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Federal Register

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## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EERE-2011-BT-STD-0048]

RIN 1904-AC07

#### Energy Conservation Program: Energy Conservation Standards for Standby Mode and Off Mode for Microwave Ovens; Correction

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Final rule; correction.

**SUMMARY:** On January 18, 2013, the U.S. Department of Energy (DOE) published a final rule amending the test procedures for microwave ovens to include provisions for measuring standby mode and off mode power. On June 17, 2013, DOE published a final rule adopting energy conservation standards for microwave oven standby mode. This document addresses a drafting error in the June 2013 standards final rule, which referenced the incorrect provision for determining standby power for microwave ovens. Neither the error nor the correction in this document affect the substance of both the test procedure and energy conservation standards rulemakings or any of the conclusions reached in support of those final rules.

**DATES:** This correction is effective on February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-2), 1000 Independence Avenue SW., Washington, DC 20585-0121.

Telephone: (202) 287-1692. Email: [kitchen\\_ranges\\_and\\_ovens@ee.doe.gov](mailto:kitchen_ranges_and_ovens@ee.doe.gov).

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue

SW., Washington, DC 20585-0121. Telephone: (202) 287-6122. Email: [Celia.Sher@hq.doe.gov](mailto:Celia.Sher@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** DOE published a final rule in the **Federal Register** on January 18, 2013, which amended the test procedures for microwave ovens in Appendix I to include provisions for measuring standby mode and off mode power. 78 FR 4015. The provisions for the microwave oven test standby mode and off mode power measurements are contained in section 3.2.4 of Appendix I. On June 17, 2013, DOE published a final rule (the “June 2013 standards final rule”) to adopt energy conservation standards for microwave oven standby mode. 78 FR 36316. Due to a drafting error, in the June 2013 standards final rule, DOE amended 10 CFR 430.23 to add paragraph (i)(3) that incorrectly referenced section 3.2.3<sup>1</sup> of Appendix I instead of the correct section 3.2.4 for determining standby power for microwave ovens. This document amends 10 CFR 430.23(i)(3) to correctly reference section 3.2.4 of Appendix I for determining standby power for microwave ovens.

#### Procedural Issues and Regulatory Review

The regulatory reviews conducted for this rulemaking are those set forth in the June 2013 standards final rule that originally codified the relevant amendments to DOE’s test procedures for microwave ovens. The relevant amendments in the June 2013 standards final rule became effective August 16, 2013.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE has determined that notice and prior opportunity for comment on this rule are unnecessary and contrary to the public interest. This rule contains a technical correction to remedy the error in the June 2013 standards final rule and to correct 10 CFR 430.23(i)(3) to reference section 3.2.4 of Appendix I for determining standby power for microwave ovens. The correction provides clarity as to the appropriate section of Appendix I to be used for determining standby power for microwave ovens and does not affect the

<sup>1</sup> Section 3.2.3 of Appendix I contains the test measurement provisions for conventional range standby mode and off mode energy consumption.

substance or the conclusions reached in the June 2013 standards final rule.

#### List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on February 9, 2016.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

For the reasons stated in the preamble, part 430 of title 10 of the Code of Federal Regulations is corrected by making the following correcting amendments:

#### PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291-6309; 28 U.S.C. 2461 note.

■ 2. Section 430.23 is amended by revising paragraph (i)(3) to read as follows:

#### § 430.23 Test procedures for the measurement of energy and water consumption.

\* \* \* \* \*

(i) \* \* \*

(3) The standby power for microwave ovens shall be determined according to section 3.2.4 of appendix I to this subpart. The standby power shall be rounded off to the nearest 0.1 watt.

\* \* \* \* \*

[FR Doc. 2016-03191 Filed 2-16-16; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2014-1077; Special Conditions No. 25-609-SC]

#### Special Conditions: Dassault Aviation Model Falcon 5X Airplane, Design Roll Maneuver Condition

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Dassault Aviation Model Falcon 5X airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is electronic flight controls that affect maneuvering. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on Dassault Aviation on February 17, 2016. We must receive your comments by April 4, 2016.

**ADDRESSES:** Send comments identified by docket number FAA–2014–1077 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
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- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov/>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at <http://DocketsInfo.dot.gov/>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to Docket

Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mark Freisthler, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1119; facsimile 425–227–1320.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

#### Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

#### Background

On July 1, 2012, Dassault Aviation applied for a type certificate for their new Model Falcon 5X airplane.

The Model Falcon 5X airplane is a transport-category airplane to be operated in private/corporate transportation with a maximum of 19 passengers. The airplane incorporates a low, swept-wing design with winglets; twin rear-fuselage-mounted engines; and the newest generation of Dassault Aviation's EASY flightdeck.

The Model Falcon 5X will include electronic flight controls that affect maneuvering.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, Dassault Aviation must show that the Model Falcon 5X airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–136.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model Falcon 5X airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model Falcon 5X airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

#### Novel or Unusual Design Features

The Model Falcon 5X airplane will incorporate the following novel or unusual design feature:

This airplane is equipped with an electronic flight-control system that provides control through pilot inputs to the flight computer, thereby affecting maneuverability of the airplane as compared to conventional control systems.

#### Discussion

Current part 25 airworthiness regulations account for control laws for which aileron deflection is proportional to control-stick deflection. They do not address nonlinearities or other effects on aileron actuation that may be caused by electronic flight controls. Because this type of system may affect flight loads, and therefore the structural capability of the airplane, specific regulations are needed to address these effects.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

#### Applicability

As discussed above, these special conditions are applicable to the Model Falcon 5X airplane. Should Dassault Aviation apply at a later date for a

change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

### Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

### The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Dassault Aviation Model Falcon 5X airplanes.

In lieu of compliance to § 25.349(a), the following conditions, speeds, and cockpit roll-control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero, and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control-surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b).

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard

of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time-history investigation of the maneuver.

2. At  $V_A$ , sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved, and then must be returned suddenly to the neutral position.

3. At  $V_C$ , the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in special condition 2, above.

4. At  $V_D$ , the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one-third of that obtained in special condition 2, above.

Issued in Renton, Washington, on February 4, 2016.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2016-03212 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2015-0249; Directorate Identifier 2014-NM-174-AD; Amendment 39-18393; AD 2016-03-06]

**RIN 2120-AA64**

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2012-18-05 for The Boeing Company Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 series airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 airplanes; equipped with a center wing fuel tank and Boeing original equipment manufacturer-installed auxiliary fuel tanks. AD 2012-18-05 required adding design features to detect electrical faults and to detect a pump running in an empty fuel tank. Since we issued AD 2012-18-05, we have determined that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. This new AD allows certain actions as optional methods of

compliance. This AD was prompted by our determination that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**DATES:** This AD is effective March 23, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 23, 2016.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0249.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0249; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Serj Harutunian, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5254; fax: 562-627-5210; email: [serj.harutunian@faa.gov](mailto:serj.harutunian@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR

part 39 to supersede AD 2012–18–05, Amendment 39–17181 (77 FR 54793, September 6, 2012). AD 2012–18–05 applied to The Boeing Company Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes; and Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, and MD–90–30 airplanes; equipped with a center wing fuel tank and Boeing original equipment manufacturer-installed auxiliary fuel tanks. The NPRM published in the **Federal Register** on March 26, 2015 (80 FR 15947). The NPRM was prompted by our determination that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. The NPRM proposed to allow certain actions as optional methods of compliance. We are issuing this AD to correct the unsafe condition on these products.

#### Explanation of Revised Service Information

The NPRM (80 FR 15947, March 26, 2015) specified Boeing Service Bulletin MD80–28–228, dated September 27, 2013; and Boeing Service Bulletin MD90–28–013, dated September 27, 2013; as the appropriate sources of service information for the required actions. Since the NPRM was published, both service bulletins have been revised and this AD now specifies Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015, as the source of appropriate service information for the required actions. Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015; both clarify the required actions and require enlarging holes and identifying a bracket.

#### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 15947, March 26, 2015) and the FAA's response to each comment.

#### Support for the Comment

Delta Air Lines supported the comments made by Boeing, which are discussed in the following paragraphs.

#### Request To Revise the Applicability

Boeing requested that we revise paragraph (c) of the proposed AD (80 FR 15947, March 26, 2015). Boeing explained that the proposed AD should apply to the airplanes identified in

paragraphs (c)(6) through (c)(8) of the proposed AD if they are equipped with center wing fuel tanks, and to airplanes identified in paragraphs (c)(1) through (c)(8) of the proposed AD if they are equipped with original equipment manufacturer-installed auxiliary fuel tanks. Boeing reasoned that DC–9 center wing fuel tanks are not affected by the proposed AD, and that the “fuel system reviews conducted by the manufacturer” (*i.e.*, Boeing's SFAR 88 system safety assessments (SSA)) cited in paragraph (e) of the proposed AD concluded that center wing fuel tanks on Model DC–9 airplanes identified as paragraphs (c)(1) through (c)(5) of the proposed AD do not require the corrective actions cited in the NPRM. For airplanes with a CWT identified in paragraphs (c)(1) through (c)(5) of the proposed AD, the existing design features offer adequate protection relative to a pump running in an empty fuel tank and new design features added to the center tank fuel boost pump container address types of electrical faults cited in the NPRM.

Boeing expressed that the FAA had previously concurred with the related Boeing SSA findings and approved Boeing Service Bulletin DC9–28–216, dated March 18, 2008, mandated by FAA AD 2009–03–03, Amendment 39–15804 (74 FR 8150, February 24, 2009), as corrective action for the electrical arc burn-through.

We agree to revise the applicability of this AD for the reasons stated by the commenter. We have revised paragraph (c) of this AD accordingly.

#### Request To Clarify Certain Optional Requirements

Boeing requested that we revise paragraph (h)(1)(i) of the proposed AD (80 FR 15947, March 26, 2015) by adding the phrase, “and change fuel pump system wiring” after “install ground fault interrupter (GFI) relays.” Boeing reasoned that in addition to providing procedures for installing GFI relays, Boeing Service Bulletin MD80–28–228, dated September 27, 2013, also incorporates wiring changes to accommodate the GFI's operation and revises low pressure indication system wiring for center wing and auxiliary fuel tank fuel pumps. The low pressure indication system wiring changes are required to address the potential of fuel pumps running for prolonged periods in empty tanks.

Boeing also requested that we revise paragraph (h)(2) of the proposed AD (80 FR 15947, March 26, 2015) by removing the phrase, “install brackets and mod block rails, and” and adding the phrase, “and change fuel pump system wiring.”

Boeing reasoned that while Boeing Service Bulletin MD90–28–013, dated September 27, 2013, does specify installation of brackets and rails, as does Boeing Service Bulletin MD80–28–228, dated September 27, 2013, the primary changes that will address the unsafe condition are the GFI relay and wiring changes defined in Boeing Service Bulletin MD90–28–013, dated September 27, 2013. Boeing expressed that the brackets and rails can be omitted from the text of the NPRM, as they are referenced in the service information. Also, in addition to providing procedures for installing GFI relays, Boeing Service Bulletin MD90–28–013, dated September 27, 2013, also incorporates wiring changes to accommodate the GFI's operation and revises low pressure indication system wiring for center wing and auxiliary fuel tank fuel pumps. Boeing stated that the low pressure indication system wiring changes are required to address the potential of fuel pumps running for prolonged periods in empty tanks.

For the reasons stated by the commenter, we agree to revise paragraphs (h)(1)(i) and (h)(2) of this AD by incorporating the requested changes. As stated earlier, since the NPRM was published, both service bulletins have been revised and this AD now specifies Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015, as the appropriate sources of service information for the required actions.

#### Request To Revise to the Latest Service Information

Delta requested that we revise paragraph (h)(3) of the proposed AD (80 FR 15947, March 26, 2015) to include the latest service information. Delta noted that the proposed AD would require the incorporation of “Critical Design Configuration Control Limitations (CDCCLs), Airworthiness Limitations Instructions (ALIs), and short-term extensions specified in Appendixes B, C, and D of Boeing Special Compliance Item Report MDC–92K9145, Revision M” into the maintenance and inspection program. Delta noted, however, that the referenced report has been revised to Revision N, dated June 13, 2014, and it recommends that the restriction to Revision M be removed from the final rule.

For the reasons stated by the commenter, we have revised this AD to refer to the latest service information.

**Request for Credit for Previously Accomplished Installations**

Delta requested that we revise paragraph (k) of the proposed AD (80 FR 15947, March 26, 2015) to permit credit for previously accomplished installations for paragraph (h)(1)(i) or (h)(2) of the proposed AD. Delta reasoned that paragraph (h)(1)(i) of the proposed AD provides for the installation of GFI relays on Model MD-80 series airplanes (Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 airplanes) using the procedures in Boeing Service Bulletin MD80-28-228, dated September 27, 2013. And similarly, paragraph (h)(2) of the proposed AD provides for the installation of GFI relays on MD-90-30 airplanes in accordance with Boeing Service Bulletin MD9028-013, dated September 27, 2013. Delta explained that it has completed installation of GFI relays using the procedures in these two service bulletins on a portion of its fleet, and noted that there is no practical way to re-accomplish such modifications after the effective date of the final rule.

For the reasons given by the commenter, and the addition of the latest service information, we have provided credit for the applicable actions specified in paragraph (k) of this AD.

**Conclusion**

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (80 FR 15947, March 26, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 15947, March 26, 2015).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

**Related Service Information Under 1 CFR Part 51**

We reviewed Boeing Service Bulletin MD80-28-228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90-28-013, Revision 1, dated August 27, 2015. The service information describes procedures for installing GFI relays that change fuel pump system wiring, installing a low fuel pressure indication system, and enlarging holes and identifying a bracket.

We have also reviewed Boeing Twinjet Special Compliance Item Report

MDC-92K9145, Revision N, dated June 13, 2014, including Appendices A through D. This service information details special compliance items (SCIs), critical design configuration control limitations (CDCCLs), airworthiness limitation instructions (ALIs), short-term extensions, and associated compliance intervals.

Boeing Service Bulletin MD80-28-228, Revision 1, dated August 27, 2015, specifies prior or concurrent accomplishment of the following service information.

- McDonnell Douglas MD-80 Service Bulletin 28-53, Revision 1, dated April 16, 1992, which describes procedures for installing a low fuel pressure indication system.

- McDonnell Douglas MD-80 Service Bulletin 28-63, Revision 2, dated April 8, 1992, which describes procedures for installing a low fuel pressure indication inhibit system.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**Costs of Compliance**

We estimate that this AD affects 809 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

| Action  | Labor cost                               | Parts cost | Cost per product | Cost on U.S. operators |
|---|--|------------|------------------|------------------------|
| Installing design features for airplanes with center wing and auxiliary tanks (263 airplanes), using a method approved by the FAA [retained actions from AD 2012-18-05, Amendment 39-17181 (77 FR 54793, September 6, 2012)]. | 50 work-hours × \$85 per hour = \$4,250. | \$35,000   | \$39,250         | \$10,322,750           |
| Installing design features for airplanes with center wing tank (546 airplanes), using a method approved by the FAA [retained actions from AD 2012-1805, Amendment 39-17181 (77 FR 54793, September 6, 2012)].                 | 35 work-hours × \$85 per hour = \$2,975. | 17,000     | 19,975           | 10,906,350             |

**ESTIMATED COSTS—NEW OPTIONAL ACTIONS FOR INSTALLING DESIGN FEATURES**

| Action   | Labor cost                                 | Parts cost | Cost per product |
|--|--|------------|------------------|
| For airplanes with center wing and auxiliary tanks, using service information specified in paragraph (h) of this AD (including revising the maintenance/inspection program). | 250 work-hours × \$85 per hour = \$21,250. | \$69,000   | \$90,250         |
| For airplanes with center wing tank, using service information specified in paragraph (h) of this AD (including revising the maintenance/inspection program).                | 110 work-hours × \$85 = 9,350 .....        | 30,000     | 39,350           |
| Installing the supplemental type certificate (STC) specified in paragraph (i) of this AD.  | 35 work-hours × \$85 per hour = \$2,975.   | 17,000     | 19,975           |

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. 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.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have 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.

For the reasons discussed above, I certify that this AD:

- (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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012-18-05, Amendment 39-17181 (77 FR 54793, September 6, 2012, and adding the following new AD:

#### 2016-03-06 The Boeing Company:

Amendment 39-18393; Docket No. FAA-2015-0249; Directorate Identifier 2014-NM-174-AD.

#### (a) Effective Date

This AD is effective March 23, 2016.

#### (b) Affected ADs

This AD replaces AD 2012-18-05, Amendment 39-17181 (77 FR 54793, September 6, 2012).

#### (c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, that are identified in paragraphs (c)(6) through (c)(8) of this AD and equipped with center wing fuel tanks; and those identified in paragraphs (c)(1) through (c)(8) of this AD that are equipped with Boeing original equipment manufacturer-installed auxiliary fuel tanks. For airplanes on which the auxiliary fuel tanks are removed, the actions specified for the auxiliary fuel tanks are not required.

(1) Model DC-9-11, DC-9-12, DC-9-13, DC-9-14, DC-9-15, and DC-9-15F airplanes.

(2) Model DC-9-21 airplanes.

(3) Model DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-33F, DC-9-34, DC 9 34F, and DC 9 32F (C-9A, C 9B) airplanes.

(4) Model DC-9-41 airplanes.

(5) Model DC-9-51 airplanes.

(6) Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) airplanes.

(7) Model MD-88 airplanes.

(8) Model MD-90-30 airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

#### (e) Unsafe Condition

This AD was prompted by fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Retained Criteria for Operation, With New Compliance Time

This paragraph restates the actions required by paragraph (g) of AD 2012-18-05, Amendment 39-17181 (77 FR 54793, September 6, 2012), with a new compliance time. Except as provided by paragraphs (h) and (i) of this AD: As of 42 months after the effective date of this AD, no person may operate any airplane affected by this AD unless an amended type certificate or supplemental type certificate that incorporates the design features and requirements described in paragraphs (g)(1) and (g)(2) of this AD has been approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, and those design features are installed on the airplane.

(1) Each electrically powered fuel pump installed in the center wing tank or auxiliary fuel tank must have a protective device installed to detect electrical faults that can cause arcing and burn through the fuel pump

housing. The same device must shut off the pump by automatically removing electrical power from the pump when such faults are detected. When a fuel pump is shut off as the result of detection of an electrical fault, the device must stay latched off until the fault is cleared through maintenance action and verified that the pump and the electrical power feed are safe for operation.

(2) Additional design features must be installed to detect when any center wing tank or auxiliary fuel tank pump is running in an empty fuel tank. The prospective pump shutoff system must shut off each pump no later than 60 seconds after the fuel tank is emptied. The pump shutoff system design must preclude undetected running of a fuel pump in an empty tank, after the pump was commanded off manually or automatically.

#### (h) New Optional Methods of Compliance

For Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 airplanes; and Model MD-90-30 airplanes: In lieu of doing the requirements of paragraph (g) of this AD, do the applicable actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

(1) For Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 airplanes: Do the applicable actions specified in paragraphs (h)(1)(i), (h)(1)(ii), and (h)(1)(iii) of this AD.

(i) For all airplanes identified in paragraph (h)(1) of this AD: Within the compliance time specified in paragraph (g) of this AD, install ground fault interrupter (GFI) relays and change fuel pump system wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin MD80-28-228, Revision 1, dated August 27, 2015.

(ii) For airplanes identified in McDonnell Douglas MD-80 Service Bulletin 28-53, Revision 1, dated April 16, 1992: Prior to or concurrently with accomplishing the action specified in paragraph (h)(1)(i) of this AD, install a low fuel pressure indication system, in accordance with the Accomplishment Instructions of McDonnell Douglas MD-80 Service Bulletin 28-53, Revision 1, dated April 16, 1992.

(iii) For airplanes identified in McDonnell Douglas MD-80 Service Bulletin 28-63, Revision 2, dated April 8, 1992: Prior to or concurrently with accomplishing the action specified in paragraph (h)(1)(i) of this AD, install a low fuel pressure indication inhibition system, in accordance with the Accomplishment Instructions of McDonnell Douglas MD-80 Service Bulletin 28-63, Revision 2, dated April 8, 1992.

(2) For Model MD-90-30 airplanes: Within the compliance time specified in paragraph (g) of this AD, install GFI relays and change fuel pump system wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin MD90-28-013, Revision 1, dated August 27, 2015.

(3) For all airplanes: Within 30 days after accomplishing the actions required by paragraph (h)(1) or (h)(2) of this AD or within 30 days after the effective date of this AD, whichever occurs later, revise the maintenance or inspection program, as

applicable, to incorporate the Critical Design Configuration Control Limitations (CDCCLs), Airworthiness Limitation Instructions (ALIs), and Short-Term Extensions specified in Appendices B, C, and D of Boeing Twinjet Special Compliance Item Report MDC-92K9145, Revision N, dated June 13, 2014. The initial compliance time for accomplishing the actions specified in the ALIs is at the later of the times in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD. Doing the revision of the maintenance or inspection program, as applicable, required by this paragraph terminates the requirements in paragraphs (g) and (h) of AD 2008-11-15, Amendment 3915538 (73 FR 30746, May 29, 2008).

