[43] *Id.,* at II–4, Exhibits II–1, II–2, II–2(B), II–2(G); PRC Supplemental Response at 2, Exhibits II–SQ–3, II–SQ–4, II–SQ–11.

[44] *See* Volume II of the Petitions at Exhibit II–2, II–2(H), II–9(J), B), II–2(F), II–9(G), II–9(H); PRC Supplemental Response at 4, Exhibits II–SQ–7, II–SQ–8.

[45] *See* Volume II of the Petitions at Exhibits II–2, II–2(B), II–2(D), PRC Supplemental Response at 2, Exhibits II–SQ–3, II–SQ–4, II–SQ–11.

[46] *See* Volume II of the Petitions at Exhibit II–9, II–9(G), II–9(H), PRC Supplemental Response at 4, Exhibits II–SQ–7 and II–SQ–8.

[47] *See* PRC AD Checklist.

[48] *See* Volume IV of the Petitions, at IV–4 and First India Supplement Responseat IV–SQ–2 and IV–SQ–3.

[49] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for the India investigation, the Department will request information necessary to calculate the CV and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department no longer requires a COP allegation to conduct this analysis.

[50] *See* India AD Initiation Checklist.

[51] *Id.*

[52] *Id.*

[53] *See* Volume II of the Petitions, at 5.

[54] *Id.,* at 6.

Factors of Production

Petitioners based the FOPs for materials and labor on Titan's consumption rates for producing off road tires.[55] Petitioners note that Titan's production process is comparable to that of producers of mounted off road tires in the PRC.[56] Petitioners valued the estimated factors of production using surrogate values from Thailand.[57]

Valuation of Raw Materials

For direct materials, Petitioners valued certain rubber components based on the daily prices of natural rubber published by the Rubber Research Institute of Thailand from July 1, 2015, to December 31, 2015 and other inputs based on publicly-available data for Thai imports obtained from the Global Trade Atlas (GTA) for the period covering June 2015 through November 2015, the most POI-contemporaneous data available at the time the Petition was filed.[58] Petitioners excluded all import values from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be NME countries. In addition, in accordance with the Department's practice, the average import value excludes imports that were labeled as originating from an unidentified country. The Department determines that the surrogate values used by Petitioners are reasonably available and, thus, are acceptable for purposes of initiation.

Valuation of Labor

Petitioners valued labor using quarterly Thai labor data published by Thailand's National Statistics Office (NSO).[59] Specifically, Petitioners relied on data pertaining to wages and benefits earned by Thai workers engaged in the manufacturing sector of the Thai economy. Petitioners converted the wage rates to hourly and converted to U.S. Dollars using the average exchange rate during the POI.

Valuation of Energy, Factory Overhead, Selling, General and Administrative Expenses (SG&A), and Profit

Petitioners calculated surrogate financial ratios (*i.e.*, factory overhead (including energy), SG&A expenses, and profit) using the audited financial statements of S. R. Tyres Co., Ltd., Hihero Co., Ltd., and Hwa Fong Rubber, as used in the 2013–2014 administrative review of the existing antidumping order on new pneumatic off-the-road tires from the PRC.[60]

Fair Value Comparisons

Based on the data provided by Petitioners, there is reason to believe that imports of off road tires from India and the PRC are being, or are likely to be, sold in the United States at less-than-fair-value. Based on comparisons of EP to CV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for off road tires from India range from 10.77 to 76.45 percent.[61] Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margins for off road tires from the PRC range from 11.20 to 77.69 percent.[62]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions on off road tires from India and the PRC, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of off road tires from India and the PRC are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[63] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[64] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[65]

Respondent Selection

Petitioners named six companies from India as producers/exporters of subject off road tires.[66] Following standard practice in AD investigations involving market economy countries, for the India AD case, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (''HTSUS'') numbers listed in the ''Scope of the Investigation'' section above. We intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice.

Interested parties wishing to comment regarding the CBP data and/or respondent selection for India must do so within seven calendar days after the placement of the CBP data on the record of this investigation. Parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for the initial comments. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice.

With respect to the PRC, Petitioners named 124 companies as producers/exporters of off road tires.[67] In accordance with our standard practice for respondent selection in cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to this investigation[68] and base respondent selection on the responses received,

[55] *See* Volume II of the Petitions, at II–9, Exhibits II–2(C) and II–2(D), PRC Supplemental Response at 2, Exhibits II–SQ–12 through II–SQ–14.

[56] *See* PRC Supplemental Response at 1 and Exhibit II–SQ–1.

[57] *See* Volume II of the Petitions at II–5 through II–7.

[58] Per the Department's instruction, Petitioners used the surrogate values using the GTA trade data for the most recent six-month period (*i.e.*, June-November 2015) because the trade data for December 2015 is not available; *see* PRC Supplemental Response at 3, Exhibits II–SQ–6.

[59] *See* Volume II of the Petitions at Exhibit II–9(F).

[60] *Id.,* at Exhibits II–9(L).

[61] *See* India AD Initiation Checklist.

[62] *See* PRC AD Initiation Checklist.

[63] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[64] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*).

[65] *Id.,* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[66] *See* Volume I of the Petitions, at Exhibit I–13.

[67] *See* Volume I of the Petition at I–15 and Exhibit I–12; *see also* PRC Supplemental Response at 2 and Exhibit II–SQ–2.

[68] *See* Appendix I, ''Scope of the Investigations'', which for the PRC, excludes products covered by the existing antidumping and countervailing duty orders on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China.

ensuring that potential overlap with products covered by the existing AD and CVD orders is eliminated. In addition, the Department will post the Q&V questionnaire along with filing instructions on the Enforcement and Compliance Web site at *http://www.trade.gov/enforcement/news.asp*.

Exporters/producers of off road tires from the PRC that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy from the Enforcement and Compliance Web site. The Department will establish an exact deadline by which Q&V responses must be submitted in the questionnaire itself, as subsequently released to potential respondents and posted to the Enforcement and Compliance Web site. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[69] The specific requirements for submitting a separate-rate application in the PRC investigation are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html*. The separate-rate application will be due 30 days after publication of this initiation notice.[70] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that respondents from the PRC submit a response to both the Q&V questionnaire and the separate-rate application by their respective deadlines in order to receive consideration for separate-rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[71]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of India and the PRC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of off road tires from India and the PRC are materially injuring or threatening material injury to a U.S. industry.[72] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[73] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[74] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[75] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[76] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as

[69] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[70] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[71] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[72] *See* section 733(a) of the Act.

[73] *Id.*

[74] *See* 19 CFR 351.301(b).

[75] *See* 19 CFR 351.301(b)(2).

[76] *See* section 782(b) of the Act.

well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[77] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.*, the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: February 3, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The scope of these investigations is certain new pneumatic off-the-road tires (certain off road tires). Certain off road tires are tires with an off road tire size designation. The tires included in the scope may be either tube-type[78] or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market.

Subject tires may have the following prefix or suffix designation, which appears on the sidewall of the tire:

Prefix designations:

DH—Identifies a tire intended for agricultural and logging service which must be mounted on a DH drop center rim.

VA—Identifies a tire intended for agricultural and logging service which must be mounted on a VA multipiece rim.

IF—Identifies an agricultural tire to operate at 20 percent higher rated load than standard metric tires at the same inflation pressure.

VF—Identifies an agricultural tire to operate at 40 percent higher rated load than standard metric tires at the same inflation pressure.

Suffix designations:

ML—Mining and logging tires used in intermittent highway service.

DT—Tires primarily designed for sand and paver service.

NHS—Not for Highway Service.

TG—Tractor Grader, off-the-road tire for use on rims having bead seats with nominal +0.188″ diameter (not for highway service).

K—Compactor tire for use on 5° drop center or semi-drop center rims having bead seats with nominal minus 0.032 diameter.

IND—Drive wheel tractor tire used in industrial service.

SL—Service limited to agricultural usage.

FI—Implement tire for agricultural towed highway service.

CFO—Cyclic Field Operation.

SS—Differentiates tires for off-highway vehicles such as mini and skid-steer loaders from other tires which use similar size designations such as 7.00–15TR and 7.00–15NHS, but may use different rim bead seat configurations.

All tires marked with any of the prefixes or suffixes listed above in their sidewall markings are covered by the scope regardless of their intended use.

In addition, all tires that lack any of the prefixes or suffixes listed above in their sidewall markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the following sections of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set forth below. The sections of the Tire and Rim Association Year Book listing numerical size designations of covered certain off road tires include:

The table of mining and logging tires included in the section on Truck-Bus tires;

The entire section on Off-the-Road tires;

The entire section on Agricultural tires; and

The following tables in the section on Industrial/ATV/Special Trailer tires:

- Industrial, Mining, Counterbalanced Lift Truck (Smooth Floors Only);
- Industrial and Mining (Other than Smooth Floors);
- Construction Equipment;
- Off-the-Road and Counterbalanced Lift Truck (Smooth Floors Only);
- Aerial Lift and Mobile Crane; and
- Utility Vehicle and Lawn and Garden Tractor.

Certain off road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes certain off road tires produced in the subject countries whether mounted on wheels or rims in a subject country or in a third country. Certain off road tires are covered whether or not they are accompanied by other parts, *e.g.*, a wheel, rim, axle parts, bolts, nuts, etc. Certain off road tires that enter attached to a vehicle are not covered by the scope.

Excluded from the scope of these investigations are any products covered by the existing antidumping and countervailing duty orders on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 73 FR 51624 (September 4, 2008); *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order*, 73 FR 51627 (September 4, 2008).[79]

In addition, specifically excluded from the scope are passenger vehicle and light truck tires, racing tires, mobile home tires, motorcycle tires, all-terrain vehicle tires, bicycle tires, on-road or on-highway trailer tires, and truck and bus tires. Such tires generally have in common that the symbol ''DOT'' must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following prefixes and suffixes included as part of the size designation on their sidewalls:

Prefix letter designations:

AT—Identifies a tire intended for service on All-Terrain Vehicles;

P—Identifies a tire intended primarily for service on passenger cars;

LT—Identifies a tire intended primarily for service on light trucks;

T—Identifies a tire intended for one-position ''temporary use'' as a spare only; and

ST—Identifies a special tire for trailers in highway service.

Suffix letter designations:

TR—Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156″ or plus 0.250″ ;

MH—Identifies tires for Mobile Homes;

HC—Identifies a heavy duty tire designated for use on ''HC'' 15″ tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.

Example: 8R17.5 LT, 8R17.5 HC.

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service;

ST—Special tires for trailers in highway service; and

M/C—Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: Pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; aircraft

[77] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[78] While tube-type tires are subject to the scope of these proceedings, tubes and flaps are not subject merchandise and therefore are not covered by the scope of these proceedings, regardless of the manner in which they are sold (*e.g.*, sold with or separately from subject merchandise).

[79] In these prior investigations, the Department found that imports of off road tires mounted on wheels were not within the scope of subject merchandise. *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008) and accompanying Issues and Decision Memorandum at Comment 19.

tires; and turf, lawn and garden, and golf tires. Also excluded from the scope are mining and construction tires that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, 4011.94.8000, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035 and 8716.90.5055. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2016–02701 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–959]

Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Final Results of Expedited Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on certain coated paper suitable for high-quality print graphics using sheet-fed presses (Certain Coated Paper) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

DATES: *Effective date:* February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Mark Kennedy, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7883.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2015, the Department initiated a sunset review of the *CVD Order* [1] on coated paper from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On October 15, 2015, the Department received a notice of intent to participate in the review on behalf of Verso Corporation (Verso), S.D. Warren Company d/b/a Sappi North America (Sappi), Appleton Coated LLC (Appleton), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (USW) (collectively, the petitioners) within the deadline specified in 19 CFR 351.218(d)(1). Verso, Sappi, and Appleton claimed interested party status under section 771(9)(C) of the Act, as domestic producers of the domestic like product. The USW claimed interested party status under section 771(9)(D) of the Act as a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product.

The Department received adequate substantive responses collectively from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from the Government of the PRC or any respondent interested party to the proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this *CVD Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(l)(ii)(B)(2) and (C)(2).

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the final results of this expedited sunset review is now March 4, 2016.[3]

[1] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 70201 (November 17, 2010) (*CVD Order*).

[2] *See Initiation of Five-Year ''Sunset'' Review,* 80 FR 59133 (October 1, 2015).

[3] *See* Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016.

Scope of the Order

The merchandise subject to the order is certain coated paper from the People's Republic of China. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) numbers 4810.14.11, 4810.14.1900, 4810.14.2010, 4810.14.2090, 4810.14.5000, 4810.14.6000, 4810.14.70, 4810.19.1100, 4810.19.1900, 4810.19.2010, 4810.19.2090, 4810.22.1000, 4810.22.50, 4810.22.6000, 4810.22.70, 4810.29.1000, 4810.29.5000, 4810.29.6000, 4810.29.70, 4810.32, 4810.39, 4810.92, 4810.29.1035, 4810.29.7035, 4810.92.1235, 4810.92.1435, and 4810.92.6535.

For a full description of the scope, *see* ''Expedited Sunset Review: Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this final notice (Issues and Decision Memorandum), and hereby adopted by this notice.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the *CVD Order* were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum which is on file electronically *via* the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* on coated paper from the PRC would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below:

Producer/exporter	Subsidy rate (percent)
Gold East Paper (Jiangsu) Co., Ltd., Gold Huasheng Paper Co., Ltd., Gold East Trading (Hong Kong) Company Ltd., Ningbo Zhonghua Paper Co., Ltd., and Ningbo Asia Pulp & Paper Co., Ltd.	19.46
Shandong Sun Paper Industry Joint Stock Co., Ltd., and Yanzhou Tianzhang Paper Industry Co., Ltd.	202.84
All Others	19.46

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: February 3, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–02698 Filed 2–9–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–844]

Certain Lined Paper Products From India: Notice of Partial Rescission of Countervailing Duty Administrative Review: 2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 10, 2016.

FOR FURTHER INFORMATION CONTACT: John Conniff, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION

Background

On September 1, 2015, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty order on certain lined paper products from India.[1] On September 30, 2015, Navneet Education Ltd. (Navneet) and Kokuyo Riddhi Paper Products Private Limited (Kokuyo) filed timely requests for reviews.[2] No other interested party submitted a review request for Navneet and Kokuyo. The Department published in the **Federal Register** the notice of initiation of this countervailing duty administrative review, which included Navneet and Kokuyo, for the period January 1, 2014, through December 31, 2014.[3]

On November 16, 2015, Navneet submitted a timely withdrawal of its review request.[4] On December 8, 2015, Kokuyo submitted a timely withdrawal of its review request.[5]

Partial Rescission of the 2014 Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department published the *Initiation* on November 9, 2015. Navneet's and Kokuyo's withdrawal requests were submitted within the 90-day period following the publication of the *Initiation* and, thus, are timely. Therefore, in accordance with 19 CFR 351.213(d)(1) we are rescinding this review of the countervailing duty order on certain lined paper products from India with respect to Navneet and Kokuyo, which requested an administrative review. The Petitioners[6] in the review did not request a review of any Indian company.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2014, through December 31, 2014, in accordance with 19 CFR 351.212(c)(1)(i).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 3, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–02700 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 52741 (September 1, 2015).

[2] *See* Navneet's September 30, 2015, letter to the Department requesting a countervailing duty administrative review and Kokuyo's September 30, 2015 request for a countervailing duty administrative review.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 69193 (November 9, 2015) (*Initiation*).

[4] *See* Navneet's November 16, 2015, letter withdrawing its request for a countervailing duty administrative review.

[5] *See* Kokuyo's December 8, 2015, letter withdrawing its request for a countervailing duty administrative review.

[6] Petitioners are the Association of American School Paper Suppliers.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–503, A–122–503, A–570–502]

Certain Iron Construction Castings From Brazil, Canada, and the People's Republic of China: Final Results of Expedited Fourth Sunset Reviews of Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these sunset reviews, the Department of Commerce (''Department'') finds that revocation of the antidumping duty (''AD'') orders would be likely to lead to continuation or recurrence of dumping at the dumping margins identified in the ''Final Results of Reviews'' section of this notice.

DATES: *Effective date*: February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Shanah Lee, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6386, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2015, the Department published the notice of initiation of the fourth sunset reviews of the AD *Orders* [1] on certain iron construction castings from Brazil, Canada, and the People's Republic of China (''PRC''), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[2] On October 21, 2015, D&L Foundry, Inc., EJ USA, Inc. (formerly known as ''East Jordan Iron Works, Inc.''), Neenah Foundry Company, and U.S. Foundry and Manufacturing Corp. (Petitioners) notified the Department of their intent to participate within the 15-day period specified in section 351.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested-party status under section 771(9)(C) of the Act as producers of a domestic like product in the United States.

On November 2, 2015, the Department received complete substantive responses to the *Notice of Initiation,* with respect to the *Orders,* from Petitioners within the 30-day period specified in 19 CFR 351.218(d)(3)(i).[3] The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted expedited (120-day) sunset reviews of the antidumping duty orders on certain iron construction castings from Brazil, Canada, and the PRC.

As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. All deadlines in this segment of the proceeding have been extended four business days.[4]

Scope of the Orders

Brazil

The merchandise covered by the order consists of certain iron construction castings from Brazil, limited to manhole covers, rings, and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under Harmonized Tariff Schedule (HTS) item under 7325.10.0010; and to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water and gas meters, classifiable as light castings under HTS item number 7325.10.0050. The HTS item numbers are provided for convenience and customs purposes only. The written product description remains dispositive.

Canada

The merchandise covered by the order consists of certain iron construction castings from Canada, limited to manhole covers, rings, and frames, catch basin grates and frames, clean-out covers, and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under HTS item number 7325.10.0010. The HTS item number is provided for convenience and customs purposes only. The written product description remains dispositive.

PRC

The products covered by the order are certain iron construction castings from the PRC, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and drains used for drainage or access purposes for public utilities, water and sanitary systems; and valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. This merchandise is currently classifiable under the HTS item numbers 7325.10.0010 and 7325.10.0050. The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.[5] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Orders* were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete

[1] *See Antidumping Duty Order; Iron Construction Castings From Brazil,* 51 FR 17220 (May 9, 1986) (''*Brazil ICC Order*''); *Antidumping Duty Order; Certain Iron Construction Castings From Canada,* 51 FR 7600 (March 5, 1986), as amended by *Iron Construction Castings From Canada; Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order,* 51 FR 34110 (September 25, 1986) (collectively, ''*Canada ICC Order*''); and *Antidumping Duty Order; Iron Construction Castings From the People's Republic of China,* 51 FR 17222 (May 9, 1986) (''*PRC ICC Order*'') (collectively, ''*Orders*'').

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 80 FR 59133 (October 1, 2015) (''*Notice of Initiation*'').

[3] *See* Submissions from Petitioners' to the Department, ''Certain Iron Construction Castings From the People's Republic of China: Five-Year (''Sunset'') Review of Antidumping Duty Order'' (''PRC Substantive Response''), ''Iron Construction Castings From Brazil: Five-Year (''Sunset'') Review of Antidumping Duty Order—Petitioners' Substantive Response'' (''Brazil Substantive Response''), and ''Iron Construction Castings From Canada: Five-Year (''Sunset'') Review of Antidumping Duty Order—Petitioners' Substantive Response'' (''Canada Substantive Response''), each dated November 2, 2015.

[4] *See* Memorandum to the File from Ronald Lorentzen, Acting A/S for Enforcement & Compliance, ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm 'Jonas','' dated January 27, 2016.

[5] *See* the Department's memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders on Certain Iron Construction Castings from Brazil, Canada, and the People's Republic of China,'' dated concurrently with this notice.

version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of the Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the antidumping duty orders on certain construction castings from Brazil, Canada, and the PRC would likely to lead to a continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 58.74 percent for Brazil, up to 25.52 percent for the PRC, and above *de minimis* for Canada.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: February 4, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–02699 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Crab Rationalization (CR) Program: CR Cooperative Annual Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before April 11, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The North Pacific Fishery Management Council requested that each CR Program cooperative, after developing and implementing the measures to stimulate acquisition of crab quota share by crew and other active participants and to stimulate equitable crew compensation, voluntarily provide an annual report summarizing the effectiveness of each measure and the estimated number of participants in each measure, supported by documentation.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email, mail, and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0678.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time per Response: 30 hours.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annual Cost to Public: $40.

IV. Request for Comments

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 (including hours and cost) of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 5, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–02695 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE431

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a meeting of its Shrimp Advisory Panel (AP).

DATES: The meeting will convene on Thursday, March 3, 2016 from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will take place at the Gulf Council's office.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Kilgour, Fishery Biologist, Gulf of Mexico Fishery Management Council; *morgan.kilgour@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Agenda

The Shrimp Advisory Panel will elect a chair and vice chair. It will also discuss the biological review of the Texas Closure; review penaeid shrimp stock assessment updates; review the status of Shrimp Amendment 17A; review and discuss Shrimp Amendment 17B including the MSY OY working

group progress/recommendations; review proposed coral habitat areas of particular concern; and may discuss other business.

—Meeting Adjourns—

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulf guest.'' Click on the ''Library Folder,'' then scroll down to ''Shrimp AP Meeting March 2016.''

The meeting will be webcast over the internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

Although other non-emergency issues not on the agenda may come before the Shrimp Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Shrimp Advisory Panel will be restricted to those issues specifically identified in the agenda 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 Council's intent to take 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 Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: February 5, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–02690 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

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: National Oceanic and Atmospheric Administration (NOAA).

Title: Application for Appointment in the NOAA Commissioned Officer Corps.

OMB Control Number: 0648–0047.

Form Number(s): NOAA Forms 56–42 and 56–42A.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 900.

Average Hours per Response: Applications, 5 hours; interviews, 1.5 hours; references, 15 minutes.

Burden Hours: 1,163.

Needs and Uses: This request is for extension of a currently approved information collection. The NOAA Commissioned Corps is the uniformed component of the National Oceanic and Atmospheric Administration (NOAA), a bureau of the Department of Commerce. Officers serve under Senate-confirmed appointments and Presidential commissions (33 U.S.C. chapter 17, subchapter 1, sections 853 and 854). The NOAA Corps provides a cadre of professionals trained in engineering, earth sciences, oceanography, meteorology, fisheries science, and other related disciplines, who are dedicated to the service of their country and optimization of NOAA's missions to ensure the economic and physical well-being of the Nation.

NOAA Corps officers serve in assignments throughout NOAA, as well as in each of NOAA's Line Offices (National Environmental Satellite, Data, and Information Service, National Ocean Service, National Weather Service, Office of Oceanic and Atmospheric Research and Office of Planning, Programming and Integration).

Persons wishing to be considered for a NOAA Corps Commission must submit a complete application package, including NOAA Form 56–42, at least three letters of recommendation, and official transcripts. A personal interview must also be conducted. Eligibility requirements include a bachelor's degree with at least 48 credit hours of science, engineering or other disciplines related to NOAA's missions (including either calculus or physics), excellent health, normal color vision with uncorrected visual acuity no worse than 20/400 in each eye (correctable to 20/20) and ability to complete 20 years of active duty commissioned service prior to their 62nd birthday.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view 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.

Dated: February 5, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–02696 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Meeting: Multistakeholder Process to Develop Best Practices for Privacy, Transparency, and Accountability Regarding Commercial and Private Use of Unmanned Aircraft Systems

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a meeting of a multistakeholder process concerning privacy, transparency, and accountability issues regarding commercial and private use of unmanned aircraft systems on February 24, 2016.

DATES: The meeting will be held on February 24, 2016, from 1 p.m. to 5 p.m., Eastern Time. See **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: John Verdi, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482–8238; email *jverdi@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: Congress recognized the potential wide-ranging benefits of Unmanned Aircraft Systems (UAS)

operations within the United States in the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 (Pub. L. 112–95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by 2015. On February 15, 2015, President Obama issued the Presidential Memorandum ''Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems.'' [1] The Presidential Memorandum establishes a ''multi-stakeholder engagement process to develop and communicate best practices for privacy, accountability, and transparency issues regarding commercial and private UAS use in the NAS.'' [2] The process includes stakeholders from industry, civil society, and academia, and will be initiated by the Department of Commerce, through NTIA, and in consultation with other interested agencies. On August 3, 2015, NTIA convened the first meeting of the multistakeholder process, followed by additional meetings through November 2015.

Matters To Be Considered: The February 24, 2016 meeting is a continuation of a series of NTIA-convened multistakeholder discussions concerning privacy, transparency, and accountability issues regarding commercial and private use of UAS. Additional meetings may be scheduled as needed. Stakeholders will engage in an open, transparent, consensus-driven process to develop best practices for privacy, accountability, and transparency issues regarding commercial and private UAS use in the NAS. The February 24, 2016 meeting will build on stakeholders' previous work. More information about stakeholders' work is available at: *http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-unmanned-aircraft-systems.*

Time and Date: NTIA will convene a meeting of the multistakeholder process regarding unmanned aircraft systems on February 24, 2016, from 1:00 p.m. to 5:00 p.m., Eastern Time. The meeting date and time are subject to change. The meeting is subject to cancelation if stakeholders complete their work developing best practices. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-unmanned-aircraft-systems,* for the most current information.

Place: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006. The location of the meeting is subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-unmanned-aircraft-systems,* for the most current information.

Other Information: The meeting is open to the public and the press. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. The meeting will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting through a moderated conference bridge, including polling functionality. Access details for the meeting are subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-unmanned-aircraft-systems,* for the most current information.

Dated: February 5, 2016.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2016–02644 Filed 2–9–16; 8:45 am]

BILLING CODE 3510–60–P

[1] Presidential Memorandum, *Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems,* (Feb. 15, 2015), *available at: http://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua.*

[2] Presidential Memorandum at 4.

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board 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 Consumer Advisory Board (CAB or Board) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Board. Notice of the meeting is permitted by section 9 of the CAB Charter and is intended to notify the public of this meeting. Specifically, Section 9(d) of the CAB Charter states: (1) Each meeting of the Board 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 web streaming. (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 Board'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 Board 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 Board's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, February 25, 2016, 10:30 a.m. to 3:30 p.m. eastern standard time.

ADDRESSES: The meeting location is Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov*, Consumer Advisory Board and Councils Office, External Affairs, 1275 First Street NE., Washington, DC 20002.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (*http://files.consumerfinance.gov/f/201501_cfpb_charter-of-the-consumer-advisory-board.pdf*) (Dodd-Frank Act) provides: ''The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Board is outlined in Section 1014(a) of the Dodd-Frank Act (*http://files.consumerfinance.gov/f/201501_cfpb_charter-of-the-consumer-advisory-board.pdf*), which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial

laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' (b) To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Board will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Consumer Advisory Board will discuss the Bureau's strategic outlook 2016–2017 and Financial Well-Being.

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 Consumer Advisory Board meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, February 25, 2016. Members of the public must RSVP by the due date and must include ''CAB'' in the subject line of the RSVP.

III. Availability

The Board's agenda will be made available to the public on February 10, 2016, 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: February 5, 2016.

Christopher D'Angelo,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2016–02717 Filed 2–9–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF ENERGY

Request for Information (RFI) for Updated Critical Materials Strategy

AGENCY: Office of Energy Policy and Systems Analysis, Department of Energy.

ACTION: Notice of Request for Information (RFI).

SUMMARY: In 2010, the U.S. Department of Energy (DOE) developed and issued a Critical Materials Strategy report addressing the role of rare earth and other materials in energy technologies and processes. An update and additional analyses were completed the following year. In order to update the 2010 and 2011 analyses, DOE is seeking information from stakeholders on rare earth elements and other materials used in an array of energy technologies, as well as key materials used in the manufacturing of energy technologies that do not necessarily appear in the final product.

DATES: Written comments and information are requested no later than 5:00 p.m. ET, on April 11, 2016.

ADDRESSES: Interested persons are encouraged to submit comments, which must be submitted electronically to *materialstrategy@hq.doe.gov.*

Instructions: Electronic responses must be provided as attachments to an email. It is recommended that attachments with file sizes exceeding 25MB be compressed (*i.e.,* zipped) to ensure message delivery. Respondents are requested to provide the following information at the start of their response to this RFI: Company/Institution name; Company/Institution contact; Contact's address, phone number, and email address.

Please identify your answers by responding to a specific question or topic if possible. Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development. DOE will not respond to individual submissions or publish publicly a compendium of responses, except as required by applicable law. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed. DOE will not pay for information provided under this RFI. This RFI is not accepting applications for financial assistance or financial incentives. DOE has no obligation to respond to those who submit comments, and/or give any feedback on any decision made based on the responses received.

FOR FURTHER INFORMATION CONTACT: Requests for additional information may be sent to *materialstrategy@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose

The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to the demand, supply, use, and costs of rare earth metals and other materials used in the energy sector. DOE is specifically interested in information on the materials and technologies in the following table, as well as other materials of interest identified by the respondents to this request that are used in energy technologies:

Materials of Interest

- Rare earth elements (*e.g.,* cerium, dysprosium, europium, gadolinium, lanthanum, neodymium, praseodymium, samarium, scandium, terbium, ytterbium, and yttrium)
- Platinum group metals (*e.g.,* iridium, palladium, platinum, rhodium, and ruthenium)
- Antimony, bismuth, cadmium, cobalt, gallium, germanium, hafnium, helium, indium, lithium, magnesium, manganese, molybdenum, nickel, rhenium, selenium, silicon, tantalum, tellurium, tungsten, vanadium, and zirconium

Technologies and Components of Interest

Technologies	Types	Components
Solar photovoltaics		Thin film.
Concentrated solar power	Trough system	Mirrors.
	Power tower system	Molten salts.
		Dish engine system.
Wind turbines	Direct drive	Permanent magnets.
Natural gas generators		Superalloys.
		Coatings.
		Magnetic materials.
Hydropower		Permanent magnets.

Technologies	Types	Components
Nuclear		Control rods. Cooling fluids. Control absorbers or neutron shielding materials. Fuel rod cladding. Fuel assembly grid plates. Alloys.
Vehicles (in all vehicle classes)	Battery electric Plug-in hybrid electric Hybrid Fuel cells	Permanent magnets. Batteries. Catalytic converters. Lightweighting (platform, frame, engine cradle, etc.).
Lighting	LEDs Fluorescents (CFLs, LFLs). Other solid-state lighting.	Phosphors.
Grid storage		Batteries.
Stationary fuel cells & hydrogen electrolysis	Solid oxide Solid acid Phosphoric acid molten carbonate Polymer electrolyte membrane	Catalysts. Cathode. Anode. Electrolytes.

DOE is interested in receiving information on the following issues:

Category 1: Technology and Component Material Intensity

For the following questions, please express material intensity in terms of quantity per unit, such as weight percentage per magnet of a given size, content per unit of generation or storage capacity, weight content per lamp, content per vehicle type, weight requirement per industrial process output, or other appropriate metric or industry standard.

- For the energy technologies and components of interest listed above, what is the current and anticipated materials requirement over the next 15 years?
- What is the level of purity required?
- How much material is lost during use (*i.e.,* dissipative losses)?
- What are the quantities of material loss in manufacturing currently and how might that change over the next 15 years as the technology develops?
- For the energy technologies and components of interest listed above, what are the quantities of material used in manufacturing them that do not appear in the final product (*e.g.,* materials used in sputtering targets, as manufacturing equipment, as catalysts, etc.)?

Category 2: Market Projections

- For the energy technologies and components of interest listed above, what is the current and projected global market demand over the next 15 years and how does it vary by region? What are the key uncertainties that may significantly affect these projections?
- What is the anticipated average lifespan for the energy technologies of interest and how frequently do the components need to be replaced? How might these lifespans and replacement frequencies evolve as the technology develops?
- For the energy technologies of interest listed above, are the materials and/or components easily substitutable or do they require product and/or manufacturing process re-designs?
- If known, what are the most appropriate currently viable substitutes for these technologies or components? Are additional substitutes anticipated within the next 15 years?
- What are the leading concerns regarding using the identified substitute material(s) (*e.g.,* lower performance, higher costs, product or process redesigns, capital requirements, inadequate supply, difficulty of use, etc.)?
- Do you use or expect to use significantly increasing quantities of the materials listed above for non-energy technologies? Please explain.
- Do prices, price volatility and/or basic availability affect your decision to use the materials of interest?

Category 3: Energy Technology Transitions and Emerging Technologies

- How do you anticipate technology transitions (*e.g.,* fluorescent lights to LEDs) will affect material availability over the next 15 years? Please share any insight or recommendations with respect to technology transitions.
- How do you expect the emergence of new energy or energy efficiency technologies (*e.g.,* fuel cells) to affect material demand over the next 15 years?
- What timescales or delays in production and utilization can affect the ability to plan for deployment of new energy technologies?

Category 4: Primary Production and Material Processing

- Do you anticipate additional production of the materials of interest coming online in the next 5 years?
- What technical, economic, or regulatory factors lead to barriers or delays in bringing on new production or increasing current production?
- What are the emerging processes or approaches (physical, chemical, or biological) to separation and processing these materials? Can they be scaled? What are the barriers to deploying these emerging processes?
- Do prices, price volatility and/or basic availability affect your decision to produce the materials of interest?

Category 5: Supply Chains

- For the technologies and components of interest listed, what are the process stages within the supply chain, and where geographically does each occur? What are the factors that affect where a component is manufactured?
- How vertically integrated are the supply chains in different countries? Does this matter? Why?
- How concentrated or diversified are the suppliers and consumers of the materials, components, or technologies?
- How much material inventory is typically stockpiled across the stages of the supply chain? How long is it stockpiled for? Given a supply disruption, how long would the inventory last?
- For the technologies and components of interest listed, what are the lead times at each stage of their supply chain?

Category 6: Recycling Opportunities

- What quantities of critical materials are currently being recycled from industrial and post-consumer sources and what quantities could potentially be recycled on what timeframe?
- What are the technological barriers to recycling materials?
- What recycling process innovations would increase recycling technical and economic viability?
- How could design for recyclability improve the level of recycling?
- How are current technological trends of the specific material, component, or technology of interest (*e.g.,* miniaturization, increased complexity) likely to affect its recyclability?
- What types of policies would impact recycling?
- Are there synergies between industries (*e.g.,* using cadmium telluride from semiconductor recycling for solar cells)?

Category 7: Impacts of Wide-Scale Electrification

We are also interested in the potential material implications of wide-scale electrification (industry, transportation, etc.).

- What components are needed and for what purpose to accomplish wide-scale electrification (both in the electricity infrastructure and end use applications) and what quantities will be required in what timeframe?
- What materials of interest are required for these components?

Category 8: Additional Information

- Are there other materials that DOE should analyze (beyond the materials of interest) that may be of concern due to increasing demand for energy technologies and/or supply risk? Please explain and provide material content by component and energy technology.
- Are there other technologies or components that DOE should analyze (beyond the technologies of interest)? Please explain.
- Is there additional information, not requested above, that you believe DOE should consider in updating the Critical Materials Strategy? If so, please provide here.

II. Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person that would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Jonathan Pershing,

Principal Deputy Director for Energy Policy and Systems Analysis.

[FR Doc. 2016–02676 Filed 2–9–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2875–003.
Applicants: UNS Electric, Inc.
Description: Compliance filing: Amended Formula Rate Protocols Compliance Filing to be effective 11/14/2014.
Filed Date: 2/4/16.
Accession Number: 20160204–5072.
Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER15–2331–001.
Applicants: PJM Interconnection, L.L.C., Baltimore Gas and Electric Company.
Description: Compliance filing: BGE submits revisions to Attach. H–2A re: Sept 30 Order citation & formatting to be effective 10/1/2015.
Filed Date: 2/3/16.
Accession Number: 20160203–5146.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–56–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2016–02–03_Hurdle Rate Removal Compliance Filing to be effective 2/1/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5197.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–270–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2016–02–03_SA 2863 2nd Amendment to ATC Construction Management Agreement to be effective 10/30/2015.
Filed Date: 2/3/16.
Accession Number: 20160203–5201.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–883–000.
Applicants: Bishop Hill Energy LLC.
Description: § 205(d) Rate Filing: Amended and Restated Assignment, Co-Tenancy, and Shared Facilities Agreement to be effective 4/4/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5221.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–884–000.
Applicants: Roosevelt Wind Project, LLC, Milo Wind Project, LLC.
Description: § 205(d) Rate Filing: Roosevelt-Milo Cotenancy and Common Facilities Agreement & Notice Waiver Request to be effective 12/18/2015.
Filed Date: 2/3/16.
Accession Number: 20160203–5235.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–885–000.
Applicants: Entergy Louisiana, LLC, Entergy New Orleans, Inc., Entergy Arkansas, Inc.
Description: § 205(d) Rate Filing: Union Power Station Joint Operating Agreement to be effective 12/31/9998.
Filed Date: 2/3/16.
Accession Number: 20160203–5239.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–886–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–02–03_SA 2677 GRE–NSP 1st Rev GIA (J278) to be effective 2/4/2016.
Filed Date: 2/3/16.
Accession Number: 20160203–5241.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–887–000.
Applicants: Milo Wind Project, LLC.
Description: § 205(d) Rate Filing: Milo Certificate of Concurrence to Roosevelt-Milo CFA and Notice Waiver Request to be effective 12/18/2015.
Filed Date: 2/3/16.
Accession Number: 20160203–5245.
Comments Due: 5 p.m. ET 2/24/16.

Docket Numbers: ER16–888–000.
Applicants: Midcontinent Independent System Operator, Inc., Montana-Dakota Utilities Co., Division of MDU Resources Inc.
Description: § 205(d) Rate Filing: 2016–02–04_MDU Attachment O—30.9 Filing to be effective 4/4/2016.
Filed Date: 2/4/16.
Accession Number: 20160204–5040.
Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–889–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–02–04_SA 2718 Termination of Duke Energy Indiana-Duke Energy J333/J334 GIA to be effective 4/16/2016.
Filed Date: 2/4/16.
Accession Number: 20160204–5110.
Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–890–000.
Applicants: Summer Solar LLC.
Description: Baseline eTariff Filing: Summer Solar LLC MBR Tariff to be effective 3/4/2016.
Filed Date: 2/4/16.
Accession Number: 20160204–5120.
Comments Due: 5 p.m. ET 2/25/16.

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: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02632 Filed 2–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13642–003]

GB Energy Park, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Unconstructed Major Project.

b. *Project Nos.:* 13642–003.

c. *Date Filed:* October 1, 2015.

d. *Applicant:* GB Energy Park, LLC.

e. *Name of Project:* Gordon Butte Pumped Storage Project.

f. *Location:* Approximately 3 miles west of the City of Martinsdale, Meagher County, Montana. The proposed project would not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Carl. E. Borgquist, President, GB Energy Park, LLC, 209 Wilson Avenue, P.O. Box 309, Bozeman, MT 59771; (406) 585–3006; *carl@absarokaenergy.com.*

i. *FERC Contact:* Mike Tust; (202) 502–6522 or *michael.tust@ferc.gov.*

j. *Deadline for filing comments, terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include the docket number P–13642–003.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis. If no substantive comments are received in response to this notice, the Commission proposes to issue a single EA by August 2016. If the Commission decides to issue a draft EA and no substantive comments are received on the draft, a final EA will not be necessary, in which case the draft EA will become the final EA. Revisions to the schedule may be made as appropriate.

l. The Gordon Butte Hydroelectric Project would consist of the following new facilities: (1) A manually operated head gate on an existing irrigation canal that provides initial fill and annual make-up water to the lower reservoir from the existing irrigation canal; (2) a 3,000-foot-long, 1,000-foot-wide upper reservoir created by a 60-foot-high, 7,500-foot-long concrete-faced rockfill dam; (3) a reinforced concrete intake/outlet structure at the upper reservoir with six gated intake bays converging into a central 18-foot-diameter, 750-foot-long vertical shaft; (4) an 18-foot-diameter, 3,000-foot-long concrete and steel-lined penstock tunnel leading from the upper reservoir to the lower reservoir; (5) a 2,300-foot-long, 1,900-foot-wide lower reservoir created by a combination of excavation and two 60-foot-high, 500- and 750-foot-long concrete-faced rockfill dams; (6) a partially buried 338-foot-long, 109-foot-wide, 74-foot-high reinforced concrete and steel powerhouse with four 100-megawatt (MW) ternary Pelton turbine/pump/generators; (7) a 600-foot-long, 200-foot-wide substation at the powerhouse site with 13.8-kilovolt (kV) to 230-kV step-up transformers; (8) a 5.7-mile-long, 230-kV transmission line; (9) a 1,200-foot-long, 1,450-foot wide substation with a 230-kV to 500-kV step-up transformer, connecting to an existing non-project 500-kV transmission line; and (11) appurtenant facilities. The project is estimated to provide 1,300 gigawatt-hours annually. No federal lands are included in the project.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

Dated: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02635 Filed 2–9–16; 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: RP16–581–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Processing Requirements to be effective 3/1/2016.
Filed Date: 2/2/16.
Accession Number: 20160202–5127.
Comments Due: 5 p.m. ET 2/16/16.

Docket Numbers: RP16–582–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Seneca Resources Corp—Amend NRA No. 315568 to be effective 12/1/2015.
Filed Date: 2/2/16.
Accession Number: 20160202–5249.
Comments Due: 5 p.m. ET 2/16/16.

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.

Filings in Existing Proceedings

Docket Numbers: RP10–1083–008,
Applicants: Eastern Shore Natural Gas Company,
Description: Compliance filing Compliance Filing ??? Order No. 587–W to be effective 4/1/2016,
Filed Date: 2/2/16,
Accession Number: 20160202–5002,
Comments Due: 5 p.m. ET 2/16/16,

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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: February 3, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02618 Filed 2–9–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM15–11–000]

Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events; Supplemental Notice of Agenda and Discussion Topics for Staff Technical Conference

This notice establishes the agenda and topics for discussion at the technical conference to be held on March 1, 2016, to discuss issues related to the proposed Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events.[1] The technical conference will start at 9:00 a.m. and end at approximately 5:00 p.m. (Eastern Time) in the Commission Meeting Room at the Commission's Headquarters, 888 First Street NE., Washington, DC. The technical conference will be led by Commission staff. Commissioners may attend and participate. All interested parties are invited to attend, and registration is not required.

The topics and related questions to be discussed during this conference are provided as an attachment to this Notice. The purpose of the technical conference is to facilitate a structured dialogue on issues identified by the Commission in the Notice of Proposed Rulemaking (NOPR) in this proceeding and raised in public comments to the NOPR. Prepared remarks will be presented by invited panelists.

This event will be webcast and transcribed. The free webcast allows listening only. Anyone with internet access who desires to listen to this event can do so by navigating to the ''FERC Calendar'' at *www.ferc.gov*, and locating the technical conference in the Calendar of Events. Opening the technical conference in the Calendar of Events will reveal a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100. The webcast will be available on the Calendar of Events at *www.ferc.gov* for three months after the conference. Transcripts of the conference will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the requested accommodations.

There is no fee for attendance. However, members of the public are encouraged to preregister online at: *https://www.ferc.gov/whats-new/registration/03-01-16-form.asp.*

For more information about the technical conference, please contact: Sarah McKinley, Office of External Affairs, 202–502–8368, *sarah.mckinley@ferc.gov.*

Dated: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02636 Filed 2–9–16; 8:45 am]

BILLING CODE 6717–01–P

[1] On April 30, 2012, Commission staff held a technical conference to discuss ''issues related to the reliability of the Bulk-Power System as affected by geomagnetic disturbances,'' and ''the risks and impacts from geomagnetically induced currents to transformers and other equipment on the Bulk-Power System, as well as options for addressing or mitigating the risks and impacts.''

http://www.ferc.gov/eventcalendar/Files/20120420162925-AD12-13-000a.pdf.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–288]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchanges; Notice of Compliance Filing

Take notice that on February 4, 2016, APX, Inc. submitted its Compliance Filing to Order on Rehearing of Opinion No. 536.[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 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 March 9, 2016.

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.*, 153 FERC ¶ 61,144 (2015) (''Order on Rehearing''), *denying rehearing of San Diego Gas & Elec. Co.* v. *Sellers of Energy & Ancillary Servs.*, Opinion No. 536, 149 FERC ¶ 61,116 (2014) (''Opinion No. 536'').

Dated: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02634 Filed 2–9–16; 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: EG16–50–000.

Applicants: Summer Solar LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator (EWG) Status of Summer Solar LLC.

Filed Date: 2/4/16.

Accession Number: 20160204–5142.

Comments Due: 5 p.m. ET 2/25/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–891–000.

Applicants: Bishop Hill Interconnection LLC.

Description: Compliance filing: Certificate of Concurrence Filing to be effective 4/4/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5151.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–892–000.

Applicants: Red Horse III, LLC.

Description: Baseline eTariff Filing: Baseline New to be effective 4/4/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5152.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–893–000.

Applicants: 62SK 8ME LLC.

Description: Baseline eTariff Filing: Baseline New to be effective 4/4/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5154.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–894–000.

Applicants: Sierra Pacific Power Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 66 SPPC & Liberty EPC Agreement Amendment to be effective 2/5/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5171.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–895–000.

Applicants: RDAF Energy Solutions.

Description: Baseline eTariff Filing: Baseline Filing for MBR Authority and Granting Waivers to be effective 2/4/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5192.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–896–000.

Applicants: Orange and Rockland Utilities, Inc.

Description: Baseline eTariff Filing: Electric Supply Agreement and Request for Waivers to be effective 12/31/9998.

Filed Date: 2/4/16.

Accession Number: 20160204–5197.

Comments Due: 5 p.m. ET 2/25/16.

Docket Numbers: ER16–897–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 20160204_Am to Revise Implement Date-CPM Revs._Request for Waiver of Notice Reqs to be effective 2/25/2016.

Filed Date: 2/4/16.

Accession Number: 20160204–5199.

Comments Due: 5 p.m. ET 2/25/16.

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: February 4, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–02633 Filed 2–9–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1196; FRL–9942–04–OAR]

Recent Postings of Broadly Applicable Alternative Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the broadly applicable alternative test method approval decisions the Environmental Protection Agency (EPA)

has made under and in support of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP).

FOR FURTHER INFORMATION CONTACT: An electronic copy of each alternative test method approval document is available at *www.epa.gov/ttn/emc/approalt.html.* For questions about this notice, contact Ms. Lula H. Melton, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov.* For technical questions about individual alternative test method decisions, refer to the contact person identified in the individual approval document(s).

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this notice apply to me?

This notice will be of interest to entities regulated under 40 Code of Federal Regulations (CFR) parts 60, 61, and 63, state, local, and tribal agencies, and the EPA Regional offices responsible for implementation and enforcement of regulations under 40 CFR parts 60, 61, and 63.

B. How can I get copies of this information?

You may access copies of the broadly applicable alternative test method approval documents at *www.epa.gov/ttn/emc/approalt.html.*

II. Background

Broadly applicable alternative test method approval decisions made by the EPA in 2015 under the NSPS, 40 CFR part 60 and the NESHAP, 40 CFR parts 61 and 63 are identified in this notice (see Table 1). Source owners and operators may voluntarily use these broadly applicable alternative test methods subject to their specific applicability in lieu of otherwise specified reference test methods. Use of these broadly applicable alternative test methods does not change the applicable emission standards.

As explained in a previous **Federal Register** notice published at 72 FR 4257 (January 30, 2007) and located at *www.epa.gov/ttn/emc/approalt.html,* the EPA Administrator has the authority to approve the use of alternative test methods to comply with requirements under 40 CFR parts 60, 61, and 63. This authority is found in sections 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). A similar authority is granted in 40 CFR part 65 under section 65.158(a)(2). In the past, we have performed thorough technical reviews of numerous source-specific requests for alternatives and modifications to test methods and procedures. Based on these reviews, we have often found that these changes or alternatives would be equally valid and appropriate to apply to other sources within a particular class, category, or subcategory. Consequently, we have concluded that, where a method modification or an alternative method is clearly broadly applicable to a class, category, or subcategory of sources, it is both more equitable and efficient to approve its use for all appropriate sources and situations at the same time.

It is important to clarify that alternative methods are not mandatory but permissive. Sources are not required to employ such a method but may choose to do so in appropriate circumstances. Source owners or operators should review the specific broadly applicable alternative method approval decision at *www.epa.gov/ttn/emc/approalt.html* before electing to employ it. As per section 63.7(f)(5), by electing to use an alternative method for 40 CFR part 63 standards, the source owner or operator must continue to use the alternative method until approved otherwise.

The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are outlined at 72 FR 4257 (January 30, 2007). We will continue to announce approvals for broadly applicable alternative test methods at *www.epa.gov/ttn/emc/approalt.html* and publish a notice annually that summarizes approvals for broadly applicable alternative test methods.

This notice comprises a summary of five such approval documents posted to our Technology Transfer Network dated between January 1, 2015, and December 31, 2015. The alternative method decision letter/memo number, the reference method affected, sources allowed to use this alternative, and the modification or alternative method allowed are summarized in Table 1 of this notice. Please refer to the complete copies of these approval documents available at *www.epa.gov/ttn/emc/approalt.html,* as Table 1 serves only as a brief summary of the broadly applicable alternative test methods.

If you are aware of reasons why a particular alternative test method approval that we issued should not be broadly applicable or that its use should in some way be limited, we request that you make us aware of the reasons in writing, and we will revisit the broad approval. Any objection to a broadly applicable alternative test method, as well as the resolution of that objection, will be announced at *www.epa.gov/ttn/emc/approalt.html* and in the subsequent **Federal Register** notice. If we decide to retract a broadly applicable test method, we would continue to grant case-by-case approvals, as appropriate, and would (as states, local and tribal agencies and the EPA Regional offices should) consider the need for an appropriate transition period for users either to request case-by-case approval or to transition to an approved method.

Dated: January 19, 2016.

Stephen D. Page,

Director, Office of Air Quality Planning and Standards.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61 AND 63 POSTED BETWEEN JANUARY 2015 AND DECEMBER 2015.

Alternative method decision letter/ memo No.	As an alternative or modification to . . .	For . . .	You may . . .
ALT–109	Method 22-Visual Determination of Fugitive Emissions From Material Sources and Smoke Emissions From Flares.	Sources subject to 40 CFR parts 60, 61, and 63.	Use digital photographs for specific recordkeeping requirements.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61 AND 63 POSTED BETWEEN JANUARY 2015 AND DECEMBER 2015.—Continued

Alternative method decision letter/ memo No.	As an alternative or modification to . . .	For . . .	You may . . .
ALT–110	Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources.	Sources subject to 40 CFR part 60, subpart G, Standards of Performance for Nitric Acid Plants.	Use Method 7E-Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure) in conjunction with the specific application instructions defined in 40 CFR 60.73a(b)(4).
ALT–111	Method 5-Determination of Particulate Matter Emissions From Stationary Sources or Method 5B—Determination of Nonsulfuric Acid Particulate Matter Emissions From Stationary Sources.	Electric utility steam generating units meeting the criteria referenced in the Agency's approval letter and subject to 40 CFR part 63, subpart UUUUU; 40 CFR part 60, subpart D; and 40 CFR part 60, subpart Da.	Use Method 5I to conduct quarterly compliance testing and/or certification and ongoing QA testing of the installed PM CEMS.
ALT–112	Performance Specification 18-Performance Specifications and Test Procedures for Hydrogen Chloride Continuous Emission Monitoring Systems at Stationary Sources and Procedure 6.	Stationary sources in which hydrogen chloride (HCl) is measured continuously to demonstrate compliance in 40 CFR part 63, subparts LLL, UUUUU, and DDDDD.	Include measurement path during calibration drift testing according to the provisions specified in the Agency's approval letter dated September 25, 2015.
ALT–113	Requirements for performance tests——.	Sources subject to 40 CFR part 60, subpart KKKK, Standards of Performance for Stationary Combustion Turbines.	Conduct the initial and subsequent performance tests on turbines at ambient temperatures below 0 °F, provided that you operate the inlet air preheaters such that the turbine inlet air temperature is always maintained above 0 °F.

Source owners or operators should review the specific broadly applicable alternative method approval letter at *www.epa.gov/ttn/emc/approalt.html* before electing to employ it.

[FR Doc. 2016–02738 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0324; FRL–9941–67]

Pesticide Product Registration; Receipt of Applications for New Uses; Correction and Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction and reopening of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** of January 13, 2016 (81 FR 1625) concerning Pesticide Product Registration; Receipt of Applications for New Uses. The notice inadvertently identified the applications listed as being new active ingredients rather than new uses. This document corrects that error and also reopens the comment period for an additional 15 days. EPA expects that anyone with an interest in this action would likely have been interested in the previous notices published for this chemical, and therefore already had proper notice. EPA is providing this extra 15 days as a courtesy. EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments, identified by the docket identification (ID) listed in the body of this document, must be received on or before February 13, 2016.

ADDRESSES: Follow the detailed instructions as provided under 81 FR 1625 in the **Federal Register** document of January 13, 2016.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the January 13, 2016, notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by the following docket identification (ID) number: EPA–HQ–OPP–2015–0324 for Fluxapyroxad is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

C. Why is the comment period being reopened?

This document reopens the public comment period for the Pesticide Product Registration; Receipt of Applications for New Uses notice, which was published in the **Federal Register** of January 13, 2016 (81 FR 1625) (FRL–9941–24). EPA is hereby reopening the comment period for 15 days because EPA has received

applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provision of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

II. What does this correction do?

FR Doc. 2016–00537 published in the **Federal Register** of January 13, 2016, (81 FR 1625) (FRL–9941–24) is corrected as follows:

On page 1625, second column, under the heading Registration Applications, the first paragraph, correct to read ''EPA has received an application to register pesticide products containing an active ingredient included in currently registered pesticides products.''

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 3, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2016–02694 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9942–20–OARM]

Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency.

ACTION: Notice of Request for Nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is inviting nominations from a diverse range of qualified candidates to be considered for appointment to fill vacancies on the National Advisory Committee (NAC) and the Governmental Advisory Committee (GAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC). Vacancies on these two committees are expected to be selected by the spring of 2016. Please submit nominations by March 4, 2016. Additional sources may be utilized in the solicitation of nominees.

SUPPLEMENTARY INFORMATION: The National Advisory Committee and the Governmental Advisory Committee advise the EPA Administrator in her capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), the North American Free Trade Agreement (NAFTA) Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The Committees are responsible for providing advice to the United States Representative on a wide range of strategic, scientific, technological, regulatory and economic issues related to implementation and further elaboration of the NAAEC. The National Advisory Committee consists of 15 representatives from environmental non-profit groups, business and industry, and educational institutions. The Governmental Advisory Committee consists of 14 representatives from state, local, and tribal governments. Members are appointed by the EPA Administrator for a two-year term. The committees usually meet 3 times per year and the average workload for committee members is approximately 10 to 15 hours per month. Members serve on the committees in a voluntary capacity. Although we are unable to provide compensation or an honorarium for your services, you may receive travel and per diem allowances, according to applicable federal travel regulations. *EPA is seeking nominations from various sectors, i.e., for the NAC we are seeking nominees from academia, business and industry, and non-governmental organizations; for the GAC we are seeking nominees from state, local and tribal government sectors.* Nominees will be considered according to the mandates of FACA, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups. EPA values and welcomes diversity. In an effort obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups. The following criteria will be used to evaluate nominees:

- Professional knowledge of the subjects examined by the committees, including trade and environment issues, the NAFTA, the NAAEC, and the CEC.
- Represent a sector or group involved in trilateral environmental policy issues.
- Senior-level experience in the sectors represented on both committees.
- A demonstrated ability to work in a consensus building process with a wide range of representatives from diverse constituencies.

Nominations must include a resume and a short biography describing the professional and educational qualifications of the nominee, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate. Anyone interested in being considered for nomination is encouraged to submit their application materials by March 4, 2016. To help the Agency in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity. Please be aware that EPA's policy is that, unless otherwise prescribed by statute, members generally are appointed for two-year terms.

ADDRESSES: Submit nominations to: Oscar Carrillo, Designated Federal Officer, Office of Diversity, Advisory Committee Management and Outreach, U.S. Environmental Protection Agency (1601–M), 1200 Pennsylvania Avenue NW., Washington, DC 20460. You may also email nominations with subject line COMMITTEE RESUME 2016 to *carrillo.oscar@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, U.S. Environmental Protection Agency (1601–M), Washington, DC 20460; telephone (202) 564–0347; fax (202) 564–8129; email *carrillo.oscar@epa.gov.*

Dated: February 2, 2016.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2016–02739 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2012–0546; FRL–9942–21–OAR]

Contractor Access to Information Claimed as Confidential Business Information Submitted Under Title II of the Clean Air Act and Related to the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency's (EPA) Office of Transportation and Air Quality plans to authorize a contractor to access information which has been and will be submitted to the EPA under Title II of the Clean Air Act and that may be claimed as, or may be determined to be, confidential business information. Such information is related to small refinery exemptions under the Renewable Fuel Standard program.

DATES: The EPA will accept comments on this notice through FEBRUARY 10, 2021.

FOR FURTHER INFORMATION CONTACT: Greg Piotrowski, Environmental Protection Agency, Office of Transportation and Air Quality, Compliance Division, 2000 Traverwood, Ann Arbor, Michigan, 48105; telephone number: 734–214–4493; fax number: 734–214–4869; email address: *piotrowski.greg@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this Notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to parties who submit or have previously submitted a small refinery exemption petition to the EPA under the Renewable Fuel Standard (RFS) program as described in 40 CFR part 80, subpart M. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

II. How can I get copies of this document and other related information?

A. Electronically

The EPA has established a public docket for this **Federal Register** notice under Docket EPA–HQ–OAR–2012–0546.

All documents in the docket are identified in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, such as confidential business information (CBI) or other information for which disclosure is restricted by statute. Certain materials, such as copyrighted material, will only be available in hard copy at the EPA Docket Center.

B. EPA Docket Center

Materials listed under Docket EPA–HQ–OAR–2012–0546 will be available either electronically through *http://www.regulations.gov* or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

III. Description of Program and Potential Disclosure of Information Claimed as CBI to Contractors

The RFS program as established by the Energy Policy Act of 2005 and amended by the Energy Independence and Security Act of 2007 exempted small refineries from the renewable fuel standards through December 31, 2010. After this initial period, the statute allows that small refineries may, on a case-by-case basis, petition the EPA for an extension of their exemption. The EPA may approve such petitions if it finds that disproportionate economic hardship exists. The EPA continues to implement these provisions. In evaluating such petitions, the EPA must consult with the Department of Energy (DOE), and must consider the findings of the DOE study required under CAA 211(o)(9)(A)(ii)(I) and other economic factors. Historically, companies seeking a small refinery exemption have claimed their petitions to be CBI. Information submitted under such a claim is handled in accordance with the EPA's regulations at 40 CFR part 2, subpart B and in accordance with EPA procedures, including comprehensive system security plans (SSPs) that are consistent with those regulations. When the EPA has determined that disclosure of information claimed as CBI to contractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the contractor and the contractor must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), we have determined that the contractor listed below requires access to CBI submitted to the EPA under the Clean Air Act and in connection with the RFS program (40 CFR part 80, subpart M). We are issuing this **Federal Register** notice to inform all affected submitters of information that we plan to grant access to material that may be claimed as CBI to the contractors identified below on a need-to-know basis.

Under DOE Contract Number 5F–32501, Stillwater Associates, 3 Rainstar, Irvine, California 92614, has provided and will continue to provide technical support that involves access to information claimed as CBI related to 40 CFR part 80, subpart M. Access to data, including information claimed as CBI, will commence immediately upon publication of this notice in the **Federal Register** and will continue indefinitely as the Agency expects to receive additional petitions for small refinery exemptions for future annual program compliance periods. If the contract is extended, this access will continue for the remainder of the contract without further notice.

Parties who wish further information about this **Federal Register** notice or about OTAQ's disclosure of information claimed as CBI to contactors may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection; Confidential business information.

Dated: February 3, 2016.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2016–02728 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9942–07–OA]

Notification of a Public Teleconference of the Clean Air Scientific Advisory Committee (CASAC) Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur and the Chartered CASAC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) Secondary National Ambient Air Quality Standards (NAAQS) Review Panel for Oxides of Nitrogen and Sulfur to discuss their draft peer review report on EPA's *Integrated Review Plan (IRP) for the Secondary (welfare-based) National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur* and the Chartered CASAC to discuss the disposition of the panel's draft report.

DATES: The teleconference will be held on February 29, 2016 from 2:00 p.m. to 5:00 p.m. (Eastern Time).

ADDRESSES: The public teleconference will take place by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Dr. Sue Shallal or Mr. Aaron Yeow, Designated Federal Officers (DFO), EPA Science Advisory Board Staff Office (1400R), U.S.

Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone/voice mail at (202) 564–2057 or at *shallal.suhair@epa.gov* for Dr. Shallal, and at (202) 564 2050 or at *yeow.aaron@epa.gov* for Mr. Yeow. General information about the CASAC, as well as any updates concerning the teleconference announced in this notice, may be found on the EPA Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), in part to review air quality criteria and NAAQS and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen and oxides of sulfur. EPA is currently reviewing the secondary (welfare-based) ambient air quality standards for oxides of nitrogen and sulfur and has requested CASAC advice.

Pursuant to FACA and EPA policy, notice is hereby given that the Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur will hold a public teleconference to discuss its draft peer review report and the Chartered CASAC will discuss the disposition of the panel's report at the end of the teleconference. The Chartered CASAC and CASAC Secondary NAAQS Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the *Integrated Review Plan (IRP) for the Secondary (welfare-based) National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur* should be directed to Ms. Ginger Tennant (*tennant.ginger@epa.gov*), EPA Office Air Quality Planning and Standards.

Availability of Meeting Materials: Prior to the teleconference, the review documents, agenda and other materials will be accessible through the ''Upcoming and Recent Meetings'' link located at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Interested members of the public may submit relevant written or oral information on the topic of this advisory activity, and/or the group conducting the activity, for the CASAC to consider during the advisory process. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Dr. Sue Shallal, DFO, or Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by February 25, 2016 to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above by February 25, 2016 so that the information may be made available to the Panel members for their consideration. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Sue Shallal at the contact information provided above. To request accommodation of a disability, please contact Dr. Shallal or Mr. Yeow preferably at least ten days prior to the teleconference to give EPA as much time as possible to process your request.

Dated: February 2, 2016.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2016–02737 Filed 2–9–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

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 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 April 11, 2016. 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–XXXX.

Title: Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules.

Form Number: None.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 11 respondents; 11 responses.

Estimated Time per Response: 0.25 hours (15 minutes).

Frequency of Response: Third party disclosure requirement and recordkeeping requirement.

Total Annual Burden: 3 hours.

Total Annual Costs: No cost.

Obligation to Respond: Required in order to monitor regulatory compliance. The statutory authority for this collection of information is contained in Sections 4, 303, 614 and 615 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection imposes a notification requirement on certain small cable systems that become ineligible for exemption from the requirement to carry high definition broadcast signals in HD (adopted in FCC 15–65). In particular, the information collection requires that, beginning December 12, 2016, at the time a small cable system utilizing the HD carriage exemption offers any programming in HD, the system must give notice that it is offering HD programming to all broadcast stations in its market that are carried on its system. Cable operators must also keep records of such notification. This information collection requirement allows affected broadcast stations to monitor compliance with the requirement that cable operators transmit high definition broadcast signals in HD.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–02638 Filed 2–9–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0010 and 3060–1042]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 Office of Management and Budget (OMB) 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 OMB control number.

DATES: Written comments should be submitted on or before March 11, 2016. 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 contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0010.

Title: Ownership Report for Commercial Broadcast Stations, FCC Form 323.

Form Number: FCC Form 323.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents/Responses: 9,250 respondents; 9,250 responses.

Estimated Time per Response: 2.5 hours to 4.5 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; biennially reporting requirement.

Total Annual Burden: 38,125 hours.

Total Annual Costs: $26,940,000.

Nature of Response: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Sections 154(i), 303, 310 and 533 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: Form 323 collects two types of information from respondents: Personal information in the form of names, addresses, job titles and demographic information; and FCC Registration Numbers (FRNs).

The system of records notice (SORN), FCC/MB–1, ''Ownership Report for Commercial Broadcast Stations,'' which was approved on December 21, 2009 (74 FR 59978) covers the collection, purposes(s), storage, safeguards, and disposal of the PII that individual respondents may submit on FCC Form 323. FCC Form 323 is drafting a privacy

statement to inform applicants (respondents) of the Commission's need to obtain the information and the protections that the FCC has in place to protect the PII.

FRNs are assigned to applicants who complete FCC Form 160 (OMB Control No. 3060–0917). Form 160 requires applicants for FRNs to provide their Taxpayer Information Number (TIN) and/or Social Security Number (SSN). The FCC's electronic CORES Registration System then provides each registrant with a FCC Registration Number (FRN), which identifies the registrant in his/her subsequent dealings with the FCC. This is done to protect the individual's privacy. The Commission maintains a SORN, FCC/OMD–9, ''Commission Registration System (CORES)'' to cover the collection, purpose(s), storage, safeguards, and disposal of the PII that individual respondents may submit on FCC Form 160. FCC Form 160 includes a privacy statement to inform applicants (respondents) of the Commission's need to obtain the information and the protections that the FCC has in place to protect the PII.

Privacy Act Impact Assessment: The Commission is drafting a Privacy Impact Assessment for the PII that is covered by FCC/MB–1 SORN. Upon completion of the PIA, it will be posted on the FCC Web page, as required by the Office of Management and Budget (OMB) Memorandum, M–03–22 (September 22, 2003).

Needs and Uses: Licensees of commercial AM, FM, and full power television broadcast stations, as well as licensees of Class A and Low Power Television stations must file FCC Form 323 every two years. Ownership Reports shall provide information accurate as of October 1 of the year in which the Report is filed. Thereafter, the Form shall be filed biennially beginning November 1, 2011, and every two years thereafter.

Also, Licensees and Permittees of commercial AM, FM, or full power television stations must file Form 323 following the consummation of a transfer of control or an assignment of a commercial AM, FM, or full power television station license or construction permit; a Permittee of a new commercial AM, FM or full power television broadcast station must file Form 323 within 30 days after the grant of the construction permit; and a Permittee of a new commercial AM, FM, or full power television broadcast station must file Form 323 to update the initial report or to certify the continuing accuracy and completeness of the previously filed report on the date that the Permittee applies for a license to cover the construction permit.

In the case of organizational structures that include holding companies or other forms of indirect ownership, a separate FCC Form 323 must be filed for each entity in the organizational structure that has an attributable interest in the Licensee if the filing is a nonbiennial filing or a reportable interest in the Licensee if the filing is a biennial filing.

We are requesting the three year extension of this information collection.

OMB Control No.: 3060–1042.

Title: Request for Technical Support—Help Request Form.

Form No.: N/A—Electronic only.

Type of Review: Extension of currently approved collection.

Respondents: Individuals or household; business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents and Responses: 36,300 respondents and 36,300 responses.

Estimated Time per Response: 8 minutes (0.14 hours).

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 5,082 hours.

Total Annual Cost: $609,840.

Privacy Act Impact Assessment: Possible Impacts.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites. Needs and Uses: The Commission will submit this collection as an extension (no change in frequency of recordkeeping or reporting requirements) to the OMB after this 60 day comment period to obtain the full three-year clearance from them.

The FCC's maintains Internet software used by the public to apply for licenses, participate in auctions for spectrum, and maintain license information. In this mission, FCC has a 'help desk' that answers questions related to these systems as well as resetting and/or issuing user passwords for access to these systems. The form currently is available on the Web site *https://esupport.fcc.gov/request.htm* under OMB Control Number 3060–1042. This form will continue to substantially decrease public and staff burden since all the information needed to facilitate a support request will be submitted in a standard format but be available to a wider audience. This eliminates or at least minimizes the need to follow-up with the customers to obtain all the information necessary to respond to their request. This form also helps presort requests into previously defined categories to all staff to respond more quickly.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–02683 Filed 2–9–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1088]

Information Collection Being Reviewed by the Federal Communications Commission

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. 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 OMB 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 OMB control number.

DATES: Written PRA comments should be submitted on or before April 11, 2016. 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: 3060–1088.

Title: Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, Report and Order and Third Order on Reconsideration, CG Docket No. 05–338, FCC 06–42.

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 Individuals or households.

Number of Respondents and Responses: 5,340,000 respondents; 6,054,155 responses.

Estimated Time per Response: 3 minutes (.05 hours) to 30 minutes (.50 hours).

Frequency of Response: Annual, monthly, and on occasion reporting requirements; Recordkeeping requirement; and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The authorizing statutes for this information collection are: Telephone Consumer Protection Act of 1991, Public Law 102–243. 105 Stat. 2394 (1991); Junk Fax Prevention Act, Public Law 109–21, 119 Stat. 359 (2005).

Total Annual Burden: 3,672,250 hours.

Total Annual Cost: $928,042.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints, Inquiries and Requests for Dispute Assistance,'' which became effective on September 24, 2014.

Privacy Impact Assessment: The Privacy Impact Assessment (PIA) for Informal Complaints and Inquiries was completed on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, CG Docket Nos. 02–278 and 05–338, FCC 06–42, which modified the Commission's facsimile advertising rules to implement the Junk Fax Prevention Act. The Report and Order and Third Order on Reconsideration contained information collection requirements pertaining to: (1) Opt-out Notice and Do-Not-Fax Requests Recordkeeping in which the rules require senders of unsolicited facsimile advertisements to include a notice on the first page of the facsimile that informs the recipient of the ability and means to request that they not receive future unsolicited facsimile advertisements from the sender; (2) Established Business Relationship Recordkeeping whereas the Junk Fax Prevention Act provides that the sender, *e.g.,* a person, business, or a nonprofit/institution, is prohibited from faxing an unsolicited advertisement to a facsimile machine unless the sender has an ''established business relationship'' (EBR) with the recipient; (3) Facsimile Number Recordkeeping in which the Junk Fax Prevention Act provides that an EBR alone does not entitle a sender to fax an advertisement to an individual or business. The fax number must also be provided voluntarily by the recipient; and (4) Express Invitation or Permission Recordkeeping where in the absence of an EBR, the sender must obtain the prior express invitation or permission from the consumer before sending the facsimile advertisement.

On October 14, 2008, the Commission released an Order on Reconsideration, FCC 08–239, addressing certain issues raised in petitions for reconsideration and/or clarification filed in response to the Commission's Report and Order and Third Order on Reconsideration (Junk Fax Order), FCC 06–42. In document FCC 08–239, the Commission clarified that: (1) Facsimile numbers compiled by third parties on behalf of the facsimile sender will be presumed to have been made voluntarily available for public distribution so long as they are obtained from the intended recipient's own directory, advertisement, or Internet site; (2) reasonable steps to verify that a recipient has agreed to make available a facsimile number for public distribution may include methods other than direct contact with the recipient; and (3) a description of the facsimile sender's opt-out mechanism on the first Web page to which recipients are directed in the opt-out notice satisfies the requirement that such a description appear on the first page of the Web site.

The Commission believes these clarifications will assist senders of facsimile advertisements in complying with the Commission's rules in a manner that minimizes regulatory compliance costs while maintaining the protections afforded consumers under the Telephone Consumer Protection Act (TCPA).

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2016–02637 Filed 2–9–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10293, Haven Trust Bank Florida, Ponte Vedra Beach, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Haven Trust Bank Florida, Ponte Vedra Beach, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Haven Trust Bank Florida on September 24, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 5, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–02661 Filed 2–9–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10376, First Peoples Bank, Port Saint Lucie, FL

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for First Peoples Bank, Port Saint Lucie, FL (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Peoples Bank on July 15, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 5, 2016.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–02662 Filed 2–9–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of; 10480, Pisgah Community Bank; Asheville, North Carolina

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Pisgah Community Bank, Asheville, North Carolina (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Pisgah Community Bank on May 10, 2013. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 5, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–02663 Filed 2–9–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

[Notice 2016–01]

Price Index Adjustments for Expenditure Limitations and Lobbyist Bundling Disclosure Threshold

AGENCY: Federal Election Commission.

ACTION: Notice of adjustments to expenditure limitations and lobbyist bundling disclosure threshold.

SUMMARY: As mandated by provisions of the Federal Election Campaign Act (''the Act''), the Federal Election Commission (''the Commission'') is adjusting certain expenditure limitations and the lobbyist bundling disclosure threshold set forth in the Act, to index the amounts for inflation. Additional details appear in the supplemental information that follows.

DATES: *Effective date:* January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 999 E Street NW., Washington, DC 20463; (202) 694–1100 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Under the Federal Election Campaign Act, 52 U.S.C. 30101–46, coordinated party expenditure limits (52 U.S.C. 30116(d)(2)–(3)) and the disclosure threshold for contributions bundled by lobbyists (52 U.S.C. 30104(i)(3)(A)) are adjusted periodically to reflect changes in the consumer price index. *See* 52 U.S.C. 30104(i)(3), 30116(c)(1); 11 CFR 109.32, 110.17(a), (f). The Commission is publishing this notice to announce the adjusted limits and disclosure threshold for 2016.

Coordinated Party Expenditure Limits for 2016

Under 52 U.S.C. 30116(c), the Commission must adjust the expenditure limitations established by 52 U.S.C. 30116(d) (the limits on expenditures by national party committees, state party committees, or their subordinate committees in connection with the general election campaign of candidates for Federal office) annually to account for inflation. This expenditure limitation is increased by the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 1974). 52 U.S.C. 30116(c).

1. Expenditure Limitation for House of Representatives in States With More Than One Congressional District

Both the national and state party committees have an expenditure limitation for each general election held to fill a seat in the House of Representatives in states with more than one congressional district. *See* 52 U.S.C. 30116(d)(3)(B). This limitation also applies to the District of Columbia and territories that elect individuals to the office of Delegate or Resident Commissioner.[1] *Id.* The formula used to calculate the expenditure limitation in such states and territories multiplies the base figure of $10,000 by the difference in the price index (4.80703), rounding to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(B); 11 CFR 109.32(b), 110.17. Based upon this formula, the expenditure limitation for 2016 general elections for House candidates in these states, districts, and territories is $48,100.

[1] Currently, these are the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands. *See http://www.house.gov/representatives.*

2. Expenditure Limitation for Senate and for House of Representatives in States With Only One Congressional District

Both the national and state party committees have an expenditure limitation for a general election held to fill a seat in the Senate or in the House of Representatives in states with only one congressional district. *See* 52 U.S.C. 30116(d)(3)(A). The formula used to calculate this expenditure limitation considers not only the price index but also the voting age population (''VAP'') of the state. *Id.* The VAP figures used to calculate the expenditure limitations were certified by the U.S. Census Bureau. The VAP of each state is also published annually in the **Federal Register** by the U.S. Department of Commerce. 11 CFR 110.18. The general election expenditure limitation is the greater of: The base figure ($20,000) multiplied by the difference in the price index, 4.80703 (which totals $96,100); or $0.02 multiplied by the VAP of the state, multiplied by 4.80703. Amounts are rounded to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(A); 11 CFR 109.32(b), 110.17. The chart below provides the state-by-state breakdown of the 2016 general election expenditure limitation for Senate elections. The expenditure limitation for 2016 House elections in states with only one congressional district [2] is $96,100.

SENATE GENERAL ELECTION COORDINATED EXPENDITURE LIMITS—2016 ELECTIONS

State	Voting age population (VAP)	VAP × .02 × the price index (4.80703)	Senate expenditure limit (the greater of the amount in column 3 or $96,100)
Alabama	3,755,483	$361,100	$361,100
Alaska	552,166	53,100	96,100
Arizona	5,205,215	500,400	500,400
Arkansas	2,272,904	218,500	218,500
California	30,023,902	2,886,500	2,886,500
Colorado	4,199,509	403,700	403,700
Connecticut	2,826,827	271,800	271,800
Delaware	741,548	71,300	96,100
Florida	16,166,143	1,554,200	1,554,200
Georgia	7,710,688	741,300	741,300
Hawaii	1,120,770	107,800	107,800
Idaho	1,222,093	117,500	117,500
Illinois	9,901,322	951,900	951,900
Indiana	5,040,224	484,600	484,600
Iowa	2,395,103	230,300	230,300
Kansas	2,192,084	210,700	210,700
Kentucky	3,413,425	328,200	328,200
Louisiana	3,555,911	341,900	341,900
Maine	1,072,948	103,200	103,200
Maryland	4,658,175	447,800	447,800
Massachusetts	5,407,335	519,900	519,900
Michigan	7,715,272	741,800	741,800
Minnesota	4,205,207	404,300	404,300
Mississippi	2,265,485	217,800	217,800
Missouri	4,692,196	451,100	451,100
Montana	806,529	77,500	96,100
Nebraska	1,425,853	137,100	137,100
Nevada	2,221,681	213,600	213,600
New Hampshire	1,066,610	102,500	102,500
New Jersey	6,959,192	669,100	669,100
New Mexico	1,588,201	152,700	152,700
New York	15,584,974	1,498,300	1,498,300
North Carolina	7,752,234	745,300	745,300
North Dakota	583,001	56,100	96,100
Ohio	8,984,946	863,800	863,800
Oklahoma	2,950,017	283,600	283,600
Oregon	3,166,121	304,400	304,400
Pennsylvania	10,112,229	972,200	972,200
Rhode Island	845,254	81,300	96,100
South Carolina	3,804,558	365,800	365,800
South Dakota	647,145	62,200	96,100
Tennessee	5,102,688	490,600	490,600
Texas	20,257,343	1,947,600	1,947,600
Utah	2,083,423	200,300	200,300
Vermont	506,119	48,700	96,100
Virginia	6,512,571	626,100	626,100
Washington	5,558,509	534,400	534,400
West Virginia	1,464,532	140,800	140,800
Wisconsin	4,476,711	430,400	430,400
Wyoming	447,212	43,000	96,100

[2] Currently, these states are: Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont and Wyoming. *See http://www.house.gov/representatives/.*

3. Expenditure Limitation for President

The national party committees have an expenditure limitation for their general election nominee for President. 52 U.S.C. 30116(d)(2). The formula used to calculate the Presidential expenditure limitation considers not only the price index but also the total VAP of the United States. The VAP figure used to calculate the expenditure limitation was certified by the U.S. Census Bureau. The U.S. Department of Commerce also publishes the total VAP of the United States annually. 11 CFR 110.18. The formula used to calculate this expenditure limitation is $0.02 multiplied by the total VAP of the United States (247,773,709), multiplied by the price index, 4.80703. Amounts are rounded to the nearest $100. *See* 52 U.S.C. 30116(d)(2) and 11 CFR 109.32(a). Based upon this formula, the expenditure limitation for 2016 Presidential nominees is $23,821,100.

Limitations on Contributions by Individuals, Non-Multicandidate Committees and Certain Political Party Committees Giving to U.S. Senate Candidates and National Party Committees for the 2015–2016 Election Cycle

For the convenience of the readers, the Commission is also republishing the contribution limitations for individuals, non-multicandidate committees and for certain political party committees giving to U.S. Senate candidates and national party committees for the 2015–2016 election cycle:

Statutory provision	Statutory amount	2015–2016 limit
52 U.S.C. 30116(a)(1)(A) ...	$2,000	$2,700
52 U.S.C. 30116(a)(1)(B) ...	25,000	33,400
52 U.S.C. 30116(h)	35,000	46,800

Lobbyist Bundling Disclosure Threshold for 2016

The Act requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant political action committees once the contributions exceed a specified threshold amount. 52 U.S.C. 30104(i)(1), (3)(A). The Commission must adjust this threshold amount annually to account for inflation. The disclosure threshold is increased by multiplying the $15,000 statutory disclosure threshold by 1.17569, the difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2006). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30104(i)(3), 30116(c)(1)(B); 11 CFR 104.22(g). Based upon this formula ($15,000 × 1.17569), the lobbyist bundling disclosure threshold for calendar year 2016 is $17,600, unchanged from 2015.

On behalf of the Commission.

Dated: February 3, 2016.

Matthew S. Petersen,

Chairman, Federal Election Commission.

[FR Doc. 2016–02627 Filed 2–9–16; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS16–02]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in closed session:

Location: Federal Reserve Board—International Square location, 1850 K Street NW., Washington, DC 20006.

Date: February 16, 2016.

Time: Immediately following the ASC open session.

Status: Closed.

Matters to be Considered: State Preliminary Investigation.

Dated: February 4, 2016.

James R. Park,

Executive Director.

[FR Doc. 2016–02628 Filed 2–9–16; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS16–01]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location, 1850 K Street NW., Washington, DC 20006.

Date: February 16, 2016.

Time: 10:00 a.m.

Status: Open.

Reports

Chairman
Executive Director
Delegated State Compliance Reviews
Financial

Action and Discussion Items

November 4, 2015 Open Session Minutes
Appraisal Foundation Reprogramming Request
Notice of Proposed Rulemaking on AMC Fees

How To Attend and Observe an ASC Meeting:

If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business three business days before the meeting date. You will be contacted by the Federal Reserve Law Enforcement Unit on security requirements. You will also be asked to provide a valid government-issued ID before being admitted to the Meeting. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: February 4, 2016.

James R. Park,

Executive Director.

[FR Doc. 2016–02626 Filed 2–9–16; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreement are available through the

Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012304–001.

Title: Hanjin/UASC/CMA CGM/CSCL Vessel Sharing and Slot Charter Agreement.

Parties: Hanjin Shipping Co., Ltd.; United Arab Shipping Co, S.A.G.; CMA CGM S.A.; and China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co., Ltd. (collectively ''CSCL'').

Filing Party: Brett M. Esber, Esq., Blank Rome LLP, Watergate, 600 New Hampshire Ave. NW., Washington, DC 20037.

Synopsis: The amendment would replace CSCL with COSCO Container Lines Company, Ltd. as a party to the agreement. The parties have requested Expedited Review.

Agreement No.: 012388.

Title: Hyundai Glovis/Hoegh Mexico Space Charter Agreement.

Parties: Hoegh Autoliners AS and Hyundai Glovis Co. Ltd.

Filing Party: Wayne Rohde, Cozen O'Connor, 1200 Nineteenth Street NW., Washington, DC 20036.

Synopsis: The agreement authorizes the parties to charter space to/from one another in the trade between the U.S. and Mexico.

Agreement No.: 201203–005.

Title: Port of Oakland/Oakland Marine Terminal Operator Agreement.

Parties: Ports America Outer Harbor Terminal, LLC, Port of Oakland, Seaside Transportation Service LLC, SSA Terminals (Oakland), LLC, SSA Terminals, LLC, and Trapac, Inc.

Filing Party: Wayne Rohde, Esq., Cozen O'Connor, 1627 I Street NW., Suite 1100, Washington, DC 20006.

Synopsis: The amendment would delete Seaside Transportation Service LLC as a party to the agreement and add Everport Terminals Service, Inc.

Agreement No.: 201228–001.

Title: Port of Seattle/Port of Tacoma Alliance Agreement.

Parties: Port of Seattle and Port of Tacoma.

Filing Party: Thomas H. Tanaka, Senior Port Counsel; Port of Seattle; 2711 Alaskan Way, Seattle, WA 98121; and Carolyn Lake, Port General Legal Counsel; Port of Tacoma; 501 South G Street, Tacoma, WA 98405.

Synopsis: The amendment would incorporate by reference the Interlocal Agreement that created the Northwest Seaport Alliance and the charter for the alliance.

Agreement No.: 012389.

Title: Grimaldi/Liberty Global Logistics LLC Space Charter Agreement.

Parties: Grimaldi Euromed S.P.A and Liberty Global Logistics LLC.

Filing Parties: Brooke Shapiro, Esq., Winston & Strawn LLP, 200 Park Avenue, New York, NY 10166.

Synopsis: The agreement authorizes the parties to charter space to/from one another in the trade between the U.S. on the one hand and Europe, the Mediterranean, Red Sea and Persian Gulf on the other hand.

By Order of the Federal Maritime Commission.

Dated: February 5, 2016.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2016–02684 Filed 2–9–16; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 7, 2016.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *New York Private Bank & Trust Corporation and Emigrant Bancorp, Inc.,* both in New York, New York, to acquire no more than 9.99 percent of the voting shares of The Bancorp, Inc., and thereby indirectly acquire voting shares of The Bancorp Bank, both in Wilmington, Delaware.

Board of Governors of the Federal Reserve System, February 5, 2016.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2016–02656 Filed 2–9–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 4, 2016.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *United Bankshares, Inc.,* Charleston, West Virginia; to acquire

100 percent of the voting shares of Bank of Georgetown, Washington, DC.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *County Bancorp, Inc.,* Manitowoc, Wisconsin; to merge with Fox River Valley Bancorp, Inc., and thereby indirectly acquire The Business Bank, both in Appleton, Wisconsin.

C. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Banc3 Holdings, Inc.,* Eads, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank, Woodland Mills, Tennessee.

Board of Governors of the Federal Reserve System, February 4, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–02590 Filed 2–9–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), to approve of and assign OMB numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB number.

DATES: Comments must be submitted on or before April 11, 2016.

ADDRESSES: You may submit comments, identified by *FR 2034,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, 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 information collection 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.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report

1. *Report title:* Senior Credit Officer Opinion Survey on Dealer Financing Terms.

Agency form number: FR 2034.

OMB control number: 7100–0325.

Frequency: Up to six times a year.

Respondent types: U.S. banking institution and U.S. branches and agencies of foreign banks.

Estimated annual burden hours: 660 hours.

Estimated average hours per response: 5 hours.

Number of respondents: 22.

Legal authorization and confidentiality: This information collection is authorized by Sections 2A and 11(a)(2) of the Federal Reserve Act (12 U.S.C. 225a, 248(a)(2), Section 5(c) of the Bank Holding Company Act, (12 U.S.C. 1844(c), and Section 7(c)(2) of the International Banking Act 3105(c)(2)) and is voluntary. The individual financial institution information provided by each respondent would be accorded confidential treatment under authority of exemption four of the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

Abstract: This voluntary survey collects qualitative and limited quantitative information from senior credit officers at responding financial

institutions on (1) stringency of credit terms, (2) credit availability and demand across the entire range of securities financing and over-the-counter derivatives transactions, and (3) the evolution of market conditions and conventions applicable to such activities up to six times a year. Given the Federal Reserve's interest in financial stability, the information this survey collects is critical to the monitoring of credit markets and capital market activity. Aggregate survey results are made available to the public on the Federal Reserve Board Web site.[1] In addition, selected aggregate survey results may be discussed in Governor's speeches, and may be published in *Federal Reserve Bulletin* articles and in the annual Monetary Policy Report to the Congress

Current Actions: The Federal Reserve proposes to extend for three years, without revision, the Senior Credit Officer Opinion Survey on Dealer Financing Terms (FR 2034).

Board of Governors of the Federal Reserve System, February 4, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–02687 Filed 2–9–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Privacy Act of 1974; Systems of Records

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Notice of retirement of systems of records, revision of routine uses, revision of purpose and routine uses, technical revisions to systems of records, and establishment of new systems of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, the Federal Retirement Thrift Investment Board (FRTIB) is proposing to: (1) Retire one system of records; (2) revise the purpose and routine uses of three existing systems of records; and (3) establish four new systems of records. The revisions implemented under this republication are corrective and administrative changes that broaden previously published system of records notices.

DATES: Comments must be received on or before March 11, 2016 unless comments received on or before that date result in a contrary determination.

ADDRESSES: You may submit written comments to FRTIB by any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Fax:* 202–942–1676.
- *Mail or Hand Delivery:* Office of General Counsel, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Marla Greenberg, Chief Privacy Officer, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE., Suite 1000, Washington, DC 20002, 202–864–8612. For access to any of the FRTIB's systems of records, contact Amanda Haas, FOIA Officer, Office of General Counsel, at the above address or by calling (202) 637–1250.

SUPPLEMENTARY INFORMATION:

(1) FRTIB Is Proposing To Retire One System of Records

Pursuant the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration efforts, the Federal Retirement Thrift Investment Board is retiring one system of records notice: FRTIB–8, Board Member Files (last published at 77 FR 11534 (February 27, 2012)).

FRTIB will continue to collect and maintain records about FRTIB's Board Members, however, each of these records will be maintained as part of an existing FRTIB or Government-wide SORN. Ethics opinions, conflicts of interest waivers, and other programmatic files concerning Board Members will be maintained as part of Public and Confidential Financial Disclosure Reports and other ethics program records and will rely upon the existing government-wide systems of records entitled OGE/GOVT–1, Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records (68 FR 24722, May 8, 2003). The FRTIB will maintain Confidential Financial Disclosure Reports (OGE Form 450) for FRTIB's Board Members pursuant to OGE/GOVT–2, Executive Branch Confidential Financial Disclosure Reports (68 FR 24722, May 8, 2003). Eliminating this notice will have no adverse impact on individuals, but will promote the overall streamlining and management of FRTIB's Privacy Act record systems.

(2) FRTIB Is Proposing To Revise the Purpose of and Routine Uses to Three Systems of Records, and To Make Technical and Clarifying Changes to These Systems of Records

(a) FRTIB–7, Contractor and Consultant Records

FRTIB is proposing to revise the purpose of and routine uses to FRTIB–7, Contractor and Consultant Records (last published at 77 FR 11534 (February 27, 2012)). FRTIB is proposing to amend the purpose as follows: ''The purpose of this system of records is to collect and maintain records on FRTIB contractors and consultants.'' FRTIB is also proposing technical amendments to the purpose of the system to reflect the fact that the system of records deals with sensitive FRTIB information.

FRTIB is proposing to add a routine use to this system of records to enable the Agency to disclose information to the United States Department of the Treasury to effect payments to consultants or to verify their eligibility to receive payment. FRTIB is also proposing to apply General Routine Uses G1 through G2; and G4 through G16 to FRTIB–7, Contractor and Consultant Records (*see* Prefatory Statement of Routine Uses).

FRTIB is proposing to correct and update the system name; system location; categories of individuals covered by the system; categories of records in the system; authority for maintenance of the system; purpose; routine uses; storage; retrievability; safeguards; retention and disposal; system manager and address; notification procedure; record access procedures; contesting records procedures; record source categories; and exemptions claimed for the system. FRTIB will no longer exempt FRTIB–7, Contractor and Consultant Records, under subsections (k)(2) and (k)(5) of the Privacy Act.

(b) FRTIB–12, Debt Collection Records

FRTIB is proposing to revise the purpose of and routine uses to FRTIB–12, Debt Collection Records (last published at 77 FR 11534 (February 27, 2012)). FRTIB is proposing to clarify the purpose to cover the following types of individuals who could be indebted to the FRTIB: ''participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; individuals who are consultants and vendors to FRTIB; and individuals who received payments to which they are not entitled.''

FRTIB is also proposing to reorder the routine uses for FRTIB–12, Debt

[1] *www.federalreserve.gov/econresdata/releases/scoos.htm.*

Collection Records (this change is being made to all existing systems of records to the extent necessary to make all of FRTIB's notices uniform and to reflect the addition of FRTIB's general routine uses). FRTIB is proposing to add one system-specific routine use, to enable the Agency to disclose administrative wage garnishment information to the United States Department of the Treasury. Additionally, FRTIB is proposing to apply and sixteen general routine uses to apply to FRTIB–12, including G1 through G16 (*see* Prefatory Statement of Routine Uses).

FRTIB is proposing to correct and update the system name; system location; categories of individuals covered by the system; categories of records in the system; authority for maintenance of the system; purpose; routine uses; disclosure to consumer reporting agencies; storage; retrievability; safeguards; retention and disposal; system manager and address; notification procedure; record access procedures; contesting records procedures; and record source categories.

(c) FRTIB–13, Fraud and Forgery Records

FRTIB is proposing to make technical and clarifying revisions to FRTIB–13, Fraud and Forgery Records (last published at 80 FR 43428 (July 22, 2015)). The FRTIB is planning to clarify that the purpose of the system includes an act of fraud relating to the Thrift Savings Fund.

FRTIB is also proposing to revise the system-specific routine use 2, to enable the Agency to disclose information used to verify allegations that a third party has misappropriated the FRTIB's (or TSP's) name, brand, or logos, to the Federal Trade Commission; Consumer Financial Protection Bureau; or the Financial Industry Regulatory Authority. Additionally, FRTIB is proposing to make technical revisions to system-specific routine use 4, to clarify that this routine use also includes fraud or forgery committed against the Thrift Savings Fund. Finally, FRTIB is proposing to correct and update the categories of records in the system; purpose; and routine uses.