(i) At the applicable time specified in Appendix C of Boeing Twinjet Special Compliance Item Report MDC-92K9145, Revision N, dated June 13, 2014, except as provided by Appendix D of Boeing Twinjet Special Compliance Item Report MDC-92K9145, Revision N, dated June 13, 2014.

(ii) Within 30 days after accomplishing the actions required by paragraph (h)(1) or (h)(2) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

**(i) New Optional Universal Fault Interrupter (UFI) Installation**

In lieu of doing the requirements of paragraph (g) of this AD, within the compliance time specified in paragraph (g) of this AD install a TDG Aerospace Inc. UFI using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

**Note 1 to paragraph (i) of this AD:** TDG Aerospace STC ST02502LA ([http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgstc.nsf/0/4d132827a425d7de86257cd3004dfc02/\\$FILE/ST02502LA.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/4d132827a425d7de86257cd3004dfc02/$FILE/ST02502LA.pdf)) provides additional guidance for installing the TDG UFI.

**(j) No Alternative Actions, Intervals, and CDCCLs**

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (h)(3) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

**(k) Credit for Previous Actions**

(1) This paragraph provides credit for the actions specified in paragraphs (h)(1)(ii) and (h)(1)(iii) of this AD, if those actions were performed before the effective date of this AD using any of the service information specified in paragraph (k)(1)(i), (k)(1)(ii), or (k)(1)(iii) of this AD, which are not incorporated by reference in this AD.

(i) McDonnell Douglas MD-80 Service Bulletin 28-53, dated April 8, 1991.

(ii) McDonnell Douglas MD-80 Service Bulletin 28-63, dated, June 14, 1991.

(iii) McDonnell Douglas MD-80 Service Bulletin 28-63, Revision 1, dated July 19, 1991.

(2) This paragraph provides credit for the actions specified in paragraphs (h)(1)(i) and

(h)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin MD80-28-228, dated September 27, 2013; or Boeing Service Bulletin MD90-28-013, dated September 27, 2013, which are not incorporated by reference in this AD.

**(l) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: [9-ANM-LAACO-AMOC-Requests@faa.gov](mailto:9-ANM-LAACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2012-18-05, Amendment 39-17181 (77 FR 54793, September 6, 2012), are approved as AMOCs for the corresponding provisions of this AD.

**(m) Related Information**

(1) For more information about this AD, contact Séry Harutunian, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5254; fax: 562-627-5210; email: [serj.harutunian@faa.gov](mailto:serj.harutunian@faa.gov).

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

**(n) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Service Bulletin MD80-28-228, Revision 1, dated August 27, 2015.

(ii) Boeing Service Bulletin MD90-28-013, Revision 1, dated August 27, 2015.

(iii) Boeing Twinjet Special Compliance Item Report MDC-92K9145, Revision N, dated June 13, 2014, including Appendices A through D.

(iv) McDonnell Douglas MD-80 Service Bulletin 28-53, Revision 1, dated April 16, 1992.

(v) McDonnell Douglas MD-80 Service Bulletin 28-63, Revision 2, dated April 8, 1992.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>.

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on January 25, 2016.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2016-02232 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2015-3361; Airspace Docket No. 15-AEA-4]

RIN 2120-AA66

**Amendment of Air Traffic Service (ATS) Routes; Northeast United States**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action modifies jet routes J-6, J-97, and J-222, and VOR Federal airways V-196, and V-489, in the northeastern United States due to the planned decommissioning of the Plattsburgh, NY, VORTAC facility. These route changes enhance the safety and management of airspace within the National Airspace System.

**DATES:** Effective date 0901 UTC, March 31, 2016. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Z, Airspace Designations and Reporting

Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](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 20591; 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 JO 7400.9Z at NARA, call 202–741–6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](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:** Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

**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 the 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 modifies the air traffic service route structure in the northeast United States to maintain the efficient flow of air traffic.

**History**

On September 14, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend jet routes J–6, J–97 and J–222; and VOR Federal airways V–196 and V–489 in the northeastern United States (80 FR 55049, FR. Doc. 2015–22876). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Two comments were received.

**Discussion of Comments**

Both commenters agreed with the proposal; however, one individual wrote that the V–196 and V–489 modifications should be delayed for one

year after the relocation of the jet routes to provide pilots with backup. The FAA finds it is not possible to delay the modifications to V–196 and V–489 because the cancelled segments of those airways are based on the Plattsburgh VORTAC, which is being commissioned.

Jet routes are published in paragraph 2004 and VOR Federal airways are published in paragraph 6010(a) respectively, 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 jet routes and VOR Federal airways listed in this document will be subsequently published in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends 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 Rule**

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying the descriptions of jet routes J–6, J–97 and J–222; and VOR Federal airways V–196 and V–489, due to the planned decommissioning of the Plattsburgh VORTAC in New York. The jet routes and VOR Federal airways are being modified as follows:

J–6 Jet route J–6 is terminated on the east end at Albany, NY. The segment between Albany and Plattsburgh, NY is removed.

J–97 Jet route J–97 is terminated at Boston, MA, removing the segment between Boston and Plattsburgh.

J–222 Jet route J–222 is terminated at Cambridge, NY, removing the segment between Cambridge and Plattsburgh.

V–196 Federal airway V–196 is terminated at the intersection of the Saranac Lake, NY, 058°(T) and the Burlington, VT 296°(T) radials, removing the segment between that intersection and Plattsburgh.

V–489 Federal airway V–489 is terminated at Glens Falls, NY, removing the segment between Glens Falls and Plattsburgh.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under

Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 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 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:

*Paragraph 2004 Jet Routes.*

\* \* \* \* \*

**J–6 [Amended]**

From Salinas, CA, via INT Salinas 145° and Avenal, CA, 292° radials; Avenal; INT Avenal 119° and Palmdale, CA, 310° radials; Palmdale; Hector, CA; Needles, CA; Drake, AZ; Zuni, AZ; Albuquerque, NM; Tucumcari, NM; Panhandle, TX; Will Rogers, OK; Little Rock, AR; Bowling Green, KY; Charleston, WV; INT Charleston 076° and Martinsburg,



WV, 243° radials; Martinsburg; Lancaster, PA; Broadway, NJ; Sparta, NJ; to Albany, NY.

\* \* \* \* \*

#### J-97 [Amended]

From lat. 39°07'00" N., long. 67°00'00" W. via Nantucket, MA; to Boston, MA.

\* \* \* \* \*

#### J-222 [Amended]

From Robbinsville, NJ; INT Robbinsville 039° and Kennedy, NY, 253° radials; Kennedy; INT Kennedy 022° and Cambridge, NY, 179° radials; to Cambridge.

\* \* \* \* \*

*Paragraph 6010(a) Domestic VOR Federal Airways.*

#### V-196 [Amended]

From Utica, NY, Saranac Lake, NY; to INT Saranac Lake 058° and Burlington, VT 296° radials.

\* \* \* \* \*

#### V-489 [Amended]

From INT Sparta, NJ, 300° and Huguenot, NY, 196° radials; Huguenot; INT Huguenot 008° and Albany, NY, 209° radials; Albany; to Glens Falls, NY.

Issued in Washington, DC, on February 8, 2016.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2016-03060 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2015-3084; Airspace Docket No. 15-AGL-13]

#### Establishment of Class E Airspace; International Falls, MN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace in the International Falls, MN, area to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Minneapolis Air Route Traffic Control Center (ARTCC). This action enhances the safety and efficiency of aircraft operations within the National Airspace System (NAS).

**DATES:** Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at <http://www.faa.gov/airtraffic/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 this material 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:** Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: (817) 222-5874.

#### 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 establishes controlled airspace in the International Falls, MN, area.

##### History

On August 27, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E en Route Domestic Airspace in the International Falls, MN area. (80 FR 51972) FAA-2015-3084. On September 25, 2015, the FAA published in the **Federal Register** a correction to the aforementioned NPRM to include exclusionary reference to Canadian airspace (80 FR 57755) FAA-2015-3084. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One positive comment was received.

Class E airspace designations are published in paragraph 6006 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E Domestic en Route airspace extending upward from 1,200 feet above the surface in the International Falls, MN area, to contain aircraft while in IFR conditions under control of Minneapolis ARTCC by safely vectoring aircraft from en route airspace to terminal areas. Controlled airspace is needed for the safety and management of IFR operations within the confines of Minneapolis ARTCC airspace.

Class E airspace designations are published in Paragraph 6006 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 designations listed in this document will be published subsequently in the Order.

#### Regulatory Notices and Analyses

The FAA has determined that this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 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, effective September 15, 2015, is amended as follows:

*Paragraph 6006 Enroute Domestic Airspace Areas.*

\* \* \* \* \*

#### AGL MN E6 International Falls, MN [New]

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 49°00'00" N., long. 095°00'00" W.; to lat. 49°00'00" N., long. 093°30'00" W.; to lat. 48°06'30" N., long. 090°06'00" W.; to lat. 47°53'00" N., long. 090°55'00" W.; to lat. 48°34'00" N., long. 094°00'00" W.; to lat. 48°40'00" N., long. 095°00'00" W., thence to the point of beginning, excluding that airspace within Federal airways and within Canadian airspace.

Issued in Fort Worth, TX, on February 4, 2016.

**Robert W. Beck,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2016–03067 Filed 2–16–16; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2016–0099]

#### Drawbridge Operation Regulation; Hackensack River, Kearney, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Amtrak Portal Bridge across the Hackensack River, mile 5.0, at Kearney, New Jersey. This deviation is necessary to allow the bridge owner to perform structural repairs at the bridge.

**DATES:** This deviation is effective from 10 p.m. on February 26, 2016 to 5 a.m. on February 28, 2016.

**ADDRESSES:** The docket for this deviation, [USCG–2016–0099] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Joe M. Arca, Project Officer, First Coast Guard District, telephone (212) 514–4336, email [joe.m.arca@uscg.mil](mailto:joe.m.arca@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Amtrak Portal Bridge across Hackensack River, at Kearney, New Jersey, has a vertical clearance in the closed position of 23 feet at mean high water and 28 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.723(e).

The waterway is transited by seasonal recreational vessels of various sizes. There is one sewage facility upstream of the bridge that transits the bridge twice a week.

The bridge owner, AMTRAK, requested a temporary deviation from the normal operating schedule to facilitate structural repairs at the bridge.

Under this temporary deviation, the Amtrak Portal railroad bridge shall remain in the closed position from 10 p.m. on February 26, 2016 to 5 a.m. February 28, 2016.

Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local

Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 11, 2016.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2016–03148 Filed 2–16–16; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2015–1096]

RIN 1625–AA00

#### Safety Zone; Navy UNDET, Apra Outer Harbor, GU

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for underwater detonation operations in the waters of Apra Outer Harbor in Piti, Guam. This rule is effective from 10 a.m. until 4 p.m. on February 19, 2016. The Coast Guard believes this safety zone regulation is necessary to protect all persons and vessels that would otherwise transit or be within the affected area from possible safety hazards associated with underwater detonation operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Guam.

**DATES:** This rule is effective from 10 a.m. through 4 p.m. on February 19, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2015–1096 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Chief Kristina Gauthier, Sector Guam, U.S. Coast Guard; (671) 355–4866, [Kristina.M.Gauthier@uscg.mil](mailto:Kristina.M.Gauthier@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                         |
| UNDET   | Underwater detonation           |
| U.S.C.  | United States Code              |

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to public interest. The Coast Guard received notice of this operation on December 10, 2015, only 71 days before the operation is scheduled. As a result, the Coast Guard did not have time to issue a notice of proposed rulemaking. It is impracticable to publish an NPRM because we must establish this safety zone by February 19, 2016.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Due to the late notice and inherent danger in underwater exercises, delaying the effective period of this safety zone would be contrary to the public interest.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Guam (COTP) has determined that potential hazards associated with the U.S. Navy training exercise which include detonation of underwater explosives on February 19, 2016 will be a safety concern for anyone within a 700-yard radius on the surface and 1400-yard radius underwater of the operation. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the exercise. Mariners and divers approaching too close to such exercises could potentially expose the mariner to

flying debris or other hazardous conditions.

**IV. Discussion of the Rule**

This rule establishes a safety zone from 10 a.m. through 4 p.m. on February 19, 2016. The safety zone will cover all navigable waters within 700 yards on the surface and 1400 yards underwater of vessels and machinery being used by Navy. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the underwater detonation exercise. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

**V. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

**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 rule has not been designated a “significant regulatory action,” under E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of Apra Outer Harbor in Piti, GU, for 6 hours. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

**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 during rulemaking. The term “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 rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Enforcement Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

**C. Collection of Information**

This rule will 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 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 rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined 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 rule involves a safety zone lasting 6 hours that will prohibit entry within 700 yards on the surface and 1400 underwater of vessels and machinery being used by Navy personnel. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. 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.

#### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T14–1096 to read as follows:

#### § 165. T14–1096 Safety Zone; Navy UNDET, Apra Outer Harbor, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones:

(1) *Seven-hundred-yard-radius-zone.* All surface waters bounded by a circle with a 700-yard radius centered at 13 degrees 27 minutes 42 seconds North Latitude and 144 degrees 38 minutes 30 seconds East Longitude, (NAD 1983).

(2) *Fourteen-hundred-yard-radius-zone.* All underwater areas bounded by a circle with a 1400 yard radius centered at 13 degrees 27 minutes 42 seconds North Latitude and 144 degrees 38 minutes 30 seconds East Longitude, (NAD 1983).

(b) *Effective period.* This section is effective from 10 a.m. through 4 p.m. on February 19, 2016.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. No vessels may enter or transit safety zone (a)(1) and no persons in the water may enter or transit safety zone (a)(2) unless authorized by the COTP or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce these temporary safety zones.

(e) *Waiver.* The COTP may waive any of the requirements of this section for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(f) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: January 27, 2016.

**James B. Pruett,**

*Captain, U.S. Coast Guard, Captain of the Port, Guam.*

[FR Doc. 2016–03224 Filed 2–16–16; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R06–OAR–2015–0431; FRL–9942–29–Region 6]

#### Approval and Promulgation of Implementation Plans; New Mexico/Albuquerque-Bernalillo County; Infrastructure and Interstate Transport State Implementation Plan for the 2010 Sulfur Dioxide National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submission from the Governor of New Mexico for the City of Albuquerque-Bernalillo County for the 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2010 SO<sub>2</sub> NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State's SIP for Albuquerque-Bernalillo County is adequate to meet the state's responsibilities under the Federal Clean Air Act (CAA or Act), including the four CAA requirements for interstate transport of SO<sub>2</sub> emissions.

**DATES:** This final rule is effective on March 18, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2015–0431. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

**FOR FURTHER INFORMATION CONTACT:**

Tracie Donaldson, 214-665-6633,  
donaldon.tracie@epa.gov.

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

**I. Background**

The background for this action is discussed in detail in our November 12, 2015 Proposal (80 FR 69925). In that notice, we proposed that the Albuquerque-Bernalillo County New Mexico i-SIP submittal for the 2010 SO<sub>2</sub> NAAQS met the requirements for an i-SIP, including the requirements for interstate transport of SO<sub>2</sub> emissions. Our Proposal and the technical support documents (TSDs) that accompanied the proposed rule provide detailed descriptions of the revisions and the rationale for our proposed decisions. Please see the docket for these and other documents regarding our Proposal. The public comment period for our Proposal closed on December 14, 2015.

**II. Comment Received**

We received one comment, which is posted in the docket, but is not relevant to the subject of this rulemaking.

**III. Final Action**

We are approving the June 11, 2015 i-SIP submission from Albuquerque-Bernalillo County New Mexico, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 SO<sub>2</sub> NAAQS. Specifically, we are approving the following infrastructure elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are also approving the New Mexico-Albuquerque-Bernalillo County demonstration as it meets the four statutory requirements for interstate transport of SO<sub>2</sub> emissions.

**IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 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, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is 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);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is 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.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is 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 Clean Air Act; and

- Does 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).

In addition, 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide (SO<sub>2</sub>).

Dated: February 4, 2016.

**Ron Curry,**

*Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart GG—New Mexico**

■ 2. The second table in § 52.1620(e) entitled “EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP” is amended by adding a new entry at the end of the table “Infrastructure and Interstate Transport for the 2010 SO<sub>2</sub> NAAQS”.

The addition reads as follows:

**§ 52.1620 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

| Name of SIP provision  | Applicable geographic or nonattainment area | State submittal/ effective date | EPA approval date   | Explanation |
|--|---|---------------------------------|---|-------------|
| *<br>Infrastructure and Interstate Transport for the 2010 SO <sub>2</sub> NAAQS. | *<br>Albuquerque-Bernalillo County.         | *<br>6/11/2015                  | *<br>2/17/16 [Insert FR page number where document begins]. | *<br>       |

[FR Doc. 2016-03117 Filed 2-16-16; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2016-0045; FRL-9942-37-Region 7]

**Approval of Iowa’s Air Quality Implementation Plans; Polk County Board of Health Rules and Regulations, Chapter V, Revisions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the State Implementation Plan (SIP) for the State of Iowa. The purpose of these revisions is to update the Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution. The revisions reflect updates to the Iowa statewide rules previously approved by EPA and will ensure consistency between the applicable local agency rules and Federally-approved rules.

**DATES:** This direct final rule will be effective April 18, 2016, without further notice, unless EPA receives adverse comment by March 18, 2016. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2016-0045, to <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. 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, 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>.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7039, or by email at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” or “our” refer to EPA. This section provides additional information by addressing the following:

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is EPA taking?

**I. What is being addressed in this document?**

The State of Iowa has requested EPA approval of revisions to the local agency’s rules and regulations, Chapter V, Air Pollution, as a revision to the SIP. In order for the local program’s Air Pollution rules to be incorporated into the Federally-enforceable SIP, on behalf of the local agency, the state must submit the formally adopted regulations and control strategies, which are consistent with the state and Federal requirements, to EPA for inclusion in the SIP. The regulation adoption process generally includes public notice, a public comment period and a public hearing, and formal adoption of the rule by the state authorized rulemaking body. In this case, that rulemaking body is the local agency. After the local agency formally adopts the rule, the local agency submits the rulemaking to

the state, and then the state submits the rulemaking to EPA for consideration for formal action (inclusion of the rulemaking into the SIP). EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the state’s submission.

EPA received the request from the state to adopt revisions to the local agency rules into the SIP on December 8, 2015. The revisions were adopted by the local agency on October 6, 2015, and became effective on October 12, 2015. EPA is approving the requested revisions to the Iowa SIP relating to the following:

- Article I. In General, Section 5-1. Purpose and Ambient Air Quality Standards;
  - Article I. In General, Section 5-2. Definitions;
  - Article X. Permits, Division 1. Construction Permits, Section 5-33. Exemptions from Permit Requirements;
  - Article X. Permits, Division 2. Operating Permits, Section 5-39. Exemptions from Permit Requirement.
- EPA’s action does not cover revisions to:
- Article VI. Emission of Air Contaminants from Industrial Processes, New Source Performance Standards, Section 5-16(n),
  - Article VIII. National Emission Standards for Hazardous Air Pollutants for Source Categories, Section 5-16(p), and,
  - Article VIII. National Emission Standards for Hazardous Air Pollutants for Source Categories, Section 5-20.

EPA is also approving the definition of Maximum Achievable Control Technology that was inadvertently omitted from the January 12, 2015, **Federal Register** notice that approved the September 2013 revisions to the Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution. 80 FR 1471.

**II. Have the requirements for approval of a SIP revision been met?**

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied

the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained previously and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

### III. What action is EPA taking?

We are taking direct final action to approve the revisions to the Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution. The local agency routinely revises its Air Pollution regulations to be consistent with the Federally-approved Iowa Administrative Code.

The local agency's Air Pollution rules are consistent with state and Federal regulations and are revised as follows:

Article I, section 5–1(c) is revised to cite the cross reference to state-approved rules at (455B). The definition “Responsible official” was added to article I, section 5–2, the definition for “Volatile Organic Compounds” was revised to cite the most recent federal reference.

Article X, division 1, Construction Permits, section 5–33, Exemptions from Permit Requirements, and article X, division 2, Operating Permits, section 5–39, Exemptions from Permit Requirements, were revised to add an introductory paragraph stating that the permitting exemptions of these sections do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements.

Article X, division 1, Construction Permits, section 5–33, Exemptions from Permit Requirements, and article X, division 2, Operating Permits, section 5–39, Exemptions from Permit Requirements, were revised to add recordkeeping requirements to the exemption for electric hand soldering, wave soldering and electric solder paste reflow ovens, and the exemption for emissions from mobile internal combustion engines at equipment repair shops or equipment dealerships was revised to add emissions from over-the-road trucks.