(3) FRTIB Is Proposing To Create Four new Systems of Records

(a) FRTIB–16—Congressional Correspondence Files

FRTIB is proposing to establish a new system of records entitled, ''FRTIB–16, Congressional Correspondence Files.'' The proposed system of records is necessary to assist the FRTIB's Office of External Affairs in maintaining, and responding to correspondence received from congressional offices.

Records maintained as part of FRTIB–16 include information about individuals who have corresponded with FRTIB: Name; dates of birth; Social Security numbers; TSP account; numbers; home and business address; email address; personal and business telephone numbers; who the correspondence is about; incoming correspondence; FRTIB's response; the FRTIB responder's name and business information; additional unsolicited personal information provided by the individual; and other related materials. FRTIB is proposing to add two system-specific routine uses and fourteen general routine uses to apply to FRTIB–16, including G1 through G2; G4 through G5; and G7 through G16 (*see* Prefatory Statement of Routine Uses).

(b) FRTIB–17—Telework and Alternative Worksite Records

FRTIB is proposing to establish a new system of records entitled, ''FRTIB–17, Telework and Alternative Worksite Records.'' The proposed system of records is necessary to enable the FRTIB to collect and maintain records on prospective, current, and former FRTIB employees who have participated in, presently participate in, or have sought to participate in FRTIB's Telework Program.

Files maintained as part of FRTIB–17 include: The name, position title, grade level, job series, and office name; official FRTIB duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework request and approval form; telework agreement; self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (*e.g.,* situational or core); regular work schedule; telework schedule; approvals/disapprovals; description and list of government-owned equipment and software provided to the teleworker; mass transit benefits received through FRTIB's mass transit subsidy program; parking subsidies received through FRTIB's subsidized parking program; and any other miscellaneous documents supporting telework.

FRTIB is proposing to add five system-specific routine uses and fourteen general routine uses to apply to FRTIB–17, including G1 through G2; G4 through G5; and G7 through G16 (*see* Prefatory Statement of Routine Uses).

(c) FRTIB–18—Reasonable Accommodation Records

FRTIB is proposing to establish a new system of record entitled, ''FRTIB–18, Reasonable Accommodation Records.'' The proposed system of records is necessary to allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB. The proposed system of records will also enable FRTIB to track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations. Finally, this system of records will enable FRTIB to preserve and maintain the confidentiality of medical information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

Files maintained as part of FRTIB–18 include: The name and employment of employees needing an accommodation; requestor's name and contact information (if different than the employee who needs an accommodation); date request was initiated; information concerning the nature of the disability and the need for accommodation, including appropriate medical documentation; details of the accommodation request, such as: Type of accommodation requested, how the requested accommodation would assist in job performance, the sources of technical assistance consulted in trying to identify alternative reasonable accommodation, any additional information provided by the requestor related to the processing of the request, and whether the request was approved or denied, and whether the accommodation was approved for a trial period; and notification(s) to the employee and his/her supervisor(s) regarding the accommodation.

FRTIB is proposing to add five system-specific routine uses and fifteen general routine uses to apply to FRTIB–18, including G1 through G5; and G7 through G16 (*see* Prefatory Statement of Routine Uses).

(d) FRTIB–19—Freedom of Information Act Records

FRTIB is proposing to establish a new system of record entitled, ''FRTIB–19, Freedom of Information Act Records.'' The proposed system of records will enable the FRTIB to support the processing of record access requests made pursuant to the Freedom of Information Act (FOIA), whether FRTIB receives such requests directly from the requestor or via referral from another agency. Additionally, this system will

be used to support litigation arising from such requests and appeals, and to assist FRTIB in carrying out any other responsibilities under the FOIA.

Files maintained as part of FRTIB–19 include: Records received, created, or compiled in processing FOIA requests or appeals, including original requests and appeals; intra- or inter-agency memoranda; referrals; correspondence notes; fee schedules; assessments; cost calculations; and other documentation related to the referral and/or processing of the FOIA request or appeal; correspondence with the individuals or entities that submitted the requests; and copies of requested records. Additionally, the type of information in the records may include requestors' and their attorneys' or representatives' contact information; the contact information of FRTIB employees; the name of the individual subject of the request or appeal; fee determinations; unique case identifier; and other identifiers provided by a requestor about him or herself or about the individual whose records are requested.

FRTIB is proposing to add three system-specific routine uses and fifteen general routine uses to apply to FRTIB–19, including G1 through G2; and G4 through G16 (*see* Prefatory Statement of Routine Uses).

(4) Prefatory Statement of General Routine Uses

The following routine uses are incorporated by reference into various systems of records, as set forth below.

G1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

G2. Routine Use—Breach Mitigation and Notification: A record from this system of records may be disclosed to appropriate agencies, entities, and persons when: (1) FRTIB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) FRTIB 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 this system or other systems or programs (whether maintained by FRTIB or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FRTIB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

G3. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

G4. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

G5. Routine Use—Contractors, et al.: A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

G6. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

G7. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

G8. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

G9. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

G10. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

G11. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

G12. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (2) any employee of FRTIB in his or her official capacity, or (3) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

G13. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

G14. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

G15. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

G16. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

G17. Routine Use—Testing: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations where FRTIB is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance security or identify other violations of law.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on the proposal of these two systems of records. A report on the proposed systems has been sent to Congress and the Office of Management and Budget for their awareness.

Greg Long,

Executive Director, Federal Retirement Thrift Investment Board.

FRTIB–7

SYSTEM NAME:

Contractor and Consultant Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002. Records may be kept at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals retained by formal agreement, who: (1) Provide consulting services to the Board; (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor; and (3) any other individuals who receive payments from FRTIB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Acquisition data for the procurement of goods and services, including, but not limited to: Documents, letters, memorandum of understanding relating to agreements; rates of pay; payment records; vouchers; invoices; selection information; Commercial and Government Entity (CAGE) codes; Dun and Bradstreet Data Universal Numbering System (DUNS) numbers; supplier status; Web site; name; address; taxpayer identification number; Social Security numbers; bank information; invoice data; resumes; SAC forms; and other information relating to the disbursement of funds. This system of records also contains information pertaining to the negotiation; implementation; scope; and performance of work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 3301; and 44 U.S.C. 3101.

PURPOSE(S):

The purpose of this system of records is to collect and maintain records on FRTIB contractors and consultants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G2; and G4 through G16; apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system of records may be disclosed to the United States Department of the Treasury to effect payments to consultants and vendors, or to verify consultants' and vendors' eligibility to receive payments.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Contractor and consultant files are retrieved by any one or more of the following identifiers: Name of the contractor; name of the vendor or contractor; voucher number and date; or other unique identifier about whom they are maintained.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing

access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Routine procurement files are retained for 6 years and 3 months, in accordance with the General Records Schedule 3, item 3. Procurement files involving investments and other information concerning the Thrift Savings Plan are retained for 99 years.

SYSTEM MANAGER(S) AND ADDRESS:

Division Chief, Contracting, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

FRTIB–12

SYSTEM NAME:

Debt Collection Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals and entities that are financially indebted to the Board, including, but not limited to: Participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; individuals who are consultants and vendors to FRTIB; and individuals who received payments to which they are not entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies depending on the individual debtor, the type of indebtedness, and the agency or program to which monies are owed. The system of records contains information including but not limited to: (1) Individuals and commercial organizations, such as name, Taxpayer Identification Number (*i.e.,* Social Security Number or Employer Identification Number), business and home addresses, and business and home telephone numbers; (2) the indebtedness, such as the original amount of the debt, the date the debt originated, the amount of the delinquency/default, the date of the delinquency/default, basis of the debt, amounts accrued for interest, penalties, and administrative costs, and payments on the account; (3) actions taken to recover the debt, such as copies of demand letters/invoices, and documents required for the referral of accounts to collection agencies, or for litigation; (4) debtor and creditor agencies, such as name, telephone number, and address of the agency contact; (5) information for location purposes, including information pertaining to child support cases, Mandatory Victims Restitution Act (MVRA) cases, and tax levies; and (6) other relevant records relating to a debt including the amount, status, and history of the debt, and the program under which the debt arose.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 31 U.S.C. 3711(a); and 44 U.S.C. 3101.

PURPOSE(S):

The purpose of this system is to maintain a record of individuals and entities that are indebted to the Board, a Federal agency, or a Government corporation including, but not limited to: participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; and individuals who received payments to which they are not entitled. The records ensure that: Appropriate collection action on debtors' accounts is taking and properly tracked, monies collected are credited, and funds are returned to the Board or appropriate agency at the time the account is collected or closed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G16 apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system may be disclosed to the Financial Management Service (FMS) of the Department of the Treasury to allow that agency to act for the Board to enforce collection of delinquent debts owed to the Board or the Thrift Savings Fund.

3. Debt collection records may be disclosed to the Internal Revenue Service for the purposes of: (1) Effecting an administrative offset against the debtor's tax refund to recover a delinquent debt owed the Board or the Thrift Savings Fund; or (2) obtaining the mailing address of a taxpayer/debtor in order to locate the taxpayer/debtor to collect or compromise a Federal claim against the taxpayer/debtor.

4. A record from this system may be disclosed to the Department of Justice for the purpose of litigating to enforce collection of a delinquent debt or to obtain the Department of Justice's concurrence in a decision to compromise, suspend, or terminate collection action on a debt with a principal amount in excess of $100,000 or such higher amount as the Attorney General may, from time to time, prescribe in accordance with 31 U.S.C. 3711(a).

5. Information contained within this system of records may be disclosed to the Department of the Treasury, Department of Defense, United States Postal Service, another Federal agency, a Government corporation, or any disbursing official of the United States for the purpose of effecting an administrative offset against Federal payments certified to be paid to the debtor to recover a delinquent debt owed to the Board, the Thrift Savings Fund, or another Federal agency or department by the debtor.

6. Debt collection information may be disclosed to a creditor Federal agency or

Government corporation seeking assistance for the purpose of obtaining voluntary repayment of a debt or implementing Federal employee salary offset or administrative offset in the collection of an unpaid financial obligation.

7. Administrative wage garnishment information may be disclosed to the Treasury Department for the purpose of issuing wage garnishment orders to collect a debt owed to the FRTIB.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debt information concerning claims of the Board and the Thrift Savings Fund may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, as amended (31 U.S.C. 3701 et seq.), to consumer reporting agencies (as defined by the Fair Credit Reporting Act 15 U.S.C. 1681a(f)), to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

These records are indexed and retrieved by the names, Social Security numbers, or contact numbers of participants, employees, contractors, or other persons who may receive monies paid to them by the Board.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Hard-copy records are returned to the Board which has an agreement for servicing and collection of the debt with Financial Management Services. Files are destroyed when *10* years old, unless they are subject to litigation in which case they are destroyed when a court order requiring that the file be retained allows the file to be destroyed or litigation involving the files is concluded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Participant Operations and Policy, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from *subject individuals;* the individual entity; the Board; creditor agencies; Federal employing agencies; Government corporations; *debt* collection agencies *or firms;* credit bureaus, *firms or agencies providing locator services;* and Federal, state, and local agencies furnishing identifying information.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

FRTIB–13

SYSTEM NAME:

Fraud and Forgery Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002. Records may also be kept at an additional location for Business Continuity purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information on Thrift Savings Plan (TSP) participants, beneficiaries, alternate payees, and third party individuals alleged to have committed an act of fraud or forgery relating to participant and beneficiary accounts; and third parties alleged to have misappropriated, or attempted to misappropriate the FRTIB's (including the TSP's) name, brand, or logos.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain the following kinds of information: name, date of birth, and Social Security number of TSP participants, beneficiaries, alternate payees, and third parties alleged to have committed an act of fraud or forgery relating to participant accounts *or the Thrift Savings Fund*; TSP account information related to the fraud or forgery allegation; information obtained from other agencies as it relates to allegations of fraud or forgery; documentation of complaints and allegations of fraud and forgery; exhibits, statements, affidavits, or records obtained during investigations of fraud, or forgery, court and administrative orders, transcripts, and documents; internal staff memoranda; staff working papers; and other documents and records related to the investigation of fraud or forgery, including the disposition of the allegations; and reports on the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; and 44 U.S.C. 3101.

PURPOSE(S):

These records are used to inquire into and investigate allegations that a TSP participant, beneficiary, alternate payee, or third party has committed or attempted to commit an act of fraud or forgery relating to a participant or beneficiary account *or the Thrift Savings Fund*; and to collect information to verify allegations that a third party has misappropriated the FRTIB's (or TSP's) name, brand, or logos.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act

of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G2; G4 through G5; G8 through G14; and G16 apply to this system of records (see Prefatory Statement of General Routine Uses);

2. Information used to verify allegations that a third party has misappropriated the FRTIB's (or TSP's) name, brand, or logos may be disclosed to the Federal Bureau of Investigation; Department of Justice; Securities and Exchange Commission; *Federal Trade Commission; Consumer Financial Protection Bureau; or the Financial Industry Regulatory Authority* for further investigation, prosecution, or enforcement;

3. A record from this system may be disclosed to the Secret Service for the purpose of investigating forgery, and to the Department of Justice, when substantiated by the Secret Service;

4. A record pertaining to *this system* may be disclosed to the current or former employing agency of the participant, beneficiary, alternate payee, or third party alleged to have committed fraud or forgery against a participant account *or the Thrift Savings Fund* for the purpose of further investigation or administrative action; and

5. A record from this system may be disclosed to informants, complainants, or victims to the extent necessary to provide those persons with information and explanations concerning the progress or results of the investigation.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Records are retrieved by name or file number.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records in this system are destroyed seven years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisory Fraud Specialist, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, 77 K Street NE., Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Records in this system may be provided by or obtained from the following: persons to whom the information relates when practicable, including TSP participants, beneficiaries, alternate payees, or other third parties; complainants; informants; witnesses; investigators; persons reviewing the allegations; Federal, state and local agencies; and investigative reports and records.

EXEMPTIONS CLAIMED FOR SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system of records are exempt from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

FRTIB–16

SYSTEM NAME:

Congressional Correspondence Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE., Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit inquiries, complaints, comments, or other correspondence to FRTIB, and the responding party on behalf of FRTIB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include, but are not limited to the following information about individuals who have corresponded with FRTIB: Name; dates of birth; Social Security numbers; TSP account numbers; home and business address; email address; personal and business telephone numbers; who the correspondence is about; incoming correspondence; FRTIB's response; the FRTIB responder's name and business information; additional unsolicited personal information provided by the individual; and other related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; and 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained to catalog and respond to correspondence received from congressional offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G2; G4 through G5; and G7 through G16 apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system of records may be disclosed to another Federal agency to refer correspondence or refer to correspondence, given the nature of the issue.

3. Information in this system of records may be disclosed to the news media and the public, with the approval of the Senior Agency Official for Privacy, in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information; when disclosure is necessary to preserve confidence in the integrity of FRTIB; or when it is necessary to demonstrate the accountability of FRTIB's officers, employees, or individuals covered by this system, except to the extent it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Records may be retrieved by individual name; the name of the Member of Congress requesting a response; and the date of the correspondence.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of External Affairs, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Information used to compile records in this system is taken from incoming correspondence and FRTIB responses to incoming correspondence from congressional offices.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

FRTIB–17

SYSTEM NAME:

Telework and Alternative Worksite Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former FRTIB employees who have been granted or denied authorization to participate in FRTIB's Telework Program to work at an alternative worksite apart from their official FRTIB duty station.

CATEGORIES OF RECORDS IN THE SYSTEM

Name, position title, grade level, job series, and office name; official FRTIB duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework request and approval form; telework agreement; self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (*e.g.,* situational or core); regular work schedule; telework schedule; approvals/disapprovals; description and list of government-owned equipment and software provided to the teleworker; mass transit benefits received through FRTIB's mass transit subsidy program; parking subsidies received through FRTIB's subsidized parking program; and any other miscellaneous documents supporting telework.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 5 U.S.C. 6120; and 44 U.S.C. 3101.

PURPOSE(S):

The purpose of this system of records is to collect and maintain records on prospective, current, and former FRTIB employees who have participated in, presently participate in, or have sought to participate in FRTIB's Telework Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G2; G4 through G5; and G7 through G16 apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system may be disclosed to medical professionals to obtain information about an employee's medical background necessary to grant or deny approval of medical telework.

3. A record from this system may be disclosed to federal, state, or local governments during actual emergencies, exercises, or Business Continuity Purpose tests for emergency preparedness and disaster recovery training exercises.

4. A record from this system may be disclosed to the Department of Labor

when an employee is injured when working at home while in the performance of normal duties.

5. A record from this system may be disclosed to the Office of Personnel Management (OPM) for use in its Telework Survey to provide consolidated data on participation in FRTIB's Telework Program.

6. A record from this system of records may be disclosed to appropriate third-parties contracted by FRTIB to facilitate mediation or other alternate dispute resolution procedures or programs.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Records are retrieved by any one or more of the following: Employee name; and the office in which the employee works, will work, or previously worked.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records are maintained in accordance with the General Records Retention Schedule 1, item 42, issued by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Officer, 77 K Street NE., Suite 1000, Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

FRTIB–18

SYSTEM NAME:

Reasonable Accommodation Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE., Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former FRTIB employees who request and/or receive a reasonable accommodation for a disability; and authorized individuals or representatives (*e.g.,* family members or attorneys) who file a request for a reasonable accommodation on behalf of a prospective, current, or former employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and employment information of employees needing an accommodation; requestor's name and contact information (if different than the employee who needs an accommodation); date request was initiated; information concerning the nature of the disability and the need for accommodation, including appropriate medical documentation; details of the accommodation request, such as: Type of accommodation requested, how the requested accommodation would assist in job performance, the sources of technical assistance consulted in trying to identify alternative reasonable accommodation, any additional information provided by the requestor related to the processing of the request, and whether the request was approved or denied, and whether the accommodation was approved for a trial period; and notification(s) to the employee and his/her supervisor(s) regarding the accommodation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 42 U.S.C. 12101 *et seq.;* 44 U.S.C. 3101; Executive Order 13164 (July 28, 2000); and Executive Order 13548 (July 10, 2010).

PURPOSE(S):

The purpose of this system is to: (1) Allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB; (2) to track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations; and (3) to preserve and maintain the confidentiality of medical information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G5; and G7 through G16 apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system of records may be disclosed to physicians or other medical professionals to provide them with or obtain from them the necessary medical documentation and/or certification for reasonable accommodations.

3. A record from this system of records may be disclosed to another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has

jurisdiction over reasonable accommodation issues.

4. A record from this system of records may be disclosed to the Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.

5. A record from this system of records may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other alternative dispute resolution procedures or programs.

6. A record from this system of records may be disclosed to the Department of Defense (DOD) for the purpose of procuring assistive technologies and services through the Computer/Electronic Accommodation Program in response to a request for reasonable accommodation.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Records are retrieved by any one or more of the following: employee name or assigned case number.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

These records are maintained in accordance with the General Records Retention Schedule 1, item 24, issued by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Officer, 77 K Street NE., Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Subject individuals; individual making the request (if different than the subject individual); medical professionals; and the subject individuals' supervisor(s).

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

FRTIB–19

SYSTEM NAME:

Freedom of Information Act Records

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records in this system are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE., Washington, DC 20002. Records may be maintained at an additional location for Business Continuity Purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers all individuals who submit requests pursuant to the Freedom of Information Act (FOIA); individuals whose requests and/or records have been referred to FRTIB by other agencies; attorneys or other persons representing individuals submitting such requests and appeals; individuals who are the subjects of such requests and appeals; individuals who file litigation based on their requests; Department of Justice (DOJ) and other government litigators; and/or FRTIB employees assigned to handle such requests or appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include, but are not limited to: (1) Records received, created, or compiled in processing FOIA requests or appeals, including original requests and appeals, intra- or inter-agency memoranda, referrals, correspondence notes, fee schedules, assessments, cost calculations, and other documentation related to the referral and/or processing of the FOIA request or appeal, correspondence with the individuals or entities that submitted the requests, and copies of requested records; (2) the type of information in the records may include requestors' and their attorneys' or representatives' contact information, the contact information of FRTIB employees, the name of the individual subject of the request or appeal, fee determinations, unique case identifier, and other identifiers provided by a requestor about him or herself or about the individual whose records are requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 552; and 44 U.S.C. 3101.

PURPOSE(S):

The purpose of this system is to support the processing of record access requests made pursuant to the FOIA, whether FRTIB receives such requests directly from the requestor or via referral from another agency. In addition, this system is used to support litigation arising from such requests and appeals, and to assist FRTIB in carrying out any other responsibilities under the FOIA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(b); and:

1. General Routine Uses G1 through G2; and G4 through G16 apply to this system of records (see Prefatory Statement of General Routine Uses).

2. A record from this system of records may be disclosed to a federal

agency or other federal entity that furnished the record or information for the purpose of permitting that agency or entity to make a decision regarding access to or correction of the record or information, or to a federal agency or entity for purposes of providing guidance or advice regarding the handling of a particular request.

3. A record from this system of records may be disclosed to the Department of Justice (DOJ) to obtain advice regarding statutory and other requirements under the FOIA.

4. A record from this system of records may be disclosed to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h) to review administrative agency policies, procedures, and compliance with the FOIA, and to facilitate OGIS's offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

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 paper and electronic form, including on computer databases, all of which are stored in a secure location.

RETRIEVABILITY:

Records are retrieved by any one or more of the following: The name of the requestor; the number assigned to the request or appeal; and in some instances, the name of the attorney representing the requestor or appellant, and/or the name of an individual who is the subject of such a request or appeal.

SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the General Records Schedule 4.2, item 020, issued by the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Chief FOIA Officer, 77 K Street NE., Washington, DC 20002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must submit a written request to the FOIA Officer, FRTIB, 77 K Street NE., Washington, DC 20002, and provide the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures.

CONTESTING RECORDS PROCEDURE:

Same as Notification Procedures.

RECORD SOURCE CATEGORIES:

Records are obtained from those individuals who submit requests and administrative appeals pursuant to the FOIA or who file litigation regarding such requests and appeals; the agency record keeping systems searched in the process of responding to such requests and appeals; FRTIB employees assigned to handle such requests, appeals, and/or litigation; other agencies or entities that have referred to FRTIB requests concerning FRTIB records, or that have consulted with FRTIB regarding handling of particular requests; and submitters or subjects of records or information that have provided assistance to FRTIB in making access or amendment determinations.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

[FR Doc. 2016–02673 Filed 2–9–16; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Measures Assessing Health Care Organization Quality Improvement Activities To Improve Patient Understanding, Navigation, Engagement, and Self-Management

AGENCY: Agency for Healthcare Research and Quality (AHRQ), DHHS.

ACTION: Notice of request for measures.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) requests information from the public (including health care delivery organizations, health information developers, payers, quality measure developers, clinicians, and health care consumers) about quality improvement measures designed to help health care organizations monitor initiatives aimed at:

- Improving patient understanding of health information,
- simplifying navigation of health care systems and facilities, and
- enhancing patients' ability to manage their health.

Specifically, AHRQ seeks quality improvement measures in four domains:

1. Communication,
2. Ease of Navigation,
3. Patient Engagement and Self-Management, and
4. Organizational Structure, Policy, and Leadership.

AHRQ is interested in measures that do not require patient survey data and that health care organizations are currently using, or have used in the past, to guide quality improvement activities designed to address these domains. AHRQ is also interested in information about relevant measures that are under development or are suggested for future development.

DATES: Please submit one or more quality improvement measures and supporting information on or before March 4, 2016. AHRQ will not respond individually to submitters, but will consider all submitted measures and publicly report the results of the review of the submissions in aggregate.

ADDRESSES: Submissions should follow the Submission Instructions below. Electronic responses are preferred and should be addressed to *HealthLiteracy@AHRQ.HHS.gov.* Non-electronic responses will also be accepted. Please send these by mail to: Cindy Brach, Center for Delivery, Organization, and Markets, Agency for Healthcare Research and Quality, 5600 Fisher Lane, Rockville, MD 20857, Mailstop: 07W25B.

FOR FURTHER INFORMATION CONTACT: *HealthLiteracy@AHRQ.HHS.gov* or Cindy Brach at the address above.

SUPPLEMENTARY INFORMATION:

Background Information

The health care system is complex and demanding. Health care organizations can help patients to succeed in the health care environment by ensuring that patients and caregivers are able to understand health information, navigate the health care system, engage in the health care process, and take an active and effective role in the management of their health.

This Request for Measures is part of a project that aims to:

- Identify existing measures that organizations use or could use to monitor progress related to the four domains described above; and,
- Refine and cull identified measures to establish a set of measures that reflects patient priorities, has expert support, and will be recommended for more formal measure development and testing.

The project focuses on identifying measures that are not generated from patient survey data.

The project is guided by a conceptual framework that builds on the concept of organizational health literacy. As described in the Institute of Medicine's Roundtable on Health Literacy, organizational health literacy is the ''implementation and monitoring of organizational policies, practices, and structures that support patients in understanding health information, navigating the health care system, and managing their health'' (Brach et al. 2012). The conceptual framework identifies four domains as key components of organizational health literacy.

1. Communication (*e.g.,* the quality of verbal and written communication with patients, families, caregivers)
2. Ease of Navigation (*e.g.,* the degree to which an organization's physical environment and systems of care are designed in a manner that simplifies navigation and use of services)
3. Patient Engagement and Self-Management (*e.g.,* the degree to which an organization encourages patient engagement and provides support to enhance the ability of patients to manage their health)
4. Organizational Structure, Policy, and Leadership (*e.g.,* leadership support for organizational health literacy; implementation of policies, procedures, and structures that serve to improve communication with patients, simplify patient navigation, and enhance patient engagement and self-management)

Quality improvement measures selected for further measure development and testing will assess key features of one or more of these domains.

This project is being conducted by AHRQ pursuant to its statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(2).

Submission Guidance

Submit a measure(s) that is currently in use, in development, or for which a need has been identified, in one or more of the four domains (*i.e.,* Communication; Ease of Navigation; Patient Engagement and Self-Management; and Organizational Structure, Policy, and Leadership). For this Request for Measures, AHRQ is specifically interested in measures that do not require or use patient reported data obtained using a patient survey.

Your contribution will be very beneficial to AHRQ. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential and marketing materials cannot be used by AHRQ. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

AHRQ and its contractor, will evaluate all submitted measures and supporting documentation. As a set of measures is identified and evaluated for further refinement and testing, submissions may be included in whole or in part or may be modified for inclusion in the measurement set. AHRQ will assume responsibility for the final measurement sets as well as any future modifications.

Submission Instructions

To facilitate handling of submissions, please include the name and email address of the measure developer or contact.

The responses most helpful to the Agency will include all or most of the following:

1. A brief cover letter,
2. a description of the measure and how it is calculated (*e.g.,* who/what is included in the numerator, who/what is included in the denominator, who/what is excluded in calculating the measure),
3. the source of the measure (*e.g.,* publications, organizations where measure has been used to guide quality improvement activities),
4. the domain best aligned with the measure (*i.e.,* Communication; Ease of Navigation; Patient Engagement and Self-Management; and Organizational Structure, Policy, and Leadership),
5. the source of data used to calculate the measure (*e.g.,* electronic health records, internal monitoring and reporting systems),
6. a description of data collection strategies (*e.g.,* who is responsible for data collection, how is the information needed to calculate the measure collected),
7. a list of health care settings in which the measure has been or would be used and characteristics of the patient populations in these health care settings,
8. a description of how the measure has been used to support performance improvement (*e.g.,* to whom is the measure reported, what actions have been taken based on the measure),
9. a summary of unintended negative consequences resulting from use of the measure (*e.g.,* evidence that implementation of the measure has negatively impacted patients, staff, clinical process, or other features of the implementing organization), and
10. evidence that the measure is:

a. Valid and reliable,

b. associated with important outcomes,

c. meaningful to patients, families, clinicians, and/or administrators,

d. feasible to compute with accuracy and without undue cost, burden, or delay, and

e. generalizable across health care settings.

11. title, author(s), publication year, journal name, volume, issue, and page numbers of cited articles.

12. a statement of willingness to grant to AHRQ the right to use and disseminate submitted measures and their documentation to the public as part of a set of organizational health literacy measures.

Submission of copies of existing documentation or reports describing the measure and its properties, existing data sources, etc. is highly desirable but not required.

Reference Material

Brach, C., Keller, D., Hernandez, L.M., et al. (2012). Ten attributes of a health literate health care organization. Washington DC: Institute of Medicine.

Kripalani, S., Wallston, K., Cavanaugh, K.L., Osborn, C., Mulvaney, S., Scott, A.M., & Rothman, R.L. (2014). Measures to assess a health-literate organization.

Washington DC: Institute of Medicine.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2016–02679 Filed 2–9–16; 8:45 am]

BILLING CODE 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: ''*Making It Easier for Patients to Understand Health Information and Navigate Health Care Systems: Developing Quality Improvement Measures*.'' 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 April 11, 2016.

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

Making It Easier for Patients To Understand Health Information and Navigate Health Care Systems: Developing Quality Improvement Measures

A goal of Healthy People 2020 is to increase Americans' health literacy, defined as ''the degree to which individuals have the capacity to obtain, process, and understand basic health information and services needed to make appropriate health decisions.'' [1] The effects of limited health literacy are numerous and serious, including medication non-adherence resulting from patients' inability to read and comprehend medication labels; underuse of preventive measures, such as vaccines; poor self-management of conditions such as asthma and diabetes; and higher utilization of inpatient and emergency department care. According to the 2003 National Assessment of Adult Literacy, 88% of U.S. adults have significant difficulties understanding widely used health information. By adopting ''health literacy universal precautions,'' health care providers and organizations can create an environment in which all patients—regardless of health literacy level—can successfully (1) understand health information, (2) navigate the health care system, (3) engage in medical decision-making, and (4) manage their health.

Numerous resources have been developed to support health care organizations in their attempts to address limitations in patient health literacy. However, little work has been done to establish valid quality improvement measures that organizations can use to monitor the impact of initiatives aimed at improving patient understanding, navigation, engagement, and self-management. Absent such measures, organizations may be unable to accurately assess whether their initiatives are effective.

This research has the following goals:

1. Identify existing quality improvement measures and gather proposals for additional measures (not generated from patient survey data) that organizations may use to monitor progress related to enhancing patient understanding, navigation, engagement, and self-management; and

2. Identify a set of quality improvement measures that reflect patient priorities, has expert support, and can be recommended for more formal measure development and testing.

This project is being conducted by AHRQ through its contractor, Board of Regents of the University of Colorado, pursuant to AHRQ's statutory authority to conduct and support research 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 quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

Environmental Scan Interviews: Representatives from 25 health care organizations engaged in relevant quality improvement efforts will be interviewed to obtain information about the quality improvement measures they use in assessing their work to improve patient understanding, navigation, engagement, and self-care.

The planned environmental scan interviews will provide the information needed to:

- Identify and document the characteristics of relevant quality improvement measures that are already in use; and
- identify additional measures that would be useful to stakeholders in the field.

The findings from these interviews will be used, along with the results from other activities (*i.e.,* input from a Technical Expert Panel, literature review, a Request for Information published in the **Federal Register**, and focus groups with patients), to identify and document a set of quality improvement measures that can be recommended for rigorous testing and validation. Measures that are assessed to be valid and reliable will be eligible to be disseminated by AHRQ to support health care organizations in their efforts to improve patient understanding of health information, navigation of the health care system, engagement in medical decision-making, and management of their health.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in Environmental Scan Interviews. The Environmental Scan Interviews will be completed by 50 respondents (2 representatives from each of the 25 organizations targeted for participation).

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Environmental Scan Interviews	50	1	2	100

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Total	50	1	2	100

Exhibit 2 shows the estimated annual cost burden associated with the respondents' time to participate in this information collection. The annual cost burden for the Environmental Scan Interviews is estimated to be $4,984.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Environmental Scan Interviews	50	100	[a] $49.84	$4,984
Total	50	100	[a] 49.84	4,984

* National Compensation Survey: Occupational wages in the United States May 2014, ''U.S. Department of Labor, Bureau of Labor Statistics.''
[a] Based on the mean wages for Medical and Health Services Managers 11–9111.

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 B. Arnold,

Deputy Director.

[FR Doc. 2016–02678 Filed 2–9–16; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0234]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted 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 notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) 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; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments Information Collection Request Procedures Manual 35 should be received within 30 days of this notice.

Proposed Project

The National Ambulatory Medical Care Survey (NAMCS), (OMB No. 0920–0234, expires 12/31/2017)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services, acting through NCHS, shall collect statistics on the utilization of health care provided by non-federal office-based physicians in the United States. On December 19, 2014, the OMB approved data collection for three years from 2015 to 2017. This revision is to request approval to continue NAMCS data collection activities for three years from 2016–2018 and to add questions to the physician interview that pertain to policies, services, and experiences related to the prevention and treatment of sexually transmitted infections (STIs) and HIV prevention among adolescents

and others. Small modifications will also be made to questions on the use of electronic health records. This notice also covers a decrease in the sample size resulting from smaller budget allocations and oversampling in previous years. Due to this decrease, selected state estimates will not be available for 2016–2018 data.

The National Ambulatory Medical Care Survey (NAMCS) has been conducted intermittently from 1973 through 1985, and annually since 1989. The purpose of NAMCS, a voluntary survey, is to meet the needs and demands for statistical information about the provision of ambulatory medical care services in the United States. Ambulatory services are rendered in a wide variety of settings, including physicians' offices and hospital outpatient and emergency departments.

The NAMCS target universe consists of all office visits made by ambulatory patients to non-Federal office-based physicians (excluding those in the specialties of anesthesiology, radiology, and pathology) who are engaged in direct patient care. In 2006, physicians and mid-level providers (*i.e.*, nurse practitioners, physician assistants, and nurse midwives) practicing in community health centers (CHCs) were added to the NAMCS sample, and these data will continue to be collected.

To complement NAMCS data, NCHS initiated the National Hospital Ambulatory Medical Care Survey (NHAMCS, OMB No. 0920–0278, expires 02/28/18) in 1992 to provide data concerning patient visits to hospital outpatient and emergency departments. NAMCS and NHAMCS are the principal sources of data on ambulatory care provided in the United States.

There is no cost to the respondents other than their time. Burden hours have seen a net reduction of 19,876 hours since the previously approved package, primarily due to a sample size decrease. Currently, there is not a plan to include state-based estimates in the future, unless funding is increased sufficiently to support oversampling in the states for which state based estimates are desired.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Office-based physicians	Physician Induction Interview (NAMCS–1).	2,590	1	45/60	1,943
	Patient Record form (NAMCS–30) (Physician abstracts).	259	30	14/60	1,813
	Prepare and transmit EHR (MU On-Boarding).	130	1	1	130
	Pulling, re-filing medical record forms (FR abstracts).	2,201	30	1/60	1,101
Community Health Centers	Induction Interview—service delivery site (NAMCS–201).	104	1	30/60	52
	Induction Interview—Providers (NAMCS–1).	234	1	30/60	117
	Patient Record form (NAMCS–30) (Provider abstracts).	23	30	14/60	161
	Pulling, re-filing medical record forms (FR abstracts).	211	30	1/60	106
Re-abstraction study	Pulling, re-filing medical record forms (FR abstracts).	72	10	1/60	12
Total					5,435

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. 2016–02581 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) SH16–001, Research and Methods in Health Statistics.

Time And Date: 10:00 a.m.–4:30 p.m., March 3, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Research and Methods in Health Statistics'', FOA SH16–001.

Contact Person For More Information: Virginia S. Cain, Ph.D., Director of Extramural Research, National Center for Health Statistics, CDC, 3311 Toledo Rd., Room 7208, Hyattsville, MD, Telephone: (301) 458–4500.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–02575 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services announces the next meeting of the Community Preventive Services Task Force (Task Force). The Task Force is an independent, nonpartisan, nonfederal, and unpaid panel. Its members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify population health interventions that are scientifically proven to save lives, increase lifespans, and improve quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force (a) considers the findings of systematic reviews that assess the effectiveness and economics of community preventive services, programs, and policies, and (b) issues recommendations. Task Force recommendations are not mandates for compliance or spending. Instead, they provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the scientific evidence on which they are based, are compiled in the *Guide to Community Preventive Services (The Community Guide).*

DATES: The meeting will be held on Wednesday, February 24, 2016 from 11:00 a.m. to 4:30 p.m. EST. Participants must pre-register for the meeting by 5 p.m. Monday, February 22, 2016.

Meeting Accessibility: This Task Force meeting will be dedicated entirely to Task Force methods. The meeting will therefore be a one-day session held via webinar rather than the traditional in-person meeting. There will be a 100-participant limit for the Web meeting, provided on a first-come, first-served basis. All participants must register for the meeting by 5 p.m. EST on Monday, February 22, 2016. Participants will receive registration confirmation with meeting instructions within two business days.

FOR FURTHER INFORMATION CONTACT: To register, send an email with name and contact information to Onslow Smith, Center for Surveillance, Epidemiology and Laboratory Services; Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–E–69, Atlanta, GA 30329. Telephone: (404) 498–6778. Email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: During the February 2016 meeting, the Community Preventive Services Task Force (Task Force) will discuss proposed methods for increasing throughput of Task Force findings (*i.e.,* how to increase the number of Task Force findings that are produced in a given time period), while maintaining adequate quality of the underlying reviews; adequate usefulness for decision makers; and sufficient attention to priority topics.

Matters to be discussed: Community Guide methods and procedures.

Dated: February 4, 2016.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2016–02619 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Closed-Circuit Escape Respirators; Approval of Cap 3 Device for Underground Coal Mining

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.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA) have approved the first large-capacity (Cap 3) closed-circuit escape respirator (CCER) for use in underground coal mining, under the NIOSH new regulatory standard. Accordingly, respirator manufacturers may continue to manufacture, label, and sell large-capacity CCERs approved under the former regulatory standard (those CCERs with a rated service time of greater than 50 minutes) for underground coal mining approved under the former regulatory standard until January 4, 2017.

FOR FURTHER INFORMATION CONTACT: David Chirdon, NIOSH National Personal Protective Technology Laboratory (NPPTL), 626 Cochrans Mill Road, Pittsburgh, PA 15236; 412–386–4000 (this is not a toll-free phone number).

SUPPLEMENTARY INFORMATION: In March 2012, the Department of Health and Human Services (HHS) published a final rule establishing a new standard, codified in 42 CFR part 84, subpart O, for the certification of closed-circuit escape respirators (CCERs) by the National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention (CDC). The new standard was originally designed to take effect over a 3-year transition period. However, in a final rule published on August 12, 2015, HHS determined that extending the concluding date for the transition was necessary to allow sufficient time for respirator manufacturers to meet the demands of the mining, maritime, railroad, and other industries.[1] Pursuant to the August 2015 final rule, the continued manufacturing, labeling, and selling of CCERs approved under the former standard in Subpart H was authorized until either April 9, 2015 or 1 year after the date that NIOSH first approves a CCER model under the capacity rating categories Cap 1 (for mining applications) and Cap 3 (mining and non-mining) described in 42 CFR 84.304, whichever date came later.

In accordance with 42 CFR 84.301, NIOSH and the Mine Safety and Health Administration (MSHA) have approved the first large-capacity (Cap 3) CCER for use in underground coal mining, under the standards published in 42 CFR part 84, subpart O. Approval number TC–13G–0005 was issued to Ocenco, Inc., on January 4, 2016 for a Cap 3 CCER,

[1] 80 FR 48268.

Model EBA 75 CCER for Mining. Pursuant to 42 CFR 84.301, manufacturers may continue to manufacture, label, and sell large-capacity CCERs approved under the former regulatory standard in subpart H (those CCERs with a rated service time of greater than 50 minutes) for mining, until 1 year after this approval date, or until January 4, 2017.

All types of CCERs approved under subpart H that were manufactured and labeled as NIOSH-approved and sold by April 9, 2015, as well as those units manufactured and labeled as NIOSH-approved and sold during the extended time periods pursuant to § 84.301, may continue to be used as NIOSH-approved respirators until the end of their service life.

Dated: February 1, 2016.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2016–02649 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2016–0003; NIOSH 057–A]

Draft Criteria for a Recommended Standard: Occupational Exposure to 1-Bromopropane (1–BP); Notice of Public Meeting; Availability of Draft Document 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 public meeting and availability of draft document for public comment.

SUMMARY: On September 16, 2009, the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC) announced in the **Federal Register** *https://www.gpo.gov/fdsys/pkg/FR-2009-09-16/pdf/E9-22297.pdf* plans to evaluate the scientific data on 1-bromopropane (1–BP) and to issue its findings on the potential health risks. A draft document entitled, *Criteria for a Recommended Standard: Occupational Exposure to 1-Bromopropane (1–BP),* has been developed which contains an assessment of toxicological data and provides recommendations for the safe handling of 1–BP-containing materials. NIOSH is seeking comments on the draft document and plans to have a public meeting to discuss the document. The draft document and instructions for submitting comments can be found at *www.regulations.gov.*

DATES: The public meeting will be held on March 30, 2016, 9:00 a.m.–3:00 p.m. Eastern Time, or after the last public commenter has spoken, whichever occurs first. Comments must be received by April 29, 2016.

ADDRESSES: The public meeting will be held at the NIOSH/CDC Robert A. Taft Laboratories, Auditorium, 1150 Tusculum Avenue, Cincinnati, Ohio 45226.

FOR FURTHER INFORMATION CONTACT: G. Scott Dotson, NIOSH, Education and Information Division, Robert A. Taft Laboratories, 1090 Tusculum Avenue, Cincinnati, OH 45226, (513) 533–8540 (not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

On September 16, 2009, the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC) announced in the **Federal Register** plans to evaluate the scientific data on 1-bromopropane (1–BP) and to issue its findings on the potential health risks. The results of this evaluation are presented in the draft document, *Criteria for a Recommended Standard: Occupational Exposure to 1-Bromopropane (1–BP).* The purpose of the public meeting and public comment period is to obtain comments on the draft document. Special emphasis will be placed on the following:

- Whether the health hazard identification, risk estimation, and discussion of health effects of 1–BP are a reasonable reflection of the current understanding of the scientific literature;
- Identifying workplaces and occupations where exposure to 1–BP may occur;
- Identifying studies on health effects associated with occupational exposure to 1–BP that were not identified in the draft;
- Identifying current strategies for controlling or preventing exposure to 1–BP (*e.g.,* engineering controls, work practices, personal protective equipment);
- Identifying current exposure measurement methods and challenges in measuring workplace exposures to 1–BP; and
- Identifying areas for future collaborative efforts (*e.g.,* research, communication, development of exposure measurement and control strategies).

As part of the review of this draft criteria document, reviewers are asked to address the following critical questions:

(1) Does the draft criteria document accurately identify and characterize the health hazards of occupational exposures to 1–BP based on the current understanding of the scientific literature? Please identify any additional relevant literature that NIOSH should consider when developing its recommendations. Is the risk estimation for 1–BP presented in the draft criteria document a reasonable reflection of the current understanding of the scientific literature? Please describe any changes in the risk estimation that NIOSH should consider and provide supporting scientific literature.

(2) Are there other risk assessment methods or health endpoints that NIOSH should consider for estimating risks of 1–BP? Please provide supporting scientific literature or other evidence to support your recommendations.

(3) In this draft criteria document, NIOSH proposes a recommended exposure limit (REL) to prevent a risk of one excess cancer in 1000 workers exposed to 1–BP for a 45-year working lifetime. During development of the draft criteria document, NIOSH also considered setting the REL at a level to prevent 1 excess cancer in 10,000 workers for a 45-year working lifetime. Please comment on the excess cancer risk level and resulting REL for 1–BP.

(4) Is the relationship between exposure to 1–BP and biological activity (toxicity) accurately presented in the draft criteria document?

(5) Are the recommended strategies for controlling or preventing exposure to 1–BP (*e.g.,* engineering controls, work practices, personal protective equipment) reasonable and technically feasible?

(6) Are there other techniques or technologies capable of controlling workplace exposures to 1–BP that should be discussed in the draft criteria document?

(7) Are the exposure measurement methods and the associated challenges in measuring workplace exposures to 1–BP adequately addressed in the draft criteria document?

(8) Are there medical screening and surveillance measures, such as specific diagnostic tests, guidelines, and metrics, that should be implemented for workers expected of being exposed to 1–BP that are not discussed in the draft criteria document?

(9) Are there biological indices or metrics that should be used to aid in the interpretation of biomonitoring data for 1–BP? What is the most appropriate biomarker that can confirm and quantify occupational exposures to 1–BP?

(10) Should acute exposure recommendations, such as a short term exposure limit (STEL), be derived for 1–BP? If so, what data support the development of the STEL?

(11) NIOSH provided Globally Harmonized System (GHS) of Classification and Labelling of Chemicals designations for health endpoints evaluated in the criteria document. Please comment on the utility of these classifications for hazard communication. Are these classifications helpful for employers?

II. Public Meeting

NIOSH will hold a public meeting on the draft document *Criteria for a Recommended Standard: Occupational Exposure to 1-Bromopropane (1–BP)* to allow commenters to provide oral comments on the draft document, to inform NIOSH about additional relevant data or information, and to ask questions on the draft document and NIOSH recommendations.

This meeting is open to the public. Attendance is limited only by the space available. The meeting room accommodates 100 people. The meeting will be open to a limited number of participants through a conference call phone number and Webcast live on the Internet.

Notification of intent to attend the meeting, for in-person and remote participation, must be made to the NIOSH Docket Office, at *nioshdocket@cdc.gov,* (513) 533–8611, no later than March 16, 2016. Priority for attendance will be given to those providing oral comments. Other requests to attend the meeting will then be accommodated on a first-come, first-served basis.

Registration is required for in-person attendance and remote participation. Because this meeting is being held at a federal site, pre-registration is required on or before March 16, 2016 and a government-issued photo ID (driver's license, military ID or passport) will be required to obtain entrance to the facility. There will be an airport-type security check. Non-US citizens need to register by February 24, 2016 to allow sufficient time for mandatory facility security clearance procedures to be completed. This information will be transmitted to the CDC Security Office for approval. An email confirming registration will be sent from NIOSH for both in-person participation and audio conferencing participation.

Oral comments will be permitted for 15 minutes. If additional time becomes available, presenters will be notified. All requests to present should contain the name, address, telephone number, and relevant business affiliations of the presenter, topic of the presentation, whether you will be presenting in person or by phone, and the approximate time requested for the presentation. An email confirming registration will be sent from the NIOSH Docket Office and will include details needed to participate. Oral comments given at the meeting will be recorded and included in the docket.

After reviewing the requests for presentations, NIOSH will notify the presenter when his/her presentation is scheduled. If a participant is not in attendance when his/her presentation is scheduled to begin, the remaining participants will be heard in order. After the last scheduled speaker is heard, participants who missed their assigned times may be allowed to speak, limited by time available.

Attendees who wish to speak but did not submit a request for the opportunity to make a presentation may be given this opportunity after the scheduled speakers are heard, at the discretion of the presiding officer and limited by time available.

You may submit comments, identified by CDC 2016–0003 and NIOSH 057–A, 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–2016–0003; NIOSH 057–A]. All relevant comments received will be posted without change to *www.regulations.gov* including any personal information provided. All information will be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, Ohio 45226.

Non-U.S. Citizens: Because of CDC Security Regulations, any non-U.S. citizen wishing to attend this meeting must provide the following information in writing to the NIOSH Docket Officer at the address below no later than February 24, 2016.

Name:
Gender:
Date of Birth:
Place of Birth (city, province, state, country):
Citizenship:
Passport Number:
Date of Passport Issue:
Date of Passport Expiration:
Type of Visa:
U.S. Naturalization Number (if a naturalized citizen):
U.S. Naturalization Date (if a naturalized citizen):
Visitor's Organization:
Organization Address:
Organization Telephone Number:
Visitor's Position/Title within the Organization:

This information will be transmitted to the CDC Security Office for approval. Visitors will be notified as soon as approval has been obtained.

Public Review

The external review of the draft document has been (1) developed in accordance with Office of Management and Budget (OMB) guidelines, (2) is consistent with NIOSH peer review practice, and (3) is meant to ensure that credible and appropriate science is reflected within the draft document.

Dated: February 4, 2016.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2016–02650 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) DP16–004, Childhood Obesity Research Demonstration 2.0.

Time and Date: 10:00 a.m.–6:00 p.m., EST, March 15–16, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to FOA DP16–004, Childhood Obesity Research Demonstration 2.0.

Contact Person for More Information: Jaya Raman, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–02582 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2016–0001; NIOSH–260–A]

Draft Current Intelligence Bulletin: Health Effects of Occupational Exposure to Silver Nanomaterials; Notice of Public Meeting; Availability of Document for Comment; Extension of Comment Period

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 and extension of comment period.

SUMMARY: On January 21, 2016, the Director of the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), published a notice in the **Federal Register** [81 FR 3425] announcing the availability of the following draft document for public comment entitled Draft *Current Intelligence Bulletin: Health Effects of Occupational Exposure to Silver Nanomaterials.* Written comments were to be received by March 21, 2016. NIOSH is extending the public comment period until April 22, 2016.

DATES: NIOSH is extending the comment period on the document published January 21, 2016 (81 FR 3425). Electronic or written comments must be received by April 22, 2016.

ADDRESSES: You may submit comments, identified by CDC–2016–0001 and docket number NIOSH–260–A, by any 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.

FOR FURTHER INFORMATION CONTACT: Charles Geraci, NIOSH, Education and Information Division, Nanotechnology Research Center, 1090 Tusculum Avenue, Cincinnati, Ohio 45226, telephone (513) 533–8339 (not a toll free number).

Dated: February 3, 2016.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2016–02647 Filed 2–9–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–276, CMS–1957, CMS–10599 and CMS–10600]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

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 April 11, 2016:

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–276 Prepaid Health Plan Cost Report

CMS–1957 Social Security Office (SSO) Report of State Buy-in Problem

CMS–10599 Medicare Prior Authorization of Home Health Services Demonstration

CMS–10600 Evaluation of the Medicare Patient Intravenous Immunoglobulin Demonstration

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.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Prepaid Health Plan Cost Report; *Use:* Health Maintenance Organizations and Competitive Medical Plans (HMO/CMPs) contracting with the Secretary under Section 1876 of the Social Security Act are required to submit a budget and enrollment forecast, semi-annual interim report, 4th Quarter interim report, and a final certified cost report in accordance with 42 CFR 417.572–417.576. Health Care Prepayment Plans (HCPPs) contracting with the Secretary under Section 1833 of the Social Security Act are required to submit a budget and enrollment forecast, semi-annual interim report, and final cost report in accordance with 42 CFR 417.808 and 42 CFR 417.810. *Form Number:* CMS–276 (OMB control number 0938–0165); *Frequency:* Quarterly; *Affected Public:* Private Sector (Business or other for-profits); *Number of Respondents:* 91; *Total Annual Responses:* 74; *Total Annual Hours:* 3728. (For policy questions regarding this collection contact Bilal Farrakh at 410–786–4456.)

2. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Social Security Office (SSO) Report of State Buy-in Problem; *Use:* Under Section 1843 of the Social Security Act, States may enter into an agreement with the Department of Health and Human Services to enroll eligible individuals in Medicare and pay their premiums. The purpose of the State Buy-in' program is to assure that Medicaid is the payer of last resort by permitting a State to provide Medicare protection to certain groups of needy individuals, as part of the State's total assistance plan. State Buy-in also has the effect of transferring some medical costs for this population from the Medicaid program, which is partially State funded to the Medicare program, which is funded by the federal government and individual premiums. Generally, the States Buy-in for individuals who meet the eligibility requirements for Medicare and are cash recipients or deemed cash recipients or categorically needy under Medicaid. In some cases, States may also include individuals who are not cash assistance recipients under the Medical Assistance Only group. The day-to-day operations of the State Buy-in program is accomplished through an automated data exchange process. The automated data exchange process is used to exchange Medicare and Buy-in entitlement information between the Social Security District Offices, Medicaid State Agencies and the Centers for Medicare & Medicaid Services. When problems arise however that cannot be resolved though the normal data exchange process, clerical actions are required. The CMS–1957, ''SSO Report of State Buy-In Problem'' is used to report Buy-in problems cases. The CMS–1957 is the only standardized form available for communications between the aforementioned agencies for the resolution of beneficiary complaints and inquiries regarding State Buy-in eligibility. *Form Number:* CMS–1957 (OMB control number: 0938–0035); *Frequency:* Reporting—Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 3,936; *Total Annual Responses:* 3,936; *Total Annual Hours:* 1,311. (For policy questions regarding this collection contact Keith Robinson at 410–786–1148.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Prior Authorization of Home Health Services Demonstration; *Use:* Section 402(a)(1)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1(a)(1)(J)) authorizes the Secretary to ''develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act (the Act).'' In accordance with this authority, we seek to develop and implement a Medicare demonstration project, which we believe will help assist in developing improved procedures for the identification, investigation, and prosecution of Medicare fraud occurring among HHAs providing services to Medicare beneficiaries.

This demonstration would help assure that payments for home health services are appropriate before the claims are paid, thereby preventing fraud, waste, and abuse. As part of this demonstration, we propose performing prior authorization before processing claims for home health services in: Florida, Texas, Illinois, Michigan, and Massachusetts. We would establish a prior authorization procedure that is similar to the Prior Authorization of Power Mobility Device (PMD) Demonstration, which was implemented by CMS in 2012. This demonstration would also follow and adopt prior authorization processes that currently exist in other health care programs such as TRICARE, certain state Medicaid programs, and in private insurance.

The information required under this collection is requested by Medicare contractors to determine proper payment or if there is a suspicion of fraud. Medicare contractors will request the information from HHA providers submitting claims for payment from the Medicare program in advance to determine appropriate payment. *Form Number:* CMS–10599 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profits); *Number of Respondents:* 908,740; *Number of Responses:* 908,740; *Total Annual Hours:* 454,370. (For questions regarding this collection contact Carla David (410)786–4799.)

4. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Evaluation of the Medicare Patient Intravenous Immunoglobulin Demonstration; *Use:* Primary Immune Deficiency Diseases (PIDD) are caused by genetic defects that result in a lack of and/or impaired antibody function. Without antibodies, the body's immune system is not able to function effectively. Immunoglobulin (IG) therapy is used to temporarily replace some of the antibodies (immunoglobulins) that are missing or not working properly in people with PIDD.

By special statutory provision, Medicare Part B covers intravenous immunoglobulin (IVIG) for persons with PIDD who wish to receive the drug in-home, but does not allow for Medicare to cover any of the items and services needed to administer the drug unless the person is homebound or otherwise receiving services under a Medicare home health episode of care. Therefore, most beneficiaries with PIDD receive treatment at hospital outpatient departments, physicians' offices, and other outpatient settings. A current alternative to IVIG is subcutaneous immunoglobulin (SCIG), a product that

permits some beneficiaries to self-administer the immunoglobulin (IG) safely at home without an attending healthcare professional. SCIG at home is reimbursed by Medicare. However, there are limitations to SCIG—*e.g.,* the need for more frequent administration and higher volumes of solution, which can reach a maximum absorbable level for some patients that is below their optimum IG treatment level—that inhibit more widespread use of SCIG.

Under the Medicare Patient IVIG Access Demonstration project, by paying for the items and services needed to administer the IVIG drug in-home, Medicare will enable beneficiaries and their physicians to have greater flexibility in choosing the option that is most appropriate for the beneficiary. With the exception of coverage of these items and services, no other aspects of Medicare coverage for IVIG (*e.g.,* drugs approved for coverage or PIDD diagnoses covered) will change under the demonstration.

The Medicare Patient IVIG Access Demonstration project mandates CMS to:

- Evaluate the impact of the Medicare IVIG Access Demonstration project on Medicare beneficiary access to IVIG at home,
- Determine the appropriateness of implementing a new payment methodology for IVIG in all settings and determining an appropriate payment amount, and
- Update the existing 2007 Office of the Assistant Secretary for Planning and Evaluation (ASPE) report *Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)* (2007 ASPE Report).

The impact evaluation seeks to understand the experiences of demonstration participants and non-participants, to update the 2007 ASPE report, and to support the payment methodology through the use of qualitative and quantitative data collection. The qualitative data collection will consist of a series of stakeholder interviews. Interviews with IVIG/SCIG physicians and nurses will provide information on the experiences of beneficiaries from the perspective of those who have significant, in-depth and practical hands-on experience with delivering IG to Medicare beneficiaries with and without access to home infusions. We will be able to gather their knowledge of beneficiaries' experiences with the care, as well as information on any potential health consequences due to changes in IG medication or participation in the Demonstration. Lastly, we will gather the physicians and nurses' views of the degree to which beneficiaries believe the program is effective, including the cost effectiveness for beneficiaries who use the services provided under the Demonstration. *Form Number:* CMS–10600 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and Households; State, Local or Tribal Governments; Private Sector (Business or other for-profit); *Number of Respondents:* 2,488; *Total Annual Responses:* 2,488; *Total Annual Hours:* 483. (For policy questions regarding this collection contact Pauline Karikari-Martin at 410–786–1040).

Dated: February 5, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–02686 Filed 2–9–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–1728–94]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by March 11, 2016.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, *Fax Number:* (202) 395–5806 *OR*, *Email: OIRA_submission@omb.eop.gov*.

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: 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. 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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Home Health Agency Cost Report; *Use:* Providers of Services participating in the Medicare program are required under sections 1815(a), 1833(e) and1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve

settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–1728–94 cost report is needed to determine a provider's reasonable cost incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or from a provider. *Form Number:* CMS–1728–94 (OMB control number: 0938–0022); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 11,352; *Total Annual Responses:* 11,352; *Total Annual Hours:* 2,576,904. (For policy questions regarding this collection contact Angela DiGorgio at 410–786–4516.)

Dated: February 5, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–02685 Filed 2–9–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Self-Assessment Review and Report.

OMB No.: 0970–0223.

Description: Section 454(15)(A) of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, requires each State to annually assess the performance of its child support enforcement program in accordance with standards specified by the Secretary of the Department of Health and Human Services, and to provide a report of the findings to the Secretary. This information is required to determine if States are complying with Federal child support mandates and providing the best services possible. The report is also intended to be used as a management tool to help States evaluate their programs and assess performance.

Respondents: State Child Support Enforcement Agencies or the Department/Agency/Bureau responsible for Child Support Enforcement in each State.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Self-assessment report	54	1	4	216

Estimated Total Annual Burden Hours: 216.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2016–02629 Filed 2–9–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Refugee Microenterprise and Refugee Home-Based Child Care Microenterprise Development Programs

OMB No.: New

Description: The Office of Refugee Resettlement (ORR) within the Administration for Children and families (ACF) is responsible for resettling thousands of refugees every year from all over the world. The main goal of the ORR (US) refugee domestic resettlement program is to assist the refugees in becoming self-reliant at the shortest time possible. ORR has many different discretionary grants that it employs to accomplish this goal. Two of the discretionary grants are the Refugee Microenterprise Development (MED) and the Refugee Home-Based Child Care Microenterprise Development (HBCC MED) Programs. The goals of the MED program are to assist refugees in becoming economically self-sufficient, assist refugee serving organizations galvanize resources to strengthen their capacities to expand and continue their microenterprise services at an expanded and sustainable level, and enhance the integration to the mainstream and realize the American Dream. The focus of the HBCC Program is on women that have limited opportunity to get employment at livable wages because of limited transferable skills and lack of knowledge of the English language. Through the program women refugees are provided basic training in child care and development, state and local legal requirements to get a license and to establish a home-based child care service. The ultimate goal of the program is to enable the women refugees establish a home-based child care service in their neighborhood.

ORR works with nonprofit organizations in implementing these projects. Currently, there are 22 projects in the Refugee Microenterprise Development Program and 23 projects in the Refugee Home-Based Child Care Microenterprise Development Program. It is critical to collect data through a semi-annual report in order to determine whether or not the programs are achieving their intended goals, to address concerns, issues, and challenges

the grantees may be experiencing in implementing their projects on a timely manner, and, for writing Annual Report to Congress.

Respondents: Refugee Microenterprise Development Program 22.

Refugee Home-Based Child Care Microenterprise Development Program 23

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondents	Average burden hours per respondents	Total burden hours
Refugee Microenterprise Development Program	22	8	4	88
Refugee Home-Based Child Care Microenterprise Development Program	23	7	4	92
Total Burden				180

Estimated Total Annual Burden Hours: 180

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) the quality, utility, and clarity of the information to be collected; and (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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2016–02625 Filed 2–9–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0343]

Advancing the Development of Biomarkers in Traumatic Brain Injury; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled, ''Advancing the Development of Biomarkers in Traumatic Brain Injury.'' This workshop aims to examine potential biomarkers, discuss the challenges and solutions related to biomarker development methodologies, and establish strategies for data standardization, sharing and analysis of big data sets for traumatic brain injury (TBI). By convening the relevant stakeholders, the goal is to obtain input on the scientific, clinical, patient, and regulatory considerations associated with TBI biomarker development to improve diagnosis and clinical utility for TBI.

DATES: The public workshop will be held on March 3, 2016, from 8 a.m. to 5 p.m. Submit either electronic or written comments on the public workshop by May 3, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–0343 for ''Advancing the Development of Biomarkers in Traumatic Brain Injury.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Building 31, Rm. 1503 (the Great Room, sections B and C), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Allison Kumar, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5408, Silver Spring, MD 20993, 301–796–6369, email: *Allison.Kumar@fda.hhs.gov;* or Lakshmi Kannan, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5402, Silver Spring, MD 20993, 240–402–7735, email: *Lakshmi.Kannan@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each year, TBI contribute to a substantial number of deaths and cases of permanent disability; yet both accurate diagnostics and effective treatments remain stubbornly elusive. Diagnosis of TBI in the acute setting remains a major obstacle, as ''gold standard'' diagnostic criteria for TBI have not yet been established, despite the availability of several published diagnostic criteria. Many of these criteria determine the severity of the injury and classify TBI as mild, moderate, and severe. Recently, the importance of apparently mild injuries has been recognized as a major public health crisis for people including military personnel, children and young adults in sport activities throughout their normal life. This group of mild TBI (mTBI) patients represents the greatest challenges to accurately diagnose and to predict outcome because neuroimaging tools such as computed tomography (CT) are not sensitive enough for detection beyond identifying structural abnormalities. The use of CT can only detect the presence of structural lesions (*i.e.,* hematomas) which require immediate medical attention or to rule out head injury complications from more severe trauma. Unlike other organ-based diseases such as myocardial infarction, prostate cancer, and polycystic kidney disease where biomarkers are clinically essential to guide diagnosis, prognosis, and treatment, there are no definitive biomarkers tests available for TBI. Over the last decade there have been a myriad of studies exploring many promising biomarkers including neuroimaging and bio fluid-based for all forms of TBI severity; however, none have become part of the standard protocols for diagnosis of TBI. In addition, there are currently no FDA qualified biomarkers for clinical use in TBI. Therefore, there is an unmet need for TBI biomarkers in the clinical setting to: (1) Aid in early diagnosis and stratify the severity of injury, (2) improve prognosis, (3) monitor ongoing pathological processes, and (4) evaluate the efficacy of treatments.

II. Topics for Discussion at the Public Workshop

The public workshop seeks to engage stakeholders from academia, industry, government agencies, heath care, and patient care groups to discuss the scientific, clinical, patient, and regulatory considerations associated with potential and emerging biomarkers in TBI to improve diagnosis, clinical trial design, and outcome measures. This discussion is essential for encouraging and expediting the development of biomarker tests as scientifically validated tools for clinical utility particularly in mTBI, as well as in the full spectrum of TBI.

This public workshop consists of brief presentations and interactive discussions through several panel sessions. Following the presentations, we plan to hold moderated discussions where participants and additional panelists can provide their individual perspectives. Specifically, this workshop is designed to address the following topics:

• Examine potential candidate biomarkers for TBI-neuroimaging, biofluid-based, and other emerging biomarkers such as electroencephalogram.

○ Strength of current scientific evidence;

○ different contexts of use; and

○ correlation to clinical outcome assessments.

• Challenges and recommendations related to TBI biomarker development.

○ Intent of use;

○ device output-including variations with technology, qualitative v. quantitative, individual v. composite score;

○ analytical performance- including quality of the measurement (precision, linearity);

○ clinical reference standard;

○ clinical and functional validation; and

○ appropriate statistical approaches/methods.

• Strategies for improving data standardization, sharing, and application of big data analytics methods in the field of biomarker development.

○ Explore existing and potential big datasets and registries for TBI (*e.g.* TBI Endpoints Development Initiative Meta Dataset, National Institute of Neurological Disorders and Stroke Common Data Elements, Federal Interagency Traumatic Brain Injury Research);

○ platforms and methods used to build big data infrastructure;

○ barriers to broader biomarker data aggregation, dissemination, and application; and

○ possible strategies to address these barriers.

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. (EST), February 22, 2016. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, Office of Communication and Education, Center for Devices and Radiological Health, Food and Drug Administration, 301–796–5661, email: *susan.monahan@fda.hhs.gov* no later than February 16, 2016.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this meeting/public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. Those without Internet access should contact Susan Monahan to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. The webcast link will be available on the workshop Web page after February 25, 2016. Please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Oral Presentations: This public workshop includes a public comment session and topic-focused sessions. During online registration you may indicate if you wish to present during a public comment session or participate in a specific session, and which topics you wish to address. FDA has included general topics in this document. FDA will do its best to accommodate requests to make public comments and participate in the focused sessions. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. Following the close of registration, FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by February 25, 2016. All requests to make oral presentations must be received by the close of registration on February 22, 2016, by 4 p.m. (EST). If selected for presentation, any presentation materials must be emailed to Lakshmi Kannan (see **FOR FURTHER INFORMATION CONTACT**) no later than February 25, 2016. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

FDA is holding this public workshop to obtain information on development of TBI biomarkers and data standardization. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is May 3, 2016.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *http://www.fda.gov.* A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

Dated: February 1, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–02592 Filed 2–9–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than April 11, 2016.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N–39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Rural Opioid Overdose Reversal Grant Program OMB No. 0906–xxxx–New.

Abstract: This program is authorized by Section 711(b) of the Social Security Act (U.S.C. 912(b), as amended and the Consolidated and Further Continuing Appropriations Act (Pub. L. 114–113). The purpose of this grant program is to reduce the incidences of morbidity and mortality related to opioid overdoses in rural communities through the purchase and placement of emergency devices

used to rapidly reverse the effects of opioid overdose and training of licensed healthcare professionals and emergency responders on their use.

Need and Proposed Use of the Information: For this program, performance measures have been drafted to provide data useful to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62). These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy including: (1) The number of counties served by the program; (2) the number and type of devices purchased and distributed and the location of the distribution; (3) the number of training sessions and the number of individuals trained; and (4) the number of individuals who were administered Narcan and the outcome. These measures will speak to the Office's progress toward meeting the set goals.

Likely Respondents: Rural Opioid Overdose Reversal Grant Program award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. 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. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Opioid Overdose Reversal Grant Program	18	1	18	4	72
Total	18	1	18	4	72

HRSA specifically requests comments on: (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.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–02571 Filed 2–9–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council on Blood Stem Cell Transplantation; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Council on Blood Stem Cell Transplantation (ACBSCT).

Date and Time: March 3, 2016, from 12:00 p.m. to 4:00 p.m. Eastern Standard Time.

Place: The meeting will be via audio conference call and Adobe Connect Pro.

Status: The meeting will be open to the public.

Purpose: Pursuant to Public Law 109–129, 42 U.S.C. 274k (section 379 of the Public Health Service Act, as amended), the ACBSCT advises the Secretary of Health and Human Services and the Administrator, Health Resources and Services Administration (HRSA), on matters related to the activities of the C.W. Bill Young Cell Transplantation Program (Program) and the National Cord Blood Inventory Program.

Agenda: The Council will hear a report from the ACBSCT Work Group on Cord Blood. The Council also will hear presentations and discussions on topics including the National Institutes of Health's Late Effects Initiative and the Center for International Blood and Marrow Transplant Research. Agenda items are subject to changes as priorities indicate.

After Council discussions, members of the public will have an opportunity to provide comment. Because of the Council's full agenda and timeframe in which to cover the agenda topics, public comment may be limited. All public comments will be included in the record of the ACBSCT meeting. Meeting summary notes will be posted on the HRSA's Program Web site at *http://bloodcell.transplant.hrsa.gov/ABOUT/Advisory_Council/index.html*.

The draft meeting agenda will be posted on *https://www.blsmeetings.net/ACBSCT/*. Those participating at this meeting should register by visiting *https://www.blsmeetings.net/ACBSCT/*. The deadline to register for this meeting is Tuesday, March 1, 2016. For all logistical questions and concerns, please contact Anthony Rodell, Seamon Corporation, at (301) 658–3457 or send an email to *arodell@SeamonCorporation.com*.

The public can join the meeting by:

1. (Audio Portion) Calling the Conference Phone Number (1–800–988–9777) and providing the Participant Code (6253775); and

2. (Visual Portion) Connecting to the ACBSCT Adobe Connect Pro Meeting using the following URL and entering as GUEST: *https://hrsa.connectsolutions.com/acbsct_webinar/* (copy and paste the link into your browser if it does not work directly).

Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview*. Call (301) 443–0437 or send an email to *ptongele@hrsa.gov* if you are having trouble connecting to the meeting site.

Public Comment: It is preferred that persons interested in providing an oral presentation email a written request, along with a copy of their presentation, to Patricia Stroup, MBA, MPA, Executive Secretary, Advisory Council on Blood Stem Cell Transplantation,

Healthcare Systems Bureau, Health Resources and Services Administration, at *pstroup@hrsa.gov*. Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed above at least 10 days prior to the meeting.

The allocation of time may be adjusted to accommodate the level of expressed interest. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may request it during the public comment period. Public participation and ability to comment may be limited to time as it permits.

FOR FURTHER INFORMATION CONTACT: Patricia Stroup, MBA, MPA, Executive Secretary, ACBSCT, Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 08N182, Rockville, Maryland 20857; telephone at (301) 443–1127.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–02572 Filed 2–9–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on February 24, 2016.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and Center Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will include discussion of aligning mental and substance use & misuse disorder prevention with health. The meeting will also include updates on CSAP program developments.

The meeting will be held in Rockville, Maryland. Attendance by the public will be limited to the space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before one week prior to the meeting. Five minutes maximum will be allotted for each presentation.

To attend onsite, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' Web site, *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee Web site, *http://nac.samhsa.gov/,* or by contacting the Designated Federal Officer.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: February 24, 2016, from 9:30 a.m. to 4:30 p.m. EST: (OPEN).

Place: SAMHSA; 5600 Fishers Lane; Room 5N76 (lobby level); Rockville, MD 20857; Adobe Connect webcast: *https://samhsa-csap.adobeconnect.com/nac/.*

Contact: Matthew J. Aumen; Designated Federal Officer; SAMHSA CSAP NAC; 5600 Fishers Lane; Rockville, MD 20857; Telephone: 240–276–2419; Fax: 240–276–2430; Email: *matthew.aumen@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA/CBHSQ/OPAC.

[FR Doc. 2016–02573 Filed 2–9–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0061]

Towing Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Towing Safety Advisory Committee. This Committee advises the Secretary of the Department of Homeland Security on matters relating to shallow draft inland and coastal waterway navigation and towing safety.

DATES: Completed applications should reach the Coast Guard on or before March 28, 2016.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the Towing Safety Advisory Committee that identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: William.J.Abernathy@uscg.mil.*
- *By Fax:* (202) 372–8379.
- *By Mail:* William J. Abernathy, Alternate Designated Federal Officer, Commandant (CG–OES–2), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: William J. Abernathy, Alternate Designated Federal Officer of the Towing Safety Advisory Committee; telephone 202–372–1363; or email at *William.J.Abernathy@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Towing Safety Advisory Committee is a Federal advisory committee which operates under the provisions of Federal Advisory Committee Act, Title 5 United States Code, Appendix. It was established under authority of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation, (Pub. L. 96–380), which was most recently amended by section 621 of the Coast Guard Authorization Act of 2010, (Pub. L. 111–281). The Committee advises the Secretary of Homeland Security on matters relating to shallow-draft inland and coastal waterway navigation and towing safety. This advice also assists the Coast Guard in formulating the position of the United States regarding the towing industry in advance of International Maritime Organization meetings.

It is expected that the Committee meets at least twice a year either in the Washington, DC, area or in cities with large towing centers of commerce and populated by high concentrations of towing industry and related businesses. It may also meet for extraordinary purposes. Its subcommittees may also meet to consider specific tasks as required. The Committee and its subcommittees may conduct intercessional telephonic meetings,

when necessary, in response to specific U.S. Coast Guard taskings.

Each Towing Safety Advisory Committee member serves a term of office of up to 3 years. Members may be considered to serve an additional consecutive term. All members serve without compensation from the Federal Government; however, upon request, they may receive travel reimbursement and per diem.

We will consider applications for the following six positions that will be vacant on September 30, 2016:

1. Three positions representing the Barge and Towing Industry (reflecting a regional geographical balance);
2. One position representing port districts, port authorities or terminal operators;
3. One position representing licensed or unlicensed towing vessel engineers with formal training and experience;
4. One position representing shippers (at least one who represents the carriage of oil or hazardous materials).

To be eligible, applicants should have particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety.

Registered lobbyists are not eligible to serve on federal advisory committees. See ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure act of 1995 (2 U.S.C. 1605; Pub. L. 104–65 as amended by Title II of Pub. L. 110–81).

In an effort to maintain a geographic balance of membership, we are encouraging representatives from tug and barge companies operating on the Western Rivers to apply for representation on the Committee.

The Department of Homeland Security does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment selections.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to William J. Abernathy, Alternate Designated Federal Officer of the Towing Safety Advisory Committee via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: February 5, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards, United States Coast Guard.

[FR Doc. 2016–02671 Filed 2–9–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of National Customs Automation Program Test Concerning the Automated Commercial Environment Partner Government Agency Message Set Regarding the Toxic Substances Control Act Certification Required by the Environmental Protection Agency

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) test concerning the transmission of electronic filings of data to the Automated Commercial Environment (ACE), known as the Partner Government Agency (PGA) Message Set test. This modification expands the use of the ACE PGA Message Set for the transmission of Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA) certification data. CBP invites public comment concerning the test program.

DATES: The modified PGA Message Set test will commence no earlier than February 10, 2016, and will continue until concluded by way of announcement in the **Federal Register**. Comments will be accepted through the duration of the test.

ADDRESSES: Comments concerning this notice and any aspect of this test may be submitted at any time during the test via email to Josephine Baiamonte, ACE Business Office (ABO), Office of International Trade, at *josephine.baiamonte@cbp.dhs.gov.* In the subject line of your email, please indicate, ''Comment on EPA TSCA PGA Message Set Test FRN''.

FOR FURTHER INFORMATION CONTACT: For EPA-related PGA Message Set test questions, interested parties should send an email message to Loraine Passe, at *Passe.Loraine@epa.gov,* and they should also send a copy of that message to their assigned CBP client representative. Interested parties without an assigned CBP client representative should direct their questions to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''PGA Message Set EPA Test FRN-Request to Participate''.

SUPPLEMENTARY INFORMATION:

Background

The National Customs Automation Program (NCAP) was established by Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the legacy Customs Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing.

ACE will streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all its communities of interest. The ability to meet these objectives depends upon successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality, designed to introduce a new capability or to replace a specific legacy ACS function. Each release will begin with a test, and will end with mandatory compliance with the new ACE feature, thus retiring the legacy ACS function. Each release builds on previous releases, and sets the foundation for subsequent releases.

For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments is set forth below in Section XIII, ''Development of ACE Prototypes''. The procedures and criteria related to participation in the previous ACE notices remain in effect unless otherwise explicitly changed by this or subsequent notices published in the **Federal Register**.

I. Authorization for the Test

The Customs Modernization Act provides the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant

to section 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

II. Partner Government Agency Message Set Test

On December 13, 2013, CBP published in the **Federal Register** a notice announcing an NCAP test called the PGA Message Set test. *See* 78 FR 75931. This test is in furtherance of key CBP International Trade Data System (ITDS) initiatives, as provided in the Security and Accountability For Every Port Act of 2006 (''SAFE Port Act''), Public Law 109–347, 120 Stat. 1884 (19 U.S.C. 1411(d)), to achieve the vision of ACE as the ''single window'' for the Government and trade community. ACE will automate and enhance the interaction between international trade partners, CBP, and PGAs by facilitating electronic collection, processing, sharing, and review of trade data and documents required by Federal agencies during the cargo import and export process. The use of ACE to process trade data will significantly increase efficiency and reduce costs compared to the traditional manual method of processing of paper forms.

The PGA Message Set is the data required to satisfy the PGAs' reporting requirements. ACE will enable the trade community to submit trade-related data required by the PGAs only once to CBP, thus improving communications between agencies and filers, and shortening entry processing time. This data must be submitted at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States as part of the ACE Cargo Release process. The data will be validated and made available to the relevant PGAs involved in import, export, and transportation-related decision making. The data will satisfy the filer's obligation to make entry and will allow for earlier release decisions and more certainty for the importer in determining the logistics of cargo delivery. Also, by virtue of being electronic, the PGA Message Set will eliminate the necessity for the submission and subsequent manual processing of paper documents.

The December 2013 **Federal Register** notice announced that ACE would be accepting certain PGA data elements for the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture, Food Safety and Inspection Service (FSIS) for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. On February 4, 2015, CBP published the announcement that it had broadened the PGA Message Set test to accept additional PGA data elements for the EPA, for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. *See* 80 FR 6098.

This document announces CBP's plan to expand the PGA Message Set to allow for the transmission of a certification required by the EPA concerning chemical substances imported in bulk or as part of a mixture, or articles containing a chemical substance or mixture (collectively referred to hereinafter as ''chemical substances''). The importation of chemical substances is governed by the Toxic Substances Control Act (''TSCA'') (15 U.S.C. 2601 *et seq.*), and by regulations issued under the authority of section 13(b) of TSCA (15 U.S.C. 2612(b)) by the Secretary of the Treasury in consultation with the Administrator of the Environmental Protection Agency. 19 CFR 12.118. The Secretary of the Treasury shall refuse entry of chemical substances offered for entry in violation of, or not in compliance with rules and orders issued under the TSCA.

The regulations implementing TSCA are contained in §§ 12.118 through 12.127 and § 127.28 of the CBP Regulations (19 CFR 12.118 through 12.127 and 127.28). Importers (or authorized agents of importers) of chemical substances are required to certify either that all chemicals in a shipment are subject to TSCA and comply with all applicable rules and orders or that the chemical shipment is not subject to TSCA. *See* 19 CFR 12.121(a)(1). Generally, this TSCA certification must be filed with the director of the port of entry before release of the shipment and must appear as a typed or stamped statement on an appropriate entry document or as an attachment to that entry document. *See* 19 CFR 12.121(a)(2).

CBP is expanding the use of the PGA Message set to include the required TSCA certification. Filers will be required to electronically transmit the certification required in 19 CFR 12.121(a)(1) indicating either that the chemical substances in the shipment comply with TSCA and all applicable rules and orders or that the chemical substances in the shipment are not subject to TSCA. The technical requirements for submitting the EPA required TSCA certification can be found on the Web site: *http://www.cbp.gov/trade/ace/features.* Select the ''PGA Integration'' tab, click ''ACE Customs and Trade Automated Interface Requirements (CATAIR)'' under the Technical column, select the ''PGA Message Set'' and then scroll down for EPA-specific CATAIR guidelines and message set samples.

The test applies to all modes of transportation and will be in effect at all ports. During this test, participants will collaborate with CBP and the EPA to examine the effectiveness of the single window capability.

III. Test Participant Responsibilities

PGA Message Set test participants will be required to:

- Transmit the EPA-required TSCA certification electronically once through the single window for use by both CBP and the EPA, using the PGA Message Set;
- Transmit the required information only as part of an ACE Entry Summary certified for cargo release;
- Transmit import filings to CBP via ABI in response to a request for documentation or in response to a request for release information for certified ACE Cargo Release;
- Only transmit to CBP information that has been requested by CBP or EPA;
- Use a software program that has completed ACE certification testing for the PGA Message Set; and
- Take part in a CBP evaluation of this test.

Participants are reminded that they should only file documents that CBP can accept electronically. The documents CBP can accept electronically are listed under the Document Image System (DIS) tab of the ACE Features page on the Web site *http://www.cbp.gov/trade/ace/features,* and, for participants using ABI, in the PGA Message Set part of the CATAIR. When CBP cannot accept additional information electronically, the filer must file the additional information by paper. *See* 78 FR 75931 at 75934–35 (December 13, 2013), for information on Confidentiality (Section XIII) and Misconduct under the PGA Message Set Test (Section XIV).

IV. Waiver of Regulation Under the Test

For purposes of this test, 19 CFR 12.118 through 12.127 and § 127.28 will be waived for test participants only insofar as eliminating any requirement that may appear in these regulations to file a paper version of the TSCA certification. In its place, test participants are required to transmit electronically the data elements via the PGA Message Set and any supporting documents via DIS. This document does not waive any recordkeeping requirements found in part 163 of title 19 of the CFR (19 CFR part 163) and the

appendix to part 163 (commonly known as the ''(a)(1)(A) list'').

V. Eligibility Criteria

As announced in this notice, the use of the PGA Message Set test is expanding to accept EPA-required TSCA certification data and supporting documentation. All other eligibility criteria as specified in prior PGA Message Set test notices remain the same. To be eligible to apply for this modification of the PGA Message Set test, the applicant must be a self-filing importer who has the ability to file ACE Entry Summaries certified for cargo release or a broker who has the ability to file ACE Entry Summaries certified for cargo release. CBP will accept an unlimited number of participants for the test. Test applicants must meet the eligibility criteria described in this document to participate in the test program.

VI. Application Process

Any parties seeking to participate in the modified PGA Message Set test concerning EPA TSCA data should send an email message to Loraine Passe, at *Passe.Loraine@epa.gov,* and they should also send a copy of that message to their assigned CBP client representative. Interested parties without an assigned CBP client representative should submit an email to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''PGA Message Set EPA Test FRN-Request to Participate''.

CBP client representatives will work with test participants to provide information regarding the transmission of this data. CBP will begin to accept applications on February 10, 2016 and will continue to accept applications throughout the duration of the test. CBP will notify the selected applicants by email of their selection and the starting date of their participation. Selected participants may have different starting dates. An applicant providing incomplete information, or otherwise not meeting participation requirements, will be notified by email and given the opportunity to resubmit its application.

VII. Test Duration

The modified test will begin no earlier than February 10, 2016 and will continue until concluded by way of announcement in the **Federal Register**. At the conclusion of the test, an evaluation will be conducted to assess the effect that the PGA Message Set has on expediting the submission of the EPA-required TSCA certification and the processing of entries for chemical substances and mixtures. The final results of the evaluation will be published in the **Federal Register** and the *Customs Bulletin* as required by section 101.9(b)(2) of the CBP regulations (19 CFR 101.9(b)(2)).

VIII. Comments

All interested parties are invited to comment on any aspect of this test at any time. CBP requests comments and feedback on all aspects of this test, including the design, conduct, and implementation of the test, in order to determine whether to modify, alter, expand, limit, continue, end, or fully implement this program.

IX. Paperwork Reduction Act

The collection of information in this test modification regarding the required TSCA certification has been reviewed by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507). OMB has determined that the TSCA certification is exempt from the Paperwork Reduction Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

X. Confidentiality

Data submitted and entered into the ACE Portal includes information that is exempt or restricted from disclosure by law, such as by the Trade Secrets Act (18 U.S.C. 1905). As stated in previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

XI. Misconduct Under the Test

A test participant may be subject to civil and criminal penalties, administrative sanctions, liquidated damages, and/or discontinuance from participation in this test for any of the following:

- Failure to follow the terms and conditions of this test.
- Failure to exercise reasonable care in the execution of participant obligations.
- Failure to abide by applicable laws and regulations that have not been waived.
- Failure to deposit duties or fees in a timely manner.

If the Director, Business Transformation, ACE Business Office (ABO), Office of International Trade, finds that there is a basis for discontinuance of test participation privileges, the test participant will be provided a written notice proposing the discontinuance with a description of the facts or conduct warranting the action. The test participant will be offered the opportunity to appeal the Director's decision in writing within 10 calendar days of receipt of the written notice. The appeal must be submitted to Executive Director, ABO, Office of International Trade by emailing *Deborah.Augustin@cbp.dhs.gov*.

The Executive Director will issue a decision in writing on the proposed action within 30 working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the proposed notice becomes the final decision of the Agency as of the date that the appeal period expires. A proposed discontinuance of a test participant's privileges will not take effect unless the appeal process under this paragraph has been concluded with a written decision adverse to the test participant.

In the case of willfulness or when public health, interest, or safety so requires, the Director, Business Transformation, ABO, Office of International Trade, may immediately discontinue the test participant's privileges upon written notice to the test participant. The notice will contain a description of the facts or conduct warranting the immediate action. The test participant will be offered the opportunity to appeal the Director's decision within 10 calendar days of receipt of the written notice providing for immediate discontinuance. The appeal must be submitted to Executive Director, ABO, Office of International Trade by emailing *Deborah.Augustin@cbp.dhs.gov*. The immediate discontinuance will remain in effect during the appeal period. The Executive Director will issue a decision in writing on the discontinuance within 15 working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the notice becomes the final decision of the Agency as of the date that the appeal period expires.

XII. PGA Programs Accepting Data Through the ACE PGA Message Set Test

Information about PGA participation in ACE, current operational capabilities, and plans for future enhancements are available on this Web site: *http://www.cbp.gov/trade/ace/features*. Select the ''PGA Integration'' tab and click ''ACE PGA Forms List'' under the References column for more information on agencies with pilots in preparation for electronic filing.

XIII. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

- ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004); 70 FR 5199 (February 1, 2005).
- ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
- Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
- ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
- ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).
- ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).
- Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).
- ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).
- ACE Simplified Entry: 76 FR 69755 (November 9, 2011).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).
- National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Simplified Entry: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).
- Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE), 78 FR 44142 (July 23, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction; 78 FR 53466 (August 29, 2013).
- Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039 (November 4, 2013).
- Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434 (November 19, 2013).
- National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release To Allow Importers and Brokers To Certify From ACE Entry Summary: 79 FR 24744 (May 1, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers: 79 FR 25142 (May 2, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment Document Image System: 79 FR 36083 (June 25, 2014).
- Announcement of eBond Test: 79 FR 70881 (November 28, 2014).
- eBond Test Modifications and Clarifications: Continuous Bond Executed Prior to or Outside the eBond Test May Be Converted to an eBond by the Surety and Principal, Termination of an eBond, Identification of Principal on an eBond by Filing Identification Number, and Email Address Correction: 80 FR 899 (January 7, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Document Image System Relating to Animal and Plant Health Inspection Service (APHIS) Document Submissions: 80 FR 5126 (January 30, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the use of Partner Government Agency Message Set through the Automated Commercial Environment (ACE) for the Submission of Certain Data Required by the Environmental Protection Agency (EPA): 80 FR 6098 (February 4, 2015).
- Announcement of Modification of ACE Cargo Release Test to Permit the Combined Filing of Cargo Release and Importer Security Filing (ISF) Data: 80 FR 7487 (February 10, 2015).
- Modification of NCAP Test Concerning ACE Cargo Release for Type 03 Entries and Advanced Capabilities for Truck Carriers: 80 FR 16414 (March 27, 2015).
- Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test: 80 FR 39790 (July 10, 2015).
- National Customs Automation Program (NCAP) Concerning Remote Location Filing Entry Procedures in the Automated Commercial Environment (ACE) and the Use of the Document Image System for the Submission of Invoices and the Use of eBonds for the Transmission of Single Transaction Bonds: 80 FR 40079 (July 13, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Partner Government Agency (PGA) Message Set Regarding Types of Transportation Modes and Certain Data Required by the National Highway Traffic Safety Administration (NHTSA): 80 FR 47938 (August 10, 2015).
- Modification of National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Food and Drug Administration (FDA) Using the Partner Government Agency (PGA) Message Set Through the Automated Commercial Environment (ACE): 80 FR 52051 (August 27, 2015).
- Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test: 80 FR 54305 (September 9, 2015).
- Animal and Plant Health Inspection Service: International Trade Data System Test Concerning the Electronic Submission to the Automated Commercial Environment of Data Using the Partner Government Agency Message Set: 80 FR 59721 (October 2, 2015).
- Automated Commercial Environment (ACE) Filings for Electronic Entry/Entry Summary (Cargo Release and Related Entry): 80 FR 61278 (October 13, 2015).

• Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Document Image System (DIS) Regarding Future Updates and New Method of Submission of Accepted Documents: 80 FR 62082 (October 15, 2015).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Entry Type 52 and Certain Other Modes of Transportation: 80 FR 63576 (October 20, 2015).

• Announcement of the Modification of the National Customs Automation Program Test Concerning the Automated Commercial Environment Portal Account To Establish the Exporter Portal Account: 80 FR 63817 (October 21, 2015).

• Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Entry Summary, Accounts and Revenue (ESAR) Test of Automated Entry Summary Types 51 and 52 and Certain Modes of Transportation: 80 FR 63815 (October 21, 2015).

Dated: February 5, 2016.

Brenda B. Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2016–02716 Filed 2–9–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2016–0004; OMB No. 1660–0098]

Agency Information Collection Activities: Proposed Collection; Comment Request; Citizen Corps Council Registration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA), 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 a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the online registration process for Citizen Corps Councils and Community Emergency Response Team programs.

DATES: Comments must be submitted on or before April 11, 2016.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2016–0004. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Steven (Tyler) Krska, Emergency Management Specialist, FEMA, PNP, Individual and Community Preparedness Division, 202–786–0947 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Citizen Corps was launched as a Presidential Initiative, Executive Order 13254, in 2002 with a mission to harness the power of every individual through education, training, and volunteer service to make communities safer, stronger, and better prepared for the threats of terrorism, crime, public health issues, and disasters of all kinds. Citizen Corps is FEMA's grassroots strategy to strengthen collaboration between government and community leaders from all sectors to engage the full community in preparedness, planning, mitigation, response, and recovery. The Community Emergency Response Team Program offers training that prepares people to help themselves, their families and their neighbors in the event of a disaster in their community.

FEMA's Individual and Community Preparedness Division, which administers Citizen Corps and the Community Emergency Response Team program nationally, would like to revise its online information collection process and forms by which local, tribal and territorial Councils' and Community Emergency Response Teams submit profiles via the national Web site. The Citizen Corps Council registration form will allow FEMA and State personnel to ensure that prospective Councils/CERT's have the support of the appropriate government officials in their area, ensure a dedicated coordinator is assigned to the Council, and will provide an efficient way to track the effectiveness of the nationwide network of Councils and CERT's. Approved registration of a Council or Community Emergency Response Team program allows them to be recognized as official entities; become eligible for Homeland Security grant funding; allows for the coordination of preparedness and emergency management activities among other groups associated with Citizen Corps; promote their local Councils to the public and become a part of the Citizen Corps national directory of Councils; and receive important updates and messages from the national office. The Citizen Corps Council and Community Emergency Response Team registries support the mission of FEMA's Individual and Community Preparedness Division and Citizen Corps, to help achieve greater community resiliency nationwide. This continuing registration process will allow the Individual and Community Preparedness Division to collect information that is more usable and provide a more efficient way to track the effectiveness of the nationwide network of Councils and CERT's.

Collection of Information

Title: Citizen Corps Council Registration.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0098.

FEMA Forms: FEMA Form 008–0–25, Citizen Corps Council Registration.

Abstract: FEMA's Community Preparedness Division would like to revise a currently approved collection for its registration of State, local, Tribal and territorial Councils and Community Emergency Response Teams. The registration process allows for new Councils to submit information on the Council or CERT to the State Citizen Corps Program Manager for approval. The revised registration process will allow for the collection of more valuable information and the tool is more user-friendly for Citizen Corps Councils and CERT's.