Article X, division 1, Construction Permits, section 5–33, Exemptions from Permit Requirements, and article X, division 2, Operating Permits, section 5–39, Exemptions from Permit Requirements, were revised to add three additional exemptions as follows: Equipment that is not related to the production of goods or services and used exclusively for academic purposes, located at educational institutions as defined in Iowa Code section 455B.161; any container, storage tank, or vessel

that contains fluid having a maximum true vapor pressure of less than 0.75 psia, and fugitive dust emissions related to movement of passenger vehicles on unpaved road surfaces. Details of the three additional exemptions and other Polk County revisions can be found in the Technical Support Document in the docket of this rulemaking.

With this SIP action, EPA is also approving the definition of Maximum Achievable Control Technology (MACT). The MACT definition was included in the September 2013 SIP submission for Polk County; however, EPA inadvertently omitted the definition from the **Federal Register** notice. 80 FR 1471, January 12, 2015. The definition of MACT is consistent with the Federally-approved Iowa SIP.

We are publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment because the revisions are largely administrative and consistent with Federal regulations. However, in the “Proposed Rules” section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

#### *Incorporation by Reference*

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Iowa Regulations described in the direct final amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

#### *Statutory and Executive Order Reviews*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations.

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, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is 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);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is 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.*);

- Does 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);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is 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

- Does 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: February 1, 2016.

**Mark Hague,**  
Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

EPA-APPROVED IOWA REGULATIONS

| Iowa citation   | Title  | State effective date | EPA approval date                                     | Explanation   |
|---|--|----------------------|---|---|
| <b>Iowa Department of Natural Resources Environmental Protection Commission [567]</b> |  |                      |   |   |
| *   | *  | *                    | *   | *   |
| <b>Polk County</b>  |  |                      |   |   |
| CHAPTER V .....   | Polk County Board of Health Rules and Regulations Air Pollution Chapter V. | 10/12/15             | 2/17/16, [ <i>Insert Federal Register citation</i> ]. | Article I, Section 5–2, definition of “variance,” “anaerobic lagoon,” and “greenhouse gases”; Article III, Incineration and Open Burning, Section 5–7(d) Variance Application; Article VI, Sections 5–16(n), (o) and (p); Article VIII; Article IX, Sections 5–27(3) and (4); Article X, Section 5–28, subsections (a) through (c), and Article X, Section 5–35(b)(5); Article XIII; and Article XVI, Section 5–75 are not part of the SIP. Article VI, Section 5–17, adopted by Polk County on 7/26/2011, is not part of the SIP, and the previously approved version of Article VI, Section 5–17 remains part of the SIP. |

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

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

**Subpart Q—Iowa**

- 2. Amend § 52.820(c) by revising in the table under “Polk County” the entry for “Chapter V” to read as follows:

**§ 52.820 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

\* \* \* \* \*  
[FR Doc. 2016–03108 Filed 2–16–16; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 52**  
[EPA–R06–OAR–2013–0613; FRL–9942–30–Region 6]  
**Approval and Promulgation of Implementation Plans; State of New Mexico/Albuquerque-Bernalillo County; Infrastructure and Interstate Transport SIP 2010 Nitrogen Dioxide National Ambient Air Quality Standards**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submission from the Governor of New Mexico for the City of Albuquerque-Bernalillo County for the 2010 Nitrogen Dioxide (NO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2010 NO<sub>2</sub> NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State’s SIP for Albuquerque-Bernalillo County is adequate to meet the state’s responsibilities under the Federal Clean Air Act (CAA or Act), including the four



CAA requirements for interstate transport of NO<sub>2</sub> emissions.

**DATES:** This final rule is effective on March 18, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2013-0613. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Tracie Donaldson, 214-665-6633, [donaldson.tracie@epa.gov](mailto:donaldson.tracie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

## I. Background

The background for this action is discussed in detail in our December 2, 2015 proposal (80 FR 75444). In that document, we proposed that the Albuquerque-Bernalillo County New Mexico i-SIP submittal for the 2010 NO<sub>2</sub> NAAQS met the requirements for an i-SIP, including the requirements for interstate transport of NO<sub>2</sub> emissions. Our Proposal and the technical support documents (TSDs) that accompanied the proposed rule provide detailed descriptions of the revisions and the rationale for our proposed decisions. Please see the docket for these and other documents regarding our proposal. The public comment period for our proposal closed on January 4, 2016. We did not receive any comments. Therefore, we are finalizing our action as proposed.

## II. Final Action

We are approving the July 26, 2013 i-SIP submission from Albuquerque-Bernalillo County New Mexico, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 NO<sub>2</sub> NAAQS. Specifically, we are approving the following infrastructure elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are also approving the New Mexico-Albuquerque Bernalillo County demonstration as it meets the four statutory requirements for interstate transport of NO<sub>2</sub> emissions.

## III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is 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);
  - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is 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.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
  - Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is 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
  - Does 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).
- In addition, 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 and will not impose substantial direct costs on tribal

governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide (NO<sub>2</sub>), Reporting and recordkeeping requirements.

Dated: February 4, 2016.

**Ron Curry,**

*Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

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

#### Subpart GG—New Mexico

- 2. In § 52.1620, the second table in paragraph (e) entitled “EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP” is amended by adding a new entry at the end of the table for “Infrastructure and Interstate Transport for the 2010 NO<sub>2</sub> NAAQS” to read as follows:

§ 52.1620 Identification of plan. (e) \* \* \*

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

| Name of SIP provision   | Applicable geographic or nonattainment area | State submittal/ effective date | EPA approval date                            | Explanation |
|---|---|---------------------------------|--|-------------|
| Infrastructure and Interstate Transport for the 2010 NO <sub>2</sub> NAAQS. | Albuquerque-Bernalillo County ....          | 7/26/2013                       | 2/17/16, [insert Federal Register citation]. |             |

[FR Doc. 2016-03130 Filed 2-16-16; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2014-0913; FRL-9941-69]

**Fluridone; Pesticide Tolerances**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for residues of fluridone in or on cotton, undelinted seed. SePRO Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective February 17, 2016. Objections and requests for hearings must be received on or before April 18, 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-2014-0913, 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](mailto: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 EPA's tolerance regulations at 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](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-2014-0913 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 18, 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-2014-0913, 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. Summary of Petitioned-for Tolerance**

In the **Federal Register** of April 6, 2015 (80 FR 18327) (FRL-9924-00), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8308) by SePRO Corporation, 11550 North Meridian Street, Suite 600, Carmel, IN 46032. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of

the herbicide fluridone, 1-methyl-3-phenyl-5-(3-(trifluoromethyl)phenyl)-4(1*H*)-pyridinone, in or on cotton, undelimited seed at 0.1 parts per million (ppm). That document referenced a summary of the petition prepared by SePRO Corporation, the registrant, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

### III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish 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. . . .”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 fluridone including exposure resulting from the tolerance established by this action. EPA’s assessment of exposures and risks associated with fluridone follows.

#### A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its 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. The liver and kidneys were identified as the primary target organs based on a multitude of organ specific effects noted across the toxicity database. All model species exhibited indications of liver toxicity

that were often accompanied by body weight effects. Mice were the most sensitive species examined, and dogs were the most tolerant. Rat sensitivity was comparable (chronic exposure) to or slightly less (subchronic exposure) than mice; however, rats were the only species to exhibit minor kidney effects in addition to liver and body weight toxicity. Progression of toxicity from subchronic to chronic exposures was not observed in mice and was limited (2-fold difference) in rats. No evidence of fetal sensitivity was observed in rats or rabbits. Body weight effects in the F<sub>2</sub> rat offspring during the lactation period were suggestive of susceptibility in the young. However, this evidence is considered equivocal because the effects were isolated to the F<sub>2</sub> offspring, body weight of the F<sub>2</sub> offspring returned to control levels after the lactation period and no subsequent evidence of susceptibility was observed in progeny of the F<sub>2</sub> generation. Furthermore, the offspring effects occurred at doses 2 to 4.5 times higher than the target organ and body weight toxicity noted in adult rodents. While these effects are considered equivocal, susceptibility will be assumed to be present in the young in the absence of more definitive toxicity data. Behavioral anomalies, physiological effects, and locomotor impairment consistent with neurotoxicity were only observed following acute gavage exposure to doses that likely exceeded linear pharmacokinetics and were at least 13 to 26 times higher than the lowest doses causing liver and kidney effects in rodents. No signs of neurotoxicity were identified in the rest of the toxicity database. Toxicity from repeated dose dermal exposures was limited to irritation effects on the skin (erythema, desquamation, epidermal fissures). No evidence of immunotoxicity, mutagenicity, or carcinogenicity were noted in the toxicity database. Fluridone did not demonstrate mutagenic behavior either *in vitro* or *in vivo* nor did exposure result in an increased incidence of tumors. The EPA concluded that fluridone should be classified as “not likely” to be a human carcinogen.

Specific information on the studies received and the nature of the adverse effects caused by fluridone as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at <http://www.regulations.gov> in document *Fluridone. Human Health Risk Assessment for Registration Review and to Support the Registration of the Use*

on Cotton on pages 47 thru 72 in docket ID number EPA-HQ-OPP-2014-0913.

#### 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://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>.

The 2-year mouse study was used for the residential points of departures (PODs) for short- and intermediate-term incidental oral, dermal and inhalation exposure. The mouse chronic endpoint was considered appropriate for short- and intermediate-term fluridone exposures because mice were the most sensitive species and there was no progression of toxicity from subchronic to chronic exposure.

The guideline dermal study was not used to set endpoints for the dermal assessment, because the study did not address concerns for the possible sensitivity in the young observed in the 3-generation reproduction study. The systemic NOAEL from the dermal study is 384 milligram/kilogram/day (mg/kg/day), but there is equivocal, yet suggestive evidence of offspring toxicity at 112 mg/kg/day. The NOAEL from the 2-year mouse cancer study is 38.5 mg/kg/day after accounting for route-to-route extrapolation (dermal absorption factor of 39%) and is therefore protective of the equivocal offspring effects. The chronic mouse oral

endpoint was used for the inhalation assessment as well, because a route-specific inhalation study was not available. Without a route specific

study, inhalation exposure was assumed to be equivalent to oral exposure. A summary of the toxicological endpoints for fluridone used for human

risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLURIDONE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

| Exposure/scenario   | Point of departure and uncertainty/safety factors   | RfD, PAD, LOC for risk assessment                      | Study and toxicological effects   |
|---|---|--|---|
| Acute dietary (All populations) ..  | NOAEL = 125 mg/kg/day.<br>UF <sub>A</sub> = 10x<br>UF <sub>H</sub> = 10x<br>FQPA SF = 1x  | Acute RfD = 1.25 mg/kg/day.<br>aPAD = 1.25 mg/kg/day   | Acute Neurotoxicity—Rat.<br>LOAEL = 650 mg/kg/day based on decreased ambulatory counts and the prevalence of functional observational battery (FOB) anomalies in males and females. |
| Chronic dietary (All populations)   | NOAEL= 15 mg/kg/day.<br>UF <sub>A</sub> = 10x<br>UF <sub>H</sub> = 10x<br>FQPA SF = 1x  | Chronic RfD = 0.15 mg/kg/day.<br>cPAD = 0.15 mg/kg/day | 2-year cancer study—Mouse.<br>LOAEL = 50 mg/kg/day based on increased alkaline phosphatase activity and increased incidence of hepatocellular hyperplasia.                          |
| Incidental oral short-term (1 to 30 days) and intermediate-term.            | NOAEL= 15 mg/kg/day.<br>UF <sub>A</sub> = 10x<br>UF <sub>H</sub> = 10x<br>FQPA SF = 1x  | LOC for MOE = 100                                      | 2-year cancer study—Mouse.<br>LOAEL = 50 mg/kg/day based on increased alkaline phosphatase activity and increased incidence of hepatocellular hyperplasia.                          |
| Dermal short-term (1 to 30 days) and intermediate-term (1 to 6 months).     | Oral study NOAEL = 15 mg/kg/day (dermal absorption rate = 39%).<br>UF <sub>A</sub> = 10x<br>UF <sub>H</sub> = 10x<br>FQPA SF = 1x     | LOC for MOE = 100                                      | 2-year cancer study—Mouse.<br>LOAEL = 50 mg/kg/day based on increased alkaline phosphatase activity and increased incidence of hepatocellular hyperplasia.                          |
| Inhalation short-term (1 to 30 days) and intermediate-term (1 to 6 months). | Oral study NOAEL= 15 mg/kg/day (inhalation absorption rate = 100%).<br>UF <sub>A</sub> = 10x<br>UF <sub>H</sub> = 10x<br>FQPA SF = 1x | LOC for MOE = 100                                      | 2-year cancer study—Mouse.<br>LOAEL = 50 mg/kg/day based on increased alkaline phosphatase activity and increased incidence of hepatocellular hyperplasia.                          |
| Cancer (Oral, dermal, inhalation).  | Fluridone is classified as “not likely” to be a human carcinogen. Quantitative cancer risk assessment is not required.                |  |   |

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF<sub>A</sub> = extrapolation from animal to human (interspecies). UF<sub>H</sub> = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. Dietary exposure from food and feed uses. In evaluating dietary exposure to fluridone, EPA considered exposure under the petitioned-for tolerances as well as all existing fluridone tolerances in 40 CFR 180.420. EPA assessed dietary exposures from fluridone in food as follows:

i. Acute exposure. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fluridone. In estimating acute dietary exposure, EPA used food consumption information from the United States

Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. 100 percent crop treated (PCT), tolerance residues, and default processing factors were assumed for this assessment.

ii. Chronic exposure. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WWEIA. This dietary survey was conducted from 2003 to 2008. 100 PCT, tolerance residues, and default processing factors were assumed.

iii. Cancer. Based on the data summarized in Unit III.A., EPA has

concluded that fluridone does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. Anticipated residue and PCT information. EPA did not use anticipated residue and/or PCT information in the dietary assessment for fluridone. Tolerance-level residues and/or 100 PCT were assumed for all food commodities.

2. Dietary exposure from drinking water. The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for fluridone in drinking water. These simulation models take into account data on the physical, chemical, and fate/

transport characteristics of fluridone. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide>.

Based on the First Index Reservoir Screening Tool (FIRST) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of fluridone for acute exposures are estimated to be 24 parts per billion (ppb) for surface water and 34 ppb for ground water. For chronic exposures they are estimated to be 21 ppb for surface water and 32 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 34 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 32 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fluridone is currently registered for the following uses that could result in residential exposures: From use on ponds (including a homeowner use), lakes, reservoirs, and rivers. EPA assessed residential exposure using the following assumptions: Adult applicators may be exposed (dermal and inhalation) while applying the pesticide to residential ponds. Residential handler exposure is expected to be short-term in duration only.

Intermediate-term and chronic exposures are not likely because of the intermittent nature of applications by homeowners. There is also potential for residential post-application exposure (dermal, inhalation and incidental ingestion) for adults and children (3 to <6 years old) swimming in treated water. Residential post-application exposure is expected to be short term in duration only.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

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 fluridone to share a common mechanism of toxicity with any other substances, and fluridone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fluridone does 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://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

#### 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 Food Quality Protection Act Safety Factor (FQPA 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.* There was no evidence of qualitative susceptibility in fetuses in the rat and rabbit developmental study. Equivocal susceptibility was observed in the young from the F<sub>2</sub> population in the reproductive study during the lactation phase (based decreased body weight); however, body weight of the F<sub>2</sub> offspring returned to control levels after the lactation period and no evidence of susceptibility was observed in the F<sub>3</sub> offspring.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for fluridone is complete. Though EPA relied on an oral study to assess inhalation

exposures, a subchronic inhalation study is not required based on a weight-of-evidence (WOE) approach that considered the physical/chemical properties of fluridone including low vapor pressure, low acute inhalation toxicity, and the large short- and intermediate-term inhalation MOEs calculated.

ii. The combination of behavioral anomalies and impaired physiological and locomotor function in the acute neurotoxicity (ACN) study were suggestive of neurotoxicity following high dose acute exposure. However, the concern for neurotoxicity is low because the adverse effects in the ACN study were only seen at relatively high gavage doses (650–2000 mg/kg/day); there were no corresponding neurohistopathological findings; there were no indications of neurotoxicity in the rest of the toxicity database; and the endpoints selected for risk assessment are protective of these adverse effects.

iii. There is no evidence that fluridone results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies. There was equivocal susceptibility observed in the young from the F<sub>2</sub> population in the reproductive study during the lactation phase (decreased body weight); however, body weight of the F<sub>2</sub> offspring returned to control levels after the lactation period, and no evidence of susceptibility was observed in the F<sub>3</sub> offspring. The PODs selected to assess risk are protective of the equivocal susceptibility in young animals.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fluridone in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by fluridone.

#### 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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fluridone will occupy 1.3% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluridone from food and water will utilize 5.5% of the cPAD for children 1–2 years old the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fluridone is not expected.

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). Fluridone is currently registered for uses 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 fluridone. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1,500 for adults and 1,600 for children. Because EPA's level of concern for fluridone is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* An intermediate-term adverse effect was identified; however, fluridone is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for fluridone.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies,

fluridone is 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 fluridone residues.

#### IV. Other Considerations

##### A. Analytical Enforcement Methodology

Adequate enforcement methodology [high performance liquid chromatography (HPLC) method (originally submitted as method AM-AA-CA-RO52-AA-755)] is available in the Pesticide Analytical Manual (PAM) Volume II for residues of fluridone in plant commodities, including cotton.

##### B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for fluridone in cotton.

#### V. Conclusion

Therefore, a tolerance is established for residues of fluridone, 1-methyl-3-phenyl-5-(3-(trifluoromethyl)phenyl)-4(1H)-pyridinone, in or on cotton, undelinted seed at 0.1 ppm. Additionally, the tolerances for cotton, undelinted seed at 0.1 ppm in paragraphs (b) and (d) are removed, since they are superseded by this action.

#### VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 tolerance 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).

**VII. 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: February 8, 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 § 180.420, is amended:

- i. By alphabetically adding “cotton, undelinted seed” to the table in paragraph (a)(2);
- ii. By removing and reserving the text of paragraph (b);
- iii. By removing “cotton, undelinted seed” from the table in paragraph (d).

The addition reads as follows:

**§ 180.420 Fluridone; tolerances for residues.**

- (a) \* \* \*
- (2) \* \* \*

| Commodity                     | Parts per million |
|-------------------------------|-------------------|
| * * * * *                     | *                 |
| Cotton, undelinted seed ..... | 0.1               |
| * * * * *                     | *                 |

(b) *Section 18 emergency exemptions.* [Reserved].

\* \* \* \* \*

[FR Doc. 2016-03220 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 745**

[EPA-HQ-OPPT-2014-0304; FRL-9941-61]

RIN 2070-AK02

**Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing revisions to the Lead Renovation, Repair, and Painting (RRP) rule, and the Lead-based Paint (LBP) Activities rule. The revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules. First, EPA is modifying the requirement that the renovator refresher training for individuals have a hands-on component. Second, the Agency is removing jurisdiction-specific certification and accreditation requirements under the LBP Activities program in States where EPA administers the program. Previously, this program required that training providers, firms and individuals seek certification in each jurisdiction (*e.g.*, a State) where the organization or person wanted to work. Third, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

**DATES:** This final rule is effective February 17, 2016.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number HQ-OPPT-2014-0304, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Marc

Edmonds, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 202-566-0758; email address: [edmonds.marc@epa.gov](mailto:edmonds.marc@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. Does this action apply to me?*

You may be potentially affected by this action if you operate a training program required to be accredited under 40 CFR 745.225, if you are a firm or individual who must be certified to conduct lead-based paint activities in accordance with 40 CFR 745.226, or if you are an individual who must be certified to conduct renovation activities in accordance with 40 CFR 745.90. This rule applies only in States, territories, and tribal areas that do not have authorized programs pursuant to 40 CFR 745.324. For further information regarding the authorization status of States, territories, and Tribes, contact the National Lead Information Center at 1-800-424-LEAD (5323).

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:

- Building construction (NAICS code 236), *e.g.*, single-family housing construction, multi-family housing construction, residential remodelers.
- Specialty trade contractors (NAICS code 238), *e.g.*, plumbing, heating, and air-conditioning contractors, painting and wall covering contractors, electrical contractors, finish carpentry contractors, drywall and insulation contractors, siding contractors, tile and terrazzo contractors, glass and glazing contractors.
- Real estate (NAICS code 531), *e.g.*, lessors of residential buildings and dwellings, residential property managers.
- Child day care services (NAICS code 624410).
- Elementary and secondary schools (NAICS code 611110), *e.g.*, elementary schools with kindergarten classrooms.
- Other technical and trade schools (NAICS code 611519), *e.g.*, training providers.

- Engineering services (NAICS code 541330) and building inspection services (NAICS code 541350), *e.g.*, dust sampling technicians.

- Lead abatement professionals (NAICS code 562910), *e.g.*, firms and supervisors engaged in lead-based paint activities.

#### *B. What is the agency's authority for taking this action?*

This final rule is being issued under the authority of Sections 402(a) and 402(c)(3) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2682(a) and 2682(c)(3).

#### *C. What action is the agency taking?*

EPA is making minor revisions to the RRP rule that published in the **Federal Register** on April 22, 2008 (Ref. 1) and the Lead-based Paint Activities rule that published in the **Federal Register** on August 29, 1996 (Ref. 2). EPA is modifying the requirement that the renovator refresher training for individuals have a hands-on component. The Agency is also removing jurisdictions under the LBP Activities program in States where EPA administers the program. Previously, this program required that training providers, firms and individuals seek certification in each jurisdiction (*e.g.*, a State) where the organization or person wanted to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

#### *D. Why is the agency taking this action?*

The proposed revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and the EPA and by clarifying language for training providers, while retaining the benefits of the original rules.

#### *E. What are the estimated incremental impacts of this action?*

EPA has prepared an economic analysis (EA) of the potential incremental impacts associated with this rulemaking (Ref. 3). This analysis, which is available in the docket, is discussed in more detail in Unit III. The following is a brief outline of the estimated incremental impacts of this rulemaking.

- *Overall costs.* This rule is estimated to result in cost savings of \$1.8 million to \$3.4 million per year.

- *Paperwork burdens.* The rule affects information collection activities by training providers that wish to offer e-learning refresher training and is estimated to have an incremental total

estimated annual burden of 2,656 hours. Burden is defined at 5 CFR 1320.3(b).

- *Small entity impacts.* This rule does not have a significant impact on a substantial number of small entities.

- *Effects on State, local, and Tribal governments.* This rule does not have an intergovernmental mandate, any significant or unique effects on small governments, or Federalism or Tribal implications.

## **II. Discussion of Comments on the Proposal and the Final Rule**

This unit discusses the final rule, including what was proposed and the public comments received on the proposed rule. A separate document that summarizes the comments received that were relevant to the proposal and EPA's responses has been prepared and is available in the docket for this rulemaking (Ref. 4).

### *A. Hands-On Training*

To become certified as a renovator, a person must successfully complete a renovator course accredited by EPA or by a State, territorial, or tribal program authorized by EPA. To gain initial certification, individual renovators must complete an 8-hour training course. People who had taken an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD model renovation training course could take the 4-hour refresher renovator training in lieu of the 8-hour initial course. Trainings are taught either in a classroom or via electronic learning (e-learning). E-learning is a web-based training that is not lead by an instructor where the student can take the training at his or her own pace. Requirements specific to e-learning are found at 40 CFR 745.225. To maintain certification, renovators must complete a renovator refresher course before their certification expires. If the renovator does not complete the course within the required timeframe, the individual must retake the initial 8-hour course to become certified again.

The 8-hour initial training includes hands-on training in testing for lead in paint, methods for minimizing the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and cleaning verification. Activities covered include the use of EPA-recognized test kits, setting up barriers, covering furniture, ducts, and carpeted floors with plastic, mopping floors, bagging waste, and determining that the work area has been adequately cleaned. Each student performs these activities in front of an instructor who determines if the student is proficient in each one.

Students must be deemed proficient in order to pass the class and become a certified renovator. The current version of the renovator refresher course includes hands-on training in testing paint for lead and cleaning verification.

On January 15, 2015, EPA proposed to eliminate the hands-on requirement in the renovator refresher course. Over 140 comments on its proposal were received. Comments both supported and opposed the proposed change. After carefully weighing the issues at stake and considering the concerns raised by commenters, the Agency is promulgating a modified version of the proposal. Specifically, EPA will allow renovators to take a refresher course without hands-on training once every other certification. Once a renovator takes the refresher course without the hands-on training, their next refresher training must include hands-on training. The certification from the refresher course without hands-on training will last for 3 years. Taking the course without hands-on training is optional but once a renovator takes the course, their next refresher course must include hands-on training and be taken within 3 years of their previous certification. The certification from taking a course with hands-on training will last for 5 years.

Many commenters stated that allowing the refresher course to be taught entirely via e-learning would result in more trained contractors. One commenter stated the e-learning course would allow for wider adoption of the rule resulting in higher compliance. Another commenter stated that this will benefit homeowners by having more trained renovators in the field. One commenter who is in favor of e-learning training stated that when he took his initial renovator training, he spent 2 days traveling to and from the training and another day taking the class. E-learning training would have saved this person travel costs and time away from work. EPA agrees that a refresher training taught entirely online via e-learning would result in more renovators taking the training. Without the hands-on requirement, renovators seeking recertification would be able to take the course entirely via e-learning without having to travel to a training location to perform the hands-on activities. This change will make it easier for renovators to take the refresher training, especially renovators who live far from a training facility. Renovators will save time and travel costs by taking the course from a single location, possibly their own home. Although the e-learning training will only be allowed for every other refresher



training, EPA believes that the associated burden and cost savings will lead to more renovators taking the refresher training and becoming recertified. Having more renovators take the refresher training will lead to a higher number of certified renovators, resulting in a workforce better able to perform renovations in a lead-safe manner.

Many commenters believe that an in-class course provides better training than an e-learning course. One commenter stated that students learn more when they can interact with other students and share information. Many commenters stated that students learn better by performing hands-on activities. One commenter stated that it is important for students to practice what they learn and get immediate feedback from instructors. Another commenter stated that people who work with their hands, such as renovators, learn better from doing rather than watching. While EPA believes that renovators can sufficiently learn the RRP requirements via e-learning training, the Agency understands the commenters' concerns about students missing out on potential benefits of hands-on training and interaction with trainers and students when they take an e-learning course. These concerns are another reason EPA shortened the certification period for the renovator course that does not include hands-on training to 3 years and required in-class training every other certification. This way, renovators who may learn more in a classroom setting will not be able to take the e-learning course perpetually without ever having classroom refresher training. Further, they will have to take the in-class training sooner, after only 3 years from when they completed the e-learning course.

Many commenters were concerned that training providers would have difficulty verifying the identity of the person taking the course. One commenter stated that it would be difficult, if not impossible, to verify that the person taking the training is, in fact, the individual who receives certification. Another commenter pointed out that a classroom-based course reduces the potential for misrepresentation and fraud that can take place in an online learning situation. As one training provider explained, there are measures that it takes to verify student identity in an e-learning course but admitted that there is no guarantee that the person taking the course is who they claim to be. Several commenters suggested possible solutions, such as tracking IP addresses or taking a picture of the student

without notice to verify their identity. These commenters' suggestions, as well as others, do not appear to be practical methods to verify student identity. EPA has already employed more practical methods of verifying student participation when accrediting a training program to offer these refresher training courses for renovation: Each student is assigned a unique identifier to launch and re-launch the course, each student completes periodic knowledge checks equivalent to the number and content of those in EPA's model course, and each student is tested with at least 20 questions and scores at least 80% for successful completion. EPA recognizes the possibility that someone could have another person take the course for him or her; however, there are potential penalties for those who do this. Pursuant to 18 U.S.C. 1001, it is a criminal violation to knowingly and willfully make a false or fraudulent statement in any matter within EPA's jurisdiction. Furthermore, if a renovator is tempted to have someone else take the course for them, they will know that they will have to take the course in person for their next certification, ensuring that their identity can be verified, because the e-learning course can only be taken once every other certification.

EPA understands that there may be disadvantages to e-learning training. However, the Agency expects that the associated burden and cost savings of the rule will lead to more renovators taking the refresher training and becoming recertified than would have done so otherwise. The Agency believes the benefits of having more renovators take the refresher training, leading to a higher number of certified renovators, will outweigh any disadvantages of the final rule.

#### *B. Jurisdictions*

On June 9, 1999, 40 CFR part 745, subpart L, was amended to include a fee schedule for training programs seeking EPA accreditation and for individuals and firms seeking EPA certification (Ref. 5). These fees were established as directed by TSCA section 402(a)(3), which requires EPA to recover the cost of administering and enforcing the LBP Activities requirements in States without authorized programs. The fee schedule created a multi-jurisdiction registration fee which applies to individuals, firms and training programs that provide training or perform lead-based paint activities in more than one State administered by the EPA program. This fee is applied per discipline for each additional EPA-administered State in which the applicant seeks

certification/recertification or accreditation/reaccreditation. An EPA-administered jurisdiction is either an individual State without an authorized program or all Tribes without authorized programs in a given EPA Region.

The multi-state jurisdiction fee of \$35 was based on the estimated burdens required for Agency clerical, technical, and managerial staff to perform tasks associated with adding jurisdictions to a certification or accreditation. Tasks include entering the information into a database, approving or disapproving the application and generating and mailing a certificate to the applicant. After years of implementing the LBP Activities Program, the Agency believes that separate certifications for each EPA-administered State jurisdiction are not necessary. In particular, EPA does not believe it is necessary for the Agency to certify or accredit the same applicant multiple times; certification in one EPA-administered State jurisdiction should be sufficient to perform work in any other EPA-administered State. Accordingly, the Agency is eliminating the requirement for separate certifications in each EPA-administered State jurisdiction in the LBP Activities Program. Regulated entities will no longer have to send an application and fees to EPA for the purpose of adding additional EPA-administered State jurisdictions to their certification or accreditation. Now when a regulated entity applies to EPA and receives certification in the LBP Activities Program, they will be able to work in any EPA-administered State.

EPA received many comments on its proposal to remove jurisdictions from the LBP Activities Program. Most comments were in support of eliminating jurisdictions. Commenters who opposed the proposed removal were confused about what EPA was proposing, believing that the Agency was going to change the requirements for States to become authorized to implement the LBP Activities Program. The Agency is not changing the State authorization requirements, nor did it propose to do so. EPA is promulgating the revisions as proposed by eliminating jurisdictions in the LBP Activities Program administered by EPA.

Now that jurisdictions in EPA's LBP Activities Program have been removed, firms, individuals and training providers will receive one certificate that will allow them to work in all EPA-administered States instead of one certificate per State. Certificates issued before this final rule are still valid until their expiration and regulated entities will not need their certificates replaced

because of this rule. In addition, a previous certification in a single EPA-administered jurisdiction allows firms, individuals and training providers to perform lead-based paint activities in all EPA-administered jurisdictions until the expiration of that certification.

#### *C. Clarification Regarding Training Provider Application Requirements*

EPA is clarifying the application regulations for accredited training providers under the RRP rule (Ref. 1) and LBP Activities rule (Ref. 2). It was brought to the Agency's attention that the regulations did not specifically state what constituted a violation of the regulations at 40 CFR 745.225. For example, some other regulatory provisions, such as 40 CFR 745.87, specifically list various activities that are considered a violation of TSCA. Accordingly, the Agency proposed to add clarifying language explaining that training providers must follow the requirements in that section. EPA believes that accredited training providers already understand this, but EPA proposed to add the clarifying language to ensure understanding of the requirements—similar to what has been done in other regulations. This clarifying language does not change any requirements for accredited training providers.

The Agency received few comments on the clarification. Most of the comments expressed general support for the proposed change. One commenter said that the current requirements are specific and the clarification is not necessary. EPA disagrees with this comment. The language in 40 CFR 745.225 did not specifically say that a failure to follow the requirements of that section was a violation. While it is likely that many training providers already understand that, EPA believes it is important to make it clear in the regulations in order to eliminate any confusion about what constitutes a violation. Therefore, EPA is finalizing the changes as proposed by adding the clarifying language to 40 CFR 745.225.

#### *D. Correction to Training Notification Requirements*

The regulatory text of the final RRP rule in 2008 (Ref. 1) inadvertently omitted a requirement for accredited providers of renovation training to provide notification to EPA after each training course the provider delivers. The provision was designed to supply important information regarding certified renovators for EPA's compliance monitoring efforts. In 2009, EPA issued a rule (Ref. 6) to correct this omission by amending 40 CFR

745.225(c)(14) to require post-course notifications from accredited providers of renovator or dust sampling technician training. The 2009 rule also included conforming changes to 40 CFR 745.225(c)(14)(iii) to include the correct name of the sample post-course notification form and to make it clear that all methods of post-course notification are available to both renovation training providers and LBP Activities training providers. As amended, 40 CFR 745.225(c)(14) required renovation training providers to notify EPA no later than 10 business days following course completion. Although EPA identified this requirement in its cost estimates in 2008, the regulatory provision was subsequently overwritten by another rulemaking. Specifically, in a 2011 rule (Ref. 7), the regulatory language inadvertently removed the regulatory text that was added to 40 CFR 745.225(c)(14)(i) by the 2009 rule. In January 2015, EPA proposed to add the same language back to 40 CFR 745.225(c)(14)(i) that was included in the 2009 rule.

EPA received several comments about the correction to the notification regulations. Two commenters said they had no objection to the correction. Another commenter said simply that he supported the proposed change. No commenters opposed making the correction. EPA is promulgating the revision as proposed.

#### *E. Notifications for E-Learning Trainers*

As explained in the preamble to the proposed rule, EPA considered modifying the requirements regarding online training notifications by requiring training providers that teach the e-learning refresher course to submit notifications via the internet. For years, training providers have had the option of submitting notifications electronically via EPA's Central Data Exchange (CDX). The CDX system is designed to streamline the notification process for training providers and EPA alike, and to perform basic validations of electronic submissions that reduce common errors in notifications otherwise submitted on paper. Submitting notification via the internet reduces the burden on the training providers and the Agency, as well as saving taxpayer dollars.

The Agency requested comment on whether it should require training providers to submit online notifications for the refresher course that does not include hands-on training. EPA received one comment submitted by a training provider who supported the requirement. No commenters opposed

the change. Based on the benefits of online notifications, EPA is promulgating a requirement that training providers that teach the renovator refresher course without hands-on training must submit their post-training notifications via the internet. Most, if not all, of the refresher courses without hands-on training will be taught via e-learning since there will be no need for students to take the course in person. EPA believes that trainers who teach an e-learning course clearly have the technical knowledge and ability to submit their post-training notifications via the internet and it is therefore appropriate to promulgate this requirement. As stated later in this Unit, these trainers will not have to submit pre-training notifications; therefore, this requirement only applies to post-training notifications.

EPA also requested comment on how it should modify the notification requirements to accommodate training taught entirely via e-learning. Training providers submit both a pre-training and post-training notification for each course that they teach. Now that the renovator refresher training can be taught entirely online via e-learning, there will be no classroom session for which to notify EPA for the e-learning class. Consequently, pre-training notifications will not be required for such courses. Because the training provider will still need to send to EPA the names of the students who completed the e-learning course, post-training notifications are still required.

EPA received several comments regarding how it should modify the post-training notification requirements. One commenter said that EPA should be notified as soon as the student completes the course. Another commenter stated that post-training notifications should be sent quarterly, or at most monthly. EPA believes that submitting notifications at the time the student finishes the course would be too burdensome for training providers. Furthermore, it is not necessary for student information to be submitted the same day the course is completed. On the other hand, with quarterly notifications, information for some students would not be submitted to EPA for almost three months after the training was completed. There are times when EPA uses the information from notifications to verify whether a certain person is a certified renovator. A delay of three months increases the likelihood of this information not being available when the Agency needs it. As a compromise, and as one of the commenters suggested, the Agency is requiring the notifications to be

submitted every month. Specifically, for renovator refresher courses without hands-on training, training providers must submit post-training notifications to EPA anytime from the first to tenth day of the month that includes the required information on students who completed the course in the previous month.

The Agency is requiring training providers that teach the refresher training entirely online via e-learning to include the expiration of the renovator's certification in the post-training notification. Now that renovator certifications can be either 3 or 5 years, it is important to have the expiration date on the notification so EPA can tell when the renovator's certification expires and whether he or she took the course that is taught entirely online via e-learning. The Agency is also requiring course completion certificates for all renovator courses to include the expiration of the certification. Because of the two different certification timeframes, it is important for the certificate to clearly state when the certification expires. This information may be of help to various parties including homeowners and training providers. Homeowners may want to verify that the certified renovators working in their homes are currently certified. Training providers who teach the refresher training are required to verify whether the student is eligible to take the refresher training which would be difficult to do without knowing when the renovator's certification expires.

**F. Grandfathering**

In the 2008 RRP rule (Ref. 1), EPA created a grandfather provision that allowed renovators who have taken an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD

model renovation training course, to take the 4-hour refresher renovator training in lieu of the 8-hour initial certification. In a subsequent rulemaking, the regulations were changed (Ref. 7) to allow renovators to take advantage of the provision only if they had taken the prerequisite course before October 4, 2011. Now that the Agency is allowing a refresher course that does not have a hands-on requirement, the grandfather provision would have allowed a student to receive initial renovator certification by taking an e-learning refresher course that does not have hands-on training. EPA received several comments about the grandfather provision. Commenters were concerned that, under the proposal, renovators would be able to take the refresher course without hands-on training as their initial renovator training.

EPA believes that it is important for renovators to have hands-on training when they receive their initial certification. To address commenters' concerns, EPA will ensure that all renovators have hands-on training when they get their initial certification, by requiring renovators who take advantage of the grandfather provision to take a refresher training that includes hands-on training. Therefore, only renovators that have received their initial certification under the RRP program may take the renovator refresher course that does not include hands-on training.

**III. Economic Analysis**

EPA's economic analysis of the potential costs and savings associated with this action (Ref. 3), is available in the docket and is briefly summarized in this Unit.

The rule amendments do not preempt regulations by states, territories, or tribal

governments that have their own authorized lead programs, so these estimates only reflect changes in EPA-administered jurisdictions.

Over 500,000 renovators have been trained and certified under the federal RRP program since renovator training became mandatory in 2010. Since a large number of renovators received their initial certification in the first year of the program, there will be some initial cyclicity in the annual number of renovators recertified. However, this cyclicity will decrease over time as trained renovators exit the industry and are replaced by new entrants. EPA's analysis makes the simplifying assumptions that under the existing regulation (where all refresher training is valid for 5 years) there will be a steady state average of 100,000 renovators per year with expiring certifications, and 30,000 renovators per year will leave the industry and be replaced by new entrants who must take the initial training course. So an average of 70,000 renovators per year would take the refresher course in the baseline.

In the baseline, both initial and refresher renovator training must have a hands-on component, and renovator certification and recertification are both valid for 5 years. EPA considered several options for revising the hands-on requirement for renovator refresher training. The options differed in terms of the length of time for which recertification based on refresher training without a hands-on component would be valid, as well as the number of training cycles in which hands-on refresher training would have to be taken (*i.e.*, every other time, every third time, or never). The options that EPA analyzed are summarized in Table 1. The final rule reflects the refresher training requirements in Option 4(c).

TABLE 1—OPTIONS FOR RENOVATOR REFRESHER TRAINING ANALYZED IN THE ECONOMIC ANALYSIS

| Option              | Period for which recertification is valid based on refresher training with a hands-on component | Period for which recertification is valid based on refresher training without a hands-on component | Number of training cycles in which hands-on refresher training must be taken |
|---------------------|---|--|--|
| Existing rule ..... | 5 years .....   | Not allowed .....  | 1  |
| Option 1 .....      | 5 years .....   | 5 years .....  | 0  |
| Option 2 .....      | 5 years .....   | 5 years .....  | 2  |
| Option 3(a) .....   | 5 years .....   | 2 years .....  | 0  |
| Option 3(b) .....   | 5 years .....   | 3 years .....  | 0  |
| Option 4(a) .....   | 5 years .....   | 2 years .....  | 2  |
| Option 4(b) .....   | 5 years .....   | 2 years .....  | 3  |
| Option 4(c) .....   | 5 years .....   | 3 years .....  | 2  |
| Option 4(d) .....   | 5 years .....   | 3 years .....  | 3  |

The Final Rule Is Option 4(c)

Allowing refresher training to be taught without the hands-on component will reduce costs for training providers because they will no longer have to purchase the supplies required for hands-on training. As a result, the average cost per student of providing such a course is expected to be \$45 less than the baseline cost. Some or all of these savings may be passed on to the students in the form of lower tuition.

Refresher training without a hands-on component can be taken entirely online via e-learning. Most training providers currently offering the classroom portion of a renovator training course online charge the same tuition whether the class is taken in person or online, suggesting that the costs of providing e-learning and in-person training are

similar. But renovators taking a course entirely via e-learning will avoid the time and associated expenses needed to travel to a training site, at an average savings of \$144 per person.

Due to the cost savings, as many as 400 training providers might offer refresher training via e-learning if the hands-on requirement is revised, and many renovators will take their training via e-learning. But some renovators will still choose to take their training in person even when they are eligible for an e-learning class. EPA considered three different scenarios for how renovators might respond if the hands-on requirement is modified, assuming that 50%, 75%, or 90% of renovators would choose to take their training online if they are allowed to do so. This means that at least 10%, 25%, or 50% of renovators would choose to take all

of their training in person under each option. And under Options 2 and 4, renovators who chose to take training without a hands-on component would have to take hands-on training in a subsequent training cycle. So under these options, the number of renovators being trained in person in any given year exceeds 10%, 25%, or 50% of the total number of renovators trained that year. Table 2, lists the annual number of renovators trained under each option. To simplify the analysis, renovators are assumed to take training without a hands-on component via e-learning, although the rule would also allow such training to be taken in person. The range in the results for each option reflects the different scenarios for the number of renovators electing to take e-learning training.