Affected Public: State, local or Tribal Government.

Number of Respondents: 3,900.

Number of Responses: 3,900.

Estimated Total Annual Burden Hours: 3,900 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $93,249.00. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $378,690.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: February 3, 2016.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2016–02640 Filed 2–9–16; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2007–0008]

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; request for applicants for appointment to the National Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) is requesting qualified individuals who are interested in serving on the FEMA National Advisory Council (NAC) to apply for appointment as identified in this notice. Pursuant to the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), the NAC shall advise the Administrator of FEMA on all aspects of emergency management. The NAC shall incorporate state, local, tribal, and territorial government, non-profit and private sector input in the development and revision of national emergency management doctrine, policy, and plans. The NAC consists of up to 35 members, all of whom are experts and leaders in their respective fields. FEMA seeks to appoint individuals to seven (7) discipline specific positions on the NAC and up to four (4) members as Administrator Selections. If other positions are vacated during the application process, candidates may be selected from the pool of applicants to fill the vacated positions.

DATES: Applications will be accepted until 11:59 p.m. EDT on March 16, 2016.

ADDRESSES: The preferred method of submission for application packages is via email. However, application packages may also be submitted by fax or U.S. mail. Please submit by only ONE of the following methods:

- *Email: FEMA-NAC@fema.dhs.gov.* Please save materials as one document using the naming convention, ''LAST NAME_FIRST NAME'' and attach to the email.
- *Fax:* (540) 504–2331.
- *U.S. Mail:* Office of the National Advisory Council, Federal Emergency Management Agency, 8th Floor, 500 C Street SW., Washington, DC 20472–3184.

FOR FURTHER INFORMATION CONTACT: Alexandra Woodruff, Designated Federal Officer, The Office of the National Advisory Council, Federal Emergency Management Agency, 8th Floor, 500 C Street SW., Washington, DC 20472–3184; telephone (202) 646–2700; fax (540) 504–2331; and email *FEMA-NAC@fema.dhs.gov.* For more information on the NAC, including application instructions and a list of frequently asked questions, please visit *http://www.fema.gov/national-advisory-council.*

SUPPLEMENTARY INFORMATION: The NAC is an advisory committee established in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. As required by PKEMRA, the Secretary of Homeland Security established the NAC to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. FEMA is requesting individuals who are interested and qualified in serving on the NAC to apply for appointment. Individuals selected for appointment will serve as either a Special Government Employee (SGE) or a Representative in one of the following disciplines: Emergency Management (one Representative appointment), Emergency Medical Providers (one SGE appointment), Functional and Access Needs (one Representative appointment), Non-Elected Local Government Officials (one Representative appointment), Non-Elected State Government Officials (one Representative appointment), Public Health (one SGE appointment), Standards Setting and Accrediting (one SGE appointment). The Administrator may appoint up to four (4) additional candidates to serve as FEMA Administrator Selections (as SGE appointments). For one of the FEMA Administrator Selection positions, FEMA seeks to appoint an individual to represent emerging leaders in emergency management. This position is for an individual who has academic experience in emergency management, served in the FEMACorps program, is an alumni of FEMA's Youth Preparedness Council, or has otherwise contributed to the field of emergency management as an emerging leader. Appointments will be for three-year terms that start in September 2016.

More information about the disciplines can be found in the NAC Charter: *http://www.fema.gov/media-library-data/18059cd64e864a278afab92581092481/NAC+Charter_CMO+filed+23APR2013+508c.pdf.*

If you are interested and qualified, please apply for consideration of appointment by submitting an application package to the Office of the NAC as listed in the **ADDRESSES** section of this notice. Current NAC members whose terms are ending should notify the Office of the NAC of their interest in reappointment in lieu of submitting a new application, and if desired, provide updated application materials for consideration. There is no application form; however, each application package MUST include the following information:

- Cover letter, addressed to the Office of the NAC, that indicates why you are interested in serving on the NAC and includes the following information: the discipline area(s) being applied for, current position title and organization, home and work addresses, a current telephone number and email address;
- Resume or Curriculum Vitae (CV); and
- One Letter of Recommendation addressed to the Office of the NAC.

Incomplete applications will not be considered. Each application will be reviewed on three criteria: (1) Leadership attributes, (2) emergency management experience, and (3) strategy and policy experience.

Appointees may be designated as a SGE as defined in section 202(a) of title 18, United States Code, or as a Representative member. Candidates selected for appointment as SGEs are required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450) each year. This form can be obtained by visiting the Web site of the Office of Government Ethics (*http://www.oge.gov*). However, please do not submit this form with your application.

The NAC meets in person approximately twice a year. Members may be reimbursed for travel and per diem. All travel for NAC business must be approved in advance by the Designated Federal Officer. NAC members are expected to serve on one of the three NAC Subcommittees, which regularly meet by teleconference.

DHS does not discriminate on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all of its recruitment actions. Current DHS and FEMA employees, FEMA Reservists, and DHS and FEMA contractors and potential contractors will not be considered for membership. Federally registered lobbyists may apply for positions designated as Representative appointments but are not eligible for positions that are designated as SGE appointments.

Dated: February 4, 2016.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–02648 Filed 2–9–16; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Renewal From OMB of One Current Public Collection of Information; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0058, abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The information collection activity provides a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

DATES: Send your comments by April 11, 2016.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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 agency's estimate of the burden;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0058; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. The information collection activity provides a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

From the TSA perspective, qualitative customer and stakeholder feedback is information that provides useful insights on perceptions and opinions; it is different than the results of statistical surveys, which yield quantitative results that can be generalized to the population of study. This qualitative feedback provides insights into customer or stakeholder perceptions, experiences, and expectations regarding TSA products or services, provides TSA with an early warning of issues with service, and focuses attention on areas where improvement is needed regarding communication, training, or changes in operations that might improve delivery of products or services. These collections allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. They also allow feedback to contribute directly to the improvement of program management. The solicitation of feedback targets areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses are assessed to plan and inform efforts to improve or maintain the quality of service offered by TSA. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies.
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The aggregate burden estimate is based on a review of past behavior of participating program offices and several individual office estimates. The likely respondents to this proposed information request are state, local, or tribal government and law enforcement; traveling public; individuals and households; and businesses and organizations. TSA estimates an average of 10 annual surveys with approximately 709,450 respondents per activity for a total of 7,094,500 responses. TSA further estimates a frequency of one response per request with an average response time of 30 minutes (0.5 hours) resulting in an estimated 3,547,250 burden hours. Program offices will provide more refined individual estimates of burden in their subsequent generic information collection applications. The burden hour estimates reflect an increase over prior burden hour estimates because TSA anticipates increasing customer and stakeholder outreach due to expanding outreach efforts by additional program offices.

Dated: February 4, 2016.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2016–02659 Filed 2–9–16; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[ONRR–2012–0003; DS63602000 DR2000000.PX8000 167D0102R2]

U.S. Extractive Industries Transparency Initiative Multi-Stakeholder Group (USEITI MSG) Advisory Committee Meeting Notice

AGENCY: Office of Natural Resource Revenue, Interior.

ACTION: Meetings.

SUMMARY: This notice announces the next three meetings of the United States Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group (MSG) Advisory Committee.

DATES: The three meetings in 2016 will occur on March 8–9, 2016; June 28–29, 2016; and October 26–27, 2016; in Washington, DC, from 9:30 a.m. to 5:00 p.m. Eastern Time, unless we indicate otherwise at *www.doi.gov/eiti/faca,* where we will post agendas, meeting logistics, and meeting materials prior to the meeting.

ADDRESSES: The meetings will be held in the South Penthouse of the Stewart Lee Udall Department of the Interior Building located at 1849 C Street NW., Washington, DC 20240. Members of the public may attend in person or view documents and presentations under discussion via WebEx at *http://bit.ly/1cR9W6t* and listen to the proceedings at telephone number 1–888–455–2910 and International Toll number 210–839–8953 (passcode: 7741096).

FOR FURTHER INFORMATION CONTACT: Rosita Compton Christian, USEITI Secretariat; 1849 C Street NW., MS 4211; Washington, DC 20240. You may also contact the USEITI Secretariat via email at *useiti@ios.doi.gov,* by phone at 202–208–0272, or by fax at 202–513–0682.

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior established the USEITI Advisory Committee (Committee) on July 26, 2012, to serve as the USEITI multi-stakeholder group. More information about the Committee, including its charter, is available at *www.doi.gov/eiti/faca.*

Meeting Agendas: At the March 8–9, 2016, meeting, the MSG will discuss and decide scope; approaches to the Independent Administrator's (IA) recommendations regarding Reporting and Reconciliation; and the first phase contextual narrative updates for the 2016 USEITI Report. The June 28–29, 2016, meeting agenda will include the MSG discussion of the IA draft Reconciliation Report and the second phase contextual narrative updates for the 2016 USEITI Report. At the October 26–27, 2016, meeting, the MSG will discuss and approve the final additions to 2016 USEITI Report and the 2017 Annual Workplan. We will post the final agendas and materials for all meetings on the USEITI MSG Web site at *www.doi.gov/eiti/faca.* All Committee meetings are open to the public.

Whenever possible, we encourage those participating by telephone to gather in conference rooms in order to share teleconference lines. Please plan to dial into the meeting and/or log into WebEx at least 10–15 minutes prior to the scheduled start time in order to avoid possible technical difficulties. We will accommodate individuals with special needs whenever possible. If you require special assistance (such as an interpreter for the hearing impaired), please notify Interior staff in advance of the meeting at 202–208–0272 or via email at *useiti@ios.doi.gov.*

We will post the minutes from these proceedings on the USEITI MSG Web site at *www.doi.gov/eiti/faca,* and they will also be available for public inspection and copying at our office at the Stewart Lee Udall Department of the Interior Building in Washington, DC, by contacting Interior staff at *useiti@ios.doi.gov* or by telephone at 202–208–0272. For more information on USEITI, visit *www.doi.gov/eiti.*

Dated: January 21, 2016.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2016–02641 Filed 2–9–16; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP01000–L5440000.EU000LVCLG15G5180]

Notice of Realty Action: Classification for Lease and Subsequent Conveyance for Recreation and Public Purposes of Public Land for an Elementary School, Socorro County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 60 acres of public land in San Antonio, Socorro County, New Mexico. The City of Socorro Consolidated School District proposes to use the land for a kindergarten through fifth grade elementary school.

DATES: Interested parties may submit written comments regarding the proposed classification of the land for lease and subsequent conveyance of the land, and the environmental assessment, until March 28, 2016.

ADDRESSES: Send written comments to the Bureau of Land Management Field Manager, Socorro Field Office, 901 South Highway 85, Socorro, NM 87801.

FOR FURTHER INFORMATION CONTACT: Virginia Alguire, 575–838–1290, or *valguire@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 Socorro Consolidated School District has filed an application to develop the following described land as an elementary school with related facilities adjacent to the existing San Antonio Elementary School. The parcel of public land is legally described as:

New Mexico Principal Meridian, New Mexico

T. 4 S., R. 1 E.,

Section 31: SE¼SE¼, and E½SW¼SE¼.

The area described contains approximately 60 acres, in Socorro County. Facilities of the school include classrooms, gymnasiums, parking lots, outdoor classrooms, fitness track, trails, etc. Enrollment is expected to be about 100 students. The construction of the new facilities would replace the original elementary school built in 1928. A fitness track and a portion of the current elementary school outbuilding were constructed on public land and are unauthorized. Issuance of the lease and/or subsequent conveyance would resolve this unauthorized use. Additional detailed information pertaining to this application, plan of development, and site plan is in case file NMNM–131595, which are located in the BLM Socorro Field Office at the above address. Environmental documents associated with the proposed action are available for review at the BLM Socorro Field Office, and on the web at: *http://www.blm.gov/nm/st/en/fo/Socorro_Field_Office/socorro_nepa.html.* The land is not required for any Federal purpose. The lease and subsequent conveyance are consistent with the BLM Socorro Resource Management Plan, approved August 2010, and would be in the public interest. The Socorro Consolidated School District is a political subdivision of the State of New Mexico, a qualified applicant under the R&PP Act, has not applied for more than the 640-acre limitation for public purpose uses in a year, and has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b). The lease and subsequent conveyance of the public land shall be subject to valid existing rights. Subject to limitations prescribed by law and regulations, prior to patent issuance, a holder of any right-of-way within the lease area may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable. The lease and subsequent conveyance, if and when issued, will be subject to provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following terms, conditions, and reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

3. All valid existing rights;

4. Powerline right-of-way NMNM 0467996 issued to the Socorro Electric Cooperative, its successors or assigns, pursuant to the Act of October 21, 1976 as amended (43 U.S.C. 1701);

5. An appropriate indemnification clause protecting the United States from claims arising out of the leasee/patentee use, occupancy, or operation of the property. It will also contain any other terms and conditions deemed necessary and appropriate by the Authorized Officer.

Upon publication of this notice in the **Federal Register,** the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease and/or subsequent conveyance under the R&PP Act and leasing under the mineral leasing laws. Interested parties may submit written comments on the suitability of the land for a public school. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs. Interested parties may also submit written comments regarding the specific use proposed in the application and plan of development, and whether the BLM followed proper administrative procedures in reaching the decision to lease and/or convey under the R&PP Act. Any adverse comments will be reviewed by the BLM New Mexico State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the decision will become effective on April 11, 2016. 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 in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted to the Field Manager, BLM Socorro Field Office, will be considered properly filed.

(Authority: 43 CFR 2741.5)

Andrew Archuleta,

Acting Deputy State Director, Lands and Resources.

[FR Doc. 2016–02666 Filed 2–9–16; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00000 L51010000 PQ0000 LVRWF1403480.241A; MO# 4500088891]

Notice of Realty Action; Segregation of Public Land Located in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice serves to segregate the public lands located in Clark County, Nevada, for 2 years from appropriation pursuant to the public land laws, including location pursuant to the General Mining Law of 1872, subject to valid existing rights. This segregation does not apply to oil and gas leases under the Mineral Leasing Act of 1920 or sales of materials such as sand and gravel under the Mineral Materials Act of 1947. The purpose of such segregation is to promote the orderly administration of the public lands, to facilitate the development of valuable renewable energy resources, and to avoid conflicts between renewable energy generation and mining claims.

DATES: This notice of segregation of the lands is effective immediately upon publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gregory Helseth, Renewable Energy Project Manager, 702–515–5173; 4701 North Torrey Pines Drive, Las Vegas, NV 89130–2301; email: *ghelseth@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: Searchlight Wind Energy, LLC (SWE), a wholly owned subsidiary of Apex Energy, applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) grant on public lands to develop a 200-megawatt wind energy facility. The ROW application area encompasses approximately 18,790 acres of BLM-administered public lands adjacent to Searchlight, located approximately 60 miles southeast of Las Vegas, in Clark County, Nevada. The project is in conformance with the 1998 Las Vegas Resource Management Plan.

Segregation of Lands: A Final Rule, published in the **Federal Register** (78

FR 25204) on April 30, 2013, amended BLM regulations found in 43 CFR 2090 and 2800 to allow the BLM to temporarily segregate from the operation of the public land laws, by publication of a **Federal Register** notice, public lands included in a pending wind energy generation ROW application. The Final Rule for segregation allows a State Director to extend the project-specific segregation if that segregation would expire before a decision can be made.

This segregation is necessary to allow the BLM to complete additional analysis on the Final Environmental Impact Statement (FEIS) for the Searchlight project. The additional analysis is necessitated by the October 30, 2015, Order from the United States District Court for the District of Nevada, vacating the March 13, 2013, Searchlight Wind Record of Decision and supporting FEIS. This segregation does not affect valid existing rights. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature, which would not impact lands identified in this notice, may be allowed with the approval of an authorized officer of the BLM during the period of segregation. The lands segregated under this notice are legally described as follows:

Mount Diablo Meridian, Nevada

T. 28 S., R. 63 E.,
sec. 22, that portion of the E½SE¼ lying east of the easterly right-of-way of S.R. 95 NVCC–20733;
sec. 23, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–20733, excepting Patent No. 27–72–0013, and patented mineral surveys;
sec. 24, excepting patented mineral surveys;
sec. 25, excepting patented mineral surveys;
sec. 26, excepting patented mineral surveys; and
sec. 27, those portions of lots 1, 8, 9, 10, 14, and 15 lying east of the easterly right-of-way of S.R. 95 NVCC–20733.
T. 29 S., R. 63 E.,
sec. 1;
sec. 11, that portion lying east of airport leases Nev-65340 and N–81843;
sec. 13;
sec. 14, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–20845, excepting airport lease Nev-65340;
sec. 24, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–20845; and
sec. 25, that portion lying east of the easterly right-of-way of S.R. 95 NVCC–20845.
T. 28 S., R. 64 E.,
secs. 19 and 20;
sec. 26, those portions of the N½NE¼SW¼, N½NW¼SW¼, and W½NW¼NW¼SE¼, lying north of the northerly right-of-way of Cottonwood Cove Road;
secs. 27 and 28;
sec. 29, excepting patented mineral surveys;
sec. 30, excepting patented mineral surveys;
sec. 31, excepting patented mineral surveys;
sec. 32, excepting patented mineral surveys; and
secs. 33 and 34.
T. 29 S., R. 64 E.,
sec. 4;
sec. 5, excepting patented mineral surveys; and
secs. 6 through 8 inclusive, 17 through 20 inclusive, 29 and 30.
The area described contains 18,790 acres in Clark County, Nevada.

As provided in the Final Rule, the segregation of lands in this notice will not exceed 2 years from the date of publication unless extended for up to 2 additional years, through publication of a new notice in the **Federal Register**. Termination of the segregation occurs on the earliest of the following dates: upon issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a ROW; automatically at the end of the segregation; or upon publication of a **Federal Register** notice of termination of the segregation.

Upon termination of segregation of these lands, all lands subject to this segregation will automatically reopen to appropriation under the public land laws.

(Authority: 43 CFR 2800 and 2090)

John F. Ruhs,

Nevada State Director.

[FR Doc. 2016–02664 Filed 2–9–16; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO320000 L19900000 PO0000]

Renewal of Approved Information Collection; OMB Control No. 1004–0025

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information regarding applications for fee title to Federal Lands embraced in hardrock mineral claims. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0025.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before March 11, 2016.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004-0025), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *oira_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–0025'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, at 202–912–7123. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, to leave a message for Ms. Santillan. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on October 7, 2015 (80 FR 60709), and the comment period ended December 7, 2015. The BLM received no comments. The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including

whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0025 in your correspondence. 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 in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: Mineral Surveys, Mineral Patent Applications, Adverse Claims, Protests, and Contests (43 CFR parts 3860 and 3870).

OMB Control Number: 1004–0025.

Abstract: On its face, the General Mining Law (30 U.S.C. 29, 30, and 39) authorizes a holder of an unpatented claim for hardrock minerals to apply for fee title (patent) to the federal land (as well as minerals) embraced in the claim. Since 1994, a rider on the annual appropriation bill for the Department of the Interior has prevented the BLM from processing mineral patent applications unless the applications were grandfathered under the initial legislation. While grandfathered applications are rare at present, the approval to collect the information continues to be necessary because of the possibility that the moratorium will be lifted.

Frequency of Collection: Once.

Form: Certificate of Title on Mining Claims (Form 3860–2) and Application for Survey on Mining Claim (Form 3860–5).

Description of Respondents: Owners of unpatented mining claims and mill sites upon the public lands, and of reserved mineral lands of the United States, National Forests, and National Parks.

Estimated Annual Burdens: 10 responses.

Estimated Hour Burden: 559 hours.

Estimated ''Non-Hour Cost'' Burden: $174,205.

The ''Non-Hour Cost'' burden estimate includes $14,005 for fixed document processing fees, $1,200 for publication cost, and $159,000 for case-by-case fee for validity examinations.

Anna Atkinson,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2016–02667 Filed 2–9–16; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2015–0068]

Outer Continental Shelf, Alaska Region, Beaufort Sea Planning Area, Liberty Development and Production Plan, Extension of Public Scoping Comment Period, MMAA10400

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Extension of Public Scoping Comment Period, Liberty Development and Production Plan.

SUMMARY: On September 25, 2015, BOEM published a Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Liberty Development and Production Plan (DPP) in the Beaufort Sea Planning Area (80 FR 57873). In response to the scoping meetings held in November 2015, BOEM extended the original comment period by 60 days to January 26, 2016. On January 20, 2016, BOEM received a 60 day extension request from the operator. BOEM has granted this extension to support the intent of the National Environmental Policy Act (NEPA), to collect information to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS, and to provide an additional opportunity for interested and affected parties to comment. BOEM is extending the scoping comment period for an additional 62 days to March 28, 2016.

DATES: Scoping comments should be submitted by March 28, 2016.

FOR FURTHER INFORMATION CONTACT: For information on the Liberty DPP EIS or BOEM's policies associated with this notice, please contact Lauren Boldrick, Project Manager, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503, telephone (907) 334–5227.

SUPPLEMENTARY INFORMATION: Federal, state, tribal, and local governments and/or agencies and other interested parties may submit written comments on the scope of the EIS through the Federal eRulemaking Portal: *http://www.regulations.gov.* In the field entitled ''Enter Keyword or ID,'' enter [Docket No. BOEM–2015–0068], and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

BOEM does not consider anonymous comments; please include your name and address as part of your submittal. 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 in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

BOEM held scoping meetings in Fairbanks, Kaktovik, Nuiqsut, Barrow, and Anchorage in November, 2015. Pursuant to the regulations implementing the procedural provisions of NEPA, BOEM may, at the request of the communities potentially affected by the Liberty Project, hold additional public scoping meetings to solicit comments on the scope of the Liberty Development and Production Plan EIS. If additional scoping meetings are to be held, a notice will be published in the local newspapers or other means of notification to the community at least 15 days in advance of the meeting date.

Dated: February 1, 2016.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2016–02654 Filed 2–9–16; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–969]

Certain Blood Cholesterol Test Strips and Associated Systems Containing the Same; Commission's Determination Not To Review an Initial Determination Terminating the Investigation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to

review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 8) granting a joint motion to terminate the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or 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 at *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: The Commission instituted this investigation on November 5, 2015, based on a complaint filed on behalf of Polymer Technology Systems, Inc. of Indianapolis, Indiana (''Complainant''). 80 FR 68563 (Nov. 5, 2015). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the sale for importation or sale within the United States after importation of certain blood cholesterol test strips and associated systems containing same by reason of infringement of certain claims of U.S. Patent No. 7,087,397. The notice of investigation named Infopia Co., Ltd. of Gyeonggi-do, Korea; Infopia America LLC of Titusville, Florida; and Jant Pharmacal Corporation of Encino, California as respondents. The Office of Unfair Import Investigations was also named as a party but later withdrew from the investigation.

On January 19, 2016, the private parties filed a joint motion to terminate the investigation based on a settlement agreement.

On January 20, 2016, the ALJ granted the joint motion to terminate. The ALJ found the parties included confidential and public versions of the settlement agreement and that the parties represented that there are no other agreements, written or oral, express or implied concerning the subject matter of the investigation. The ALJ also found that termination of the investigation is not contrary to the public interest. No petitions for review were filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in 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).

Issued: February 5, 2016.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–02691 Filed 2–9–16; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Advisory Committee on Rules of Civil Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: *Date:* April 14–15, 2016.

Time: 8:30 a.m. to 5:00 p.m.

ADDRESSES: Tideline Ocean Resort & Spa, Malcolm's Ball Room, 2842 S. Ocean Boulevard, Palm Beach, FL 33480.

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: February 4, 2016.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2016–02693 Filed 2–9–16; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Bankruptcy Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure will hold a one-day meeting. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: March 31, 2016 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: Hotel Monaco Denver, 1717 Champa Street, Paris B&C Meeting Rooms, Denver, CO 80202.

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: February 4, 2016.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2016–02692 Filed 2–9–16; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. BBA Aviation plc, et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *BBA Aviation plc, et al.,* Civil Action No. 1:16–cv–00174 (ABJ). On February 3, 2016, the United States filed a Complaint alleging that BBA Aviation plc's (''BBA'') proposed acquisition of the fixed-base operator (''FBO'') assets owned by Landmark U.S. Corp LLC and LM U.S. Member LLC (collectively, ''Landmark'') at six U.S. airports would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires BBA to divest the

FBO assets it is acquiring from Landmark at each of the six airports: Washington Dulles International Airport (IAD); Scottsdale Municipal Airport (SDL); Fresno Yosemite International Airport (FAT); Jacqueline Cochran Regional Airport (TRM); Westchester County Airport (HPN); and Ted Stevens Anchorage International Airport (ANC).

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's Web site at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to James J. Tierney, Chief, Networks & Technology Enforcement Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 7100, Washington, DC 20530 (telephone: 202–307–6640).

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the District of Columbia

United States of America, U.S. Department of Justice, Antitrust Division 450 Fifth Street, NW., Suite 7100, Washington, DC 20530,

Plaintiff,

v.

BBA Aviation PLC, 105 Wigmore Street, London, UK, W1U 1QY England, Landmark U.S. Corp LLC, 1001 Pennsylvania Avenue, NW., Suite 220 South, Washington, DC 20004,

and

LM U.S. Member LLC, 1001 Pennsylvania Avenue, NW., Suite 220 South, Washington, DC 20004,

Defendants.

CASE NO.: 1:16-cv-00174
JUDGE: Amy Berman Jackson
FILED: 02/03/2016

Complaint

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil antitrust action to enjoin the proposed acquisition by BBA Aviation plc (''BBA''), operating in the United States through its subsidiary Signature Flight Support Corporation (''Signature''), of Landmark U.S. Corp LLC and LM U.S. Member LLC, collectively doing business as Landmark Aviation (''Landmark''), and to obtain other equitable relief. The United States alleges as follows:

I. Nature of the Action

1. On September 23, 2015, BBA and Landmark signed an agreement for BBA to acquire all of the equity interests in Landmark, including Landmark's fixed-base operator locations (''FBOs''), for approximately $2.065 billion. FBOs sell aviation fuel and provide flight support services to general aviation customers. BBA, through Signature, operates approximately 70 FBOs at airports across the United States. Landmark operates FBOs at approximately 60 airports in the United States. Both Signature and Landmark operate FBOs at Washington Dulles International Airport (''IAD'') located in Dulles, Virginia; Scottsdale Municipal Airport (''SDL'') located in Scottsdale, Arizona; Fresno Yosemite International Airport (''FAT'') located in Fresno, California; Jacqueline Cochran Regional Airport (''TRM'') located in Thermal, California; Westchester County Airport (''HPN'') located in White Plains, New York; and Ted Stevens Anchorage International Airport (''ANC'') located in Anchorage, Alaska.

2. Signature and Landmark are the only two full-service FBOs operating at IAD, SDL, and FAT, and two of only three full-service FBOs operating at TRM, HPN, and ANC. At each of these six airports, Signature and Landmark compete directly on price and quality of FBO services. The proposed acquisition would eliminate this head-to-head competition, resulting in higher prices and lower quality of services for general aviation customers at each airport.

3. Accordingly, BBA's proposed acquisition of Landmark is likely to lessen competition substantially in the markets for full-service FBO services at IAD, SDL, FAT, TRM, HPN, and ANC in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, and should be enjoined.

II. Jurisdiction and Venue

4. The United States brings this action under Section 15 of the Clayton Act, as amended, 15 U.S.C. 25, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18. This Court has subject matter jurisdiction over this action and jurisdiction over the parties pursuant to 15 U.S.C. 25 and 28 U.S.C. 1331, 1337(a), and 1345.

5. Defendants are engaged in interstate commerce and in activities substantially affecting interstate commerce. Signature and Landmark market and sell their products and services, including their FBO services, throughout the United States and regularly transact business and transmit data in connection with these activities in the flow of interstate commerce.

6. Defendants have consented to venue and personal jurisdiction in this District. This Court has personal jurisdiction over each Defendant and venue is proper under Section 12 of the Clayton Act, 15 U.S.C. 22, and 28 U.S.C. 1391(b) and (c).

III. Defendants and the Proposed Transaction

7. BBA is a United Kingdom public limited company headquartered in London, England. BBA operates in the United States through its subsidiary, Signature, a Delaware corporation headquartered in Orlando, Florida. Signature has the largest FBO network in the United States and in the world. It owns or operates approximately 70 FBO facilities in the United States, including FBO operations at IAD, SDL, FAT, TRM, HPN, and ANC. BBA had worldwide revenues of approximately $2.3 billion in 2014, of which over $900 million were derived from Signature's U.S. FBO business.

8. Landmark U.S. Corp. and LM U.S. Member are Delaware limited liability companies with their headquarters in Houston, Texas and together comprise the companies doing business as Landmark. They are subsidiaries of CP V Landmark II, L.P. and CP V Landmark, L.P, respectively, which are both Delaware limited partnerships affiliated with the Carlyle Group. Landmark has the third-largest FBO network in the United States, where it owns and operates approximately 60 FBO facilities, including FBO operations at IAD, SDL, FAT, TRM, HPN, and ANC. Landmark had worldwide revenues of over $700 million in 2014, of which over $500 million were derived from its U.S. FBO business.

9. On September 23, 2015, BBA and Landmark executed a Securities Purchase Agreement under which BBA agreed to acquire all of the equity interests in Landmark for approximately $2.065 billion.

IV. Trade and Commerce

A. The Relevant Market

10. An FBO is a commercial business that is granted the right by a local airport authority to sell fuel and provide related support services to general aviation customers. General aviation

customers include charter, private, and corporate aircraft operators, as distinguished from scheduled commercial passenger and cargo airline operators. General aviation customers cannot obtain FBO services except through the FBOs authorized to sell such services by each local airport authority.

11. Full-service FBOs sell aviation fuel, including at least jet aviation fuel (''Jet A'') and typically also aviation gasoline (''avgas''); provide fueling services, including pumping fuel into aircraft; and provide additional support services, including aircraft ground handling, aircraft parking and storage, and passenger and crew services such as baggage handling, ground transportation, catering, concierge, conference room, and lounge services.

12. The largest source of revenue for an FBO is fuel sales. FBOs sell Jet A for turbine-powered aircraft, including turbojets and turboprops, and avgas for smaller, piston-powered aircraft. Jet A comprises the vast majority of U.S. fuel consumption by general aviation customers, with avgas making up a significantly smaller portion.

13. Full-service FBOs do not typically charge separately for certain ancillary services such as conference rooms, pilot lounges, flight planning, and transportation, and instead recover the cost of these services in the price that they charge for fuel. Full-service FBOs do, however, often charge separately for hangar and office space rentals, aircraft parking and storage, aircraft handling, tie-down and ground services, deicing, and catering.

14. Full-service FBOs are distinct from self-service FBOs, which require that the aircraft pilot or crew tow the aircraft and pump the fuel themselves and do not provide the full range of support services provided by full-service FBOs. Most self-service FBOs do not sell Jet A, and those that do lack the necessary equipment to service large jet aircraft. For the vast majority of general aviation customers, self-service FBOs are not an alternative to a full-service FBO, and a hypothetical monopolist of full-service FBO services at an airport could profitably increase prices by a significant and non-transitory amount. Accordingly, full-service FBO services constitute a relevant product market and line of commerce under Section 7 of the Clayton Act, 15 U.S.C. 18.

15. General aviation customers typically select the airport they wish to fly into based on its proximity to their ultimate destination and other convenience factors and then select an FBO from those available at that airport. In most cases, the inconvenience and cost of flying an aircraft to another nearby airport to refuel outweighs any difference in the fuel prices between the airports. Thus, obtaining FBO services at another airport is not a meaningful alternative for most general aviation customers. As a result, a hypothetical monopolist of full-service FBO services at IAD, SDL, FAT, TRM, HPN, or ANC could profitably increase prices by a significant and non-transitory amount. Accordingly, these individual airports each constitute a relevant geographic market and section of the country under Section 7 of the Clayton Act, 15 U.S.C. 18.

B. Anticompetitive Effects

16. The markets for full-service FBO services at IAD, SDL, and FAT are highly concentrated, with Signature and Landmark serving as the only two providers of full-service FBO services at each airport.

17. The markets for full-service FBO services at TRM, HPN, and ANC are also highly concentrated, with Signature, Landmark, and a single smaller competitor serving as the only three providers of full-service FBO services at each airport. At TRM, the third competitor is a new full-service FBO that has obtained a lease with the airport authority and begun construction of a facility, but is not expected to be fully operational until later this year. At HPN, the other competitor is precluded by the terms of its lease with the airport authority from serving larger aircraft—which represent a significant portion of HPN's general aviation customers—and serves less than 20% of the market. At ANC, the other competitor has not been operating as long as either Signature or Landmark and also has a market share below 20%.

18. Market concentration often is a useful indicator of the level of competitive vigor in a market and the likely competitive effects of a merger. The more concentrated a market, and the more a transaction would increase that concentration, the more likely it is that the transaction would result in reduced competition and harm to consumers. Market concentration commonly is measured by the Herfindahl-Hirschman Index (''HHI''), as explained in Appendix A. Markets in which the HHI exceeds 2,500 points are considered highly concentrated, and transactions that increase the HHI by more than 200 points in highly concentrated markets are presumed likely to enhance market power. Here, the proposed acquisition would substantially increase market concentration at IAD, SDL, FAT, TRM, HPN, and ANC, each of which already is highly concentrated, raising the HHI by more than 3,100 points in each market. At IAD, SDL, and FAT, the proposed acquisition would result in an HHI of 10,000—a total monopoly—and at TRM, HPN, and ANC, the post-acquisition HHI would exceed 6,700 points in each market.

19. Competition between the Signature and Landmark FBO facilities at IAD, SDL, FAT, TRM, HPN, and ANC currently limits the ability of each company to raise prices for FBO services. This head-to-head competition also forces each company to offer better service to customers. The proposed acquisition would eliminate the competitive constraint each firm imposes on the other at each airport.

20. Consequently, the proposed acquisition would lead to a monopoly at IAD, SDL, and FAT and establish Signature as the dominant provider of full-service FBO services at TRM, HPN, and ANC, with a market share of at least 80% and the ability to exercise substantial market power. The proposed acquisition would therefore likely result in higher prices for full-service FBO services and a lower quality of service for general aviation customers at IAD, SDL, FAT, TRM, HPN, and ANC in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

C. Entry

21. Successful entry into the provision of full-service FBO services at IAD, SDL, FAT, TRM, HPN, or ANC would not be timely, likely, or sufficient to deter the anticompetitive effects resulting from the proposed acquisition for several reasons. First, FBO entry or expansion requires extensive lead time and capital investment to complete and there is no guarantee that the FBO provider would be able to obtain the necessary approvals and permits. Second, it often takes several years for a new FBO provider to build a significant customer base. Third, an FBO provider that wanted to enter or expand at an airport would need to secure land to build FBO facilities, obtain the approval of the airport authority and necessary permits, and construct FBO facilities prior to beginning operations. At airports where there is insufficient existing land or infrastructure to support additional FBO facilities—which is the case at least at IAD, SDL, FAT, and HPN—an FBO provider would also need to develop adjacent land and expand the airport infrastructure. Thus, successful entry or expansion at any of the individual airports at issue likely would not occur in a timely manner or be sufficient to

prevent or remedy the proposed acquisition's anticompetitive effects.

V. Violation Alleged

22. The United States hereby incorporates paragraphs 1 through 21 above.

23. Unless enjoined, BBA's proposed acquisition of Landmark is likely to substantially lessen competition for full-service FBO services at IAD, SDL, FAT, TRM, HPN, and ANC in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, in the following ways:

(a) All competition for full-service FBO services at IAD, SDL, and FAT will be eliminated;

(b) actual and potential competition between Signature and Landmark for full-service FBO services at IAD, SDL, FAT, TRM, HPN, and ANC will be eliminated; and

(c) prices for full-service FBO services for general aviation customers at IAD, SDL, FAT, TRM, HPN, and ANC will likely increase and the quality of services will likely decrease.

VI. Request for Relief

24. The United States requests that this Court:

(a) Adjudge and decree that BBA's proposed acquisition of Landmark would be unlawful and would violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) permanently enjoin and restrain Defendants and all persons acting on their behalf from consummating the proposed transaction or from entering into or carrying out any contract, agreement, plan, or understanding the effect of which would be to combine Signature's and Landmark's FBO facilities and assets at IAD, SDL, FAT, TRM, HPN, and ANC;

(c) award the United States its costs for this action; and

(d) award the United States such other and further relief as this Court deems just and proper.

Dated: February 3, 2016.

Respectfully submitted,

For Plaintiff United States of America:

/s/_____
William J. Baer (DC Bar #324723),
Assistant Attorney General for Antitrust.

/s/_____
Sonia K. Pfaffenroth,
Deputy Assistant Attorney General.

/s/_____
Patricia A. Brink,
Director of Civil Enforcement.

/s/_____
James J. Tierney (DC Bar #434610),
Chief, Networks & Technology.

/s/_____
Aaron D. Hoag,
Matthew C. Hammond,
Assistant Chiefs, Networks & Technology Enforcement Section.

/s/_____
Patricia L. Sindel * (DC Bar #997505),
Elizabeth Jensen,
Ryan Struve (DC Bar #495406),
Jeffrey Negrette,
Trial Attorneys, Networks & Technology Enforcement Section.

Antitrust Division, U.S. Department of Justice, 450 Fifth Street NW., Suite 7100, Washington, DC 20530, Phone: (202) 598–8300, Facsimile: (202) 616–8544, Email: patricia.sindel@usdoj.gov.

* Attorney of Record

Appendix A

Herfindahl-Hirschman Index

The term ''HHI'' means the Herfindahl-Hirschman Index, a commonly accepted measure of market concentration. The HHI is calculated by squaring the market share of each firm competing in the relevant market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of 30, 30, 20, and 20 percent, the HHI is 2,600 ($30^2 + 30^2 + 20^2 + 20^2 = 2{,}600$). The HHI takes into account the relative size distribution of the firms in a market. It approaches zero when a market is occupied by a large number of firms of relatively equal size, and reaches its maximum of 10,000 points when a market is controlled by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases.

Markets in which the HHI is between 1,500 and 2,500 points are considered to be moderately concentrated, and markets in which the HHI is in excess of 2,500 points are considered to be highly concentrated. *See* U.S. Department of Justice & Federal Trade Commission, *Horizontal Merger Guidelines* § 5.3 (2010) (''Guidelines''). Transactions that increase the HHI by more than 200 points in highly concentrated markets presumptively raise antitrust concerns under the Guidelines. *Id.*

United States District Court for the District of Columbia

United States of America,

Plaintiff,

v.

BBA Aviation PLC, Landmark U.S. Corp LLC,

and

LM U.S. Member LLC,

Defendants.

CASE NO.: 1:16–cv–00174
JUDGE: Amy Berman Jackson
FILED: 02/03/2016

Competitive Impact Statement

Plaintiff United States of America (''United States''), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

Defendant BBA Aviation plc (''BBA'') and Defendants Landmark U.S. Corp LLC and LM U.S. Member LLC (''Landmark'') entered into a Securities Purchase Agreement, dated September 23, 2015, pursuant to which BBA intends to acquire all of the equity interests in Landmark for approximately $2.065 billion. The United States filed a civil antitrust Complaint on February 3, 2016, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of this acquisition would be to substantially lessen competition for full-service fixed-base operator (''FBO'') services at Washington Dulles International Airport (''IAD''), located in Dulles, Virginia; Scottsdale Municipal Airport (''SDL''), located in Scottsdale, Arizona; Fresno Yosemite International Airport (''FAT''), located in Fresno, California; Jacqueline Cochran Regional Airport (''TRM''), located in Thermal, California; Westchester County Airport (''HPN''), located in White Plains, New York; and Ted Stevens Anchorage International Airport (''ANC''), located in Anchorage, Alaska (collectively, the ''Divestiture Airports''), in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. This loss of competition likely would result in higher prices for aircraft fuel and other FBO services and a reduction in quality of such services at the Divestiture Airports.

At the same time the Complaint was filed, the United States also filed a Hold Separate Stipulation and Order (''Hold Separate'') and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, Defendants are required to sell the Landmark FBO assets (the ''Divestiture Assets'') at each of the Divestiture Airports. Under the terms of the Hold Separate, Defendants will take certain steps to ensure that the Divestiture Assets at the Divestiture Airports are operated as competitively independent, economically viable, and ongoing business concerns that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the

Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation

A. The Defendants and the Proposed Transaction

BBA is a United Kingdom public limited company headquartered in London, England that operates in the United States through its subsidiary Signature Flight Support Corporation (''Signature''), a Delaware corporation which has its principal place of business in Orlando, Florida. Signature has the largest FBO network in the world and in the United States. It owns or operates approximately 70 FBO facilities in the United States, including FBO operations at IAD, SDL, FAT, TRM, HPN, and ANC. BBA had worldwide revenues of approximately $2.3 billion in 2014, of which over $900 million were derived from Signature's U.S. FBO business.

Landmark U.S. Corp. and LM U.S. Member are Delaware limited liability companies with their headquarters in Houston, Texas and together comprise the companies doing business as Landmark. They are subsidiaries of CP V Landmark II, L.P. and CP V Landmark, L.P., respectively, which are both Delaware limited partnerships affiliated with the Carlyle Group. Landmark has the third-largest FBO network in the United States, where it owns and operates approximately 60 FBO facilities, including FBO operations at IAD, SDL, FAT, TRM, HPN, and ANC. Landmark had worldwide revenues of over $700 million in 2014, of which over $500 million were derived from its U.S. FBO business.

On September 23, 2015, BBA and Landmark executed a Securities Purchase Agreement pursuant to which BBA agreed to acquire all of the equity interests in Landmark for approximately $2.065 billion.

The proposed transaction, as initially agreed to by Defendants, would substantially lessen competition for full-service FBO services at the six Divestiture Airports. At each of the Divestiture Airports, Signature and Landmark are either the only two competitors, or two of only three competitors. The acquisition is the subject of the Complaint and proposed Final Judgment filed by the United States today.

B. The Competitive Effects of the Transaction on the Relevant Markets

1. The Relevant Markets

The Complaint alleges that the provision of full-service FBO services at each of the six Divestiture Airports are relevant markets within the meaning of Section 7 of the Clayton Act, 15 U.S.C. 18. An FBO is a commercial business that is granted the right by a local airport authority to sell fuel and provide related support services to general aviation customers. General aviation customers include charter, private, and corporate aircraft operators, as distinguished from scheduled commercial passenger and cargo airline operators.

Full-service FBOs sell jet aviation fuel (''Jet A'') and typically also aviation gasoline (''avgas''); provide fueling services, including pumping fuel into aircraft; and provide additional ancillary services, including aircraft ground handling, aircraft parking and storage, and passenger and crew services such as baggage handling, ground transportation, catering, concierge, conference room, and lounge services.

The largest source of revenue for an FBO is fuel sales. Full-service FBOs usually do not charge separately for ancillary services they provide such as conference rooms, pilot lounges, flight planning, and transportation, and instead recover the cost of these services in the price that they charge for fuel. Full-service FBOs often charge separately for hangar and office space rentals, aircraft parking and storage, aircraft handling, tie-down and ground services, deicing, and catering.

Full-service FBOs are distinct from self-service FBOs, which require that the aircraft pilot or crew tow the aircraft and pump the fuel and do not offer the full range of products, equipment, and ancillary services provided by full-service FBOs. For the vast majority of customers, self-service FBOs are not an alternative to a full-service FBO.

Obtaining FBO services at other airports in the general vicinity of the Divestiture Airports would not provide a meaningful alternative for most general aviation customers. Customers typically select an airport for its proximity to their final destination and other convenience factors, and in most cases the inconvenience and cost of flying an aircraft to another airport to refuel outweighs any difference in the fuel prices between the airports. General aviation customers at the Divestiture Airports would not switch to other airports in sufficient numbers to prevent post-acquisition price increases for fuel and other FBO services at the Divestiture Airports.

2. The Proposed Merger Would Produce Anticompetitive Effects

Each of the markets for full-service FBO services at the Divestiture Airports is highly concentrated. Signature and Landmark are the only two providers of full-service FBO services at three of these airports—IAD, SDL, and FAT. At three other airports—TRM, HPN and ANC—a single smaller competitor exists beyond Signature and Landmark. Competition between the Signature and Landmark FBO facilities at each of these airports currently limits the ability of each company to raise prices for full-service FBO services. This head-to-head competition also forces each company to offer better service to general aviation customers at the Divestiture Airports. The proposed acquisition would eliminate the competitive constraint each provider imposes upon the other at each airport and would lead to a monopoly at IAD, SDL, and FAT. It would further reduce the number of competitors at TRM, HPN and ANC from three to two, thus enabling the merged firm to control at least 80% of each of these markets. This would result in higher prices for fuel and other FBO services and a lower quality of service at each of the Divestiture Airports, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

3. Timely Entry Is Unlikely

Successful entry into the provision of FBO services at the Divestiture Airports would not be timely, likely, or sufficient to deter the anticompetitive effects resulting from this transaction. First, FBO entry or expansion requires extensive lead time and capital investment to complete and there is no guarantee that the FBO provider would be able to obtain the necessary approvals and permits. Second, it often takes several years for a new FBO to build a significant customer base. Third, an FBO provider that wanted to enter or expand at an airport would need available land, to obtain the approval of the airport authority and necessary permits, and to construct facilities prior to beginning operations. At airports where there is insufficient existing land or infrastructure to support additional FBO facilities, an FBO provider would also need to develop adjacent land and expand the airport infrastructure. Thus, successful entry or expansion at any of the individual airports at issue likely would not occur in a timely manner or be sufficient to defeat a small but significant and non-transitory price increase by the merged firm.

III. Explanation of the Proposed Final Judgment

A. Divestiture of Landmark's FBO Assets at the Divestiture Airports

The divestiture requirement of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the market for full-service FBO services by maintaining an independent and economically viable competitor at each of the Divestiture Airports.

The proposed Final Judgment requires the Defendants to divest, as viable ongoing business concerns, the Landmark FBO assets at IAD, SDL, FAT, TRM, HPN, and ANC (collectively, the ''Divestiture Assets''). The Divestiture Assets include all rights in Landmark's existing and future FBO facilities at the Divestiture Airports, including any and all tangible and intangible assets that are primarily related to or primarily used in connection with the business of providing FBO services at the Divestiture Airports.

In antitrust cases where the United States requires a divestiture remedy, it seeks completion of the divestiture within the shortest period of time reasonable under the circumstances. To this end, Section IV(A) of the proposed Final Judgment requires the Defendants to complete the divestiture within ninety (90) calendar days after the filing of the Complaint or five calendar (5) days after the Court enters the Final Judgment, whichever is later. The proposed Final Judgment provides that this time period may be extended one or more times by the United States in its sole discretion for a period not to exceed sixty (60) calendar days, and that such an extension will be granted if pending state or local regulatory approval is the only matter precluding divestiture. The Divestiture Assets must be divested in such a way as to satisfy the United States in its sole discretion that they can and will be operated by the purchaser as a viable, ongoing business that can compete effectively in the relevant markets. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers.

Sections IV(C)–(G) of the proposed Final Judgment require Defendants to furnish information and make certain warranties to prospective acquirers in an attempt to sell the Divestiture Assets. Any acquirer of the Divestiture Assets must be approved by the United States in its sole discretion and must satisfy the United States that it has the intent and capability to compete effectively in the relevant markets.

In the event that Defendants do not accomplish the divestiture within the time period prescribed, Section V(A) of the proposed Final Judgment provides that the Court will appoint a trustee selected by the United States to effect the divestitures. If a trustee is appointed, the proposed Final Judgment provides that Defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After his or her appointment becomes effective, the trustee will file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestitures. At the end of six (6) months, if the divestitures have not been accomplished, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

B. Notification of Future Transactions

Section XI of the proposed Final Judgment requires BBA to provide advance notification of certain future acquisitions that would not otherwise be reportable under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a (''HSR Act''). Specifically, Section XI provides that BBA (including Signature) must provide advance notification to the Antitrust Division before directly or indirectly acquiring any leases from, assets of, or interests in any entity providing FBO services at (i) Boeing Field/King County International Airport (''BFI''); or (ii) any other airport in the United States where BBA is already providing FBO services unless (1) the value of the assets, interests, or leases is less than $20 million or (2) two or more full-service FBOs who are not parties to the transaction are already operating at the airport. Section XI provides for waiting periods and opportunities for the United States to obtain additional information similar to the provisions of the HSR Act. These provisions are intended to inform the Division of transactions that raise competitive concerns similar to those remedied here and to provide the Division with the opportunity, if necessary, to seek effective relief.

C. Hold Separate Provisions

In connection with the proposed Final Judgment, Defendants have agreed to the terms of a Hold Separate Stipulation and Order (''Hold Separate''), which is intended to ensure that the Divestiture Assets are operated as competitively independent and economically viable ongoing business concerns and that competition is maintained during the pendency of the ordered divestitures. Sections V(A)–(B) of the Hold Separate specify that the Divestiture Assets will be maintained as separate viable businesses and that BBA and Signature employees will not gain access to customer or supplier lists specific to the Divestiture Assets prior to divestiture. Sections V(C)–(E) further require that Defendants maintain or increase the current sales and quality of the Divestiture Assets, including maintaining current customer discounts and agreements that relate to the Divestiture Assets. Section V(H) obligates Defendants to use best efforts to obtain any necessary airport authority approvals in connection with the sale of the Divestiture Assets.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All

comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site and, under certain circumstances, published in the **Federal Register**. Written comments should be submitted to: James J. Tierney, Chief, Networks and Technology Enforcement Section, Antitrust Division, United States Department of Justice, 450 5th St. NW., Suite 7100, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against BBA's acquisition of Landmark. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the provision of full-service FBO services at the Divestiture Airports identified by the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

> (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
>
> (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v, U.S. Airways Group, Inc.,* 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.'').[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' *United States* v. *Am. Tel. & Tel. Co.,* 552 F.

[1] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for courts to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

[2] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '').

Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (noting that room must be made for the government to grant concessions in the negotiation process for settlements) (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17.

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court confirmed in *SBC Communications,* courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the Court, with the recognition that the Court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3] A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 38 F. Supp. 3d at 76.

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: February 3, 2016.

Respectfully submitted,

/s/ *Patricia L. Sindel*,

Patricia L. Sindel (D.C. Bar #997505),
Trial Attorney, Networks & Technology, Enforcement Section, U.S. Department of Justice, Antitrust Division, 450 Fifth Street NW., Suite 7100, Washington, DC 20530, Telephone: (202) 598–8300, Facsimile: (202) 616–8544, Email: patricia.sindel@usdoj.gov.

United States District Court for the District of Columbia

United States of America,

Plaintiff,

v.

BBA Aviation PLC, Landmark U.S. Corp LLC,

and

LM U.S. Member LLC,

Defendants.

CASE NO.: 1:16–cv–00174
JUDGE: Amy Berman Jackson
FILED: 02/03/2016

Proposed Final Judgment

Whereas, Plaintiff United States of America filed its Complaint on February 3, 2016, the United States and Defendants BBA Aviation plc, Landmark U.S. Corp LLC, and LM U.S. Member LLC, by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And Whereas, Defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the Defendants to assure that competition is not substantially lessened;

And Whereas, the United States requires Defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And Whereas, Defendants have represented to the United States that the divestitures required below can and will be made and that Defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now Therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is *ordered, adjudged and decreed:*

I. Jurisdiction

This Court has jurisdiction over the subject matter of this action and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act, 15 U.S.C. 18, as amended.

II. Definitions

As used in this Final Judgment:

A. ''Acquirer'' means an entity to which Defendants divest some or all of the Divestiture Assets.

B. ''BBA'' means Defendant BBA Aviation plc, a public limited company incorporated in England and Wales with its headquarters in London, England; BBA US Holdings, Inc., a Delaware

[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

corporation with its headquarters in Orlando, Florida; Signature Flight Support Corporation, a Delaware corporation with its headquarters in Orlando, Florida; and their successors and assigns, subsidiaries, divisions, groups, affiliates, partnerships, joint ventures, directors, officers, managers, agents, and employees.

C. ''Landmark'' means Defendant Landmark U.S. Corp LLC, a Delaware limited liability company with its headquarters in Houston, Texas; Defendant LM U.S. Member LLC, a Delaware limited liability company with its headquarters in Houston, Texas; CP V Landmark Investors Corp Holdings Partnership, L.P., a Delaware limited partnership; CP V Landmark Corp Holdings Partnership, L.P., a Delaware limited partnership; CP V Landmark GP LLC, a Delaware limited liability company; Landmark U.S. Holdings LLC, a Delaware limited liability company; Landmark U.S. Corp Holdings, L.P., a Delaware limited partnership; CP V LM Manager LLC, a Delaware limited liability company; and their successors and assigns, subsidiaries, divisions, groups, affiliates, partnerships, joint ventures, directors, officers, managers, agents, and employees.

D. ''ANC'' means Ted Stevens Anchorage International Airport, located in Anchorage, Alaska.

E. ''BFI'' means Boeing Field/King County International Airport, located in Seattle, Washington.

F. ''Divestiture Airports'' means ANC, FAT, HPN, IAD, SDL, and TRM.

G. ''Divestiture Assets'' means the Landmark FBO Assets at ANC, FAT, HPN, IAD, SDL and TRM.

H. ''FAT'' means Fresno Yosemite International Airport, located in Fresno, California.

I. ''FBO Facilities'' means any and all tangible and intangible assets that are primarily related to or primarily used in connection with the business of providing FBO Services at the Divestiture Airports, including, but not limited to, all personal property, inventory, office furniture, materials, supplies, terminal space, hangars, ramps, general aviation fuel tank farms for jet fuel and aviation gasoline, and related fueling equipment, and all other tangible property and assets primarily used in connection with the business of providing FBO Services at the Divestiture Airports; all licenses, permits, and authorizations issued by any governmental organization primarily relating to the business of providing FBO Services at the Divestiture Airports, subject to the licensor's approval or consent; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings primarily relating to the business of providing FBO Services at the Divestiture Airports, including supply agreements; all customer lists, contracts, accounts, and credit records; all repair and performance records, and all other records primarily relating to the business of providing FBO Services at the Divestiture Airports; and all intangible assets primarily used in the development, production, and sale of FBO Services at the Divestiture Airports, including, but not limited to, all licenses and sublicenses, technical information, computer software and related documentation, know-how, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, and safety procedures for the handling of materials and substances.

J. ''FBO Services'' means all services relating to providing fixed base operations at an airport, including but not limited to aircraft fueling; aircraft ground handling, including marshalling, towing, staging, deicing, pre-heating and air conditioning, providing ground power and equipment, interior and exterior cleaning, lavatory service, and water service; aircraft parking and storage, including tie-down and hangar rental; flight planning and support services; and passenger and crew services, including baggage handling, catering, concierge and errand services, office space rental, conference room and lounge services, and arranging for U.S. customs clearance, lodging, and ground transportation; but, for the avoidance of doubt, excluding aircraft maintenance, repair and overhaul services.

K. ''Full-Service FBO'' means a facility that provides FBO Services, including selling aircraft fuel (at least jet fuel) and pumping fuel into aircraft.

L. ''HPN'' means Westchester County Airport, located in White Plains, New York.

M. ''IAD'' means Washington Dulles International Airport, located in Dulles, Virginia.

N. ''Landmark FBO Assets'' means all rights, titles, and interests, including all fee, leasehold, and real property rights, in Landmark's existing and future FBO Facilities at the Divestiture Airports that BBA acquires in the Proposed Transaction.

O. ''Proposed Transaction'' means the proposed acquisition by BBA of all of the interests in CP V Landmark Investors Corp. Holdings Partnership, L.P., CP V Landmark Corp. Holdings Partnership, L.P., Landmark U.S. Corp. LLC, and LM U.S. Member LLC pursuant to the Securities Purchase Agreement dated September 23, 2015.

P. ''SDL'' means Scottsdale Municipal Airport, located in Scottsdale, Arizona.

Q. ''TRM'' means Jacqueline Cochran Regional Airport, located in Thermal, California.

III. Applicability

A. This Final Judgment applies to BBA and Landmark, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Sections IV and V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from an acquirer of the assets divested pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within (i) ninety (90) calendar days after the filing of the Complaint in this matter or (ii) five (5) calendar days after notice of entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer or Acquirers acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. If pending state or local regulatory approval is the only remaining matter precluding a divestiture during the period set forth in this Section IV.A, the United States will not withhold its agreement to such an extension or extensions. Defendants agree to use their best efforts to complete the required divestitures as expeditiously as possible.

B. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets. Following the sale of the Divestiture Assets, Defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

C. In accomplishing the divestiture ordered by this Final Judgment, Defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets.

Defendants shall inform any person making inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privileges or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the Acquirer and the United States information relating to the personnel at the Divestiture Airports involved in the operation, management, and sales of the Divestiture Assets to enable the Acquirer to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer to employ any Defendant employee whose primary responsibility is the operation, management, and sales of the Divestiture Assets.

E. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

F. Defendants shall warrant to the Acquirer that each asset will be operational on the date of sale.

G. Defendants shall warrant to the Acquirer that there are no material defects in the environmental, zoning, or other permits pertaining to the operation of each asset.

H. Unless the United States otherwise consents in writing, the divestitures pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will continue to be used by the Acquirer as part of a viable, ongoing business engaged in providing FBO Services at the Divestiture Airports. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) to compete effectively in the provision of FBO Services at the Divestiture Airports; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and Defendants give Defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere with the ability of the Acquirer to compete effectively.

V. Appointment of Divestiture Trustee

A. If Defendants have not divested the Divestiture Assets within the time period specified in Section IV.A., Defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee, selected by the United States and approved by the Court, to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V.D. of this Final Judgment, the Divestiture Trustee may hire, at the cost and expense of Defendants, any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI of this Final Judgment.

D. The Divestiture Trustee shall serve at the cost and expense of Defendants pursuant to a written agreement, on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to Defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and Defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and Defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as

appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six (6) months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture; (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished; and (3) the Divestiture Trustee's recommendations. To the extent such report contains information that the Divestiture Trustee deems confidential, such report shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

VI. Notice of Proposed Divestiture

A. Within two (2) business days following execution of a definitive divestiture agreement, Defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify Defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from Defendants, the proposed Acquirer, any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer, and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from Defendants, the proposed Acquirer, any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to Defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Section V.C. of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by Defendants under Section V.C., a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to Sections IV or V of this Final Judgment.

VIII. Hold Separate

Until the divestiture required by this Final Judgment has been accomplished, Defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, Defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts Defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by Defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, Defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions Defendants have taken and all steps Defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in Defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Hold Separate Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including

consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendants, be permitted:

(1) access during Defendants' office hours to inspect and copy, or at the option of the United States, to require Defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of Defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, Defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by Defendants to the United States, Defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure,'' then the United States shall give Defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. Notification

A. Unless such transaction is otherwise subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a (the ''HSR Act''), Defendant BBA, without providing advance notification to the Antitrust Division, shall not directly or indirectly assume a lease from, acquire assets of, or acquire interest in any entity engaged in provision of FBO Services during the term of this Final Judgment at (i) BFI; or (ii) an airport where BBA is already providing FBO Services in the United States unless (1) the assumption or acquisition is valued at less than $20 million dollars, or (2) at least two Full-Service FBOs not involved in the transaction provide FBO Services at the airport where the assumption or acquisition will take place.

B. Such notification shall be provided to the Antitrust Division in the same format as and per the instructions relating to the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended, except that the information requested in Items 5 through 8 of the instructions must be provided only about the provision of FBO Services. Notification shall be provided within five (5) business days of entering into a definitive assumption or acquisition agreement and at least thirty (30) calendar days prior to acquiring any such interest and shall include, beyond what may be required by the applicable instructions, the names of the principal representatives of the parties to the agreement who negotiated the agreement, any management or strategic plans discussing the proposed transaction, and a reference to this Final Judgment. Should BBA contact an airport authority formally requesting approval of a lease transfer in a transaction that would require the notification described in this Section prior to entering into a definitive acquisition agreement, BBA shall report that communication to the Division within two (2) business days, though the thirty (30) day waiting period shall not begin until the Division receives the information provided in the Notification and Report Form. If within the 30-day period after notification, representatives of the Antitrust Division make a written request for additional information, Defendants shall not consummate the proposed assumption or acquisition agreement until thirty (30) calendar days after submitting all such additional information.

C. Early termination of the waiting period in this Section may be requested, and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder. This Section shall be broadly construed and any ambiguity or uncertainty regarding the filing of notice under this Section shall be resolved in favor of filing notice.

XII. No Reacquisition

Defendants may not reacquire, manage, or operate any part of the Divestiture Assets during the term of this Final Judgment.

XIII. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIV. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XV. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to such comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date:

_ ____

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

_ ____

United States District Judge

[FR Doc. 2016–02720 Filed 2–9–16; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Native American Employment and Training Council Meeting

AGENCY: Employment and Training Administration, U. S. Department of Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166 (i)(4) of the Workforce Innovation and Opportunity Act (WIOA) [29 U.S.C. 3221(i)(4))], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIOA.

DATES: The meeting will begin at 9 a.m., (Eastern Standard Time) on Tuesday, February 23, 2016, and continue until 5 p.m. that day. The meeting will reconvene at 9 a.m., on Wednesday, February 24, 2016, and adjourn at 5 p.m. that day. The period from 3 p.m. to 5 p.m. on February 24, 2016, will be reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the Capital Hilton, 1001 16th Street NW., Washington, DC, 20009.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public not present may submit a written statement on or before February 23, 2016, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, Designated Federal Officer (DFO), U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC, 20210. Persons who need special accommodations should contact Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) U.S. Department of Labor, Employment and Training Administration Update and follow-up on the Implementation of the Workforce Innovation and Opportunity Act (WIOA) of 2014; (2) Performance Measures, (3) Information Technology and Reporting; (4) Training and Technical Assistance; (5) Council and Workgroup Updates and Recommendations; 6) New Business and Next Steps; and (7) Public Comment.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Portia Wu,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2016–02652 Filed 2–9–16; 8:45 am]

BILLING CODE 4501–FR–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Jobs for Veterans State Grants Reports

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Veterans' Employment and Training Service (VETS) sponsored information collection request (ICR) revision titled, ''Jobs for Veterans State Grants Reports,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 11, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201512-1293-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–VETS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Jobs for Veterans State Grants Reports information collection. The VETS administers funds for multi-year Jobs for Veterans State Grants given to each State, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam on an annual basis on a fiscal year cycle. This information collection is used to facilitate the identification of required programmatic and financial data provided by States requesting and expending funds and for monitoring the grants, making quarterly adjustments, and reporting results to Congress. The use of program-specific standard formats helps to ensure that requested data can be provided in a uniform way, reporting burdens are minimized, the impact of collection requirements on respondents are properly assessed, collection instruments are clearly understood by respondents, and the information is easily consolidated for posting in accordance with statutory requirements. Reporting instruments under this ICR are: Manager's Report on Services to Veterans and Forms VETS–201, VETS–401, VETS–402A, VETS–501, and VETS–601. This information collection has been classified as a revision, because the VETS has adopted clarifying changes submitted by users to Form VETS–201. These changes are more fully explained in the ICR. The Training and Rehabilitation for Veterans with Service Connected Disabilities Act, Job Counseling, Training, and Placement Service for Veterans Act, Employment and Training of Veterans Act, and Employment Assistance, Job Training Assistance and other Transitional Services Act authorize this information collection. *See* 38 U.S.C. 31, 38 U.S.C. 41, 38 U.S.C. 42, and 10 U.S.C. 1144.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1293–0009. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect

upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 3, 2015 (80 FR 11470).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1293–0009. The OMB is particularly interested in comments that:

- 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 agency's 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.

Agency: DOL–VETS.

Title of Collection: Jobs for Veterans State Grants Reports.

OMB Control Number: 1293–0009.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 2,219.

Total Estimated Number of Responses: 8,714.

Total Estimated Annual Time Burden: 17,401 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 3, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–02639 Filed 2–9–16; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Carrier's Report of Issuance of Policy

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Carrier's Report of Issuance of Policy,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 11, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201507-1240-008* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers), or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Carrier's Report of Issuance of Policy (Form LS–570) that an authorized insurance carrier may use to report the policy of insurance issued for each insured employer. This form is to be sent to the Deputy Commissioner in the compensation district indicated by the employer's address. Longshore and Harbor Workers' Compensation Act (LHWCA) section 32(a) requires each covered employer to secure its LHWCA liabilities either by purchasing a policy of insurance from an authorized carrier or by qualifying as a self-insurer. *See* 33 U.S.C. 932(a). Regulations 20 CFR 703.116 requires an authorized carrier to report to the OWCP each policy the carrier has issued to an employer. LHWCA section 32(a) authorizes this information collection. *See* 33 U.S.C. 932(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0004.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 3, 2015 (80 FR 46057).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0004. The OMB is particularly interested in comments that:

- 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 agency's 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.

Agency: DOL–OWCP.

Title of Collection: Carrier's Report of Issuance of Policy.

OMB Control Number: 1240–0004.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1,500.

Total Estimated Number of Responses: 1,500.

Total Estimated Annual Time Burden: 25 hours.

Total Estimated Annual Other Costs Burden: $780.

Dated: February 3, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–02616 Filed 2–9–16; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Escape and Evacuation Plans for Surface Coal Mines and Surface Facilities and Surface Work Areas of Underground Coal Mines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Escape and Evacuation Plans for Surface Coal Mines and Surface Facilities and Surface Work Areas of Underground Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 11, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201510-1219-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers), or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers), or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Escape and Evacuation Plans for Surface Coal Mines and Surface Facilities and Surface Work Areas of Underground Coal Mines information collection requirements codified in regulations 30 CFR 77.1101 that requires operators of surface coal mines and surface facilities and surface work areas of underground coal mines to establish and to keep current a specific escape and evacuation plan to be followed in the event of a fire. The plan is used to instruct employees in the proper method of exiting work areas in the event of a fire. The MSHA, mine operators, and others also use the escape and evacuation plan in rescue and recovery efforts. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811 and 30 U.S.C. 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0051.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 3, 2015 (80 FR 46055).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0051. The OMB is particularly interested in comments that:

• 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 agency's 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.

Agency: DOL–MSHA.

Title of Collection: Escape and Evacuation Plans for Surface Coal Mines

and Surface Facilities and Surface Work Areas of Underground Coal Mines.

OMB Control Number: 1219–0051.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 137.

Total Estimated Number of Responses: 137.

Total Estimated Annual Time Burden: 235 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 3, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–02617 Filed 2–9–16; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Sinking Operations at Coal Mines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Sinking Operations at Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 11, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at: *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201509-1219-003* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Sinking Operations at Coal Mines information collection requirements codified in regulations 30 CFR 77.1901. Coal mine operators are required to conduct inspections of slope and shaft areas of hazardous conditions, including tests for methane and oxygen deficiency, before and during each shift, and before and after blasting. Records of the results of the inspections are required to be kept. Federal Mine Safety and Health Act of 1977 section 103(h) authorizes this information collection. *See* 30 U.S.C. 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0082.

The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 17, 2015 (80 FR 42547).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0082. The OMB is particularly interested in comments that:

- 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 agency's 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.

Agency: DOL–MSHA.

Title of Collection: Records of Preshift and Onshift Inspections of Slope and Shaft Areas of Slope and Shaft Sinking Operations at Coal Mines.

OMB Control Number: 1219–0082.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 19.

Total Estimated Number of Responses: 8,360.

Total Estimated Annual Time Burden: 10,450 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 3, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–02614 Filed 2–9–16; 8:45 am]

BILLING CODE 4510–43–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 16–0005–CRB–AU]

Notice of Intent To Audit; Correction

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice; correction.

SUMMARY: The Copyright Royalty Judges published a document in the **Federal Register** of January 22, 2016, announcing receipt of five notices of intent to audit several broadcasters. The document contained incorrect dates in the summary section.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

Correction

In the **Federal Register** of January 22, 2016, in FR Doc. 2016–01300, on page 3786, in the first column, correct the summary to read: The Copyright Royalty Judges announce receipt of notices of intent to audit the 2012, 2013, and 2014 statements of account submitted by broadcasters Beasley Broadcast Group Inc., Greater Media Inc., Townsquare Media Broadcasting and Univision Communications Inc. and the 2013 and 2014 statements of account submitted by broadcaster Saga Communications Inc. concerning royalty payments each made pursuant to two statutory licenses.

Dated: February 4, 2016.

Jesse M. Feder,

Copyright Royalty Judge.

[FR Doc. 2016–02631 Filed 2–9–16; 8:45 am]

BILLING CODE 1410–72–P

OFFICE OF MANAGEMENT AND BUDGET

Agency Information Collection Activities: Proposed Collection; Comment Request; Information on Meetings With Outside Parties Pursuant to Executive Order 12866

AGENCY: Office of Management and Budget.

ACTION: Notice and request for comments.

SUMMARY: The Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) is proposing to collect information from members of the public who request a meeting with OIRA on rules under review at the time pursuant to Executive Order 12866. The information collected would be subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) and this notice announces and requests comment on OIRA's proposal for such a collection.

DATES: Consideration will be given to all comments received by March 11, 2016.

ADDRESSES: Submit comments by one of the following methods:

- *Email: Oira_submission@omb.eop.gov.* Please include in the subject line of the email, ''Executive Order 12866 Information Collection''.
- *Fax:* 202–395–5806.

Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: *Oira_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information on Meetings with Outside Parties Pursuant to Executive Order 12866.

Abstract: Executive Order 12866, ''Regulatory Planning and Review,'' issued by President Clinton on September 30, 1993, establishes and governs the process under which OIRA reviews agency draft and proposed final regulatory actions. Consistent with the disclosure provisions of Executive Order 12866, OIRA provides information about its work related to regulatory reviews on Reginfo.gov at *www.Reginfo.gov* and on OIRA's Web site at *https://www.whitehouse.gov/omb/oira.* OIRA makes public all substantive communications with any party outside the Executive Branch concerning regulatory actions under review. If the OIRA Administrator or his/her designee meets with outside parties during a review, the subject, date, and participants of the meeting are disclosed on the Reginfo.gov Web site, as well as any materials distributed at such meetings.

These meetings occur at the initiative and request of an outside party. Any member of the public may request a meeting about a regulatory action under OIRA review, and may invite other outside parties to attend. OIRA's role in these meetings is limited to listening to feedback on the regulation under review. In accordance with Executive Order 12866, OIRA invites representatives from the agency or agencies issuing the regulatory action. OIRA and agency staff may ask clarifying questions, but do not take minutes. OIRA does, however, post on RegInfo.gov any written materials provided by outside parties, including the initial meeting request.

To ensure transparency associated with meetings pursuant to Executive Order 12866, OIRA will collect—and then post publicly—the following information, which outside parties must provide, to request a meeting with OIRA to present their views on a regulatory action currently under review:

1. Name of the organization requesting the meeting.
2. Name of the organization's client or who the organization is representing at the meeting (if applicable).
3. The name of the regulatory action on which the party would like to present its views.
4. The Regulatory Identification Number (RIN) of the regulatory action on which the party would like to present its views.

When outside parties arrive for their meeting with OIRA they will then need to provide the following information in-person:

1. The full names of all attendees present at the meeting, and for each attendee:

a. The name of the organization each attendee is affiliated with; and

b. the attendee's client or who the attendee is representing (if applicable).

2. Copies of all briefing materials used during the presentation that will be given to OIRA for consideration.

All information submitted to OIRA pursuant to this collection will be made publicly available at Reginfo.gov.

This effort will streamline the current process for outside parties when requesting a meeting and will ensure transparency and accuracy of the docket that OIRA keeps in accordance with the disclosure provisions of Executive Order 12866. OIRA welcomes any and all public comments on the proposed collection of information such as the accuracy of OIRA's burden estimate, the practical utility of collecting this information, and whether there are additional pieces of information that should be collected from meeting requestors to further the disclosure provisions of Executive Order 12866.

Current actions: Proposal for new information collection requirement.

Type of review: New.

Affected public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Governments.

Expected average annual number of respondents: 200.

Average annual number of responses per respondent: 2.

Total number of responses annually: 400.

Burden per response: 30 minutes.

Total average annual burden: 200 hours.

Request for comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. 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.

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.

Dominic J. Mancini,

Deputy Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2016–02688 Filed 2–9–16; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77050; File No. SR–NYSEArca–2016–23]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the AdvisorShares Athena High Dividend ETF's Investments in Sponsored and Unsponsored American Depositary Receipts

February 4, 2016.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 29, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 the Substance of the Proposed Rule Change

The Exchange proposes to change the description of the AdvisorShares Athena High Dividend ETF's investments in sponsored and unsponsored American Depositary Receipts. The Commission has previously approved listing and trading on the Exchange of shares of the AdvisorShares Athena High Dividend ETF, and such shares are currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved listing and trading on the Exchange of shares (''Shares'') of the AdvisorShares Athena High Dividend ETF (the ''Fund'') [4] under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The Fund is an actively managed exchange traded fund. The Shares are offered by the AdvisorShares Trust (the ''Trust'').[5] Shares of the Fund are currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600.

The investment adviser to the Fund is AdvisorShares Investments, LLC (the ''Adviser''). AthenaInvest Advisors LLC (''Sub-Adviser'') is the Fund's sub-adviser.

As stated in the Prior Release, the Fund's investment objective is to seek long-term capital appreciation. Under normal market conditions, the Fund seeks to achieve its investment objective by investing substantially all of the Fund's assets in (1) U.S. and foreign common stock of issuers of any capitalization range, and (2) American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs''), European Depositary Receipts (''EDRs'') and International Depository Receipts (''IDRs'', and together with ADRs, GDRs, and EDRs, ''Depositary Receipts'') that provide investment exposure to global equity markets.[6] The Prior Release stated that, other than unsponsored ADRs, all U.S. and foreign common stocks and Depositary Receipts in which the Fund will invest will be exchange-traded. The Prior Release further stated

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 72665 (July 24, 2014), 79 FR 44236 (July 30, 2014) (SR–NYSEArca–2014–59) (order approving listing and trading on the Exchange of Shares of the Fund) (''Prior Order''). *See also* Securities Exchange Act Release No. 72298 (June 3, 2014), 79 FR 33024 (June 9, 2014) (SR–NYSEArca–2014–59) (notice of filing of proposed rule change relating to listing and trading on the Exchange of Shares of the Fund (''Prior Notice'', and together with the Prior Order, the ''Prior Release'').

[5] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On February 18, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (''Securities Act'') and the 1940 Act relating to the Fund (File Nos. 333–157876 and 811–22110) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement.

[6] *See* note 10 of the Prior Notice.

that ADRs may be sponsored or unsponsored, but unsponsored ADRs will not exceed 10% of the Fund's net assets.[7]

In this proposed rule change, the Exchange proposes to change the description of the Fund's investments in sponsored and unsponsored ADRs. Going forward, U.S. and foreign common stocks in which the Fund will invest will be exchange-traded, and non-exchange-traded ADRs will not exceed 10% of the Fund's net assets.[8] The proposed change, therefore, would include both unsponsored ADRs (which are not exchange-traded) and certain sponsored ADRs that are traded over-the-counter (''OTC'') within the 10% limit to Fund assets that may be invested in non-exchange-traded ADRs.

While sponsored ADRs are usually exchange-traded, certain sponsored ADRs are traded OTC. The Prior Release did not accommodate investments by the Fund in sponsored ADRs that are traded OTC. The proposed change would allow the Fund to invest in both exchange-traded and OTC sponsored ADRs. However, the Fund's investments in unsponsored ADRs and OTC sponsored ADRs will not exceed 10% of the Fund's net assets, in the aggregate.

OTC sponsored ADRs will be valued at the last reported sale price from the OTC Bulletin Board or OTC Link LLC on the valuation date. If an OTC sponsored ADR does not trade on a particular day, then the mean between the last quoted closing bid and asked price will be used. Intra-day and closing price information relating to OTC sponsored ADRs will be available from major market data vendors.

In addition, the Prior Release stated that unsponsored ADRs will be valued on the basis of the market closing price on the exchange where the stock of the foreign issuer that underlies the ADR is listed. The Exchange proposes to change this representation to state that unsponsored ADRs will be valued at the last reported sale price from the OTC Bulletin Board or OTC Link LLC on the valuation date. If an unsponsored ADR does not trade on a particular day, then the mean between the last quoted closing bid and asked price will be used.

The Sub-Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

Except for the changes noted above, all other representations made in the Prior Release remain unchanged.

All terms referenced but not defined herein are defined in the Prior Release.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[9] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. The proposed change would include both unsponsored ADRs (which are not exchange-traded) and certain sponsored ADRs that are traded OTC within the 10% limit to Fund assets that may be invested in non-exchange-traded ADRs.

The Prior Release did not accommodate investments by the Fund in sponsored ADRs that are traded OTC. The proposed change would provide the Fund with additional flexibility with respect to its investments in sponsored ADRs by allowing the Fund to invest in both exchange-traded and OTC sponsored ADRs. However, the Fund's investments in unsponsored ADRs and OTC sponsored ADRs will not exceed 10% of the Fund's net assets, in the aggregate.

The Sub-Adviser represents that there is no change to the Fund's investment objective. The Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

Except for the changes noted above, all other representations made in the Prior Release remain unchanged.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Sub-Adviser represents that there is no change to the Fund's investment objective. As noted above, the Fund's investments in unsponsored ADRs and OTC sponsored ADRs will not exceed 10% of the Fund's net assets, in the aggregate.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. Except for the change noted above, all other representations made in the Rule 19b-4 filing underlying the Prior Release remain unchanged.

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 regarding investments in ADRs will promote competition among actively managed funds that invest in U.S. and foreign common stocks and Depositary Receipts, to the benefit of the investing public.

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[10] and Rule 19b–4(f)(6) thereunder.[11]

At any time within 60 days of the filing of such 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 shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to

[7] *Id.*

[8] The Adviser and Sub-Adviser represent that the Sub-Adviser will not implement the changes described herein until the instant proposed rule change is operative.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 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.

[12] 15 U.S.C. 78s(b)(2)(B).

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–NYSEArca–2016–23 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–2016–23. 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 such filing also will be available for inspection and copying at the principal offices 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–2016–23, and should be submitted on or before March 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02603 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77053; File No. SR–BX–2016–007]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt an Options Regulatory Fee

February 4, 2016.

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 January 21, 2016, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, 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 institute a new transaction based ''Options Regulatory Fee'' or ''ORF.''

While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on February 1, 2016.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com/,* at the principal office of the Exchange, 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 BX Options Rule at Chapter XV, Section 5, which is currently reserved, to adopt an ORF.[3]

In order to offset the cost of the Exchange's regulatory programs, the Exchange proposes to [sic] an ORF of $0.0003 per contract. The ORF would be assessed by the Exchange to each BX Participant for all options transactions executed or cleared by the BX Participant that are cleared by The Options Clearing Corporation (''OCC'') in the Customer range, *i.e.,* transactions that clear in the Customer account of the BX Participant's clearing firm at OCC, regardless of the marketplace of execution. The Exchange would impose the ORF on all options transactions executed by a BX Participant, even if the transactions do not take place on BX.[4]

The ORF would also be assessed on transactions that are not executed by a BX Participants [sic] but are ultimately cleared by a BX Participant. For example, if a BX Participant executed a transaction and a BX Participant cleared the transaction, the ORF would be assessed to the BX Participant who executed the transaction. Also, if a non-BX Participant executed a transaction and a BX Participant cleared the transaction, the ORF would be assessed to the BX Participant who cleared the transaction.

The Exchange believes it is appropriate to charge the ORF only to transactions that clear as Customer at OCC. The Exchange believes that its broad regulatory responsibilities with respect to BX Participants' activities supports applying the ORF to transactions cleared but not executed by a BX Participant. The Exchange's regulatory responsibilities are the same regardless of whether a BX Participant executes a transaction or clears a transaction executed on its behalf. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange does not currently assess a registered representative fee to its members.

[4] The ORF would apply to all customer orders executed by a BX Participant on BX. Exchange rules require each BX Participant to submit trade information in order to allow the Exchange to properly prioritize and match orders and quotations and report resulting transactions to the OCC. *See* Exchange Rules Chapter V, Section 7. The Exchange represents that it has surveillances in place to verify that BX Participants comply with the Rule.

Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading.[5] These activities span across multiple exchanges.

The Exchange believes the initial level of the fee is reasonable because it relates to the recovery of the costs of supervising and regulating BX Participants. The proposed amount of the ORF is fair and reasonably allocated because it represents less than the Exchange's actual costs in administering its regulatory program. The ORF would be collected indirectly from BX Participants through their clearing firms by OCC on behalf of the Exchange. The Exchange expects that BX Participants will pass-through the ORF to their Customers in the same manner that firms pass-through to their Customers the fees charged by Self-Regulatory Organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of BX Participants, including performing routine surveillances, investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to BX Participant compliance with options sales practice rules have been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of options sales practice regulation.

The Exchange would monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other BX regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange expects to monitor BX regulatory costs and revenues at a minimum on an annual basis. If the Exchange determines BX regulatory revenues exceed regulatory costs, the Exchange would adjust the ORF by submitting a fee change filing to the Commission. The Exchange would notify BX Participants of adjustments to the ORF via a Regulatory Information Circular.

The Exchange believes the proposed ORF is equitably allocated because it would be charged to all BX Participants on all their Customer options business. The amount of resources required by the Exchange to regulate non-Customer trading activity is significantly less than the amount of resources the Exchange must dedicate to regulate Customer trading activity. The ORF seeks to recover the costs of supervising and regulating members, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. The Exchange believes the proposed ORF is reasonable because it will raise revenue related to the amount of Customer options business conducted by BX Participants and thus the amount of Exchange regulatory services required by those BX Participants.[6]

As a fully-electronic exchange without a trading floor, the amount of resources required by the Exchange to regulate non-Customer trading activity is significantly less than the amount of resources the Exchange must dedicate to regulate Customer trading activity. This is because regulating Customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-Customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the Customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-Customer component (*e.g.,* market maker) of its regulatory program.

The Exchange believes it is reasonable and appropriate for the Exchange to charge the ORF for options transactions regardless of the exchange on which the transactions occur. The Exchange has a statutory obligation to enforce compliance by BX Participants and their associated persons with the Exchange Act and the Rules of the Exchange and to surveil for other manipulative conduct by market participants (including non-BX Participants) trading on the Exchange. The Exchange cannot effectively surveil for such conduct without looking at and evaluating activity across all options markets. Many of the Exchange's market surveillance programs require the Exchange to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running and contrary exercise advice violations/expiring exercise declarations.[7] Also, the Exchange and the other options exchanges are required to populate a consolidated options audit trail (''COATS'') system in order to surveil BX Participant activities across markets.[8]

In addition to its own surveillance programs, the Exchange works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group (''ISG''),[9] the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. The Exchange's participation in ISG helps it to satisfy the Exchange Act requirement that it have coordinated surveillance with markets on which security futures are traded and markets on which any security underlying security futures are traded to detect manipulation and insider trading.[10]

The Exchange believes that charging the ORF across markets will avoid having BX Participants direct their trades to other markets in order to avoid the fee and to thereby avoid paying for their fair share of regulation. If the ORF did not apply to activity across markets

[5] The Exchange also participates in The Options Regulatory Surveillance Authority (''ORSA'') national market system plan and in doing so shares information and coordinates with other exchanges designed to detect the unlawful use of undisclosed material information in the trading of securities options. ORSA is a national market system comprised of several self-regulatory organizations whose functions and objectives include the joint development, administration, operation and maintenance of systems and facilities utilized in the regulation, surveillance, investigation and detection of the unlawful use of undisclosed material information in the trading of securities options. The Exchange compensates ORSA for the Exchange's portion of the cost to perform insider trading surveillance on behalf of the Exchange. The ORF will cover the costs associated with the Exchange's arrangement with ORSA.

[6] The Exchange expects that implementation of the proposed ORF will result generally in many traditional brokerage firms paying less regulatory fees while Internet and discount brokerage firms will pay more.

[7] The Exchange and other options SROs are parties to a 17d–2 agreement allocating among the SROs regulatory responsibilities relating to compliance by the common members with rules for expiring exercise declarations, position limits, OCC trade adjustments, and Large Option Position Report reviews. *See* Securities Exchange Act Release No. 63430 (December 3, 2010), 75 FR 76758 (December 9, 2010). The Commission notes that the current effective version of this 17d–2 plan is reflected in Securities Exchange Act Release No. 76310 (Oct. 29, 2015), 80 FR 68354 (Nov. 4, 2015).

[8] COATS effectively enhances intermarket options surveillance by enabling the options exchanges to reconstruct the market promptly to effectively surveil certain rules.

[9] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[10] *See* Exchange Act Section 6(h)(3)(I).

then BX Participants would send their orders to the lowest cost, least regulated exchange. Other exchanges could impose a similar fee on their member's activity, including the activity of those members on BX. In addition to the ORF that is currently in place at other exchanges,[11] the Exchange notes that there is established precedent for an SRO charging a fee across markets, namely, FINRA's Trading Activity Fee.[12] While the Exchange does not have all the same regulatory responsibilities as FINRA, the Exchange believes that, like the other exchanges that assess an ORF, its broad regulatory responsibilities with respect to BX Participants' activities, irrespective of where their transactions take place, supports a regulatory fee applicable to transactions on other markets. Unlike FINRA's Trading Activity Fee, the ORF would apply only to a BX Participant's Customer options transactions.

While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on February 1, 2016.

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act [14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between Customers, issuers, brokers, or dealers.

The Exchange believes the ORF is objectively allocated to BX Participants because it would be charged to all BX Participants on all their transactions that clear as Customer at the OCC. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as Customer at the OCC because the Exchange is assessing higher fees to those Participants that require more Exchange regulatory services based on the amount of Customer options business they conduct. As a fully-electronic exchange without a trading floor, the amount of resources required by the Exchange to regulate non-Customer trading activity is significantly less than the amount of resources the Exchange must dedicate to regulate Customer trading activity. This is because regulating Customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-Customer trading activity, which tends to be more automated and less labor-intensive.

Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those BX Participants that require more Exchange regulatory services based on the amount of Customer options business they conduct. The ORF seeks to recover the costs of supervising and regulating Options Participants including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. The Exchange's regulatory responsibilities are the same regardless of whether a BX Participant executes a transaction or clears a transaction executed on its behalf. The Exchange believes that this proposal is reasonable, equitable and not unfairly [sic] for the foregoing reasons.

The Commission has addressed the funding of an SRO's regulatory operations in the Concept Release Concerning Self-Regulation [15] and the release on the Fair Administration and Governance of Self-Regulatory Organizations.[16] In the Concept Release, the Commission states that: ''Given the inherent tension between an SRO's role as a business and [sic] a regulator, there undoubtedly is a temptation for an SRO to fund the business side of its operations at the expense of regulation.'' [17] In order to address this potential conflict, the Commission proposed in the Governance Release rules that would require an SRO to direct monies collected from regulatory fees, fines, or penalties exclusively to fund the regulatory operations and other programs of the SRO related to its regulatory responsibilities.[18] The Exchange has designed the ORF to generate revenues that would recover a material portion of BX's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side.

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 not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In terms of intra-market competition, the ORF already exists on various options exchanges.[19] Also, the ORF would be objectively allocated to all BX Participants on all their transactions that clear as Customer at the OCC. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as Customer at the OCC because the Exchange is assessing higher fees to those Participants that require more Exchange regulatory services based on the amount of Customer options business they conduct. As a fully-electronic exchange without a trading floor, the amount of resources required by the Exchange to regulate non-Customer trading activity is significantly less than the amount of resources the Exchange must dedicate to regulate Customer trading activity. This is because regulating Customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-Customer trading activity, which tends to be more automated and less labor-intensive.

[11] *See* other options exchanges such as the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Inc. (''C2''), NASDAQ OMX PHLX, LLC (''Phlx''), the International Securities Exchange, LLC (''ISE''), NYSE Arca, Inc. (''NYSEArca'') and [sic] NYSE AMEX LLC (''NYSEAmex''), BATS Exchange, Inc. (''BATS'') and The NASDAQ Options Market LLC (''NOM'').

[12] *See* Securities Exchange Act Release No. 47946 (May 30, 2003), 68 FR 3402 [sic] (June 6, 2003).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Securities Exchange Act Release No. 50700 (November 18, 2004), 69 FR 71256 (December 8, 2004) (''Concept Release'').

[16] *See* Securities Exchange Act Release No. 50700 (November 18, 2004), 69 FR 71256 (December 8, 2004) (''Concept Release'') [sic].

[17] Concept Release at 71268.

[18] Governance Release at 71142.

[19] *See* note 11 above.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20]

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.

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–BX–2016–007 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–BX–2016–007. 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–BX–2016–007 and should be submitted on or before March 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02605 Filed 2–9–16; 8:45 am]

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[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77054; File No. SR–Phlx–2016–10]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing of Proposed Rule Change Relating to Professional Customer Definition

February 4, 2016.

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 January 21, 2016, NASDAQ OMX PHLX LLC (''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, 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 Exchange Rule 1000(b)(14) (Applicability, Definitions and References) to add specificity to the definition of a Professional with respect to the manner in which the volume threshold will be calculated by the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, 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 definition of ''Professional'' in Rule 1000(b)(14) to specify the manner in which the Exchange calculates orders to determine if an order should be treated as Professional.

Background

Exchange Rule 1000(b)(14) currently states, the term Professional means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).[3] In order to properly represent orders entered on the Exchange member organizations are required to indicate whether Customer orders are ''Professional'' orders.'' [4] To

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Professional will be treated in the same manner as an off-floor broker-dealer for purposes of Rules 1014(g)(except with respect to all-or-none orders, which will be treated like customer orders, except that orders submitted pursuant to Rule 1080(n) for the beneficial account(s) of Professionals with an all-or-none designation will be treated in the same manner as off-floor broker-dealer orders), 1033(e), 1064.02 (except Professional orders will be considered customer orders subject to facilitation), 1080(n) and 1080.07 as well as Options Floor Procedure Advices B–6 and F–5. Member organizations must indicate whether orders are for Professionals.

[4] The Exchange utilizes a special order origin code for Professional orders. The Exchange also disseminates the Professional designator over its new Top of Phlx Options Plus Orders (''TOPO Plus Orders''), which includes disseminated Exchange

comply with this requirement, member organizations are required to review their Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Customer orders or Professional orders.[5]

The Exchange accepts orders routed from other markets that are marked Professional. The designation of Professional or Professional order does not result in any different treatment of such orders for purposes of Exchange rules concerning away market protection. That is, all non-broker or dealer orders, including those that meet the definition of Professional orders, are treated equally for purposes of Exchange away market protection rules.[6] The Exchange continues to believe that identifying Professional accounts based upon the average number of orders entered in qualified accounts is an appropriately objective approach to reasonably distinguish such persons and entities from retail investors or market participants.

Proposal

The Exchange proposes to count each order entered by a Professional toward the number of orders, regardless of the options exchange to which the order was routed in determining Professional orders,[7] except for FLEX orders.[8]

FLEX Orders

FLEX orders will not be counted toward the 390 threshold because these types of orders are non-electronic orders. Furthermore, FLEX orders are typically not traded by a retail Customer, but rather large institutional investors and therefore are not relevant to the type of analysis the Exchange is trying to distinguish as between retail investors and market Professionals.

Cancel and Replace

A cancel and replace order is a type of order that replaces a prior order. The Exchange believes that the second order (the replacement order) should be counted as a new order. Complex Orders[9] consisting of four legs or fewer will be counted as a single order, and with Complex Orders of five options[10] legs or more, each leg will count as a separate order. The exception to the cancel and replace orders is with ''single-strike algorithms,'' which are a series of cancel and replace orders in an individual strike which track the NBBO. Orders resulting from a single-strike algorithm shall be counted as new orders,[11] because the Customer is specifically instructing the executing broker in the ''single-strike algorithm'' scenario to cancel and replace these orders. This type of activity is akin to market making in a Customer account and should be counted, as a new order.