TABLE 2—AVERAGE ANNUAL NUMBER OF RENOVATORS TRAINED BY OPTION

| Option              | New renovators taking initial training | Renovators taking in-person refresher training | Renovators taking online-only refresher training | Total renovators taking refresher training |
|---------------------|--|--|--|--|
| Existing rule ..... | 30,000                                 | 70,000 .....                                   | 0 .....  | 70,000.                                    |
| Option 1 .....      | 30,000                                 | 7,000 to 35,000 .....                          | 35,000 to 63,000 .....                           | 70,000.                                    |
| Option 2 .....      | 30,000                                 | 33,000 to 49,000 .....                         | 21,000 to 37,000 .....                           | 70,000.                                    |
| Option 3(a) .....   | 30,000                                 | 7,000 to 35,000 .....                          | 88,000 to 158,000 .....                          | 123,000 to 165,000.                        |
| Option 3(b) .....   | 30,000                                 | 7,000 to 35,000 .....                          | 58,000 to 105,000 .....                          | 93,000 to 112,000.                         |
| Option 4(a) .....   | 30,000                                 | 50,000 to 59,000 .....                         | 27,000 to 49,000 .....                           | 86,000 to 100,000.                         |
| Option 4(b) .....   | 30,000                                 | 39,000 to 53,000 .....                         | 43,000 to 78,000 .....                           | 96,000 to 117,000.                         |
| Option 4(c) .....   | 30,000                                 | 43,000 to 55,000 .....                         | 25,000 to 44,000 .....                           | 80,000 to 88,000.                          |
| Option 4(d) .....   | 30,000                                 | 31,000 to 48,000 .....                         | 36,000 to 65,000 .....                           | 84,000 to 96,000.                          |

The Final Rule Is Option 4(c)

The rule amendments also change the notification requirements for training courses. Post-training notifications will have to include the expiration date for each renovator's certification, but it takes a negligible effort for the training provider to submit this information. Training providers will not be required to submit pre-notifications for e-learning courses that have no in-person component, which will reduce the total number of submissions by between 4,000 and 7,000 per year. The amendments also allow training providers to submit post-notifications once a month for e-learning courses that have no in-person component, instead of no later than ten business days following course completion. Such monthly notifications would have to be submitted through EPA's CDX system, but approximately 92% of notifications are already submitted via CDX. Assuming that 400 training providers offer e-learning refresher training, up to 4,800 post-training notifications could be submitted for e-learning training each

year. This is a reduction compared to the number of post-training notifications that would be submitted if the amendments did not allow monthly reporting for e-learning training, and it is partially offset by a reduction in the number of post-training notifications for in-person classes.

And the rule removes the \$35 multi-jurisdiction registration fee that individuals, firms, and training providers currently pay when they apply to perform lead-based paint activities or provide training for that program in additional EPA-administered jurisdictions. In a typical year, these entities apply to work in a total of 431 additional jurisdictions.

The rule requires training providers to include the expiration date of the renovator's certification in the post-training notification, but the time required to do this is negligible. The rule also clarifies the requirements for the time-frame to submit post-training notifications for in-person training courses. The burden and cost of this activity were already accounted for in

previous economic analyses and ICRs for the lead program, and are not repeated here in order to avoid double-counting these costs. Another revision adds clarifying language explaining that training providers must follow the regulations. This does not affect the estimated cost of compliance because it does not change any requirements for accredited training providers.

Table 3, presents the total cost savings of the rule options, including modifying the notification requirements for training providers, and removing the multi-jurisdiction fee. The final rule, which is Option 4(c), is estimated to result in cost savings of \$1.8 million to \$3.4 million per year (in 2014 dollars). The rule reduces the cost of providing and taking refresher training enough that compliance costs decrease even though reducing the certification period to 3 years for renovators taking refresher training without a hands-on component is projected to increase the total number of renovators trained per year.

TABLE 3—TOTAL ANNUALIZED COST SAVINGS OF MINOR AMENDMENTS RULE

| Option                       | Description of modifications to refresher training recertification requirements                                       | Total cost savings (\$ million per year) |
|------------------------------|---|--|
| Option 1 .....               | Training without hands-on valid for 5 years .....   | \$8.2 to \$12.4.                         |
| Option 2 .....               | Training without hands-on component valid for 5 years. Hands-on training required every other recertification period. | \$3.9 to \$7.0.                          |
| Option 3(a) .....            | Training without hands-on valid for 2 years .....   | \$1.8 to \$3.4.                          |
| Option 3(b) .....            | Training without hands-on valid for 3 years .....   | \$4.5 to \$8.2.                          |
| Option 4(a) .....            | Training without hands-on valid for 2 years. Hands-on training required every 2 cycles.                               | \$0.5 to \$1.0.                          |
| Option 4(b) .....            | Training without hands-on valid for 2 years. Hands-on training required every 3 cycles.                               | \$0.9 to \$1.6.                          |
| Option 4(c)—Final Rule ..... | Training without hands-on valid for 3 years. Hands-on training required every 2 cycles.                               | \$1.8 to \$3.4.                          |
| Option 4(d) .....            | Training without hands-on valid for 3 years. Hands-on training required every 3 cycles.                               | \$2.7 to \$5.0.                          |

Cost savings for all options reflect revisions to the renovator refresher training requirements, changes to the pre- and post-training notifications, and the removal of the multi-jurisdiction registration fee. Recertification based on refresher training with a hands-on component is valid for 5 years under all of the options.

#### IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Lead; Renovation, Repair, and Painting Program; Final Rule. **Federal Register** April 22, 2008 (73 FR 21692) (FRL–8355–7).

2. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule. **Federal Register** August 29, 1996 (61 FR 45778) (FRL–5389–9).

3. EPA. Economic Analysis for the Lead-Based Paint Program Minor Amendments Final Rule (Economic Analysis). October 2015.

4. EPA. Response to Public Comments; Lead-based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements Rulemaking. October 2015.

5. Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors; Final Rule. **Federal Register** June 9, 1999 (64 FR 31091) (FRL–6058–6).

6. Lead; Minor Amendments to the Renovation, Repair, and Painting Program; Final Rule. **Federal Register** July 15, 2009 (74 FR 34257) (FRL–8422–7).

7. Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Final Rule. **Federal Register** August 5, 2011 (76 FR 47918) (FRL–8881–8).

8. EPA. Information Collection Request (ICR) for TSCA sections 402 and 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation, Repair, and Painting. EPA ICR No. 2502.02 and OMB No. 2070–0192. October 2015.

#### V. Statutory and Executive Order Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866, October 4, 1993 (58 FR 51735) and 13563, January 21, 2011 (76 FR 3821) and any changes made in response to OMB recommendations are documented in the docket.

EPA prepared an economic analysis of the potential cost savings associated with this action (Ref. 3), which is available in the docket and is briefly summarized in Unit III.

#### *B. Paperwork Reduction Act (PRA)*

The information collection requirements in this rule have been submitted to OMB for review and approval under the PRA, 44 U.S.C. 3501 *et seq.* The ICR document prepared by EPA has been assigned EPA ICR No. 2502.02 and the OMB Control No. 2070–0192 (Ref. 8). The ICR document provides a detailed presentation of the estimated burden and costs predicted as a result of this action. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements

are not enforceable until OMB approves them.

*Respondents/Affected Entities:* The rule affects information collection activities by training providers that wish to offer e-learning refresher training and by renovators that attend training.

*Respondent's Obligation to Respond:* Although training providers have the option of choosing whether to offer such training, once an entity chooses to do so, the information collection activities contained in this rule become mandatory.

*Estimated Number of Respondents:* 25,048 per year, of which 400 are training providers, 9,859 are renovators who take refresher training more frequently because their previous training did not include a hands-on component, and 14,789 are renovators who do not travel to refresher training because they utilize e-learning.

*Frequency of Response:* 1, on occasion.

*Total Estimated Burden:* 15,472 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total Estimated Burden Cost:* \$724,073 (per year), includes \$0 annualized capital or operation & maintenance costs.

*Change in Approved Burden:* The total burden in OMB's inventory for the existing, approved ICR for the lead paint program is 6,463,297 hours (OMB Control No. 2070–0195, EPA ICR No. 2507.01). With the addition of the 15,472 hours related to this rule amendments (which qualifies as a program change), the total annual burden for the lead paint program is estimated to be 6,478,769 hours. This is comprised of a reduction of 26,620 hours for renovators that take e-learning training and thus do not travel to a training site, an increase of 39,436 hours for more frequent training of renovators

who took their previous training without a hands-on component, and 2,656 hours due to additional training provider activities.

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. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

#### C. *Regulatory Flexibility Act (RFA)*

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule.

Eliminating multi-jurisdiction registration fees saves money for entities that wish to perform LBP activities in multiple jurisdictions. The rule also allows training providers (many of which are small businesses) additional flexibility in how they offer training. E-learning training is already allowed for the classroom component of both initial and refresher training, and training providers can choose whether or not to offer it. The amended rule still allows training providers to choose what type of training to offer because they can continue to offer refresher training with a hands-on component, begin offering e-learning training without the hands-on component, or offer both types of training.

Training providers that voluntarily choose to start offering e-learning refresher training without a hands-on component would incur costs for some activities (*e.g.*, applying for a new accreditation) but they would reduce other expenses (*e.g.*, supplies for the hands-on training). See the Economic Analysis (Ref. 3) for additional information on the potential costs and savings of these activities. Because there is no requirement mandating that training providers offer an e-learning refresher course, training providers will not choose to offer e-learning training unless the savings from doing so exceed

the costs, or if they can recover their costs through tuition charges, increased volume of business, or other means. The rule requires training providers to include the expiration date of the renovator's certification in the post-training notification, but the time required to do this is negligible.

#### D. *Unfunded Mandates Reform Act (UMRA)*

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The rule amendments do not preempt regulations by states, territories, or tribal governments that have their own authorized lead programs, so those jurisdictions are not required to change their programs.

#### E. *Executive Order 13132: Federalism*

This action does not have federalism implications as specified in Executive Order 13132, August 10, 1999 (64 FR 43255). 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.

#### F. *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175, November 9, 2000 (65 FR 67249). The rule amendments do not preempt regulations by tribal governments that have their own authorized lead programs, so those jurisdictions are not required to adopt these amendments. Tribal governments can serve as training providers, and those training providers that choose to offer e-learning refresher renovator training would incur costs for some activities (such as applying for a new accreditation) but they would reduce other expenses (such as supplies for the hands-on training). However, there is no requirement mandating that training providers offer an e-learning refresher course. So training providers will not choose to offer e-learning training unless the savings of doing so exceed the costs, or if they can recover their costs through tuition charges or other means. Thus, Executive Order 13175 does not apply to this action.

#### G. *Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This action is not subject to Executive Order 13045, April 23, 1997 (62 FR 19885) because it is not an economically significant regulatory action as defined by Executive Order 12866, and because EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action does not establish an environmental standard intended to mitigate health or safety risks. Furthermore, the requirements in the lead program will continue to protect children, since renovators will still be required to take an 8 hour initial training that includes a hands-on component; they will still have to take regular refresher training; the refresher training will have to include a hands-on component every other training cycle; refresher training without a hands-on component will only be valid for 3 years; and renovators will still have to comply with the work practice requirements for renovation, repair or painting activities that disturb lead-based paint.

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

This action is not a significant energy action as defined in Executive Order 13211, May 22, 2001 (66 FR 28355), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, this rule is not likely to have any adverse energy effects because it does not require any action related to the supply, distribution, or use of energy.

#### I. *National Technology Transfer and Advancement Act (NTTAA)*

This rule does not involve technical standards and is therefore not subject to considerations under section 12(d) of NTTAA, 15 U.S.C. 272 note.

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

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations as specified in Executive Order 12898, February 16, 1994 (59 FR 7629). This action does not directly affect the level of protection provided to human health or the

environment. The rule removes multi-jurisdiction fees for the LBP Activities program, revises the hands-on requirement for refresher renovator training, and changes the notification requirements for training providers. However, renovators will still be required to take an 8 hour initial training that includes a hands-on component; they will still have to take regular refresher training; the refresher training will have to include a hands-on component every other training cycle; refresher training without a hands-on component will only be valid for 3 years; and renovators will still have to comply with the work practice requirements for renovation, repair or painting activities that disturb lead-based paint.

**K. Congressional Review Act (CRA)**

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 745**

Environmental protection, Lead, Lead-based paint, Renovation.

Dated: February 10, 2016.

**Gina McCarthy**  
Administrator.

Therefore, 40 CFR chapter I is amended as follows:

**PART 745—[AMENDED]**

■ 1. The authority citation for part 745 continues to read as follows:

**Authority:** 15 U.S.C. 2605, 2607, 2681–2692 and 42 U.S.C. 4852d.

■ 2. In § 745.90:

- a. Revise paragraph (a)(2).
- b. Revise paragraph (a)(4).

The revisions read as follows:

**§ 745.90 Renovator certification and dust sampling technician certification.**

(a) \* \* \*

(2) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who successfully completed an EPA, HUD, or EPA/HUD model renovation training course before October 4, 2011 may take an accredited refresher renovator training course that includes hands-on training in lieu of the initial renovator training course to become a certified renovator.

\* \* \* \* \*

(4) To maintain renovator certification or dust sampling technician certification, an individual must

complete a renovator or dust sampling technician refresher course accredited by EPA under § 745.225 or by a State or Tribal program that is authorized under subpart Q of this part within 5 years of the date the individual completed the initial course described in paragraph (a)(1) of this section. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again. Individuals who complete a renovator course accredited by EPA or an EPA authorized program on or before March 31, 2010, must complete a renovator refresher course accredited by EPA or an EPA authorized program on or before March 31, 2016, to maintain renovator certification. Individuals who completed a renovator course accredited by EPA or an EPA authorized program between April 1, 2010 and March 31, 2011, will have one year added to their original 5-year certification. Individuals who take a renovator refresher course that does not include hands-on training will be certified for 3 years from the date they complete the training. Individuals who take a refresher training course that includes hands-on training will be certified for 5 years. Individuals who take the renovator refresher without hands-on training must, for their next refresher course, take a refresher course that includes hands-on training to maintain renovator certification.

\* \* \* \* \*

- 3. In § 745.225:
  - a. Add paragraph (a)(4).
  - b. Revise the introductory text of paragraph (c).
  - c. Add paragraph (c)(8)(viii).
  - d. Revise paragraph (c)(13)(i).
  - e. Revise paragraph (c)(14)(i).
  - f. Add new paragraph (c)(14)(ii)(D)(7).
  - g. Revise the introductory text of paragraphs (d) and (e).
  - h. Revise paragraphs (e)(2), (3), and (4), and (e)(5)(viii).

The additions and revisions read as follows:

**§ 745.225 Accreditation of training programs: target housing and child occupied facilities.**

(a) \* \* \*

(4) Accredited training programs, training program managers, and principal instructors must comply with all of the requirements of this section including approved terms of the application and all of the requirements and limitations specified in any accreditation documents issued to training programs.

\* \* \* \* \*

(c) *Requirements for the accreditation of training programs.* A training

program accredited by EPA to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses must meet the following requirements:

\* \* \* \* \*

(8) \* \* \*

(viii) For renovator course completion certificates, the expiration date of certification.

\* \* \* \* \*

(13) \* \* \*

(i) The training manager must provide EPA with notification of all renovator, dust sampling technician, or lead-based paint activities courses offered except for any renovator course without hands-on training delivered via electronic learning. The original notification must be received by EPA at least 7 business days prior to the start date of any renovator, dust sampling technician, or lead-based paint activities course.

\* \* \* \* \*

(14) \* \* \*

(i) The training manager must provide EPA notification after the completion of any renovator, dust sampling, or lead-based paint activities course. This notification must be received by EPA no later than 10 business days following course completion. Notifications for any e-learning renovator refresher course that does not include hands-on training must be submitted via the Central Data Exchange no later than the 10th day of the month and include all students trained in the previous month.

(ii) \* \* \*

(D) \* \* \*

(7) For renovator refresher courses, the expiration date of certification.

\* \* \* \* \*

(d) *Minimum training curriculum requirements.* A training program accredited by EPA to offer lead-based paint courses in the specific disciplines listed in this paragraph (d) must ensure that its courses of study include, at a minimum, the following course topics.

\* \* \* \* \*

(e) *Requirements for the accreditation of refresher training programs.* A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by EPA to offer refresher training must meet the following minimum requirements:

\* \* \* \* \*

(2) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for

project designer, renovator, and dust sampling technician must last a minimum of 4 training hours. Refresher courses for all disciplines except renovator and project designer must include a hands-on component. Renovators must take a refresher course that includes hands-on training at least every other recertification.

(3) Except for renovator and project designer courses, for all other courses offered, the training program shall conduct a hands-on assessment. With the exception of project designer courses, the training program shall conduct a course test at the completion of the course. Renovators must take a refresher course that includes hands-on training at least every other recertification.

(4) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in paragraph (b) of this section. If so, EPA shall use the approval procedure described in paragraph (b) of this section. In addition, the minimum requirements contained in paragraphs (c)(1) through (5), (c)(6)(viii) and (c)(7) through (14), and (e)(1) through (3) of this section shall also apply.

(5) \* \* \*

(viii) The requirements in paragraphs (c)(1) through (5), (c)(6)(viii) and (c)(7) through (14) of this section apply to refresher training providers.

\* \* \* \* \*

■ 4. In § 745.238:

- a. Remove paragraph (c)(3).
- b. Redesignate paragraphs (c)(4) and (5) as (c)(3) and (4).
- c. Revise the headings for paragraphs (d)(1) and (2).
- d. Revise paragraph (e)(2).

The amendments read as follows:

**§ 745.238 Fees for accreditation and certification of lead-based paint activities.**

\* \* \* \* \*

(d) \* \* \*

(1) *Certification and re-certification*—  
(i) \* \* \*

(2) *Accreditation and re-accreditation.*  
\* \* \*

\* \* \* \* \*

(e) \* \* \*

(2) Submit application and payment in the amount specified in paragraph (c)(3) of this section in accordance with the instructions provided with the application package.

\* \* \* \* \*

[FR Doc. 2016-03216 Filed 2-12-16; 4:15 pm]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket ID FEMA-2015-0001; Internal Agency Docket No. FEMA-8421]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

**DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4149.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective

enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59.

Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this



rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of

Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

| State and location                               | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in SFHAs |
|--|---------------|---|----------------------------|--|
| <b>Region I</b>                                  |               |   |                            |  |
| Massachusetts:                                   |               |   |                            |  |
| Boston, City of, Suffolk County .....            | 250286        | July 7, 1975, Emerg; April 1, 1982, Reg; March 16, 2016, Susp.                    | March 16, 2016             | March 16, 2016   |
| Chelsea, City of, Suffolk County .....           | 250287        | May 26, 1972, Emerg; August 2, 1982, Reg; March 16, 2016, Susp.                   | .....do* .....             | Do.  |
| Revere, City of, Suffolk County .....            | 250288        | December 29, 1972, Emerg; October 16, 1984, Reg; March 16, 2016, Susp.            | .....do .....              | Do.  |
| Winthrop, Town of, Suffolk County .....          | 250289        | November 3, 1972, Emerg; October 8, 1976, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| <b>Region IV</b>                                 |               |   |                            |  |
| Alabama:   |               |   |                            |  |
| Anniston, City of, Calhoun County .....          | 010020        | December 10, 1974, Emerg; September 15, 1983, Reg; March 16, 2016, Susp.          | .....do .....              | Do.  |
| Attalla, City of, Etowah County .....            | 010079        | July 1, 1975, Emerg; December 1, 1981, Reg; March 16, 2016, Susp.                 | .....do .....              | Do.  |
| Calhoun County, Unincorporated Areas             | 010013        | September 22, 1975, Emerg; September 15, 1983, Reg; March 16, 2016, Susp.         | .....do .....              | Do.  |
| Centre, City of, Cherokee County .....           | 010233        | December 27, 1976, Emerg; March 14, 1980, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| Cherokee County, Unincorporated Areas.           | 010234        | June 24, 1986, Emerg; June 17, 1991, Reg; March 16, 2016, Susp.                   | .....do .....              | Do.  |
| Childersburg, City of, Talladega County          | 010197        | April 23, 1975, Emerg; December 17, 1987, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| Etowah County, Unincorporated Areas              | 010077        | N/A, Emerg; February 27, 1990, Reg; March 16, 2016, Susp.                         | .....do .....              | Do.  |
| Gadsden, City of, Etowah County .....            | 010080        | April 12, 1976, Emerg; April 4, 1983, Reg; March 16, 2016, Susp.                  | .....do .....              | Do.  |
| Glencoe, City of, Etowah County .....            | 010081        | May 13, 1975, Emerg; December 1, 1981, Reg; March 16, 2016, Susp.                 | .....do .....              | Do.  |
| Hobson City, Town of, Calhoun County             | 010021        | April 16, 1975, Emerg; September 30, 1983, Reg; March 16, 2016, Susp.             | .....do .....              | Do.  |
| Hokes Bluff, Town of, Etowah County ..           | 010254        | September 1, 1976, Emerg; March 28, 1980, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| Jacksonville, City of, Calhoun County ...        | 010022        | December 31, 1974, Emerg; July 5, 1982, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| Lincoln, City of, Talladega County .....         | 010198        | May 16, 1975, Emerg; July 18, 1983, Reg; March 16, 2016, Susp.                    | .....do .....              | Do.  |
| Ohatchee, Town of, Calhoun County ....           | 010232        | N/A, Emerg; August 18, 2004, Reg; March 16, 2016, Susp.                           | .....do .....              | Do.  |
| Oxford, City of, Calhoun and Talladega Counties. | 010023        | April 3, 1975, Emerg; January 18, 1984, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| Piedmont, City of, Calhoun County .....          | 010024        | June 25, 1975, Emerg; June 15, 1984, Reg; March 16, 2016, Susp.                   | .....do .....              | Do.  |
| Rainbow City, City of, Etowah County ..          | 010351        | September 15, 1975, Emerg; January 6, 1982, Reg; March 16, 2016, Susp.            | .....do .....              | Do.  |
| Reece City, Town of, Etowah County ...           | 010253        | April 27, 1990, Emerg; February 1, 1991, Reg; March 16, 2016, Susp.               | .....do .....              | Do.  |

| State and location  | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in SFHAs |
|---|---------------|---|----------------------------|--|
| Sardis City, Town of, Etowah County ...                       | 010361        | April 7, 1978, Emerg; January 1, 1987, Reg; March 16, 2016, Susp.                 | .....do .....              | Do.  |
| Southside, City of, Etowah County .....                       | 010082        | August 21, 1975, Emerg; July 2, 1987, Reg; March 16, 2016, Susp.                  | .....do .....              | Do.  |
| Sylacauga, City of, Talladega County ...                      | 010199        | February 18, 1975, Emerg; December 17, 1987, Reg; March 16, 2016, Susp.           | .....do .....              | Do.  |
| Talladega, City of, Talladega County ....                     | 010200        | June 27, 1974, Emerg; April 15, 1980, Reg; March 16, 2016, Susp.                  | .....do .....              | Do.  |
| Talladega County, Unincorporated Areas.                       | 010297        | October 3, 1975, Emerg; July 2, 1980, Reg; March 16, 2016, Susp.                  | .....do .....              | Do.  |
| Weaver, City of, Calhoun County .....                         | 010025        | June 27, 1975, Emerg; September 30, 1983, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| <b>Region V</b>   |               |   |                            |  |
| Indiana:  |               |   |                            |  |
| Gary, City of, Lake County .....                              | 180132        | March 17, 1975, Emerg; March 16, 1981, Reg; March 16, 2016, Susp.                 | .....do .....              | Do.  |
| Griffith, Town of, Lake County .....                          | 185175        | February 26, 1971, Emerg; April 14, 1972, Reg; March 16, 2016, Susp.              | .....do .....              | Do.  |
| Highland, Town of, Lake County .....                          | 185176        | May 21, 1971, Emerg; May 19, 1972, Reg; March 16, 2016, Susp.                     | .....do .....              | Do.  |
| Lake County, Unincorporated Areas ....                        | 180126        | July 25, 1973, Emerg; September 2, 1981, Reg; March 16, 2016, Susp.               | .....do .....              | Do.  |
| Munster, Town of, Lake County .....                           | 180139        | November 11, 1974, Emerg; May 16, 1983, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| Schererville, Town of, Lake County .....                      | 180142        | March 17, 1975, Emerg; May 1, 1980, Reg; March 16, 2016, Susp.                    | .....do .....              | Do.  |
| Minnesota: Hastings, City of, Dakota and Washington Counties. | 270105        | March 9, 1973, Emerg; July 16, 1980, Reg; March 16, 2016, Susp.                   | .....do .....              | Do.  |
| Ohio:   |               |   |                            |  |
| Holland, Village of, Lucas County .....                       | 390659        | March 13, 1975, Emerg; September 22, 1978, Reg; March 16, 2016, Susp.             | .....do .....              | Do.  |
| Lucas County, Unincorporated Areas ...                        | 390359        | March 9, 1977, Emerg; March 16, 1983, Reg; March 16, 2016, Susp.                  | .....do .....              | Do.  |
| Ottawa Hills, Village of, Lucas County ..                     | 390362        | October 24, 1975, Emerg; June 4, 1980, Reg; March 16, 2016, Susp.                 | .....do .....              | Do.  |
| Sylvania, City of, Lucas County .....                         | 390364        | February 18, 1972, Emerg; July 5, 1977, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| Toledo, City of, Lucas County .....                           | 395373        | December 18, 1970, Emerg; June 4, 1980, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| <b>Region VII</b>   |               |   |                            |  |
| Kansas: Bourbon County, Unincorporated Areas.                 | 200022        | December 22, 1986, Emerg; June 1, 1988, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| <b>Region VIII</b>  |               |   |                            |  |
| Colorado:   |               |   |                            |  |
| Castle Rock, Town of, Douglas County                          | 080050        | April 22, 1975, Emerg; August 15, 1978, Reg; March 16, 2016, Susp.                | .....do .....              | Do.  |
| Douglas County, Unincorporated Areas                          | 080049        | August 28, 1974, Emerg; September 3, 1980, Reg; March 16, 2016, Susp.             | .....do .....              | Do.  |
| Larkspur, Town of, Douglas County .....                       | 080309        | March 27, 1987, Emerg; September 30, 1987, Reg; March 16, 2016, Susp.             | .....do .....              | Do.  |
| Lone Tree, City of, Douglas County .....                      | 080319        | N/A, Emerg; April 8, 2005, Reg; March 16, 2016, Susp.                             | .....do .....              | Do.  |
| Parker, Town of, Douglas County .....                         | 080310        | March 12, 1986, Emerg; September 30, 1987, Reg; March 16, 2016, Susp.             | .....do .....              | Do.  |

\*-do- = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: January 15, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2016-03231 Filed 2-16-16; 8:45 am]

**BILLING CODE 9110-12-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[GN Docket No. 09-51, WC Docket No. 07-245; FCC 15-151]

#### Pole Attachment Rates; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document replaces an erroneous effective date and corrects typographical errors in a summary of the above-captioned order that was published at 81 FR 5605.

**DATES:** Effective March 4, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Michael Ray, Wireline Competition Bureau, Competition Policy Division, (202) 418-0357, or send an email to [michael.ray@fcc.gov](mailto:michael.ray@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This correction amends the Agency Docket Number, Effective Date, and Supplementary Information published on February 3, 2016, at 81 FR 5605, in the summary of the Federal Communication Commission's *Order on Reconsideration* in GN Docket No. 09-51, WC Docket No. 07-245, and FCC 15-151, adopted November 17, 2015 and released November 24, 2015.

#### Correction

In FR Rule Document No. 2016-01182, appearing on page 5605 in the February 3, 2016, issue of the **Federal Register**, make the following corrections:

1. On page 5605, in the center column, revise the Agency Docket Number to read "GN Docket No. 09-51; WC Docket No. 07-245; FCC 15-151".

2. On page 5605, in the center column, in the **DATES** section, revise the effective date to read "March 4, 2016".

3. On page 5606, in the left column, in line 18 revise "0.66 percent" to read "66 percent" and on line 19 revise "0.44 percent" to read "44 percent".

4. On page 5606, in paragraph 3 in the left column, in line 5, revise "0.31 percent" to read "31 percent" and in lines 6 and 7 revise "0.56 percent" to read "56 percent."

5. On page 5608, in the left column, in line 8 revise "0.66 percent" and ".044 percent" to read "66 percent" and "44 percent," respectively.

6. On page 5608, in the left column, in paragraph 19, in lines 7 and 8 revise "0.31 percent" and "0.56 percent" to read "31 percent" and "56 percent," respectively.

7. On page 5613, in the left column, in paragraph 52, in lines 15 and 16 revise "0.66 percent" and "0.44 percent" to read "66 percent" and "44 percent," respectively.

8. On page 5613, in the last two lines in the left column and first line in the center column, revise "0.31 percent" and "0.56 percent" to read "31 percent" and "56 percent," respectively.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2016-03081 Filed 2-16-16; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[WC Docket Nos. 11-42, 09-197 and 10-90; FCC 15-71]

#### Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with certain of the provision of the rules adopted as part of the Commission's *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, (Lifeline Second Reform Order)*. This document is consistent with the *Lifeline Second Reform Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of those rules.

**DATES:** The amendments to §§ 54.201, 54.400, 54.401, 54.404, 54.407, 54.410, and 54.417, published at 80 FR 40923, July 14, 2015, are effective February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Christian Hoefly, Wireline Competition

Bureau, (202) 418-3607 or TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This document announces that, on January 5, 2016, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Order*, FCC 15-71, published at 80 FR 40923, July 14, 2015. The OMB Control Number is 3060-0819. The Commission publishes this notice as an announcement of the effective date rules requiring OMB approval. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060-0819, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request material in accessible format for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on January 5, 2016, for the information collection requirements contained in the Commission's rules in 47 CFR part 54.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0819.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-0819.

*OMB Approval Date:* January 5, 2016.

*OMB Expiration Date:* January 31, 2019.

*Title:* Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible

for Universal Service Support, Connect America Fund.

*Form Number:* FCC Forms 497, 481 & 555.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or households and business or other for-profit.

*Number of Respondents:* 28,009,115 respondents; 30,541,922 responses.

*Estimated Time per Response:* 0.0167 hours to 250 hours.

*Frequency of Response:* Daily or monthly, every 60 days, annual, biennial, on occasion reporting requirements, third party disclosure requirement and record keeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. *Statutory authority* is contained in Section 1, 4(i), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 4(i), 201–205, 214, 254 and 403.

*Total Annual Burden:* 22,064,798 hours.

Total Annual Cost: None.

*Privacy Act Impact Assessment:* Yes. The Commission completed a Privacy Impact Assessment (PIA) for some of the information collection requirements contained in this collection. The PIA was published in the **Federal Register** at 78 FR 73535 on December 6, 2013. The PIA may be reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

*Nature and Extent of Confidentiality:* Some of the requirements contained in this information collection does affect individuals or households, and thus, there are impacts under the Privacy Act. The FCC's system of records notice (SORN), FCC/WCB–1, "Lifeline Program." The Commission will use the information contained in FCC/WCB–1 to cover the personally identifiable information (PII) that is required as part of the Lifeline Program ("Lifeline"). As required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Commission also published a SORN, FCC/WCB–1 "Lifeline Program" in the **Federal Register** on December 6, 2013 (78 FR 73535).

Also, respondents may request materials or information submitted to the Commission or to the Universal Service Administrative Company (USAC or Administrator) be withheld from public inspection under 47 CFR 0.459 of the FCC's rules. We note that USAC must preserve the confidentiality of all data obtained from respondents; must not use the data except for purposes of administering the universal service programs; and must not disclose

data in company-specific form unless directed to do so by the Commission.

*Needs and Uses:* In June 2015, the Commission adopted an order reforming its low-income universal service support mechanisms. Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund, WC Docket Nos. 11–42, 09–197, 10–90, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, (Lifeline Second Reform Order). This revised information collection addresses requirements to carry out the reforms to which the Commission committed itself in the Lifeline Second Reform Order. Under this information collection, the Commission will implement the revised rules adopted in the 2015 Lifeline Second Reform Order, regarding the retention of subscriber eligibility documentation, eligible telecommunications carrier (ETC) designation, and ETC reimbursement under the Lifeline program; update the number of respondents for all the existing information collection requirements, thus increasing the total burden hours for some requirements and decreasing the total burden hours for other requirements; eliminate some requirements as part of this information collection, because they are no longer applicable; revise the FCC Form 555 and the accompanying instructions to require ETCs to provide a Service Provider Identification Number (SPIN); and make non-substantive changes to this information collection, pursuant to 44 U.S.C. 3507, to update the FCC Form 497 Instructions. These updates do not modify the burdens or costs contained in this information collection.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2016–03075 Filed 2–16–16; 8:45 am]

**BILLING CODE 6712–01–P**

## **SURFACE TRANSPORTATION BOARD**

### **49 CFR Part 1180**

[Docket No. EP 714]

#### **Information Required in Notices and Petitions Containing Interchange Commitments**

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (STB or Board) is issuing a final rule to insert language that was

inadvertently omitted when an amended rule was promulgated on September 5, 2013. This decision is effective on its date of publication.

**DATES:** This rule is effective on February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Amy C. Ziehm at (202) 245–0391.

Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** On September 5, 2013, the Board, with Vice Chairman Begeman dissenting, adopted final rules that established additional disclosure requirements for notices and petitions for exemption where the underlying lease or line sale includes an interchange commitment. *Information Required in Notices and Petitions Containing Interchange Commitments* (2013 Final Rules), EP 714 (STB served Sept. 5, 2013). Interchange commitments are "contractual provisions included with a sale or lease of a rail line that limit the incentive or the ability of the purchaser or tenant carrier to interchange traffic with rail carriers other than the seller or lessor railroad." *Review of Rail Access & Competition Issues—Renewed Pet. of the W. Coal Traffic League*, EP 575, slip op. at 1 (STB served Oct. 30, 2007). The purpose of this rulemaking was to improve the ability of the Board and affected parties to determine at the outset whether a transaction that includes an interchange commitment is appropriate for the exemption process or raises competitive issues that require a more detailed examination.

The 2013 Final Rules' addition of a requirement to certify the existence of any interchange commitments was intended to apply to all notices and petitions for exemption involving transactions where the underlying lease or line sale could include an interchange commitment. 2013 Final Rules 1, 3. The Board included such language in the amended versions of 1121.3(d)(1), 1150.33(h)(1), and 1150.43(h)(1). Due to an oversight, however, the introductory language of 49 CFR 1180.4(g)(4)(i) was not modified. This inadvertent error will now be addressed by amending 49 CFR 1180.4(g)(4)(i). Specifically, 49 CFR 1180.4(g)(4)(i) will now state that the filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive

economic inducement, or other means (“interchange commitment”). Furthermore, 49 CFR 1180.4(g)(4)(i) will now state that if such a provision or agreement exists, additional information must be provided (the information in paragraphs (g)(4)(i)(B), (D), and (G) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)).

As this action relates solely to the rules of agency practice and procedure, it will be issued as a final rule without requesting public comment.<sup>1</sup> 5 U.S.C. 553(b)(3)(A).

In the 2013 Final Rules, the Board certified that the rules as amended would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612. 2013 Final Rules 8. The Board further analyzed the burdens associated with the additional filing requirements pursuant to Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3549 and stated its belief that the additional disclosure requirements would not discourage parties from entering into efficiency-enhancing transactions. See 2013 Final Rules 6, 8. Those analyses and conclusions apply equally to this decision, and therefore, we adopt those analyses and conclusions and certify under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

#### List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

*It is ordered:*

1. The Board adopts the final rule as set forth in this decision. Notice of the adopted rules will be published in the **Federal Register**.

2. This decision is effective on the date of publication.

By the Board, Chairman Elliot, Vice Chairman Miller, and Commissioner Begman.  
**Raina S. Contee,**  
*Clearance Clerk.*

For the reasons set forth in the preamble, the Surface Transportation Board amends part 1180 title 49, chapter X, of the Code of Federal Regulations as follows:

<sup>1</sup> Board procedures allow for the issue of final rules without notice or comment when those rules are interpretive, general statements of policy, or relate to organization, procedure, or practice before the Board. See 49 CFR 1110.3(a).

#### **PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES**

■ 1. The authority for part 1180 continues to read as follows:

**Authority:** 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

■ 2. Amend § 1180.4 by revising paragraphs (g)(4)(i) introductory text to read as follows:

#### **1180.4 Procedures.**

\* \* \* \* \*

(g) \* \* \*

(4) *Transactions imposing interchange commitments.* (i) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (“interchange commitment”). If such a provision or agreement exists, the following additional information must be provided (the information in paragraphs (g)(4)(i)(B), (D), and (G) of this section may be filed with the Board under 49 CFR 1104.14(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b)):

\* \* \* \* \*

[FR Doc. 2016–03199 Filed 2–16–16; 8:45 am]

**BILLING CODE 4915–01–P**

#### **DEPARTMENT OF THE INTERIOR**

##### **Fish and Wildlife Service**

##### **50 CFR Parts 13 and 22**

[Docket No. FWS–HQ–MB–2015–0155; FF09M21200–167–FXMB123209EAGL0L2]

**RIN 1018–BB20**

#### **Eagle Permits; Removal of Regulations Extending Maximum Permit Duration of Programmatic Nonpurposeful Take Permits**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are issuing this final rule to comply with a court order that had the effect of vacating provisions of regulations governing eagle nonpurposeful take permits that

extended the maximum term of programmatic permits to 30 years. Pursuant to the U.S. District Court for the Northern District of California’s order dated August 11, 2015, and subsequent order amending judgment dated September 16, 2015, this rule removes regulatory provisions that extended maximum programmatic permit duration to 30 years and reinstates the previous 5-year limit.

**DATES:** This action is effective February 17, 2016.

**ADDRESSES:** This final rule is available on the Internet at <http://www.regulations.gov> at Docket No. FWS–HQ–MB–2015–0155. It will also be available for inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, Headquarters Office, 5275 Leesburg Pike, Falls Church, Virginia 22041–3803. Call (703) 358–2329 to make arrangements.

#### **FOR FURTHER INFORMATION CONTACT:**

Eliza Savage, Eagle Program Manager, at the Headquarters Office (see **ADDRESSES**) or telephone (703) 358–2329.

Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 1–800–877–8337 for TTY assistance.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In 2009, the Service published a rule authorizing the incidental take of eagles under the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) (74 FR 46836, September 11, 2009). The rule authorized programmatic permits to cover long-term, incidental take of eagles by individual projects, including wind-energy facilities. On December 9, 2013, the Service published a rule to extend the maximum tenure for programmatic permits for nonpurposeful take of eagles from 5 to 30 years (78 FR 73704). The change was intended to promote the responsible development of projects that will be in operation for many decades and bring them into compliance with statutory mandates protecting eagles. In addition to extending the maximum term of programmatic permits, the rule added provisions for 5-year evaluations of longer term permits, increased the permit application processing fees for programmatic eagle permits, and provided permit transfer and right-of-succession for eagle nonpurposeful take permits.

In 2014, a lawsuit was filed challenging the 2013 rule on the basis that the Service improperly excluded analysis of any environmental effects of the rule under the National

Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) by invoking one of the Department’s categorical exclusions. The plaintiffs also argued that the Service had not adequately consulted under section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*).

On August 11, 2015, the Northern District of California ruled in favor of the plaintiffs on the NEPA claim (but not the ESA claim) and set aside the 2013 rulemaking (*Shearwater v. Ashe*, (N. D. Cal. 2015) No.14–CV–02830–LHK (N. Dist. Ca, Aug. 11, 2015)). In a subsequent order, the judge clarified that the ruling applied only to the provisions of the rule challenged by plaintiffs, namely those provisions directly related to extending the tenure of eagle incidental take permits from 5 to 30 years (*Shearwater v. Ashe*, No. 5:14–cv–02830 LHK (Sep. 16, 2015)). Therefore, this rule removes only the provisions related to increasing permit tenure and not the other provisions of the December 9, 2013, final rule.

**Administrative Procedure**

This rulemaking is necessary to comply with the August 11, 2015, court order and September 16, 2015, clarification. Therefore, under these

circumstances, we have determined, pursuant to 5 U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. Public opportunity for comment is simply not required when an agency amends a regulation to comply with a court order. When an agency removes regulatory provisions set aside by a court order, that action is ministerial in nature and allows for no discretion on the part of the agency. Thus, public comment could not inform this process in any meaningful way. Moreover, this amendment will effectively reinstate provisions that were part of the earlier 2009 rulemaking, which complied with public notice and comment rulemaking procedures, rendering further notice and comment on those reinstated provisions unnecessary. We have further determined, pursuant to 5 U.S.C. 553(d)(3), that the agency has good cause to make this rule effective upon publication, which is to comply with the District Court’s order as soon as practicable.

**List of Subjects**

50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports,

Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 22

Birds, Exports, Imports, Migratory birds, Reporting and recordkeeping requirements, Transportation, Wildlife.