Parent/Child Orders

An order that converts into multiple subordinate orders to achieve an execution strategy shall be counted as one order per side and series, even if the order is routed away.[12] All strategies must comply with Rule 1080 at Commentary .07(a)(ii). An order that cancels and replaces a resulting subordinate order and results in multiple sides/series shall be counted as a new order on each side and series. For purposes of counting Customer orders, the manner in which the Customer submitted the order and whether the order was on the same side and series will determine if the order will count as one order. If one Customer order on the same side and series is subsequently broken-up by a broker into multiple orders for purposes of execution or routed away, this order will count as one order. The Exchange believes that the proposed amendment will provide more certainty to market participants in determining the manner in which the Exchange will compute the number of orders in listed options per day on average during a calendar month for its own beneficial account(s) to determine the Professional designation.

In order to make clear when orders will count as new orders, the Exchange offers the following scenarios as examples.

- The Exchange proposes to count multiple orders that were submitted by the member as separate orders as multiple orders.
- The Exchange proposes to count a single order submitted by a member, which was automatically executed in multiple parts by the trading system, as one order, because the member did not intervene to create multiple orders. Another example is where an order was entered in the trading system and only partially filled, the order would count as one order. The subsequent fills, which could be multiple executions, would not count as additional orders in determining the 390 limit. The manner in which the order is ultimately executed, as one order or multiple orders, should not itself determine whether the activity is that of a Professional; also the member did not intervene in that circumstance.
- The Exchange proposes to not count an order which reprices, for example because of a locked and crossed market, as a new order because the member did not intervene.
- The Exchange proposes to count orders, which result in multiple Orders due to cancel and replacement orders, as new orders. This is because in this situation the member did intervene to create the subsequent orders.
- The Exchange proposes to count an order submitted by the Customer as a single order, on the same side and series, as a single order despite the fact that a broker broke-up the order into multiple orders for purposes of execution.

The Exchange notes that other options exchanges have issued notices which describe the manner in which those Exchanges believe thresholds should be computed for determining if an order qualifies as a Professional order.[13] The

top-of-market data (including orders, quotes and trades) together with all of the data currently available on the Specialized Order Feed (''SOF'').

[5] Orders for any customer that had an average of more than 390 orders per day during any month of a calendar quarter must be represented as Professional orders for the next calendar quarter. Member organizations will be required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five days after the end of each calendar quarter. While member organizations will only be required to review their accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as customer orders but that has averaged more than 390 orders per day during a month, the Exchange will notify the member organization and the member organization will be required to change the manner in which it is representing the customer's orders within five days.

[6] *See* Exchange Rules 1080(m), 1083, 1084, and 1086.

[7] All order types count toward the 390 orders on average per day.

[8] The term ''FLEX option'' means a FLEX option contract that is traded subject to Exchange Rule 1079.

[9] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or exchange-traded fund (''ETF'') coupled with the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .08(a)(i). A Complex Order must meet this definition to be transacted on the Exchange.

[10] Orders that have five legs, where one leg is a stock, will be considered one order. Stock orders shall not count toward the number of legs.

[11] Cancel messages do not count as an order.

[12] An order which is placed for the beneficial account(s) of a person or entity that is not a broker or dealer in securities that is broken into multiple parts by a broker or dealer or by an algorithm housed at a broker or dealer or by an algorithm licensed from a broker or dealer. Strategies include Complex Orders and volatility orders, for example.

[13] *See* NYSE Arca, Inc.'s and NYSE MKT LLC's Joint Regulatory Bulletin (RBO–15–03 and RBO–15–06, respectively) dated September 9, 2015; CBOE's Regulatory Circulator (RG10–126) dated December 1, 2010; and the International Securities

Continued

Exchange believes that there is industry confusion as to which orders count toward the 390 contract threshold. The Exchange's proposal is intended to provide clarity and to continue to promote consistency in the treatment of orders as Professional orders.

Below are some examples of the calculation of Professional orders.

Example #1:

A Customer has an order to buy 100 calls at a volatility level of 35. The order then generates a child order resulting in a 1.00 bid for 100 options which is sent to exchange A. After the underlying stock price ticks up 2 cents the child order is then adjusted to reflect a 35 level volatility which in this case (50 delta) results in a 1.01 bid sent to Exchange A replacing the current 1.00 bid.

In determining the number of orders that attribute to the 390 order count, in this case, because the child order is being canceled and replaced in the ''same series'' this would only count as one (1) order for purposes of Professional designation calculation.

Example #2:

A Customer has an order to buy 20k Vega at a 35 volatility level in symbol XYZ. The order then generates 50 child orders across different strikes. Throughout the day those 50 orders are adjusted as the stock moves resulting in the replacement of child orders to the tune of 5 times per order (50×5 cancels) resulting in 250 total orders generated to Exchange A.

In determining the number of orders that attribute to the 390 order count, in this case, because the child orders generated are across multiple series it would be necessary to count all 250 orders.

In addition to the above examples, the Exchange provides the below chart to demonstrate the manner in which it will count orders.

	Singular	Multiple
Single Strike Activity:		
Customer order posted to 1 SRO order Book	x	
Customer order posted to Multiple SRO order Books simultaneously	x	
Cancel/Replace Activity	x	
Cancel/Replace Activity tracking NBBO		x
Complex Order Activity (4 option strikes or fewer):		
Customer order posted to 1 SRO order Book	x	
Customer order posted to Multiple SRO Complex order Books simultaneously	x	
Cancel/Replace Activity	x	
Cancel/Replace Activity tracking NBBO	x	
Complex Order Activity (5 option strikes or greater):		
Customer order posted to 1 SRO order Book		x
Customer order posted to Multiple SRO Complex Order Books simultaneously		x
Cancel/Replace Activity		x
Cancel/Replace Activity tracking NBBO		x

Singular—counts as a single order towards the 390 count.
Multiple—each order applies towards the 390 count.

The Exchange proposes to implement this rule on April 1, 2016 to provide market participants with advance notice for their quarterly calculations. The Exchange will issue an Options Trader Alert in advance to inform market participants of such date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(5) of the Act [15] in particular, in that it is designed to promote just and equitable principles of trade, 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, by promoting the consistent application of its rules by further defining the manner in which the Exchange will compute the number of orders in listed options per day on average during a calendar month for its own beneficial account(s) for purposes of determining the Professional designation. Furthermore, the Exchange believes that specifying the manner in which the 390 threshold will be calculated within its Rules will provide members with certainty and provide them with insight as they conduct their own quarterly reviews for purposes of designating orders.

The Exchange believes that counting all orders toward the number of orders, regardless of the options exchange to which the order was routed, will promote the consistent application of its rules by making clear that all order types shall be counted as well as all orders for the purpose of determining whether the definition of Professional has been met. The Exchange previously noted in its filing which created Professional orders that,

[t]he Exchange believes that identifying Professional accounts based upon the average number of orders entered for a beneficial account is an appropriately objective approach that will reasonably distinguish such persons and entities from retail investors. The Exchange proposes the threshold of 390 orders per day on average over a calendar month, because it believes that this number far exceeds the number of orders that are entered by retail investors in a single day, while being a sufficiently low number of orders to cover the Professional account holders that are competing with broker-dealers in the Phlx marketplace. In addition, basing the standard on the number of orders that are entered in listed options for a beneficial account(s) assures that Professional account holders cannot inappropriately avoid the purpose of the rule by spreading their trading activity over multiple exchanges, and using an average number over a calendar month will prevent gaming of the 390 order threshold.[16]

FLEX Orders

FLEX orders will not be counted toward the 390 threshold because these types of orders are non-electronic orders. Furthermore, FLEX orders are typically not traded by a retail Customer, but by large institutional investors and are not relevant to the type of analysis the Exchange is trying to distinguish between retail investors and market Professionals. The Exchange believes that not counting FLEX orders toward the 390 threshold is consistent with the Act because these types of orders are not utilized by retail Customer and the proposal should assure that retail investors continue to receive the appropriate marketplace advantages in the Exchange marketplace, while furthering fair competition among marketplace Professionals.

Exchange LLC's Regulatory Information Circular (2009–179) dated June 23, 2009.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Securities Exchange Act Release No. 61426 (January 26, 2010), 75 FR 5360 (February 2, 2010) (SR–Phlx–2010–05).

Cancel and Replace

With respect to determining the Professional designation, a cancel and replace order which replaces a prior order shall be counted as a second order. An order that is filled partially or in its entirety or is a replacement order that is automatically canceled or reduced by the number of contracts that were executed will not count as second order because it was not replaced.[17] The Exchange believes that counting the replacement order as a second order is consistent with Exchange Rules because the replacement order is viewed as a new order with its own unique identifier.

The Exchange believes that counting cancel and replace orders with ''single-strike algorithms,'' which are a series of cancel and replace orders in an individual strike which track the NBBO, as new orders is consistent with the Act because the Customer is specifically instructing the executing broker in the ''single-strike algorithm'' scenario to cancel and replace these orders. Tracking the NBBO[18] is akin to market making on the Exchange in a Customer account and should be counted as new orders. The Exchange believes that the Customers order designation should be reserved for retail Customer.

Further, the Exchange's interpretation that Complex Orders consisting of four legs or fewer will be counted as a single order, and respecting Complex Orders of five options legs or more, each leg will count as a separate order is consistent with the Act, because the Exchange believes that five or more options legs is sufficient quantity to justify counting these orders separately toward the volume count. The initial purpose of the rule change was to distinguish retail investors over market Professionals. The Exchange believes that typically Customer orders will not be as complex as to have five legs and therefore using five as the threshold reasonably differentiates Customer orders from Professional orders. The Exchange believes that five or more options legs evidences the distinction between the trading behavior of a retail investors as compared to a market Professional that would engaged in Complex Orders with five or more options legs.

Parent/Child Orders

The Exchange's adoption of the Professional order was to treat orders in listed options per day on average during a calendar month in his or her own beneficial account differently from Customer orders for purposes of priority within the order Book and pricing.[19] For this reason, the Exchange is adopting rules concerning the computation of orders which convert into multiple subordinate orders for the purpose of determining the Professional designation. The Exchange's proposal to count multiple subordinate orders that achieve an execution strategy as one order per side and series and count an order that cancels and replaces a resulting subordinate order and results in multiple sides/series as a new order is consistent with the Act, because the Exchange is distinguishing where the member is actively entering orders that result in multiple orders and canceling and replacing orders that result in multiple orders versus where the member had no control of the resulting executions. Allowing orders on the same side of the market to be counted as a single order is consistent with the original intent of the Professional order designation. The same side of market distinction protects retail Customers. This practice is typically the type of transaction Customers execute versus a Professional trader. Multiple related orders resulting from a large order filled in part, or an order which is cancelled and replaced several times are considered part of a related order. The Exchange does not desire to count large orders filled in part as multiple orders because the member did not intervene in the outcome of the execution. An order that results in several separate and unrelated orders would be counted as multiple orders because the member intervened in this circumstance.

The Exchange believes that the proposed amendment will provide more certainty to market participants in determining the computation of the number of orders in listed options per day on average during a calendar month for its own beneficial account(s) to determine the Professional designation. The Exchange notes that other options exchanges have issued notices describing the manner in which they believe that Professional order should be counted when determining if an order qualifies as a Professional order.[20] The Exchange believes that there is confusion as to which orders count toward the 390 contract threshold. The Exchange proposes to provide clarity to its Rules with specific guidance as to the computation of Professional orders, which it believes will promote consistency in the treatment of orders as Professional orders. The Exchange believes that this proposed guidance will promote consistency and permit the proper calculation of options orders to prevent members with high volume from receiving benefits reserved for Customer orders. The Professional designation focuses specifically on the number of orders generated.

Pursuant to Exchange Rule 1014(g), a Customer account is an account other than a controlled account; a controlled account is an account controlled by or under common control with a broker-dealer. Customer priority is one of the marketplace advantages provided to Customer orders on the Exchange; Customer priority means that Customer orders are given execution priority over non-Customer orders and quotations of specialists and Registered Options Traders (''ROTs'')[21] at the same price. Another marketplace advantage afforded to Customer orders on the Exchange is that member organizations are generally not assessed transaction fees for the execution of Customer orders. The purpose of these marketplace advantages is to attract retail order flow to the Exchange by leveling the playing field for retail investors over market Professionals [sic].[22] The Exchange

[17] *See* Exchange Rule 1080. A cancel with replacement order is a single message for the immediate cancellation of a previously received order and the replacement of that order with a new order with new terms and conditions. If the previously placed order is already filled partially or in its entirety, the replacement order is automatically canceled or reduced by the number of contracts that were executed. The replacement order will not retain the priority of the cancelled order except when the replacement order reduces the size of the order and all other terms and conditions are retained.

[18] Tracking the NBBO shall mean any parent order that consumes any self-regulatory organization order book data feed, or the OPRA feed, to generate automated child orders, and move with, or follow the Bid or Offer of the series in question.

[19] *See* Exchange Rule 1080 and the Exchange's Pricing Schedule.

[20] *See* NYSE Arca, Inc.'s and NYSE MKT LLC's Joint Regulatory Bulletin (RBO–15–03 and RBO–15–06, respectively) dated September 9, 2015; The Chicago Board Options Exchange, Incorporated's Regulatory Circulator (RG10–126) dated December 1, 2010; and the International Securities Exchange LLC's Regulatory Information Circular (2009–179) dated June 23, 2009.

[21] A ROT is a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. The term ''ROT'' shall include a Streaming Quote Trader (''SQT''), and a Remote Streaming Quote Trader. An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. An SQT may only trade in a market making capacity in classes of options in which the SQT is assigned.

[22] Market Professionals [sic] have access to sophisticated trading systems that contain functionality not available to retail customers, including things such as continuously updated pricing models based upon real-time streaming data, access to multiple markets simultaneously and order and risk management tools.

believes that permitting certain types of orders to be counted as a single order and other types of orders to be counted as multiple orders is consistent with the original intent of the Professional designation which was to continue to provide Customer accounts with marketplace advantages and distinguish those accounts non-Professional retail investors from the Professionals accounts some non-broker-dealer individuals and entities have access to information and technology that enables them to Professionally trade listed options in the same manner as a broker or dealer in securities.[23]

Finally, the proposed guidance is being issued to stem confusion as to the manner in which options exchanges compute the Professional order volume. The Exchange's Rules may be similar to notices issued by NYSE Arca, Inc, NYSE MKT LLC (''NYSE MKT'') and International Securities Exchange LLC (''ISE'').

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 not necessary or appropriate in furtherance of the purposes of the Act because the Exchange will uniformly apply the rules to calculate volume on all member organizations in determining Professional orders. The designation of Professional orders would not result in any different treatment of such orders for purposes of the Exchange's Rules concerning order protection or routing to away exchanges. Also, SIFMA supports the guidance issued by NYSE Arca and NYSE MKT. The guidance is being issued to stem confusion as to the manner in which options exchanges compute the Professional order volume.

The Exchange is adopting similar counting methods the Exchange believes is currently being utilized by NYSE MKT, NYSE ARCA and ISE related to designation of Professional orders.

Counting All Orders

The Exchange believes that counting all orders entered by a Professional toward the number of orders, regardless of the options exchange to which the order was routed, does not create an undue burden on intra-market competition because this proposed rule change will be consistently applied to all members in determining Professional orders. FLEX orders will not be counted toward the 390 threshold because these types of orders are non-electronic orders.

Cancel and Replace

The Exchange believes that its application of cancel and replace orders does not create an undue burden on intra-market competition because this application is consistent with Exchange Rules, where the replacement order is viewed as a new order. This treatment is consistent with the manner in which this order type is applied today within the order Book.

The Exchange's interpretation that Complex Orders consisting of four legs or fewer will be counted as a single order, and respecting Complex Orders of five legs or more, each leg will count as a separate order does not create an undue burden on intra-market competition because the Exchange will apply this method of calculation uniformly among its member organizations.

Parent/Child Orders

The Exchange's treatment of subordinate orders does not create an undue burden on intra-market competition because allowing orders on the same side of the market to be counted as a single order is consistent with the original intent of the Professional order designation which is to count distinct orders and focus on the number of orders generated.

The Exchange does not believe that the proposed rule change will impose an undue burden on inter-market competition because other exchanges have announced the intent to adopt similar guidance.[24] The Exchange believes that disparate rules regarding Professional order designation, and a lack of uniform application of such rules, does not promote the best regulation and may, in fact, encourage regulatory arbitrage. The Exchange believes that it is therefore prudent and necessary to conform its rules to that of other options exchanges for purposes of calculating the threshold volume of orders to be designated as a Professional. This is particularly true where the Exchange's third-party routing broker-dealers are members of several exchanges that have rules requiring Professional order designations.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be 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 No. SR–Phlx–2016–10 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 No. SR–Phlx–2016–10. 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

[23] For example, some broker-dealers provided their Professional customers with multi-screened trading stations equipped with trading technology that allows the trader to monitor and place orders on all six options exchanges simultaneously. These trading stations also provide compliance filters, order managements tools, the ability to place orders in the underlying securities, and market data feeds.

[24] *See supra* note 13.

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 such 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 No. SR–Phlx–2016–10 and should be submitted on or before March 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02606 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77055; File No. SR–BOX–2016–02]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Lower Certain Fees for Non-Auction Transactions on the BOX Market LLC ("BOX") Options Facility

February 4, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 2016, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Fee Schedule to lower certain fees for Non-Auction transactions on the BOX Market LLC ("BOX") options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on February 1, 2016. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

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 make changes to Section I.A. of the BOX Fee Schedule, Exchange Fees for Non-Auction Transactions.

Specifically, the Exchange proposes to amend certain fees in the pricing model outlined in Section I.A. (Non-Auction Transactions).[5] In this section, fees and credits are assessed depending on upon three factors: (i) The account type of the Participant submitting the order; (ii) whether the Participant is a liquidity provider or liquidity taker; and (iii) the account type of the contra party. Non-Auction Transactions in Penny Pilot Classes are assessed different fees or credits than Non-Auction Transactions in Non-Penny Pilot Classes.

Specifically, the Exchange proposes to reduce the Taker fees for Professional Customers, Broker Dealers and Market Makers interacting with Public Customers in Penny Pilot Classes. The fee for Professional Customers and Broker Dealers taking liquidity against Public Customers will be lowered to $0.50 from $0.64 and the fee for Market Makers taking liquidity against Public Customers will be lowered to $0.50 from $0.55.

These transactions will remain exempt from the Liquidity Fees and Credits outlined in Section II of the BOX Fee Schedule. The revised fee structure for Non-Auction Transactions will be as follows:

Account type	Contra party	Penny pilot classes		Non-penny pilot classes	
		Maker fee	Taker fee	Maker fee	Taker fee
Public Customer	Public Customer	$0.00	$0.00	$0.00	$0.00
	Professional Customer/Broker Dealer.	0.00	0.00	0.00	0.00
	Market Maker	0.00	0.00	0.00	0.00
Professional Customer or Broker Dealer.	Public Customer	0.60	0.50	0.95	1.07
	Professional Customer/Broker Dealer.	0.25	0.40	0.35	0.40
	Market Maker	0.25	0.44	0.35	0.44
Market Maker	Public Customer	0.51	0.50	0.85	1.03
	Professional Customer/Broker Dealer.	0.00	0.05	0.00	0.10
	Market Maker	0.00	0.29	0.00	0.29

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] Non-Auction Transactions are those transactions executed on the BOX Book.

The Exchange also proposes to make non-substantive technical chances [sic] to Section I.A. of the BOX Fee Schedule (Non-Auction Transactions) and remove references to credits.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The proposed changes will allow the Exchange to be competitive with other exchanges and to apply fees and credits [sic] in a manner that is equitable among all BOX Participants. Further, the Exchange operates within a highly competitive market in which market participants can readily direct order flow to any other competing exchange if they determine fees at a particular exchange to be excessive.

The Exchange believes it is equitable, reasonable and not unfairly discriminatory to assess fees according to the account type of the Participant originating the order and the contra party. This fee structure has been in place on the Exchange for some time and the Exchange is simply adjusting certain credits [sic] within the structure.[7] The result of this structure is that a Participant does not know the fee it will be charged when submitting certain orders. Therefore, the Participant must recognize that it could be charged the highest applicable fee on the Exchange's schedule, which may, instead, be lowered or changed to a credit depending upon how the order interacts.

The Exchange believes the proposed fees for Non-Auction [sic] for Professional Customers, Broker Dealers and Market Makers when taking liquidity against Public Customers are reasonable, equitable and not unfairly discriminatory. The Exchange believes these fees are reasonable as they are in line with the current fees assessed by other competing exchanges.[8]

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 not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed adjustments to fees and rebates [sic] in the Non-Auction Transactions fee structure will not impose a burden on competition among various Exchange Participants. Rather, BOX believes that the changes will result in the Participants being charged appropriately for these transactions and are designed to enhance competition in Non-Auction transactions on BOX. Submitting an order is entirely voluntary and Participants can determine which type of order they wish to submit, if any, to the Exchange. Further, the Exchange believes that this proposal will enhance competition between exchanges because it is designed to allow the Exchange to better compete with other exchanges for order flow.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[9] and Rule 19b–4(f)(2) thereunder,[10] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2016–02 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–BOX–2016–02. 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 such 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–BOX–2016–02, and should be submitted on or before March 2, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02607 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* Securities Exchange Act Release No. 73547 (November 6, 2014), 79 FR 67520 (November 13, 2014) (Notice of Filing and Immediate Effectiveness of SR–BOX–2014–25).

[8] Miami Securities International Exchange, LLC (''MIAX'') charges $0.45 to firms and $0.47 to non-MIAX market makers, broker dealers and public customers other than priority customers for execution in Penny Pilot issues and NASDAQ OMX PHLX LLC (''PHLX'') charges $0.48 to professional customers, broker dealers and firms for execution in Penny Pilot issues. In addition, NASDAQ Options Market LLC (''NOM'') and BATS BZX Exchange (''BATS'') charge a $0.50 take fee for removing liquidity in Penny Pilot issues.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77049; File No. SR–CBOE–2016–005]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Professionals

February 4, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''), and Rule 19b-4 thereunder, notice is hereby given that on January 27, 2016, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III 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 Interpretation and Policy .01 to Rule 1.1(ggg) relating to Professionals. The text of the proposed rule change is provided below.

(Additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

CHAPTER I Definitions

Rule 1.1. Definitions

When used in these Rules, unless the context otherwise requires:

(a) Any term defined in the Bylaws and not otherwise defined in this Chapter shall have the meaning assigned to such term in the Bylaws.

(b)—(fff) No change.

Professional

(ggg) The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A Professional will be treated in the same manner as a broker or dealer in securities for purposes of Rules 6.2A, 6.2B, 6.8C, 6.9, 6.13A, 6.13B, 6.25, 6.45, 6.45A (except for Interpretation and Policy .02), 6.45B (except for Interpretation and Policy .02), 6.53C(c)(ii), 6.53C(d)(v), subparagraphs (b) and (c) under Interpretation and Policy .06 to Rule 6.53C, 6.74 (except Professional orders may be considered public customer orders subject to facilitation under paragraphs (b) and (d)), 6.74A, 6.74B, 8.13, 8.15B, 8.87, 24.19, 43.1, 44.4, 44.14. The Professional designation is not available in Hybrid 3.0 classes. All Professional orders shall be marked with the appropriate origin code as determined by the Exchange.

. . . Interpretations and Policies:

.01 [For purposes of this Rule 1.1(ggg), an order which is placed for the beneficial account(s) of a person or entity that is not a broker or dealer in securities that is broken into multiple parts by a broker or dealer or by an algorithm housed at a broker or dealer or by an algorithm licensed from a broker or dealer, but which is housed with the customer in order to achieve a specific execution strategy including, for example, a basket trade, program trade, portfolio trade, basis trade, or benchmark hedge, constitutes a single order and shall be counted as one order.] *Except as noted below, each order of any order type counts as one order for Professional order counting purposes.*

(a) Complex Orders:

(1) A complex order comprised of four (4) legs or fewer counts as a single order;

(2) A complex order comprised of five (5) legs or more counts as multiple orders with each option leg counting as its own separate order;

(b) ''Parent''/''Child'' Orders:

(1) Same Side and Same Series: A ''parent'' order that is placed for the beneficial account(s) of a person or entity that is not a broker or dealer in securities that is broken into multiple ''child'' orders on the same side (buy/sell) and series as the ''parent'' order by a broker or dealer, or by an algorithm housed at a broker or dealer or by an algorithm licensed from a broker or dealer, but which is housed with the customer, counts as one order even if the ''child'' orders are routed across multiple exchanges.

(2) Both Sides and/or Multiple Series: A ''parent'' order (including a strategy order) that is broken into multiple ''child'' orders on both sides (buy/sell) of a series and/or multiple series counts as multiple orders, with each ''child'' order counting as a new and separate order.

(c) Cancel/Replace:

(1) Except as provided in paragraph (c)(2) below, any order that cancels and replaces an existing order counts as a separate order (or multiple new orders in the case of a complex order comprised of five (5) legs or more).

(2) Same Side and Same Series: An order that cancels and replaces any ''child'' order resulting from a ''parent'' order that is placed for the beneficial account(s) of a person or entity that is not a broker, or dealer in securities that is broken into multiple ''child'' orders on the same side (buy/sell) and series as the ''parent'' order by a broker or dealer, by an algorithm housed at a broker or dealer, or by an algorithm licensed from a broker or dealer, but which is housed with the customer, does not count as a new order.

(3) Both Sides and/or Multiple Series: An order that cancels and replaces any ''child'' order resulting from a ''parent'' order (including a strategy order) that generates ''child'' orders on both sides (buy/sell) of a series and/or in multiple series counts as a new order.

(4) Pegged Orders: Notwithstanding the provisions of paragraph (c)(2) above, an order that cancels and replaces any ''child'' order resulting from a ''parent'' order being ''pegged'' to the BBO or NBBO or that cancels and replaces any ''child'' order pursuant to an algorithm that uses BBO or NBBO in the calculation of ''child'' orders and attempts to move with or follow the BBO or NBBO of a series counts as a new order each time the order cancels and replaces in order to attempt to move with or follow the BBO or NBBO.

* * * * *

The text of the proposed rule change is also 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 Interpretation and Policy .01 to Rule 1.1(ggg) (Professional) relating to Professionals. Specifically, the

Exchange proposes to delete current Interpretation and Policy .01 to Rule 1.1(ggg) and adopt new Interpretation and Policy .01 to Rule 1.1(ggg), setting forth amended standards for calculating average daily order submissions for Professional order counting purposes. The Exchange believes that the proposed rule change would provide additional clarity in the Rules and serve to promote the purposes for which the Exchange originally adopted Rule 1.1(ggg) relating to Professionals.

Background

In general, ''public customers'' are granted certain marketplace advantages over other market participants, including Market-Makers, brokers and dealers of securities, and industry ''Professionals'' on most U.S. options exchanges. The U.S. options exchanges, including CBOE, have adopted materially similar definitions of the term ''Professional,'' [1] which commonly refers to persons or entities that are not a brokers or dealers in securities and who or which place more than 390 orders in listed options per day on average during a calendar month for their own beneficial account(s).[2] Various exchanges adopted similar Professional rules for many of the same reasons, including, but not limited to the desire to create more competitive marketplaces and attract retail order flow.[3] In addition, as several of the exchanges noted in their original Professional rule filings, their beliefs that disparate Professional rules and a lack of uniformity in the application of such rules across the options markets would not promote the best regulation and may, in fact, encourage regulatory arbitrage.[4]

Similar to other U.S. options exchanges, the Exchange grants ''public customers'' certain marketplace advantages over other market participants pursuant to the Exchange's Fees Schedule [5] and the Rules.[6] In general, public customers receive allocation and execution priority above equally priced competing interests of Market-Makers, broker-dealers, and other market participants. In addition, customer orders are generally exempt from transaction fees and certain Exchange surcharges. Similar to other U.S. options exchanges, the Exchange affords these marketplace advantages to public customers based on various business- and regulatory-related objectives, including, for example, to attract retail order flow to the Exchange and to provide competitive pricing.

Prior to 2009, the Exchange designated all orders as either customer orders or non-customer orders based solely on whether or not the order was placed for the account of a registered securities broker or dealer. As non-broker-dealer investors gained more access to electronic trading platforms, analytics technology, and market data services previously available only to securities brokers and dealers, the distinction between public customers and non-customers became less effective in promoting the intended purposes of the Exchange's customer priority rules because certain customers were more similarly situated to broker-dealers. As the Exchange noted at the time, the Exchange no longer believed that the definitions of customer and non-customer properly distinguished between the kind of nonprofessional retail investors that the order priority rules and fee exemptions were intended to benefit and non-broker-dealer professional traders with access to advanced market data information and sophisticated trading platforms that were not intended to benefit from those rules and exemptions.[7] Furthermore, the Exchange believed that distinguishing solely between registered broker-dealers and non-broker-dealers with respect to order priority and fee exemptions was inconsistent with principles of fair competition and inappropriate in the marketplace given professional traders' access to the same trading tools and market data services as broker-dealers while taking advantage of the same order priority and fee exemptions as retail investors. Accordingly, in 2009, the Exchange adopted a definition of ''Professional'' under Rule 1.1(ggg) to further distinguish different types of orders placed on the Exchange.[8]

Under Rule 1.1(ggg), a Professional is defined as a person or entity that is not a securities broker or dealer that places more than 390 listed options orders per day on average during a calendar month for its own beneficial account(s). As discussed above, in large part, the Exchange's Professional order rules were adopted to distinguish non-broker dealer individuals and entities that have access to information and technology

[1] Some U.S. options exchanges refer to ''Professionals'' as ''Professional Customers'' or non-''Priority Customers.'' *Compare* BATS Exchange, Inc. (''BZX'') Rule 16.1(a)(45) (Professional); BOX Options Exchange LLC (''BOX'') Rule 100(a)(50) (Professional); CBOE Rule 1.1(ggg) (Professional); C2 Rule 1.1; BX Chapter I, Sec. 1(49) (Professional); NASDAQ OMX PHLX LLC (''PHLX'') Rule 1000(b)(14) (Professional); Nasdaq Options Market (''NOM'') Chapter I, Sec. 1(a)(48) (Professional); *with* ISE Rule 100(a)(37A) (Priority Customer); Gemini Rule 100(a)(37A) (Priority Customer); Miami International Securities Exchange LLC (''MIAX'') Rule 100 (Priority Customer); NYSE MKT LLC (''NYSE MKT'') Rule 900.2NY(18A) (Professional Customer); NYSE Arca, Inc. (''Arca'') Rule 6.1A(4A) (Professional Customer).

[2] *See, e.g.,* BZX Rule 16.1(a)(45); BOX Rule 100(a)(50); CBOE Rule 1.1(ggg); C2 Rule 1.1; BX Chapter I, Sec. 1(49); PHLX Rule 1000(b)(14); NOM Chapter I, Sec. 1(a)(48); *see also* ISE Rule 100(a)(37A) (Priority Customer); Gemini Rule 100(a)(37A) (Priority Customer); MIAX Rule 100 (Priority Customer); NYSE MKT Rule 900.2NY(18A) (Professional Customer); Arca Rule 6.1A(4A) (Professional Customer).

[3] *See, e.g.,* Securities Exchange Act Release No. 60931 (November 4, 2009), 74 FR 58355, 58356 (November 12, 2009) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Related to Professional Orders) (SR–CBOE 2009–078); Securities Exchange Act Release No. 59287 (January 23, 2009), 74 FR 5694, 5694 (January 30, 2009) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to Professional Account Holders) (SR–ISE–2006–026); Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193, 17194 (April 5, 2010) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 2 Thereto, Relating to Professional Orders) (SR–PHLX–2010–005); Securities Exchange Act Release No. 61629 (March 2, 2010), 75 FR 10851, 10851 (March 9, 2010) (Notice of Filing of Proposed Rule Change Relating to the Designation of a ''Professional Customer'') (SR–NYSEMKT–2010–018).

[4] *See, e.g.,* Securities and Exchange Act Release No. 62724 (August 16, 2010), 75 FR 51509 (August 20, 2010) (Notice of Filing of a Proposed Rule Change by the NASDAQ Stock Market LLC To Adopt a Definition of Professional and Require That All Professional Orders Be Appropriately Marked) (SR–NASDAQ–2010–099); Securities and Exchange Act Release No. 65500 (October 6, 2011), 76 FR 63686 (October 13, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Definition of Professional and Require That All Professional Orders Be Appropriately Marked) (SR–BATS–2011–041); Securities Exchange Act Release No. 65036 (August 4, 2011), 76 FR 49517, 49518 (August 10, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Definition of ''Professional'' and Require That Professional Orders Be Appropriately Marked by BOX Options Participants) (SR–BX–2011–049); Securities Exchange Act Release No. 60931 (November 4, 2009), 74 FR 58355, 58357 (November 12, 2009) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Related to Professional Orders) (SR–CBOE 2009–078); *see also* Securities Exchange Act Release 73628 (November 18, 2014), 79 FR 69958, 69960 (November 24, 2014) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Professional Orders) (SR–CBOE–2014–085).

[5] *See, e.g.,* Fees Schedule (Options Transaction Fees).

[6] *See, e.g.,* Rules 6.45A (Priority and Allocation of Equity Option Trades on the CBOE Hybrid System), 6.45B (Priority and Allocation of Trades in Index Options and Options on ETFs on the CBOE Hybrid System).

[7] *See* Securities Exchange Act Release No. 60931 (November 4, 2009), 74 FR 58355, 58356 (November 12, 2009) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Related to Professional Orders) (SR–CBOE 2009–078).

[8] Notably, the Exchange's Professional order rule was materially based upon a similar proposal by the International Securities Exchange, LLC (''ISE'') as set forth in SR–ISE–2006–026. *See id.* at 58356, note 6.

that enable them to professionally trade listed options in a manner similar to brokers or dealers in securities from retail investors for order priority and/or transaction fees purposes. In general, Professionals are treated as brokers or dealers in securities under the Exchange's rules, including, but not limited to with respect to order priority and fees.[9] Rule 1.1(ggg) is substantially similar to the Professional order rules of other exchanges and was materially based upon the preexistent Professional order rules of other exchanges.[10]

After adopting Rule 1.1(ggg), the Exchange issued a Regulatory Circular, interpreting Rule 1.1(ggg).[11] In particular, with respect to the counting of single original orders that are then broken up into multiple orders to achieve a specific execution strategy, the Exchange interpreted Rule 1.1(ggg) to allow such orders to be counted as one single order for Professional order counting purposes.[12] Over time, however, the Exchange began to receive more and more questions as to what constitutes an ''order'' for Professional order counting purposes, including, but not limited to questions about how to count certain types of strategy orders and how to count ''child'' orders generated as part of specific ''parent'' execution strategies.

In November 2014, in response to these questions, the Exchange clarified its Professional order rule by adopting Interpretation and Policy .01 to Rule 1.1(ggg). Specifically, the Exchange codified its interpretation that, for Professional order counting purposes, ''parent'' orders that are placed on a single ticket and entered for the beneficial account(s) of a person or entity that is not a broker or dealer in securities and that are broken into multiple parts by a broker or dealer, or by an algorithm housed at a broker or dealer, or by an algorithm licensed from a broker or dealer that is housed with the customer in order to achieve a specific execution strategy, including, but not limited to basket trades, program trades, portfolio trades, basis trades, and benchmark hedges, should count as one single order for Professional order counting purposes. This interpretation was a clarification in the Rules based on the Exchange's past interpretations of Rule 1.1(ggg) and similar interpretations set forth in a previously issued ISE/ISE Gemini, LLC (''Gemini'') Joint Regulatory Information Circular.[13]

The Exchange's adoption of Interpretation and Policy .01 to Rule 1.1(ggg), however, has not clarified the Exchange's Professional rule completely. The advent of new multi-leg spread products and the proliferation of the use of complex orders and algorithmic execution strategies by both institutional and retail market participants continue to raise questions as to what constitutes an ''order'' for Professional order counting purposes. For example, do multi-leg spread orders (which on the Exchange may be up to 12 legs) or strategy orders such as volatility orders constitute a single order or multiple orders for Professional order counting purposes? The Exchange's Professional rule does not fully address these issues and there is no common interpretation across the U.S. options markets. In fact, CBOE is the only U.S. options exchange to have adopted any interpretation of how certain types of orders should be counted under its Professional rule. The Exchange believes that additional clarity is needed regarding the application of Rule 1.1(ggg). Accordingly, the Exchange is proposing to amend Interpretation and Policy .01 to Rule 1.1(ggg) to address how various new execution and order strategies should be treated under the Exchange's Professional rule.

Moreover, the Exchange believes that a new Interpretation and Policy would better serve to accomplish the Exchange's stated goals for its Professional rule. Under current Interpretation and Policy .01 to Rule 1.1(ggg) many market participants using sophisticated execution strategies and trading algorithms who would typically be considered professional traders are not identified under the Exchange's Professional rule. The Exchange believes that these types of market participants have access to technology and market information akin to broker-dealers. The Exchange also believes that a new Interpretation and Policy to Rule 1.1(ggg) is warranted to ensure that public customers are afforded the marketplace advantages that they are intended to be afforded over other types of market participants on the Exchange.

The Exchange notes that despite the adoption of materially similar Professional rules across the markets, exchanges' interpretations of their respective Professional rules vary. Although Professionals are similarly defined by exchanges as non-broker-dealer persons or entities that place more than 390 orders in listed options for their own beneficial account(s) per day on average during a calendar month, there is no consistent definition across the markets as to what constitutes an ''order'' for Professional order counting purposes. While several options exchanges, including CBOE, have attempted to clarify their interpretations of their Professional rules through regulatory and information notices and circulars,[14] many of the options exchanges have not issued any guidance regarding the application of their Professional rules. Furthermore, where exchanges have issued such interpretive guidance, those interpretations have not necessarily been consistent.[15] As a result, the Exchange believes that the rather than helping to promote the best regulation and discourage regulatory arbitrage, the Professional rules have become a basis of intermarket competition. As noted above, CBOE is the only U.S. options exchange that has adopted interpretive guidance regarding its Professional rule in its rules.

The Exchange believes that a new set of standards and a more detailed counting regime than the Exchange's current Professional order rules provide would allow the Exchange to better compete for order flow and help ensure deeper levels of liquidity on the Exchange. The Exchange also believes that the proposed rule change would help to remove impediments to and help perfect the mechanism of a free and open market and a national market system by increasing competition in the marketplace. Accordingly, the Exchange proposes to amend the Rules by deleting

[9] *See* Rule 1.1(ggg). Notably, however, Professional orders are treated as public customer orders pursuant to certain rules, such as if the order is held by a broker and the broker crosses it with a facilitation order on the floor.

[10] *See* Securities Exchange Act Release No. 60931 (November 4, 2009), 74 FR 58355, 58356 (November 12, 2009) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Related to Professional Orders) (SR–CBOE 2009–078); *see, e.g.,* ISE Rule 100(a)(31A).

[11] *See* Regulatory Circular RG09–148 (Professional Orders).

[12] *See id.* at Question 14.

[13] *See* ISE Regulatory Information Circular 2014–007/Gemini Regulatory Information Circular 2014–011 (Priority Customer Orders and Professional Orders (FAQ)).

[14] *See* Regulatory Circular RG09–148 (Professional Orders); ISE Regulatory Information Circular 2014–007/Gemini Regulatory Information Circular 2014–011 (Priority Customer Orders and Professional Orders (FAQ)); MIAX Regulatory Circular 2014–69 (Priority Customer and Professional Interest Order Summary); NYSE Joint Regulatory Bulletin, NYSE Acra RBO–15–03, NYSE Amex RBO–15–06) (Professional Customer Orders); BOX Regulatory Circular RC–2015–21 (Professional Orders).

[15] *Compare* NYSE Joint Regulatory Bulletin, NYSE Acra RBO–15–03, NYSE Amex RBO–15–06) (Professional Customer Orders) *with* Interpretation and Policy .01 to Rule 1.1(ggg); Regulatory Circular RG09–148 (Professional Orders); ISE Regulatory Information Circular 2014–007/Gemini Regulatory Information Circular 2014–011 (Priority Customer Orders and Professional Orders (FAQ)); and ISE Regulatory Information Circular 2009–179 (Priority Customer Orders and Professional Orders (FAQ)).

current Interpretation and Policy .01 to Rule 1.1(ggg) and, in its place, adopt a new Interpretation and Policy with respect to Professional order counting.

Proposal

The Exchange proposes to delete current Interpretation and Policy .01 to Rule 1.1(ggg) and replace it with a new Interpretation and Policy setting forth a more detailed counting regime for calculating average daily orders for Professional order counting purposes. Specifically, the Exchange's proposed Interpretation and Policy would make clear how to count complex orders, ''parent/child'' orders that are broken into multiple orders, and ''cancel/replace'' orders for Professional order counting purposes.

Under the Exchange's proposed Interpretation and Policy .01 to Rule 1.1(ggg), all orders would count as one single order for Professional counting purposes, unless otherwise specified under the Rules. Proposed Interpretation and Policy .01 to Rule 1.1(ggg) would provide that except as noted below, each order of any order type counts as one order for Professional order counting purposes. Paragraph (a) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would discuss complex orders. Under paragraph (a)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), a complex order comprised of four (4) legs or fewer would count as a single order. Conversely, paragraph (a)(2) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would provide that a complex order comprised of five (5) legs or more counts as multiple orders with each option leg counting as its own separate order. The Exchange believes the distinction between complex orders with up to four legs from those with five or more legs is appropriate in light of the purposes for which Rule 1.1(ggg) was adopted. In particular, the Exchange notes that multi-leg complex order strategies with five or more legs are more complex in nature and thus, more likely to be used by professional traders than traditional two, three, and four leg complex order strategies such as the strangle, straddle, butterfly, collar, and condor strategies, which are oftentimes used by retail investors. Thus, the types of complex orders traditionally placed by retail investors would continue to count as only one order while the more complex strategy orders that are typically used by professional traders would count as multiple orders for Professional order counting purposes.

Paragraph (b) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would provide details relating to the counting of ''parent/child'' orders. Under paragraph (b)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), a ''parent'' order that is placed for the beneficial account(s) of a person or entity that is not a broker or dealer in securities that is broken into multiple ''child'' orders on the same side (buy/sell) and series as the ''parent'' order by a broker or dealer, or by an algorithm housed at a broker or dealer or by an algorithm licensed from a broker or dealer, but which is housed with the customer, counts as one order even if the ''child'' orders are routed across multiple exchanges. Essentially, this paragraph would describe how orders placed for public customers, which are ''worked'' by a broker in order to receive best execution should be counted for Professional order counting purposes. Paragraph (b)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would permit larger ''parent'' orders (which may be simple orders or complex orders consisting of up to four legs), to be broken into multiple smaller orders on the same side (buy/sell) and in the same series (or complex orders consisting of up to four legs) in order to attempt to achieve best execution for the overall order.

For example, if a customer were to enter an order to buy 1,000 XYZ $5 January calls at a limit price of $1, which the customer's broker then broke into four separate orders to buy 250 XYZ $5 January calls at a limit price of $1 in order to achieve a better execution, the four ''child'' orders would still only count as one order for Professional order counting purposes (whether or not the four separate orders were sent to the same or different exchanges for execution).[16] Similarly, in the case of a complex order, if a customer were to enter an order to buy 1,000 XYZ $5 January(sell)/March(buy) calendar spreads (with a 1:1 ratio on the legs), at a net debit limit price of $0.20, which the customer's broker then broke into four separate orders to buy 250 XYZ $5 January/March calendar spreads (each with a 1:1 ratio on the legs), each at a net debit limit price of $0.20, the four ''child'' orders would still only count as one order for Professional order counting purposes (whether or not the four separate orders were sent to the same or different exchanges for execution).

Conversely, under paragraph (b)(2) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), a ''parent'' order (including a strategy order)[17] that is broken into multiple ''child'' orders on both sides (buy/sell) of a series[18] and/or multiple series counts as multiple orders, with each ''child'' order counting as a new and separate order. Accordingly, under this provision, strategy orders, which are most often used by sophisticated traders best characterized as ''Professionals,'' would count as multiple orders for each child order entered as part of the overall strategy. For example, if a customer were to enter a volatility order[19] or ''vega'' order[20] with her broker by

[16] Notably, however, if the customer herself were to enter the same four identical orders to buy 250 XYZ $5 January calls at a limit price of $1 prior to sending the orders, those orders would count as four separate orders for Professional order counting purposes because the orders would not have been broken into multiple ''child'' orders on the same side (buy/sell) and series as the ''parent'' order by a broker or dealer, or by an algorithm housed at a broker or dealer or by an algorithm licensed from a broker or dealer, but which is housed with the customer.

[17] For purposes of this proposed Interpretation and Policy, the term ''strategy order'' is intended to mean an execution strategy, trading instruction, or algorithm whereby multiple ''child'' orders on both sides of a series and/or multiple series are generated prior to being sent to any or multiple U.S. options exchange(s).

[18] The Exchange recognizes that with respect to customers and, in particular, the counting of customer orders for Professional purposes, paragraphs (b)(2) and (c)(3) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) contain language that is somewhat redundant and superfluous. Because non-professional customers may not simultaneously or nearly simultaneously enter multiple limit orders to buy and sell the same security (*i.e.* act as Market-Makers) (see Rule 6.8C), a ''parent'' customer order that is broken into multiple ''child'' orders on both sides (buy/sell) must necessarily be placed across multiple series. Accordingly, when considered in conjunction with the prohibitions in Rule 6.8C, the operation of paragraphs (b)(2) and (c)(3) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would be the same even if the proposed rule were only applied to ''child'' orders placed in multiple series. The Exchange, however, has determined to include references to ''both sides (buy/sell) of a series'' in the text of proposed Interpretation and Policy .01 to Rule 1.1(ggg) to reinforce the concepts underlying the Exchange's proposed Professional order counting structure.