**Regulation Promulgation**

To comply with the court order and mandate discussed above, we amend subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 13—GENERAL PERMIT PROCEDURES**

■ 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 668a, 704, 712, 742j–1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

■ 2. Revise the table in § 13.11(d)(4) to read as set forth below:

**§ 13.11 Application procedures.**

\* \* \* \* \*  
(d) \* \* \*  
(4) \* \* \*

| Type of permit  | CFR Citation         | Permit application fee | Administration fee <sup>1</sup> | Amendment fee |
|---|----------------------|------------------------|---------------------------------|---------------|
| <b>Migratory Bird Treaty Act</b>  |                      |                        |                                 |               |
| Migratory Bird Import/Export .....  | 50 CFR part 21 ..... | 75 .....               | .....                           | .....         |
| Migratory Bird Banding or Marking .....   | 50 CFR part 21 ..... | No fee .....           | .....                           | .....         |
| Migratory Bird Scientific Collecting .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | 50            |
| Migratory Bird Taxidermy .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | .....         |
| Waterfowl Sale and Disposal .....   | 50 CFR part 21 ..... | 75 .....               | .....                           | .....         |
| Special Canada Goose .....  | 50 CFR part 21 ..... | No fee .....           | .....                           | .....         |
| Migratory Bird Special Purpose/Education .....  | 50 CFR part 21 ..... | 75 .....               | .....                           | .....         |
| Migratory Bird Special Purpose/Salvage .....  | 50 CFR part 21 ..... | 75 .....               | .....                           | .....         |
| Migratory Bird Special Purpose/Game Bird Propagation .....  | 50 CFR part 21 ..... | 75 .....               | .....                           | .....         |
| Migratory Bird Special Purpose/Miscellaneous .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | .....         |
| Falconry .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | .....         |
| Raptor Propagation .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | .....         |
| Migratory Bird Rehabilitation .....   | 50 CFR part 21 ..... | 50 .....               | .....                           | .....         |
| Migratory Bird Depredation .....  | 50 CFR part 21 ..... | 100 .....              | .....                           | 50            |
| Migratory Bird Depredation/Homeowner .....  | 50 CFR part 21 ..... | 50 .....               | .....                           | .....         |
| <b>Bald and Golden Eagle Protection Act</b>   |                      |                        |                                 |               |
| Eagle Scientific Collecting .....   | 50 CFR part 22 ..... | 100 .....              | .....                           | 50            |
| Eagle Exhibition .....  | 50 CFR part 22 ..... | 75 .....               | .....                           | .....         |
| Eagle Falconry .....  | 50 CFR part 22 ..... | 100 .....              | .....                           | .....         |
| Eagle—Native American Religion .....  | 50 CFR part 22 ..... | No fee .....           | .....                           | .....         |
| Eagle Take permits—Depredation and Protection of Health and Safety. ....                              | 50 CFR part 22 ..... | 100 .....              | .....                           | .....         |
| Golden Eagle Nest Take .....  | 50 CFR part 22 ..... | 100 .....              | .....                           | 50            |
| Eagle Transport—Scientific or Exhibition .....  | 50 CFR part 22 ..... | 75 .....               | .....                           | .....         |
| Eagle Transport—Native American Religious Purposes .....  | 50 CFR part 22 ..... | No fee .....           | .....                           | .....         |
| Eagle Take—Associated With But Not the Purpose of an Activity. ....                                   | 50 CFR part 22 ..... | 500 .....              | .....                           | 150           |
| Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, up to 5-year tenure. .... | 50 CFR part 22 ..... | 36,000 .....           | 2,600                           | 1,000         |

| Type of permit   | CFR Citation                  | Permit application fee | Administration fee <sup>1</sup> | Amendment fee |
|--|-------------------------------|------------------------|---------------------------------|---------------|
| Eagle Take—Associated With But Not the Purpose of an Activity—Transfer of a programmatic permit.                                     | 50 CFR part 22 .....          | 1,000 .....            | .....                           | .....         |
| Eagle Nest Take .....  | 50 CFR part 22 .....          | 500 .....              | .....                           | 150           |
| Eagle Nest Take—Programmatic .....   | 50 CFR part 22 .....          | 1,000 .....            | .....                           | 500           |
| Eagle Take—Exempted under ESA .....  | 50 CFR part 22 .....          | No fee .....           | .....                           | .....         |
| <b>Endangered Species Act/CITES/Lacey Act</b>  |                               |                        |                                 |               |
| ESA Recovery .....   | 50 CFR part 17 .....          | 100 .....              | .....                           | 50            |
| ESA Interstate Commerce .....  | 50 CFR part 17 .....          | 100 .....              | .....                           | 50            |
| ESA Enhancement of Survival (Safe Harbor Agreement) .....  | 50 CFR part 17 .....          | 50 .....               | .....                           | 25            |
| ESA Enhancement of Survival (Candidate Conservation Agreement with Assurances).  | 50 CFR part 17 .....          | 50 .....               | .....                           | 25            |
| ESA Incidental Take (Habitat Conservation Plan) .....  | 50 CFR part 17 .....          | 100 .....              | .....                           | 50            |
| ESA and CITES Import/Export and Foreign Commerce .....   | 50 CFR part 17 .....          | 100 .....              | .....                           | 50            |
| ESA and CITES Museum Exchange .....  | 50 CFR part 17 .....          | 100 .....              | .....                           | 50            |
| ESA Captive-bred Wildlife Registration .....   | 50 CFR part 17 .....          | 200 .....              | .....                           | 100           |
| —Renewal of Captive-bred Wildlife Registration .....   | 50 CFR part 17 .....          | 100 .....              | .....                           | .....         |
| CITES Import (including trophies under ESA and MMPA) .....   | 50 CFR parts 17, 18, 23 ..... | 100 .....              | .....                           | 50            |
| CITES Export .....   | 50 CFR part 23 .....          | 100 .....              | .....                           | 50            |
| CITES Pre-Convention .....   | 50 CFR part 23 .....          | 75 .....               | .....                           | 40            |
| CITES Certificate of Origin .....  | 50 CFR part 23 .....          | 75 .....               | .....                           | 40            |
| CITES Re-export .....  | 50 CFR part 23 .....          | 75 .....               | .....                           | 40            |
| CITES Personal Effects and Pet Export/Re-export .....  | 50 CFR part 23 .....          | 50 .....               | .....                           | .....         |
| CITES Appendix II Export (native furbearers and alligators—excluding live animals).  | 50 CFR part 23 .....          | 100 .....              | .....                           | 50            |
| CITES Master File (includes files for artificial propagation, biomedical, etc., and covers import, export, and re-export documents). | 50 CFR part 23 .....          | 200 .....              | .....                           | 100           |
| —Renewal of CITES Master File .....  | 50 CFR part 23 .....          | 100 .....              | .....                           | .....         |
| —Single-use permits issued on Master File .....  | 50 CFR part 23 .....          | 5 <sup>2</sup> .....   | .....                           | .....         |
| CITES Annual Program File .....  | 50 CFR part 23 .....          | 50 .....               | .....                           | .....         |
| —Single-use permits issued under Annual Program .....  | 50 CFR part 23 .....          | 5 <sup>2</sup> .....   | .....                           | .....         |
| CITES replacement documents (lost, stolen, or damaged documents).  | 50 CFR part 23 .....          | 50 .....               | .....                           | 50            |
| CITES Passport for Traveling Exhibitions and Pets .....  | 50 CFR part 23 .....          | 75 <sup>3</sup> .....  | .....                           | .....         |
| CITES/ESA Passport for Traveling Exhibitions .....   | 50 CFR part 23 .....          | 100 <sup>3</sup> ..... | .....                           | .....         |
| CITES Introduction from the Sea .....  | 50 CFR part 23 .....          | 100 .....              | .....                           | 50            |
| CITES Participation in the Plant Rescue Center Program .....   | 50 CFR part 23 .....          | No fee .....           | .....                           | .....         |
| CITES Registration of Commercial Breeding Operations for Appendix-I Wildlife.  | 50 CFR part 23 .....          | 100 .....              | .....                           | .....         |
| CITES Request for Approval of an Export Program for a State or Tribe (American Ginseng, Certain Furbearers, and American Alligator). | 50 CFR part 23 .....          | No fee .....           | .....                           | .....         |
| Import/Export License .....  | 50 CFR part 14 .....          | 100 .....              | .....                           | 50            |
| Designated Port Exception .....  | 50 CFR part 14 .....          | 100 .....              | .....                           | 50            |
| Injurious Wildlife Permit .....  | 50 CFR part 16 .....          | 100 .....              | .....                           | 50            |
| —Transport Authorization for Injurious Wildlife .....  | 50 CFR part 16 .....          | 25 .....               | .....                           | .....         |
| <b>Wild Bird Conservation Act (WBCA)</b>   |                               |                        |                                 |               |
| Personal Pet Import .....  | 50 CFR part 15 .....          | 50 .....               | .....                           | .....         |
| WBCA Scientific Research, Zoological Breeding or Display, Cooperative Breeding.  | 50 CFR part 15 .....          | 100 .....              | .....                           | 50            |
| WBCA Approval of Cooperative Breeding Program .....  | 50 CFR part 15 .....          | 200 .....              | .....                           | 100           |
| —Renewal of a WBCA Cooperative Breeding Program .....  | 50 CFR part 15 .....          | 50 .....               | .....                           | .....         |
| WBCA Approval of a Foreign Breeding Facility .....   | 50 CFR part 15 .....          | 250 <sup>4</sup> ..... | .....                           | .....         |
| <b>Marine Mammal Protection Act</b>  |                               |                        |                                 |               |
| Marine Mammal Public Display .....   | 50 CFR part 18 .....          | 300 .....              | .....                           | 150           |
| Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.   | 50 CFR part 18 .....          | 150 .....              | .....                           | 75            |
| —Renewal of Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.   | 50 CFR part 18 .....          | 75 .....               | .....                           | .....         |

<sup>1</sup> Assessed when a permit is issued.<sup>2</sup> Each.<sup>3</sup> Per animal.<sup>4</sup> Per species.

\* \* \* \* \*

**PART 22—EAGLE PERMITS**

■ 3. The authority citation for part 22 continues to read as follows:

**Authority:** 16 U.S.C. 668–668d; 16 U.S.C. 703–712; 16 U.S.C. 1531–1544.

■ 4. Amend § 22.26 as follows:

- a. By removing paragraph (h);
- b. By redesignating paragraphs (i) and (j) as paragraphs (h) and (i); and
- c. By revising the newly designated paragraph (h) to read as set forth below:

**§ 22.26 Permits for eagle take that is associated with, but not the purpose of, an activity.**

\* \* \* \* \*

(h) *Permit duration.* The duration of each permit issued under this section will be designated on its face, and will be based on the duration of the proposed activities, the period of time for which take will occur, the level of impacts to eagles, and mitigation measures, but will not exceed 5 years.

\* \* \* \* \*

Dated: February 2, 2016.

**Karen Hyun,**

*Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2016–03084 Filed 2–16–16; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–R1–ES–2016–0006; FXES1113090000C6–167–FF09E42000]

RIN 1018–BB28

**Endangered and Threatened Wildlife; Technical Corrections for Eight Wildlife Species on the List of Endangered and Threatened Wildlife**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Direct final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the revised taxonomy of eight wildlife species under the Endangered Species Act of 1973, as amended (Act). We are revising the List of Endangered and Threatened Wildlife to reflect the current scientifically accepted taxonomy and nomenclature of these species.

**DATES:** This rule is effective May 17, 2016 without further action, unless significant adverse comment is received by March 18, 2016. If significant adverse

comment is received regarding taxonomic changes for any of these species, we will publish in the **Federal Register** a timely withdrawal of the rule for the appropriate species.

**ADDRESSES:** You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to FWS–R1–ES–2016–0006, which is the docket number for this rulemaking.
- *By hard copy:* Submit comments by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R1–ES–2016–0006; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: BPHC; Falls Church, VA 22041–3803.

See Public Comments, below, for more information about submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Marilet Zablan, Program Manager for Restoration and Endangered Species Classification, U.S. Fish and Wildlife Service, Pacific Regional Office, Ecological Services, 911 NE 11th Avenue, Portland, OR 97232; telephone 503–231–6131. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY (telephone typewriter or teletypewriter) assistance 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:****Purpose of Direct Final Rule and Final Action**

The purpose of this direct final rule is to notify the public that we are revising the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at § 17.11(h) (50 CFR 17.11(h)) to reflect the scientifically accepted taxonomy and nomenclature of eight wildlife species listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*). These changes to the List of Endangered and Threatened Wildlife reflect the most recently accepted scientific names in accordance with 50 CFR 17.11(b).

We are publishing this rule without a prior proposal because this is a noncontroversial action that is in the best interest of the public and should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document, on the effective date specified in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justification as to why

this rule should not be adopted or why it should be changed.

If we receive significant adverse comments regarding the taxonomic changes for any of these species, we will publish a document in the **Federal Register** withdrawing this rule for the appropriate species before the effective date, and we will publish a proposed rule to initiate promulgation of those changes to 50 CFR 17.11(h).

**Public Comments**

You may submit your comments and materials regarding this direct final rule by one of the methods listed in **ADDRESSES**. Please include sufficient information with your comments that will allow us to verify any scientific or commercial information you include. We will not consider comments sent by email or fax, or to an address not listed in **ADDRESSES**.

We will post all comments on <http://www.regulations.gov>. Before including your address, phone number, email address, or other personal 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.

Comments and materials we receive, as well as supporting documentation we use in preparing this direct final rule, will be available for public inspection on the Internet at <http://www.regulations.gov> or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service office listed in **FOR FURTHER INFORMATION CONTACT**. Please note that comments posted to <http://www.regulations.gov> are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission. Information regarding this rule is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**). For information pertaining to specific species, please contact Kristi Young, Fish and Wildlife Biologist, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Room 3–122, Honolulu, HI 96813; telephone 808–792–9400.

**Background**

50 CFR 17.11(b) and 17.12(b) direct us to use the most recently accepted scientific name of any wildlife or plant



species, respectively, that we have determined to be an endangered or threatened species. Using the best available scientific information, this direct final rule documents taxonomic changes of the scientific names to seven entries under “Birds” on the current

List of Endangered and Threatened Wildlife (50 CFR 17.11(h)). In addition, this rule corrects a previous error on the List by splitting one entry into two separate entries and updates the scientific names for those two entries, for a total of eight entries updated by

this rule. The basis for these taxonomic changes is supported by published studies in peer-reviewed journals. Accordingly, we revise the scientific names of these species under section 4 of the Act (16 U.S.C. 1531 *et seq.*) as follows:

| Species name as currently listed   | Corrected species name                           |
|--|--|
| Newell's Townsend's shearwater ( <i>Puffinus auricularis newelli</i> ) ..... | Newell's shearwater ( <i>Puffinus newelli</i> ). |
| Oahu elepaio ( <i>Chasiempis sandwichensis ibidis</i> ) .....                | Oahu elepaio ( <i>Chasiempis ibidis</i> ).       |
| Kauai 'akialoa (honeycreeper) ( <i>Hemignathus procerus</i> ) .....          | Kauai akialoa ( <i>Akialoa stejnegeri</i> ).     |
| 'akiapola'au (honeycreeper) ( <i>Hemignathus munroi</i> ) .....              | akiapolaa ( <i>Hemignathus wilsoni</i> ).        |
| nukupuu (honeycreeper) ( <i>Hemignathus lucidus</i> ) .....                  | Kauai nukupuu ( <i>Hemignathus hanapepe</i> ).   |
|  | Maui nukupuu ( <i>Hemignathus affinis</i> ).     |
| Hawaii 'akepa (honeycreeper) ( <i>Loxops coccineus coccineus</i> ) .....     | Hawaii akepa ( <i>Loxops coccineus</i> ).        |
| Maui 'akepa (honeycreeper) ( <i>Loxops coccineus ochraceus</i> ) .....       | Maui akepa ( <i>Loxops ochraceus</i> ).          |

We make these changes to the List of Endangered and Threatened Wildlife to reflect the most recently accepted scientific names in accordance with 50 CFR 17.11(b). As revised, the common names omit Hawaiian orthographic characters and parenthetical descriptors of bird groups (e.g. “'Akiapola'au (honeycreeper)”), which have heretofore been used inconsistently and sometimes inaccurately in the List of Endangered and Threatened Wildlife.

Of the species that are the subjects of this rule, only the Oahu elepaio (*Chasiempis ibidis*) has designated critical habitat. For clarity and consistency, in this direct final rule, we are revising the heading of the critical habitat designation for the Oahu elepaio at 50 CFR 17.95(b) to reflect its corrected species name.

#### Taxonomic Classification

##### *Newell's Shearwater*

The Newell's Manx shearwater (*Puffinus puffinus newelli*), a seabird native to the Hawaiian Islands, was listed as threatened on October 28, 1975 (40 FR 44149; September 25, 1975). At that time the taxon *newelli* was treated as a subspecies of the Manx shearwater (*Puffinus puffinus*), following Murphy (1952, pp. 1–21) who had recognized eight subspecies worldwide (*puffinus* [North Atlantic], *mauretanicus* [western Mediterranean], *yelkouan* [eastern Mediterranean], *gavia* [New Zealand], *huttoni* [New Zealand], *newelli* [Hawaiian Islands], *auricularis* [Revillagigedo Islands, Mexico], and *opisthomelas* [Baja California]).

Subsequently the American Ornithologists' Union (AOU) (1983, pp. 24–25) restricted the Manx shearwater to the North Atlantic and Mediterranean forms, recognizing *newelli* and *auricularis* as subspecies of the distinct species Townsend's shearwater (*Puffinus auricularis*). The List of

Endangered and Threatened Wildlife currently follows this taxonomy, identifying the listed entity as Newell's Townsend's shearwater (*P. auricularis newelli*).

The Hawaiian and Revillagigedo Islands populations differ substantially from one another in their plumage (Howell *et al.* 1994, pp. 171–176), breeding chronology (Ainley *et al.* 1997), and foraging ecology (Spear *et al.* 1995, pp. 621–637). Consequently, the AOU now considers Newell's shearwater (*Puffinus newelli*) to be a full species distinct from Townsend's shearwater (*Puffinus auricularis*) (Chesser *et al.* 2015, pp. 751–752). This taxonomic change does not affect the range or threatened status of the Newell's shearwater.

##### *Oahu elepaio*

The elepaios are a group of three forest songbird species endemic to the Hawaiian Islands. The forms on Hawaii, Oahu, and Kauai were originally described as separate species (*Chasiempis sandwichensis*, *C. ibidis*, and *C. sclateri*, respectively), but were subsequently combined into a single species under *C. sandwichensis* (Bryan and Greenway 1944, pp. 124–125). The AOU (1982) followed this approach. The Oahu elepaio was listed as endangered on May 18, 2000 (65 FR 20760; April 18, 2000), under the scientific name *Chasiempis sandwichensis ibidis*.

The three island forms of elepaio differ substantially in their vocalizations (VanderWerf 2007) and their morphology and ecology (Conant *et al.* 1998; VanderWerf 2012, 2015). Analysis of mitochondrial DNA further indicates that the three island forms have diverged genetically and do not share haplotypes (VanderWerf *et al.* 2010). Consequently the AOU has now restored the three subspecies of elepaio

to species level (Chesser *et al.* 2010). Thus the scientific name of the Oahu elepaio is now *Chasiempis ibidis*. This taxonomic change does not affect the range or endangered status of the Oahu elepaio.

##### *Akialoa, Akiapolaa, and Nukupuu*

The genus *Hemignathus* was formerly considered to include four species of forest songbirds endemic to the Hawaiian islands: Hawaiian akialoa (*H. obscurus* [extinct]; Hawaii, Oahu, and Lanai), Kauai akialoa (*H. procerus*; Kauai), nukupuu (*H. lucidus*; Kauai, Oahu [where extinct], and Maui), and akiapolaa (*H. wilsoni*; Hawaii) (Amadon 1950, pp. 168–169). On March 11, 1967, the Kauai akialoa (*Hemignathus procerus*), akiapolaa (*Hemignathus wilsoni*) (syn. *H. munroi*), and the Kauai nukupuu (*H. lucidus hanapepe*) were determined under the Endangered Species Preservation Act to be threatened with extinction (32 FR 4001). On October 13, 1970, these species (including both the Kauai and Maui nukupuu) were included on the United States List of Endangered Native Fish and Wildlife (35 FR 16047).

The AOU (1982, p. 16CC) transferred three additional species to *Hemignathus* that had formerly been classified in the genus *Loxops*: Common amakihi (*H. virens*; all major islands), anianiau (*H. parvus*; Kauai), and greater amakihi (*H. sagittirostris* [extinct]; Hawaii). The common amakihi was subsequently split into three species: Hawaii amakihi (*H. virens*), Oahu amakihi (*H. chloris*), and Kauai amakihi (*H. kauaiensis*) (AOU 1995, p. 828). None of these species has been listed under the Act.

Olson and James (1988, p. 13) noted that the Kauai akialoa was first described by Wilson in 1889, under the name *Hemignathus stejnegeri*. The name *Hemignathus procerus* was first used by Cabanis in 1890; thus *stejnegeri* has

priority under the rules of zoological nomenclature. This change was subsequently adopted by the AOU (1998, p. 675).

The akialoa species classification was rearranged by the AOU (1997, p. 548; 1998, p. 675) to elevate the Hawaii subspecies (*obscurus*) to a full species (lesser akialoa, *Hemignathus obscurus* [extinct, not listed]) and include the subspecies on Kauai (*stejnegeri* [endangered]), Oahu (*ellisiana* [extinct, not listed]), and Lanai (*lanaiensis* [extinct, not listed]) within a different species (greater akialoa, *H. ellisianus*).