[19] A ''volatility'' or ''volatility-type'' order may be characterized as an order instruction or combination to buy/sell contracts at a specific implied volatility rather than at a specific price or premium. Because implied volatility is a key determinant of the premium on an option, some traders may wish to take positions in specific contract months in an effort to take advantage of perceived changes in implied volatility arising before, during, or after earnings or in a certain company when specific or broad market volatility is predicted to change. In certain cases, depending on where a customer's account is housed or the trading capabilities of the participant involved, an options trader may trade and position for movements in the price of the option based on implied volatility using a ''volatility'' or ''volatility-type'' order or trading instruction by setting a limit for the volatility level they are willing to pay or receive. In such cases, premiums may be calculated in percentage terms rather than premiums.

[20] An option's vega is a measure of the impact of changes in the underlying volatility on the option price. Specifically, the vega of an option expresses

which multiple ''child'' orders were then sent to the Exchange across multiple series in a particular option class, each order entered would count as a separate order for Professional order counting purposes. Likewise, if the customer instructed her broker to buy a variety of calls across various option classes as part of a basket trade, each order entered by the broker in order to obtain the positions making up the basket would count as a separate order for Professional counting purposes.[21]

The Exchange believes that the distinctions between ''parent'' and ''child'' orders in paragraph (b) to proposed Rule 1.1(ggg) are appropriate. The Exchange notes that paragraph (b) to proposed Interpretation and Policy .01 to Rule 1.1(ggg) is not aimed at capturing orders that are being ''worked'' or broken into multiple orders to avoid showing large orders to the market in an effort to elude front-running and to achieve best execution as is typically done by brokers on behalf of retail clients. Rather, paragraph (b) to proposed Interpretation and Policy .01 to Rule 1.1(ggg) is aimed at identifying ''child'' orders of ''parent'' orders generated by algorithms that are typically used by sophisticated traders to continuously update their orders in concert with market updates in order to keep their overall trading strategies in balance. The Exchange believes that these types of ''parent/child'' orders typically used by sophisticated traders should count as multiple orders.

Paragraph (c) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), would discuss the counting of orders that are cancelled and replaced. Similar to the distinctions drawn in paragraph (b) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), paragraph (c) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would essentially separate orders that are cancelled and replaced as part of an overall strategy from those that are cancelled and replaced by a broker that is ''working'' the order to achieve best execution or attempting to time the market. Specifically, paragraph (c)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would provide that except as otherwise provided in the rule (and specifically as provided under paragraph (c)(2) to proposed Interpretation and Policy .01 to Rule 1.1(ggg)), any order that cancels and replaces an existing order counts as a separate order (or multiple new orders in the case of a complex order comprised of five (5) legs or more). For example, if a trader were to enter a non-marketable limit order to buy an option contract at a certain net debit price, cancel the order in response to market movements, and then reenter the same order once it became marketable, those orders would count as two separate orders for Professional order counting purposes even though the terms of both orders were the same.

Paragraph (c)(2) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would specify the exception to paragraph (c)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) and would provide that an order that cancels and replaces any ''child'' order resulting from a ''parent'' order that is placed for the beneficial account(s) of a person or entity that is not a broker, or dealer in securities that is broken into multiple ''child'' orders on the same side (buy/sell) and series as the ''parent'' order by a broker or dealer, by an algorithm housed at a broker or dealer, or by an algorithm licensed from a broker or dealer, but which is housed with the customer, would not count as a new order. For example, if a customer were to enter an order with her broker to buy 10,000 XYZ $5 January calls at a limit price of $1, which the customer's broker then entered, but could not fill and then cancelled to avoid having to rest the order in the book as part of a strategy to obtain a better execution for the customer and then resubmitted the remainder of the order, which would be considered a ''child'' of the ''parent'' order, once it became marketable, such orders would only count as one order for Professional order counting purposes. Again, similar to paragraph (b) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), the Exchange notes that paragraph (c) to proposed Interpretation and Policy .01 to Rule 1.1(ggg) is not aimed at capturing orders that are being ''worked'' or being cancelled and replaced to avoid showing large orders to the market in an effort to elude front-running and to achieve best execution as is typically done by brokers on behalf of retail clients. Rather, paragraph (c) to proposed Interpretation and Policy .01 to Rule 1.1(ggg) is aimed at identifying ''child'' orders of ''parent'' orders generated by algorithms that are typically used by sophisticated traders to continuously update their orders in concert with market updates in order to keep their overall trading strategies in balance. The Exchange believes that paragraph (c)(2) to proposed Interpretation and Policy .01 to Rule 1.1(ggg) is consistent with these goals.

Accordingly, consistent with paragraph (c)(1) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), under paragraph (c)(3) of proposed Interpretation and Policy .01 to Rule 1.1(ggg), an order that cancels and replaces any ''child'' order resulting from a ''parent'' order (including a strategy order) that generates ''child'' orders on both sides (buy/sell) of a series and/or in multiple series would count as a new order. For example, if an investor were to seek to make a trade (or series of trades) to take a long vega position at a certain percentage limit on a basket of options, the investor may need to cancel and replace several of the ''child'' orders entered to achieve the overall execution strategy several times to account for updates in the prices of the underlyings. In such a case, each ''child'' order placed to keep the overall execution strategy in place would count as a new and separate order even if the particular ''child'' order were being used to replace a slightly different ''child'' order that was previously being used to keep the same overall execution strategy in place. The Exchange believes that the distinctions between cancel/replace orders in paragraph (c) to proposed Rule 1.1(ggg) are appropriate as such orders are typically generated by algorithms used by sophisticated traders to keep strategy orders continuously in line with updates in the markets. As such, the Exchange believes that in most cases, cancel/replace orders should count as multiple orders.

Finally, paragraph (c)(4) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would codify the Exchange's ''pegged'' order interpretation in the text of the Rules. Paragraph (c)(4) of proposed Interpretation and Policy .01 to Rule 1.1(ggg) would provide that notwithstanding the provisions of paragraph (c)(2) above, an order that cancels and replaces any ''child'' order resulting from a ''parent'' order being ''pegged'' to the Exchange's best bid or offer (''BBO'') or national best bid or offer (''NBBO'') or that cancels and replaces any ''child'' order pursuant to an algorithm that uses BBO or NBBO in the calculation of ''child'' orders and attempts to move with or follow the BBO or NBBO of a series would count as a new order each time the order cancels and replaces in order to attempt to move with or follow the BBO or NBBO. This interpretation is similar to the Exchange's current interpretation of

the change in the price of the option for every 1% change in underlying volatility.

[21] Notably, with respect to the types of ''parent'' orders (including strategy orders) described in paragraph (b)(2) to proposed Interpretation and Policy .01 to Rule 1.1(ggg), such orders would be received only as multiple ''child'' orders the U.S. options exchange receiving such orders. The ''parent'' order would be broken apart before being sent by the participant to the exchange(s) as multiple ''child'' orders. *See supra* at note 19.

its Professional order rules, but adds clarifying language to the Exchange's current interpretation and the Rules.[22] The Exchange believes that paragraph (c)(4) is appropriate to make clear that ''pegged'' strategy orders that are typically used by sophisticated traders should be counted as multiple orders even though such orders may cancel/replace orders in on the same side (buy/sell) of the market in a single series in order to achieve an overall order strategy.

Under current Rule 1.1(ggg), in order to properly represent orders entered on the Exchange according to the Professional order rules, Trading Permit Holders (''TPHs'') are required to indicate whether public customer orders are ''Professional'' orders.[23] This requirement will remain the same. To comply with this requirement, TPHs are required to review their customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker or dealer should be represented as customer orders or Professional orders.[24] Orders for any customer that had an average of more than 390 orders per day during any month of a calendar quarter must be represented as Professional orders for the next calendar quarter. TPHs are required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five days after the end of each calendar quarter. While TPHs only will be required to review their accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as public customer orders but that has averaged more than 390 orders per day during a month, the Exchange will notify the TPH and the TPH will be required to change the manner in which it is representing the customer's orders within five days. Because Rule 1.1(ggg) only requires that TPHs conduct a look-back to determine whether their customers are averaging more than 390 orders per day at the end of each calendar quarter, the Exchange proposes an effective date of April 1, 2016 for proposed Interpretation and Policy .01 to Rule 1.1(ggg) to ensure that all orders during the next quarterly review will be counted in the same manner and that proposed Interpretation and Policy .01 to Rule 1.1(ggg) will not be applied retroactively.

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.[25] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [26] 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) [27] 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 proposed Interpretation and Policy .01 to Rule 1.1(ggg) provides a more conservative order counting regime for Professional order counting purposes that would identify more traders as Professionals to which the Exchange's definition of Professional was designed to apply and create a better competitive balance for all participants on the Exchange, consistent with the Act. As the options markets have evolved to become more electronic and more competitive, the Exchange believes that the distinction between registered broker-dealers and professional traders who are currently treated as public customers has become increasingly blurred. More and more, the category of public customer today includes sophisticated algorithmic traders including former market makers and hedge funds that trade with a frequency resembling that of broker-dealers. The Exchange believes that it is reasonable under the Act to treat those customers who meet the high level of trading activity established in the proposal differently than customers who do not meet that threshold and are more typical retail investors to ensure that professional traders do not take advantage of priority and fee benefits intended for public customers.

The Exchange notes that it is not unfair to differentiate between different types of investors in order to achieve certain marketplace balances. The Rules currently differentiate between public customers, broker-dealers, Market-Makers, Designated Primary Market-Makers (''DPMs'') and the like. These differentiations have been recognized to be consistent with the Act. The Exchange does not believe that the current rules of CBOE and other exchanges that accord priority to all public customers over broker-dealers are unfairly discriminatory. Nor does the Exchange believe that it is unfairly discriminatory to accord priority to only those customers who on average do not place more than one order per minute (390 per day) under the counting regime that the Exchange proposes. The Exchange believes that such differentiations drive competition in the marketplace and are within the business judgment of the Exchange. Accordingly, the Exchange also believes that its proposal is consistent with the requirement of Section 6(b)(8) of the Act that the rules of an exchange not impose an unnecessary or inappropriate burden upon competition in that it treats persons who should be deemed Professionals, but who may not be under current Interpretation and Policy .01 to Rule 1.1(ggg) in a manner so that they do not receive special priority benefits.

Furthermore, the Exchange believes that the proposed rule change will protect investors and the public interest by helping to assure that retail customers continue to receive the appropriate marketplace advantages in the CBOE marketplace as intended, while furthering competition among marketplace professionals by treating them in the same manner as other similarly situated market participants. The Exchange believes that it is consistent with Section 6(b)(5) of the Act not to afford market participants with similar access to information and technology as that of brokers and dealers of securities with marketplace advantages over such marketplace competitors. The Exchange also believes that the proposed Interpretation and Policy would help to remove burdens on competition and promote a more competitive marketplace by affording certain marketplace advantages only to those for whom they are intended. Finally, the Exchange believes that the proposed rule change sets forth a more detailed and clear regulatory regime with respect to calculating average daily order entry for Professional order

[22] *See* CBOE Regulatory Circular RG09–148 (Professional Orders) at Question 12.

[23] *See* Securities Exchange Act Release No. 60931 (November 4, 2009), 74 FR 58355 (November 12, 2009) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Related to Professional Orders) (SR–CBOE 2009–078).

[24] *See id.*

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

[27] *Id.*

counting purposes. The Exchange believes that this additional clarity and detail will eliminate confusion among market participants, which is in the interests of all investors and the general public.

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. As discussed above, the Exchange does not believe that the current rules of CBOE and other exchanges that accord priority to all public customers over broker-dealers are unfairly discriminatory. Nor does the Exchange believe that it is unfairly discriminatory to accord priority to only those customers who on average do not place more than one order per minute (390 per day) under the counting regime that the Exchange proposes. The Exchange believes that its proposal does not impose an undue burden on competition. The Exchange notes that one of the purposes of the Professional rules is to help ensure fairness in the marketplace and promote competition among all market participants. The Exchange believes that proposed Interpretation and Policy .01 to Rule 1.1(ggg) would help establish more competition among market participants and promote the purposes for which the Exchange's Professional rule was originally adopted. The Exchange does not believe that the Act requires it to provide the same incentives and discounts to all market participants equally, so as long as the exchange does not unfairly discriminate among participants with regard to access to exchange systems. The Exchange believes that here, that is clearly the case.

Rather than burden competition, the Exchange believes that the proposed rule change promotes competition by ensuring that retail investors continue to receive the appropriate marketplace advantages in the CBOE marketplace as intended, while furthering competition among marketplace professionals by treating them in the same manner under the Rules as other similarly situated market participants by ensuring that market participants with similar access to information and technology (*i.e.* Professionals and broker-dealers), receive similar treatment under the Rules while retail investors receive the benefits of order priority and fee waivers that are intended to apply to public customers.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be 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 No. SR–CBOE–2016–005 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 No. SR–CBOE–2016–005. 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 such 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 No. SR–CBOE–2016–005 and should be submitted on or before March 2,2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02602 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10034; 34–77064; File No. 265–27]

SEC Advisory Committee on Small and Emerging Companies; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Advisory Committee on Small and Emerging Companies is providing notice that it will hold a public meeting on Thursday, February 25, 2016, 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. (EST) and will be open to the public. The meeting will be webcast on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies under the federal securities laws.

DATES: The public meeting will be held on Thursday, February 25, 2016. Written statements should be received on or before February 23, 2016.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F

[28] 17 CFR 200.30–3(a)(12).

Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/info/smallbus/acsec.shtml*); or
- Send an email message to *rule-comments@sec.gov*. Please include File Number 265–27 on the subject line; or

Paper Statements

- Send paper statements to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–27. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Advisory Committee's Web site (*http://www.sec.gov/spotlight/acsec-spotlight.shtml*).

Statements also 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. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Julie Z. Davis, Senior Special Counsel, at (202) 551–3460, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.—App. 1, and the regulations thereunder, Keith Higgins, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: February 5, 2016.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2016–02658 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77051; File No. SR–MSRB–2016–02]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Content Outline for the Series 9/10 Examination Program

February 4, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 2016, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The MSRB has designated the proposed rule change as ''constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule'' under Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. 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 MSRB filed with the Commission proposed revisions to the content outline for the Municipal Securities Sales Principal (Series 9/10) examination program (the ''proposed rule change''). The MSRB proposes to implement the revised Series 9/10 examination program on March 7, 2016. The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks currently performed by a Municipal Securities Sales Principal. In addition, the Board is proposing to make changes to the format of the content outline. The MSRB is not proposing in this filing any textual change to its rules.[5]

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2016-Filings.aspx,* at the MSRB's principal office, 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 MSRB 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 MSRB 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

Background

The MSRB has established a professional qualifications program that prescribes standards of training, experience, and competency for brokers, dealers and municipal securities dealers (collectively, ''dealers'') and their associated persons. Section 15B(b)(2)(A) of the Act requires associated persons of dealers to meet such standards of training, experience, competence, and such other qualifications as the MSRB finds necessary or appropriate in the public interest or for the protection of investors and municipal entities or obligated persons.[6] The MSRB has developed examinations that are designed to establish that persons associated with dealers that effect transactions in municipal securities and municipal advisors who engage in municipal advisory activities have attained specified levels of competence and knowledge. The content outline for each examination serves as a guide to the subject matter tested on the examination and provides learning objectives associated with each subject matter to assist candidates in preparing for each examination. Each content outline also provides sample questions similar to the type of questions that may be found on the examination. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] The Financial Industry Regulatory Authority (''FINRA'') filed changes to the Series 9/10 question bank and selection specifications with the SEC on December 23, 2015. *See* Release No. 34–76812 (December 31, 2015), 81 FR 834 (January 7, 2016) (File No. SR–FINRA–2015–058).

[6] Section 15B(b)(2)(A)(iii) of the Act, 15 U.S.C. 78*o*–4(b)(2)(A)(iii).

arrangement of the subject matter in the content outline reflects the various job functions typically performed within a dealer by an individual with that qualification. The MSRB periodically reviews the content outline for each examination to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examination.[7]

MSRB Rule G–3(c) defines an individual associated with a dealer whose supervisory activities with respect to municipal securities are limited exclusively to supervising sales to and purchases from customers of municipal securities as a Municipal Securities Sales Principal. Pursuant to MSRB Rule G–3(c), every Municipal Securities Sales Principal is required to take and pass the General Securities Sales Supervisor Qualification Examination prior to acting in such capacity.[8]

In consultation with a committee of industry representatives and FINRA, the MSRB participated in a review of the Series 9/10 examination program. As a result of this review, the MSRB is proposing to make revisions to the content outline to reflect changes to the laws, rules and regulations covered by the examination and to incorporate the functions and associated tasks performed by a Municipal Securities Sales Principal.

Current Content Outline

The current content outline is divided into six sections. The following are the six sections and the number of questions associated with each of the sections, denoted Section 1 through Section 6:

1. Hiring, Qualifications, and Continuing Education, 9 questions;
2. Supervision of Accounts and Sales Activities, 94 questions;
3. Conduct of Associated Persons, 14 questions;
4. Recordkeeping Requirements, 8 questions;
5. Municipal Securities Regulation, 20 questions;
6. Options Regulation, 55 questions.

Each section also includes the applicable laws, rules and regulations associated with that section. The current content outline also includes a preface (addressing, among other things, the purpose, administration and scoring of the examination), sample questions and reference materials.

Proposed Revisions

The MSRB is proposing to divide the content outline into two parts with eight major job functions that are performed by a Municipal Securities Sales Principal. The following are the two parts, each with four major job functions, denoted as Parts 1 and 2 with Function 1 through Function 4, respectively, with the associated number of questions:

Part 1:

Function 1: Supervise Associated Persons and Personnel Management Activities, 28 questions;

Function 2: Supervise the Opening and Maintenance of Customer Accounts, 49 questions;

Function 3: Supervise Sales Practices and General Trading Activities, 52 questions;

Function 4: Supervise Communications with the Public, 16 questions.

Part 2:

Function 1: Supervise the Opening and Maintenance of Customer Options Accounts, 18 questions;

Function 2: Supervise Sales Practices and General Options Trading Activities, 19 questions;

Function 3: Supervise Options Communications, 5 questions;

Function 4: Supervise Associated Persons and Personnel Management Activities, 13 questions.

The MSRB is proposing to adjust the number of questions assigned to each major job function to ensure that the overall examination better reflects the key tasks performed by a Municipal Securities Sales Principal. The allocation of questions on the revised Series 9/10 examination will place greater emphasis on key tasks such as supervision of registered persons, sales practices and compliance. Each function also includes specific tasks describing activities associated with performing that function. In Part 1, there are five tasks (1.1–1.5) associated with Function 1; four tasks (2.1–2.4) associated with Function 2; five tasks (3.1–3.5) associated with Function 3; and four tasks (4.1–4.4) associated with Function 4. In Part 2, there are three tasks (1.1–1.3) associated with Function 1; four tasks (2.1–2.4) associated with Function 2; three tasks (3.1–3.3) associated with Function 3; and one task (4.1) associated with Function 4. Further, the content outline lists the knowledge required to perform each function and associated tasks (*e.g.,* types of retail communications, required approvals). In addition, where applicable, the content outline lists the laws, rules and regulations a candidate is expected to know to perform each function and associated tasks. These include the applicable MSRB Rules (*e.g.,* MSRB Rule G–27(e)). A job analysis study was conducted of General Securities Sales Supervisors that are qualified with the 9/10 examination, which included the use of a survey, in developing each function and associated tasks typically performed in the conduct of their activity and, as a result, updating the required knowledge set forth in the revised content outline. The functions and associated tasks, which appear in the revised content outline for the first time, reflect the day-to-day activities of a General Securities Sales Supervisor.

The MSRB is also proposing to revise the content outline to reflect changes to the laws, rules and regulations covered by the examination. Among other revisions, certain revisions are being made to reflect the adoption of rules in the consolidated FINRA rulebook (*e.g.,* NASD Rule 2310 (Recommendations to Customers (Suitability), NASD Rule 2212 (Telemarketing) and NASD Rule 3110 (Books and Records) were adopted as FINRA Rule 2111 (Suitability), FINRA Rule 3230 (Telemarketing) and FINRA Rule 4510 Series (Books and Records Requirements), respectively).

Finally, the MSRB is proposing to make changes to the format of the content outline, including the preface, sample questions and reference materials. Proposed changes include: (1) Adding a table of contents; (2) providing more details regarding the purpose of the examination; (3) providing more details on the application procedures; (4) providing more details on the development and maintenance of the content outline and examination; (5) explaining that the passing scores are established by FINRA staff, in consultation with a committee of industry representatives, using a standard setting procedure, and that a statistical adjustment process known as equating is used in scoring exams; and (6) noting that each candidate will receive a report at the end of the test session that will indicate a pass or fail status and include a score profile listing the candidate's performance on each major content area covered on the examination. The number of questions on the Series 9/10 examination will remain at 200 multiple-choice questions (55 on the Series 9 and 145 on the Series 10). Candidates will continue to have 90 minutes to complete the Series 9 examination and 240 minutes to complete the Series 10 examination. The passing score for the Series 9 is 70 percent and the passing score for the Series 10 is 70 percent. These are unchanged.

[7] On occasion, this review may be conducted in coordination with FINRA or other self-regulatory organizations.

[8] The General Securities Sales Principal is defined in NASD Rule 1022(g).

Availability of the Content Outline

The revised Series 9/10 content outline will replace the current content outline on FINRA's Web site.[9]

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(A) of the Act,[10] which authorizes the MSRB, in part, to prescribe for associated persons of dealers ''standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors and municipal entities or obligated persons.''

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15(B)(b)(2)(A) of the Act [11] in that the revisions will ensure that certain key concepts and rules are tested on the Series 9/10 in order to test the competency of individuals seeking to qualify as Municipal Securities Sales Principals with respect to their knowledge of MSRB rules and the municipal securities market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The updated Series 9/10 content outline aligns with the functions and associated tasks currently performed by a Municipal Securities Sales Principal and tests knowledge of the most current laws, rules, and regulations and skills relevant to those functions and associated tasks. As such, the proposed rule change would make the examinations more efficient and effective.

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

Written comments were neither solicited nor received on the proposed rule change.

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

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f)(1) of Rule 19b–4 thereunder.[13] 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.

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–MSRB–2016–02 on the subject line.*

Paper Comments

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

All submissions should refer to File Number SR–MSRB–2016–02. 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 MSRB. 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–MSRB–2016–02 and should be submitted on orbefore March 2, 2016.

For the Commission, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–02604 Filed 2–9–16; 8:45 am]

BILLING CODE 8011–01–P

[9] *See www.finra.org/brokerqualifications/exams.*

[10] 15 U.S.C. 78*o*–4(b)(2)(A).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(1).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Interagency Task Force on Veterans Small Business Development Meeting notice.

DATES: March 10, 2016, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: SBA Headquarters, 409 3rd Street SW., Washington, DC 20416 Eisenhower Conference Room B, Concourse Level.

Purpose: This public meeting is to discuss recommendations identified by the Interagency Task Force on Veterans Small Business Development (IATF) to further enable veteran entrepreneurship policy and programs. In addition, the Task Force will allow public comments regarding the veteran owned small business focus areas.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the IATF. The Task Force is established pursuant to Executive Order 13540 and coordinates efforts of federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for veteran owned small businesses (VOSB) and service-disabled veteran owned businesses (SDVOSB). The Task Force shall coordinate administrative and regulatory activities and develop proposals relating to six focus areas: (1) Access to capital (loans, surety bonding and franchising); (2) Ensure achievement of pre-established contracting goals, including mentor protégé and matching with contracting opportunities; (3) Increase the integrity of certifications of status as a small business; (4) Reducing paperwork and administrative burdens in accessing business development and entrepreneurship opportunities; (5) Increasing and improving training and

counseling services; and, (6) Making other improvements to support veteran's business development by the federal government.

Additional Information: Advance notice of attendance is requested. Individuals desiring to attend and/or make a presentation to the Committee must contact Ms. Cheryl Simms, IATF Program Liaison, Office of Veterans Business Development, SBA, at *vetstaskforce@sba.gov*, by February 26, 2016. Comments for public record should be applicable to the six focus areas listed above and emailed to address above prior to the meeting. Verbal comments will be limited to five minutes to accommodate multiple presenters. Participants requiring special accommodations or additional information should send requests to Ms. Simms at above address. For more information on SBA's veteran owned business programs, please visit *www.sba.gov/vets.*

Dated: February 2, 2016.

Miguel J. L'Heureux,

SBA Committee Management Officer.

[FR Doc. 2016–02682 Filed 2–9–16; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee Meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Advisory Committee on Veterans Business Affairs. The meeting is open to the public.

DATES: Wednesday, March 9, 2016, from 9 a.m. to 4 p.m.

ADDRESSES: U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416. ROOM: Eisenhower Conference Room B, Concourse Level.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs (ACVBA). The ACVBA serves as an independent source of advice and policy recommendation to the Administrator of the U.S. Small Business Administration.

The purpose of this meeting is to discuss the formation and growth of small business concerns owned and controlled by veterans and service disabled-veterans, to focus on strategic planning, and provide updates on past and current events, and to discuss the Committee's objectives for 2016. For information regarding SBA veterans' resources and partners, please visit: *www.sba.gov/vets*.

Additional Information: Advance notice of attendance is requested. Individuals desiring to attend and/or make a presentation to the Committee must contact Ms. Cheryl Simms, ACVBA Program Liaison, Office of Veterans Business Development, SBA, at by February 26, 2016. Comments for public record should be emailed to address above prior to the meeting. Verbal comments will be limited to five minutes to accommodate multiple participants. Participants requiring special accommodations or additional information should send requests to Ms. Simms at above email address.

Dated: February 2, 2016.

Miguel J. L'Heureux,

SBA Committee Management Officer.

[FR Doc. 2016–02681 Filed 2–9–16; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14612 and #14613]

Washington Disaster #WA–00065

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Washington (FEMA—4253—DR), dated 02/02/2016.

Incident: Severe Winter Storm, Straight-Line Winds, Flooding, Landslides, Mudslides, and a Tornado.

Incident Period: 12/01/2015 through 12/14/2015.

Effective Date: 02/02/2016.

Physical Loan Application Deadline Date: 04/04/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/02/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/02/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific Skamania, Wahkiakum.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14612B and for economic injury is 14613B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–02560 Filed 2–9–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9440]

30-Day Notice of Proposed Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 11, 2016.

ADDRESSES: Direct comments to the Department of State Desk Officer in the

Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036 or at *riversda@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application Under the Hague Convention on the Civil Aspects of International Child Abduction.
- *OMB Control Number:* 1405–0076.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* CA/OCS/PMO.
- *Form Number:* DS–3013, 3013–s.
- *Respondents:* Person seeking return of or access to child.
- *Estimated Number of Respondents:* 565.
- *Estimated Number of Responses:* 565.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 565 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application Under the Hague Convention on the Civil Aspects of International Child Abduction (DS–3013 and DS–3013–s) is used by parents or legal guardians who are requesting the State Department's assistance in seeking the return of, or access to, a child or children alleged to have been wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (the Convention). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or access. The State Department, as the U.S. Central Authority for the Convention, uses this information to establish, if possible, the applicants' claims under the Convention; to inform applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention. 42 U.S.C. 11608 is the legal authority that permits the Department to gather this information.

Methodology

The completed form DS–3013 and DS–3013–s may be submitted to the Office of Children's Issues by mail, by fax, or electronically accessed through *www.travel.state.gov.*

Dated: January 28, 2016.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Department of State.

[FR Doc. 2016–02718 Filed 2–9–16; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9441]

30-Day Notice of Proposed Information Collection: Application for Consular Report of Birth Abroad of a Citizen of the United States of America

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 11, 2016.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036, who may be reached at *RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Consular Report of Birth Abroad of a Citizen of the United States of America.
- *OMB Control Number:* 1405–0011.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–2029.
- *Respondents:* Parents or legal guardians of children born overseas abroad who acquire U.S. citizenship at birth.
- *Estimated Number of Respondents:* 71,275.
- *Estimated Number of Responses:* 71,275.
- *Average Time per Response:* 20 minutes.
- *Total Estimated Burden Time:* 23,758 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

The DS–2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America, is used by citizens of the United States to report the birth of their children born abroad. The information collected on this form will be used to determine whether the child born abroad to a U.S. citizen parent or parents acquired U.S. citizenship at birth. 22 CFR 50.5–50.7 are important legal authorities that permit the Department to use this form.

Methodology:

An application for a Consular Report of Birth is normally made in the consular district in which the birth occurred. The parent respondents will complete the form and present it to a U.S. Embassy or Consulate, where a consular officer will examine the documentation and enter the information provided into the Department of State American Citizen Services (ACS) electronic database.

Dated: January 21, 2016.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Department of State.

[FR Doc. 2016–02719 Filed 2–9–16; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 70 (Sub-No. 6X)]

Florida East Coast Railway, LLC—Abandonment Exemption—in Miami-Dade County, FL

Florida East Coast Railway, L.L.C. (FEC) has filed a verified notice of exemption under 49 CFR part 1152 subpart F–*Exempt Abandonments* to abandon an approximately 1.21-mile rail line on its South Little River Branch Line, between mileposts LR 11+3989 and LR 13+0000 (the Line), in Miami-Dade County, Fla. The Line traverse U.S. Postal Service Zip Codes 33144 and 33126.

FEC states that it plans to abandon the Line, salvage the track and materials, and convert the property to trail use. The proposed consummation date is March 11, 2016.

FEC has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) and 1105.8(c) (environmental and historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will become effective on March 11, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 22, 2016. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 1, 2016, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to FEC's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

FEC has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 12, 2016. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), FEC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by FEC's filing of a notice of consummation by February 10, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: February 4, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2016–02670 Filed 2–9–16; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on March 10, 2016, in Aberdeen, Maryland. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Thursday, March 10, 2016, at 9 a.m.

ADDRESSES: The meeting will be held at the University Center, Room 130/131, 1201 Technology Drive, Aberdeen, MD 21001.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Lower Susquehanna Subbasin area; (2) adoption of final FY2017 budget; (3) a recommendation for new independent auditors; (4) ratification/approval of contracts/grants; (5) regulatory compliance matters for Cabot Oil & Gas Corporation, King Valley Golf Course, and Aqua Pennsylvania, Inc.; and (6) Regulatory Program projects.

Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on February 4, 2016, and identified in the notice for such hearing, which was published in 81 FR 566, January 6, 2016.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects are subject to a deadline of February 15, 2016. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Such comments are due to the Commission on or before March 4, 2016. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 5, 2016.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2016–02697 Filed 2–9–16; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for San Francisco International Airport, San Francisco, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City and County of San Francisco for San Francisco International Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

DATES: Effective date: The effective date of the FAA's determination on the noise exposure maps is February 10, 2016 and applicable January 29, 2016.

FOR FURTHER INFORMATION CONTACT: Camille Garibaldi, Federal Aviation Administration, San Francisco Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005–1835; or telephone number: (650) 827–7613.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for San Francisco International Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as ''part 150''), effective January 29, 2016. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by City and County of San Francisco. The documentation that constitutes the ''Noise Exposure Maps'' as defined in section 150.7 of part 150 includes: Exhibit 5–1–2014 Noise Exposure Map—San Francisco International Airport [existing condition] and Exhibit 5–2–2019 Noise Exposure Map—San Francisco International Airport [5-year forecast condition]. The Noise Exposure Maps contain current and forecast information including the depiction of the airport and its boundary; the runway configurations, land uses such as residential, commercial, industrial, and open space/recreational land use; locations of noise sensitive public buildings (such as schools, hospitals, and historic properties on or eligible for the National Register of Historic Places); and the Community Noise Equivalent Level (CNEL) 65, 70, and 75 decibel airport noise contours resulting from existing and forecast airport operations. The frequency of airport operations is described in section 4.6 of the Noise Exposure Map Update report. Flight tracks associated with San Francisco International Airport are depicted in Exhibits 4–3 through 4–10a. The San Francisco International Airport noise monitoring system is described in section 4.7 and monitoring locations are shown on Exhibit 4–11 of the report. Estimates of the number of people residing within the CNEL contours is located in section 5.5 of the Noise Exposure Map Update report. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on January 29, 2016.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or

in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, Room 3012, Hawthorne, California 90261.

Federal Aviation Administration, San Francisco Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005–1835.

San Francisco International Airport, Bureau of Planning and Environmental Affairs, Attention: Audrey Park, Senior Environmental Planner, 710 North McDonnell Road, 3rd Floor, San Francisco, California 94128.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on January 29, 2016.

Mark A. McClardy,

Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 2016–02668 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic Ferryboat Propulsion System (propeller, shafting, and reducing gear) for MV Matanuska ferry in the State of Alaska.

DATES: The effective date of the waiver is February 11, 2016.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366–1373, or via email at *jomar.maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s Web site at *http://www.archives.gov/*, Government Printing Office's Web site at *http://www.access.gpo.gov*.

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for use of a non-domestic Ferryboat Propulsion System (propeller, shafting, and reducing gear) for MV Matanuska ferry in the State of Alaska.

In accordance with Division K, section 122 of the ''Consolidated and Further Continuing Appropriations Act of 2015'' (PL 113–235), FHWA published a notice of intent to issue a waiver on its Web site (*https://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=116*) on December 8, 2015. The FHWA received no comments in response to the publication. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of Ferryboat Propulsion System (propeller, shafting, and reducing gear).

In accordance with the provisions of section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

Authority: (23 U.S.C. 313; PL 110–161, 23 CFR 635.410)

Issued on: February 4, 2016.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2016–02655 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2016–0002]

Agency Information Collection Activities: Request for Comments on the Renewal of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 11, 2016.

ADDRESSES: You may submit comments identified by DOT Docket ID 2016–0002 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room 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.

FOR FURTHER INFORMATION CONTACT: Pamela Woodruff, 202–366–1607, Office of Civil Rights, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Federal-Aid Highway Construction Equal Employment Opportunity.

Background: Title 23, Part 140(a), requires the FHWA to ensure equal opportunity regarding contractors' employment practices on Federal-aid highway projects. To carry out this requirement, the contractors must submit to the State Transportation Agencies (STAs) on all work being performed on Federal-aid contracts during the month of July, a report on its employment workforce data. This report provides the employment workforce data on these contracts and includes the number of minorities, women, and non-minorities in specific highway construction job categories. This information is reported on Form PR–1391, Federal-Aid Highway Construction Contractors Summary of Employment Data. The statute also requires the STAs to submit a report to the FHWA summarizing the data entered on the PR–1391 forms. This summary data is provided on Form PR–1392, Federal-Aid Highway Construction Contractors Summary of Employment Data. The STAs and FHWA use this data to identify patterns and trends of employment in the highway construction industry, and to determine the adequacy and impact of the STA's and FHWA's contract compliance and on-the-job (OJT) training programs. The STAs use this information to monitor the contractors-employment and training of minorities and women in the traditional highway construction crafts. Additionally, the data is used by FHWA to provide summarization, trend analyses to Congress, DOT, and FHWA officials as well as others who request information relating to the Federal-aid highway construction EEO program. The information is also used in making decisions regarding resource allocation; program emphasis; marketing and promotion activities; training; and compliance efforts.

Respondents: 11,077 annual respondents for form PR–1391, and 52 STAs annual respondents for Form PR–1392, total of 11,129.

Frequency: Annually.

Estimated Average Burden per Response: FHWA estimates it takes 30 minutes for Federal-aid contractors to complete and submit Form PR–1391 and 8 hours for STAs to complete and submit Form PR–1392.

Estimated Total Amount Burden Hours: Form PR–1391–5,539 hours per year; *Form PR–1392*–416 hours per year, total of 5,955 hours annually.

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 FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: February 5, 2016.

Michael Howell,

Information Collections Officer.

[FR Doc. 2016–02715 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway safety improvement project along State Route 20, in the Counties of Yuba and Nevada, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, 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 July 11, 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: For Caltrans: Sue Bauer, Branch Chief, Caltrans Office of Environmental Management, M–1, California Department of Transportation, 703 B Street, Marysville, CA 95901, Office Hours: 8:00 a.m.–5:00 p.m., Pacific Standard Time, Telephone (530) 741–4113, Email: *sue_bauer@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California.

The California Department of Transportation proposes to improve safety along State Route 20 (YUB–20 p.m. 20.1/21.7 and NEV–20 p.m. 0.0/0.1) in Yuba and Nevada Counties. The scope of work will include: Realignment of portions of the existing highway to correct non-standard curves and improve sight distance, realignment of county road connections as necessary for proper intersection alignment, construction of new drainage systems as necessary for new alignment segments, drainage improvements as necessary, widening highway shoulders, roadway signing and striping and adding right and left turn pockets at Smartsville Road.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for the project, approved on January 29, 2016, and in other documents in the FHWA project records. The FEA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEA, FONSI and other project records can be viewed and downloaded from the project Web sites at

www.dot.ca.gov/dist3/departments/envinternet/yuba.htm

www.dot.ca.gov/dist3/departments/envinternet/nevada.htm

This notice applies to all 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. National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]
2. Section 7 of the Endangered Species Act of 1973 (ESA) [16 U.S.C. 1531–1544 and section 1536]
3. National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*)
4. Clean Air Act [42 U.S.C. 7401–7671 (q)]
5. Clean Water Act [section 404, section 401, section 319]
6. Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended
7. Migratory Bird Treaty Act (MBTA) of 1918, as amended
8. Invasive Species, Executive Order 13112

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: U.S.C. 139(*l*)(1)

Issued on: February 3, 2016.

Cesar E. Perez,

Senior Transportation Engineer, Federal Highway Administration, Sacramento, California.

[FR Doc. 2016–02660 Filed 2–9–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of four individuals and two entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act, 21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the individuals and entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on February 3, 2016.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On February 3, 2016, the Associate Director of the Office of Global Targeting removed from the SDN List the individuals and entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

ADIB MADERO, Michel; DOB 21 Feb 1977; POB Jalisco, Mexico; Cedula No. 3348806 (Mexico); R.F.C. AIMM770221CJ7 (Mexico); C.U.R.P. AIMM770221HJCDDC08 (Mexico) (individual) [SDNTK] (Linked To: RESTAURANT BAR LOS ANDARIEGOS, S.A. DE C.V.; Linked To: BOCADOS DE AUTOR, S.A. DE C.V.).

BORBOA ZAZUETA, Zynthia (a.k.a. BORBOA DE ZAMBADA, Zynthya; a.k.a. BORBOA ZAZUETA, Cinthia), c/o MULTISERVICIOS JEVIZ S.A. DE C.V., Culiacan, Sinaloa, Mexico; Calle Miguel Hidalgo PTE 348, Centro Culiacan, Sinaloa, Mexico; Manuel Bonilla 1166, Guadalupe, Culiacan, Sinaloa, Mexico; Lago Maracaibo 3121, Lago Azul y Ave Lago Azul, Lomas de Boulevard, Culiacan, Sinaloa, Mexico; DOB 30 Jan 1975; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Passport 04040046465 (Mexico); R.F.C. BOZZ–750130–LK4 (Mexico); C.U.R.P. BOZC750130MSLRZN09 (Mexico) (individual) [SDNTK].

CHAN INZUNA, Araceli; DOB 08 Feb 1985; nationality Mexico; Passport 03040074084 (Mexico) (individual) [SDNTK].

MEZA FLORES, Flor Angely; DOB 20 Sep 1989; POB Guasave, Sinaloa, Mexico; nationality Mexico; Passport 040068790 (Mexico) (individual) [SDNTK].

Entities

ZARKA DE MEXICO S.A. DE C.V., Miguel Hidalgo No. 348 Pte., Colonia Centro, Donato Guerra y Carrasco, Culiacan, Sinaloa, Mexico; R.F.C. ZME–040520–VD7 (Mexico); Folio Mercantil No. 73894–1 (Mexico) [SDNTK].

ZARKA DE OCCIDENTE S.A. DE C.V., Calle Jose Diego Valadez Rios No. 1676, Colonia Proyecto Urbano Tres Rios, Culiacan, Sinaloa, Mexico; Folio Mercantil No. 72191–1 (Mexico) [SDNTK].

Dated: February 3, 2016.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2016–02624 Filed 2–9–16; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8752

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 8752, Required Payment or Refund Under Section 7519.

DATES: Written comments should be received on or before April 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Sara Covington, 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 for this regulation should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Required Payment or Refund Under Section 7519.

OMB Number: 1545–1181.

Form Number: 8752.

Abstract: Partnerships and S corporations use Form 8752 to compute and report the payment required under Internal Revenue Code section 7519 or to obtain a refund of net prior year payments. Such payments are required of any partnership or S corporation that has elected under Code section 444 to have a tax year other than a required tax year.

Current Actions: There is no change 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 farms.

Estimated Number of Respondents: 72,000.

Estimated Time per Respondent: 7 hr., 52 min.

Estimated Total Annual Burden Hours: 565,920.

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: February 3, 2016.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2016–02597 Filed 2–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13441 and 13441–EZ

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 13441, Health Coverage Tax Credit Registration Form, and Form 13441–EZ.

DATES: Written comments should be received on or before April 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Sara Covington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of these forms and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Health Coverage Tax Credit Registration Form.

OMB Number: 1545–1842.

Form Number: 13441 and 13441–EZ.

Abstract: Coverage Tax Credit Registration Form will be directly mailed to all individuals who are potentially eligible for the HCTC. Potentially eligible individuals will use this form to determine if they are eligible for the Health Coverage Tax Credit and to register for the HCTC program. Participation in this program is voluntary. This form will be submitted by the individual to the HCTC program office in a postage-paid, return envelope. We will accept faxed forms, if necessary. Additionally, recipients may call the HCTC call center for help in completing this form.

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: Individuals or households.

Estimated Number of Respondents: 5,400.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 1,800.

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: February 3, 2016.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2016–02598 Filed 2–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5306

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 5306, Application for Approval of Prototype or Employer Sponsored Individual Retirement Account.

DATES: Written comments should be received on or before April 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Sara Covington, 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 Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Approval of Prototype or Employer Sponsored Individual Retirement Account (IRA).

OMB Number: 1545–0390.

Form Number: 5306.

Abstract: This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by banks and insurance companies that want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if the individual retirement account trust or annuity contract meets the requirements of Code section 408(a), 408(b), or 408(c) so that the IRS may issue an approval letter.

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.

Estimated Number of Respondents: 600.

Estimated Time per Respondent: 13 hr., 8 min.

Estimated Total Annual Burden Hours: 8,244.

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: February 3, 2016.

Sara Covington,

IRS Tax Analyst.

[FR Doc. 2016–02596 Filed 2–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–QFT

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 1041–QT, U. S. Income Tax Return for Qualified Funeral Trusts.

DATES: Written comments should be received on or before April 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Sara Covington, 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 Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224 or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Qualified Funeral Trusts.

OMB Number: 1545–1593.

Form Number: 1041–QFT.

Abstract: Internal Revenue Code section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Form 1041–QFT is used for this purpose. The IRS uses the information on the form to determine that the trustee filed the proper return and paid the correct tax.

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: Businesses or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time per Respondent: 18 hr., 1 min.

Estimated Total Annual Burden Hours: 277,500.

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: February 3, 2016.

Sara Covington,

IRS Tax Analyst.

[FR Doc. 2016–02595 Filed 2–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2006–46

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 2006–25, Announcement of Rules to be Included in Final Regulations under Section 897(d) and (e) of the Internal Revenue Code.

DATES: Written comments should be received on or before April 11, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Sara Covington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Announcement of Rules to be Included in Final Regulations under Section 897(d) and (e) of the Internal Revenue Code.

Notice Number: 2006–46.

OMB Number: 1545–2017.

Abstract: This notice announces that the IRS and Treasury Department will issue final regulations under section 897(d) and (e) of the Internal Revenue Code that will revise the rules under Temp. Treas. Reg. § 1.897–5T, Notice 89–85, and Temp. Treas. Reg. § 1.897–6T to take into account statutory mergers and consolidations under foreign or possessions law which may now qualify for nonrecognition treatment under section 368(a)(1)(A). The specific collections of information are contained in Temp. Treas. Reg. §§ 1.897–5T(c)(4)(ii)(C) and 1.897–6T(b)(1). These reporting requirements notify the IRS of the transfer and enable it to verify that the transferor qualifies for nonrecognition and that the transferee will be subject to U.S. tax on a subsequent disposition of the U.S. real property interest.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other-for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Reporting Burden Hours: 500.

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: February 3, 2016.

Sara Covington,

Tax Analyst.

[FR Doc. 2016–02594 Filed 2–9–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

[Docket ID: TREAS–DO–2015–0009]

Multiemployer Pension Plan Application To Reduce Benefits; Reopening of Comment Period

AGENCY: Department of the Treasury.

ACTION: Notice of availability; reopening of comment period.

SUMMARY: On October 23, 2015, the Department published a notice of availability and request for comments regarding an application to Treasury to reduce benefits under the Central States, Southeast and Southwest Areas Pension Plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to reopen the comment period and provide more time for interested parties to provide comments.

DATES: Comments must be received on or before March 1, 2016.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW., Room 1224, Washington, DC 20220. Attn: Deva Kyle. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the Internet can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Board of Trustees of the Central States, Southeast and Southwest Areas Pension Plan, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Reform Act of 2014 (MPRA) amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which the Department of the Treasury (Treasury), in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Secretary of Labor, is required to approve or deny.

On September 25, 2015, the Board of Trustees of the Central States, Southeast and Southwest Areas Pension Plan (Central States Pension Plan) submitted an application for approval to reduce benefits under the Central States Pension Plan. As required by the MPRA, that application has been published on Treasury's Web site at *http://www.treasury.gov/services/Pages/central-states-application.aspx.* On October 23, 2015, Treasury published a notice in the **Federal Register** (80 FR 64508), in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the Central States Pension Plan application. The notice provided that comments must be received by December 7, 2015. On December 10, 2015, Treasury published a notice in the **Federal Register** (80 FR 76743), in consultation with PBGC and the Department of Labor, to reopen the comment period until February 1, 2016.

This notice announces the reopening of the comment period in order to give additional time for interested parties to provide comments. Comments are requested from interested parties, including contributing employers, employee organizations, and participants and beneficiaries of the Central States Pension Plan. Consideration will be given to any comments that are timely received by Treasury on or before March 1, 2016.

Dated: February 4, 2016.

David R. Pearl,

Executive Secretary, Department of the Treasury.

[FR Doc. 2016–02645 Filed 2–9–16; 8:45 am]

BILLING CODE 4810–25–P

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