A variety of genetic and morphological data indicates that the genus *Hemignathus* in the broad sense is not a monophyletic group (Fleischer *et al.* 1998, pp. 533–545; James 2004, p. 241; Reding *et al.* 2008, pp. 221–224; Lerner *et al.* 2011, p. 1841). Consequently, the AOU has now distributed these species among several genera. The anianiau (*H. parvus*) was transferred to the genus *Magnumma* (Banks *et al.* 2008, p. 765), the greater amakihi (*H. sagittirostris*) to the genus *Viridonia*, the common amakihi group (*H. virens*, *H. chloris*, and *H. kauaiensis*) to the genus *Chlorodrepanis*, and the akialoa group (*H. obscurus* and *H. ellisianus*) to the genus *Akialoa*, while the akiapolaau (*H. wilsoni*) and nukupuu (*H. lucidus*, *H. hanapepe*, and *H. affinis*) remain in the genus *Hemignathus* (Chesser *et al.* 2015, pp. 758–760).

Although the akiapolaau remains in the genus *Hemignathus*, its species name was changed as an indirect result of the above generic split (Olson and James 1988, p. 13). The akiapolaau was originally described in November 1893, under the name *Heterorhynchus wilsoni* (Rothschild 1893a, pp. 97–99). However, 6 months earlier in May 1893, the Maui race of amakihi (now *Chlorodrepanis virens wilsoni*) had been described under the name *Himatione wilsoni* (Rothschild 1893b, p. 42). Thus, during the period from 1892 to 2015, when the amakihi and the akiapolaau were both included within the genus *Hemignathus*, the species name *wilsoni* was unavailable to be used for the akiapolaau, and the alternative name *Hemignathus munroi* was used. However, with the transfer of the common amakihi group to *Chlorodrepanis*, the species name *wilsoni* again has priority for the akiapolaau. Thus, the AOU has again adopted the name *Hemignathus wilsoni* for the akiapolaau (Chesser *et al.* 2015, p. 758). This taxonomic change does not affect the range or endangered status of the akiapolaau.

Because the four historically known subspecies of akialoa are now known from fossil evidence to have been sympatric with at least two additional akialoa species, Olson and James (1995, pp. 384–385) and Pratt (2014, pp. 9–10) recommended that they be conservatively treated as full species. Consequently, the AOU has elevated the three subspecies of the greater akialoa to species level: Kauai akialoa (*Akialoa stejnegeri*), Oahu akialoa (*A. ellisiana* [extinct]), and Maui-nui akialoa (*A. lanaiensis* [extinct]) (Chesser *et al.* 2015). This taxonomic change does not affect the range or endangered status of the Kauai akialoa (*Akialoa stejnegeri* (syn. *Hemignathus procerus*)).

Plumage differences among the three taxa of nukupuu on Kauai, Oahu, and Maui (*hanapepe*, *lucidus*, and *affinis*) are comparable to those existing among other species groups of Hawaiian honeycreepers (Pratt *et al.* 2001; Pratt and Pratt 2001, p. 75). Consequently, the AOU has elevated these three taxa from subspecies to species level: Kauai nukupuu (*Hemignathus hanapepe*), Oahu nukupuu (*H. lucidus*) (extinct), and Maui nukupuu (*H. affinis*) (Chesser *et al.* 2015, pp. 759–760).

As noted above, the original 1967 listing rule covered only the Kauai nukupuu (32 FR 4001), and a later 1970 rule listed both the Kauai and Maui nukupuu (35 FR 16047). However, the current List of Endangered and Threatened Wildlife at 50 CFR 17.11(h) erroneously describes the listed entity as “nukupuu (honeycreeper)” and “*Hemignathus lucidus*,” with a single entry rather than separately specifying the Kauai and Maui nukupuu as stated in the 1970 listing rule. No **Federal Register** document describes the basis on which the listed entity was changed from the Kauai and Maui nukupuu to a collective listing of the entire species. In particular, the current entry at 50 CFR 17.11(h) implicitly includes the Oahu nukupuu within the listed entity although no listing rule has ever specifically listed it as endangered. Thus, the current nukupuu entry at 50 CFR 17.11(h) does not accurately represent the 1970 listing. Moreover, our most recent recovery plan and 5-year review (USFWS 2006, pp. 89–95; 2010a) reference the Kauai nukupuu and Maui nukupuu individually. Given that the AOU supports elevation of the three nukupuu subspecies to species level, it is consistent both with the intent of the original listing rules and with current scientific information to correct this error in the List of Endangered and Threatened Wildlife and treat the Kauai nukupuu (*Hemignathus hanapepe*) and Maui

nukupuu (*Hemignathus affinis*) as distinct listed entities. This approach is also consistent with the treatment of the Laysan finch (*Telespyza cantans*) and Nihoa finch (*T. ultima*), which were similarly listed as a pair of taxa in 1970 (35 FR 16047) and have since been considered consistently as distinct listed entities. The taxonomic change from subspecies to species level does not affect the range or endangered status of the Kauai nukupuu or the Maui nukupuu. Because the recognition of Kauai nukupuu and Maui nukupuu as distinct listed entities does not alter the listing decision from the 1970 listing rule, but simply corrects an error at 50 CFR 17.11(h), it requires no formal status review.

#### Hawaii and Maui Akepa

The Hawaii akepa (*Loxops coccineus coccineus*) and Maui akepa (*Loxops coccineus ochraceus*) are forest songbirds that were originally included on the United States List of Endangered Native Fish and Wildlife on October 13, 1970 (35 FR 16047). The akepa subspecies on Oahu (*L. c. wolstenholmei*) and Kauai (*L. c. caeruleirostris*) were not listed at that time. Subsequently, the Kauai population has been determined to be a separate species (the akekee, *Loxops caeruleirostris*) (AOU 1991, pp. 753–754), and it was listed as an endangered species on May 13, 2010 (75 FR 18960; April 13, 2010). The Oahu akepa was last reported in the wild in 1976, and is likely extinct, but has not been listed under the Act.

Pratt (2014, p. 10) found that the Hawaii, Maui, and Oahu populations of the akepa were distinct at the species level based on molecular data and differences in plumage and nest placement. Based on this research, the AOU (Chesser *et al.* 2015, p. 760) accepts the Hawaii akepa (*Loxops coccineus*), the Maui akepa (*Loxops ochraceus*), and the Oahu akepa (*Loxops wolstenholmei*) as distinct species. The taxonomic change does not affect the range or endangered status of either the Hawaii akepa or the Maui akepa.

#### Required Determinations

##### National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations issued pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this

determination in the **Federal Register** on October 25, 1983 (43 FR 49244).

*Clarity of the Rule*

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To help us to revise this rule, your comments should be as specific as possible.

**References Cited**

A complete list of the referenced materials is available upon request from

the U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Regulation Promulgation**

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—ENDANGERED AND THREATENED WILDLIFE**

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16. U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h), the List of Endangered and Threatened Wildlife, under BIRDS, by:

■ a. Removing the entries for “’Akepa, Hawaii (honeycreeper)”, “’Akepa, Maui (honeycreeper)”, “’Akialoe, Kauai

(honeycreeper)”, and “’Akiapola’au (honeycreeper)”;

■ b. Adding, in alphabetical order, entries for “’Akepa, Hawaii”, “’Akepa, Maui”, “’Akialoe, Kauai”, and “’Akiapola’au”;

■ c. Revising the entry for “’Elepaio, Oahu”;

■ d. Removing the entry for “’Nukupuu (honeycreeper)”;

■ e. Adding, in alphabetical order, entries for “’Nukupuu, Kauai” and “’Nukupuu, Maui”;

■ f. Removing the entry for “’Shearwater, Newell’s Townsend’s”; and

■ g. Adding, in alphabetical order, an entry for “’Shearwater, Newell’s”.

The revision and additions read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*

(h) \* \* \*

| Species              |                             | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|----------------------|-----------------------------|----------------|--|--------|-------------|------------------|---------------|
| Common name          | Scientific name             |                |  |        |             |                  |               |
| * * * * *            |                             |                |  |        |             |                  |               |
| BIRDS                |                             |                |  |        |             |                  |               |
| * * * * *            |                             |                |  |        |             |                  |               |
| Akepa, Hawaii        | <i>Loxops coccyneus</i>     | U.S.A. (HI)    | Entire   | E      | 2           | NA               | NA            |
| Akepa, Maui          | <i>Loxops ochraceus</i>     | U.S.A. (HI)    | Entire   | E      | 2           | NA               | NA            |
| Akialoe, Kauai       | <i>Akialoe stejnegeri</i>   | U.S.A. (HI)    | Entire   | E      | 1           | NA               | NA            |
| Akiapola’au          | <i>Hemignathus wilsoni</i>  | U.S.A. (HI)    | Entire   | E      | 1           | NA               | NA            |
| * * * * *            |                             |                |  |        |             |                  |               |
| Elepaio, Oahu        | <i>Chasiempis ibidis</i>    | U.S.A. (HI)    | Entire   | E      | 696         | 17.95(b)         | NA            |
| * * * * *            |                             |                |  |        |             |                  |               |
| Nukupuu, Kauai       | <i>Hemignathus hanapepe</i> | U.S.A. (HI)    | Entire   | E      | 1, 2        | NA               | NA            |
| Nukupuu, Maui        | <i>Hemignathus affinis</i>  | U.S.A. (HI)    | Entire   | E      | 2           | NA               | NA            |
| * * * * *            |                             |                |  |        |             |                  |               |
| Shearwater, Newell’s | <i>Puffinus newelli</i>     | U.S.A. (HI)    | Entire   | T      | 10          | NA               | NA            |
| * * * * *            |                             |                |  |        |             |                  |               |

\* \* \* \* \*

**§ 17.95 [Amended]**

■ 3. Amend § 17.95(b) by removing the heading “Oahu elepaio (*Chasiempis*

*sandwichensis ibidis*)” and adding in its place the heading “Oahu elepaio (*Chasiempis ibidis*)”.

Dated: February 8, 2016.

**Stephen Guertin,**  
Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–03256 Filed 2–16–16; 8:45 am]

**BILLING CODE 4333–15–P**

# Proposed Rules

Federal Register

Vol. 81, No. 31

Wednesday, February 17, 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.

## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2635

RIN 3209-AA04

#### Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to the Seeking Other Employment Rules

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Government Ethics is amending the Standards of Ethical Conduct for Employees of the Executive Branch regarding seeking other employment, to conform with interpretive advice, update examples, improve clarity, and make technical corrections. In addition, the proposed amendments implement the statutory notification requirements that apply to individuals required to file public financial disclosure reports under section 101 of the Ethics in Government Act of 1978 when they negotiate for or have an agreement of future employment or compensation.

**DATES:** Written comments are invited and, in order to ensure consideration, must be received on or before April 18, 2016.

**ADDRESSES:** You may submit comments, in writing, to OGE on this proposed rule, identified by RIN 3209-AA04, by any of the following methods:

*Email:* [usoge@oge.gov](mailto:usoge@oge.gov). Include the reference "Proposed Amendments to Subpart F" in the subject line of the message.

*Fax:* (202) 482-9237.

*Mail/Hand Delivery/Courier:* Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: "Proposed Amendments to Subpart F."

*Instructions:* All submissions must include OGE's agency name and the Regulation Identifier Number (RIN), 3209-AA04, for this proposed rulemaking. All comments, including attachments and other supporting

materials, will become part of the public record and subject to public disclosure. Comments may be posted on OGE's Web site, [www.oge.gov](http://www.oge.gov). Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Elaine Newton, Associate Counsel, or Rachel Dowell, Assistant Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; Telephone: (202) 482-9300; TTY: (800) 877-8339; FAX: (202) 482-9237.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Executive Order 12674, which was issued on April 12, 1989, and later modified by Executive Order 12731 (Executive Order), sets forth basic obligations of public service and enumerates 14 principles of ethical conduct for Government officers and employees. The Executive Order also authorizes the Office of Government Ethics (OGE), in consultation with the Department of Justice (DOJ) and the Office of Personnel Management (OPM), to issue "regulations that establish a single, comprehensive, and clear set of executive branch standards of conduct." On August 7, 1992, OGE published the Standards of Ethical Conduct for Employees of the Executive Branch, codified at 5 CFR part 2635. *See* 57 FR 35005-35067, August 7, 1992, as amended.

These uniform standards include a recusal requirement in subpart F that applies to employees seeking employment with persons whose financial interests would be directly and predictably affected by particular matters in which the employees participate personally and substantially. Subpart F combines the standards imposed by criminal statute with the standards imposed by the Executive order. In part, subpart F implements 18 U.S.C. 208(a), which requires an employee's recusal from participation in any particular matter that, to the employee's knowledge, will have a direct and predictable effect on the financial interests of a person with whom the employee is negotiating or has any arrangement concerning prospective employment. Beyond this

statutory requirement, subpart F addresses issues of lack of impartiality that require recusal from any particular matter that affects the financial interests of a prospective employer, even where the employee's actions in seeking employment may fall short of negotiating for employment.

Pursuant to section 402 of the Ethics in Government Act of 1978, the Director of OGE is responsible for periodically reviewing and updating the regulations as needed. Accordingly, OGE is proposing to amend subpart F by reorganizing and expounding upon certain existing subpart F provisions, as well as by adding certain new provisions and examples. In addition, the proposed amendments would implement new notification requirements under section 17 of the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), Pub. L. 112-105, 126 Stat. 303, 5 U.S.C. app. 101 note, which apply to employees who file public financial disclosure reports. In formulating this proposed rule, OGE has consulted with DOJ and OPM pursuant to section 201(a) of Executive Order 12674, as modified by Executive Order 12731, and the authorities contained in titles I and IV of the Ethics in Government Act of 1978. OGE has also solicited and considered the views of executive branch agency ethics officials.

#### II. Analysis of Proposed Amendments

In addition to the specific changes discussed below, OGE is proposing a number of non-substantive changes. OGE proposes to renumber and reorganize the examples to follow the sequence of the regulations; revise examples for clarity; update legal citations; include references to section 17 of the STOCK Act and new § 2635.607, where applicable; reword language paraphrasing 18 U.S.C. 208(a) to align the regulatory language with the statute; and modernize language by replacing the words "he," "shall," and "disqualification."

##### A. Section 2635.602—Applicability and Related Considerations

OGE proposes to restructure the introductory paragraph for clarity. New subsection (a)(2) clarifies that, with the passage of the STOCK Act, a public filer who negotiates for or has an agreement of future employment or compensation must comply with the requirements in

new § 2635.607. The proposed regulation also emphasizes that employees are strongly encouraged to consult with their ethics officials when they have questions about how subpart F may apply to them. OGE is proposing two new examples to illustrate these concepts.

#### B. Section 2635.603—Definitions

##### 1. Definition of “Employment”

OGE proposes to add a new example to § 2635.603(a) to clarify that certain volunteer activities are not considered “employment” under this subpart. In the preamble to the final rule, 57 FR 35006, Aug. 7, 1992, OGE discussed the types of volunteer services, such as washing dishes one night a week at a soup kitchen, that do not involve an employment or other specified relationship. Consistent with that discussion, a new example illustrates the types of informal, uncompensated, and non-fiduciary volunteer services that are not considered “employment” under this subpart.

##### 2. Definition of “Seeking Employment”

OGE is amending the definition of “seeking employment” in several ways to provide additional clarity. To begin, OGE proposes to delete the exclusion at § 2635.603(b)(1)(ii)(B) and incorporate this provision as a limitation to the recusal obligation in § 2635.604. This makes no substantive change to the regulation. The only effect of the exclusion at § 2635.603(b)(1)(ii)(B) was to limit an employee’s recusal obligations. Accordingly, OGE believes that this provision is more appropriately included as a limitation to the recusal obligation in § 2635.604. OGE also proposes to revise and move the two corresponding examples from § 2635.603(b), Examples 4 and 5, to § 2635.604(a) as Examples 3 and 4, to clarify the limitation to the recusal obligation under § 2635.604.

OGE is also adding new and revised examples to address informational discussions; highlight the distinction between seeking employment within the meaning of § 2635.603(b)(1)(ii) or (iii) and negotiating for employment within the meaning of § 2635.603(b)(1)(i); address whether an employee is “seeking employment” when the employee uses a social networking or resume-posting site; and provide practical guidance on rejecting employment inquiries from prospective employers.

In regard to social media, which has not been explicitly addressed in subpart F, three new examples clarify that the rules in this subpart apply regardless of

the method the employee uses when seeking employment. Specifically, these examples illustrate that the posting of a profile, resume, or other employment information that is not targeted to a specific person is not considered an unsolicited communication with an entity regarding possible employment. Rather, such a posting would be akin to posting a resume on a bulletin board. Likewise, the employee would not be seeking employment with a person if the employee received a notification or email from a person until the employee makes a response other than a rejection.

##### 3. Definition of “Prospective Employer”

A new example in the proposed regulation illustrates that online resume distribution services are treated like employment search firms for purposes of determining when an employee has begun seeking employment.

##### 4. Definition of “Public Filer”

Section 17 of the STOCK Act establishes new notification requirements for an individual required to file a financial disclosure report under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. app. 101). OGE proposes to include a definition of “public filer” describing the individuals who must submit such notification statements.

#### C. Section 2635.604—Recusal While Seeking Employment

OGE proposes to revise § 2635.604 for clarity and reorganize § 2635.604(a) into two subsections. As discussed above, the proposed language includes a new § 2635.604(a)(2) to replace an exclusion to the definition of “seeking employment” in § 2635.603(b)(1)(ii)(B). This is not a new exception; rather, it merely moves the exclusion found at § 2635.603(b)(1)(ii)(B) to a more logical location in the subpart.

OGE has added a new example to emphasize that the recusal obligation in § 2635.604(a) is not limited to particular matters involving specific parties but is also applicable to particular matters of general applicability. In addition, OGE proposes to revise § 2635.604(b) to emphasize that employees are obligated to take whatever steps are necessary to ensure that they do not participate in particular matters from which they are recused. The proposed revision emphasizes that these steps can include written recusals, which employees may file with ethics officials.

#### D. Section 2635.605—Waiver or Authorization Permitting Participation While Seeking Employment

OGE proposes to add a new requirement that any authorizations under § 2635.605(b) must be in writing.

#### E. Proposed § 2635.607—Notification Requirements for Public Financial Disclosure Filers Regarding Negotiations or Agreement of Future Employment or Compensation

OGE proposes to add a new § 2635.607 to implement section 17 of the STOCK Act. Section 17 of the STOCK Act requires a public filer who is negotiating for or has an agreement of future employment or compensation to file a statement notifying the agency ethics official of such negotiation or agreement within three business days after commencement of the negotiation or agreement. A public filer who files a notification statement regarding the negotiation or agreement also must file a notification regarding recusal whenever there is a conflict of interest or appearance of a conflict of interest with respect to the entity identified in the notification. In addition, this section affirms the recusal obligations addressed in the Standards of Ethical Conduct and, where applicable, 18 U.S.C. 208.

OGE issued interpretive guidance for implementing section 17 of the STOCK Act on April 6, 2012, and April 25, 2013. See OGE, LA 12–01, available at <http://www.oge.gov/OGE-Advisories/Legal-Advisories/LA-12-01—Post-Employment-Negotiation-and-Recusal-Requirements-under-the-STOCK-Act/>, and OGE, LA 13–06, available at <http://www.oge.gov/OGE-Advisories/Legal-Advisories/LA-13-06—Notification-of-Negotiations-for-Post-Government-Compensation-under-Section-17-of-the-STOCK-Act/>. New § 2635.607 is consistent with this guidance.

Pursuant to OGE’s authority under the Ethics in Government Act and Executive Order 12731, and consistent with OGE’s interpretive guidance, OGE proposes to extend the notification requirement to negotiations for or agreements of future employment or compensation with all non-federal entities. The notification requirements under section 17 of the STOCK Act apply only to “private” entities. Because the potential for conflicts of interest is not limited to private entities, the proposed regulations cover all prospective non-federal employers. In addition, OGE proposes to include a provision allowing public filers to elect to file the notification statement, recusal statement, or both before negotiations

have commenced and before an agreement of future employment or compensation is reached. Public filers who elect to file the notification statement, recusal statement, or both prior to the commencement of negotiations or an agreement are deemed to have met the statutory requirements because the statements will continue to be in a "filed" status after the commencement of the negotiations. The statements must name the private entity or entities involved in the negotiations and an estimated date of the commencement of the negotiations or agreement. While not required, the option to file in advance enhances the access of public filers to advice from ethics officials.

### III. Matters of Regulatory Procedure

#### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this proposed rule would not have a significant economic impact on a substantial number of small entities because it primarily affects current Federal executive branch employees.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

#### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this proposed rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

#### *Executive Order 13563 and Executive Order 12866*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rulemaking has been designated as a "significant regulatory action" although not economically

significant, under section 3(f) of Executive Order 12866. Accordingly this proposed rule has been reviewed by the Office of Management and Budget.

#### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this proposed rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

#### List of Subjects in 5 CFR Part 2635

Conflict of interests, Executive Branch standards of ethical conduct, Government employees.

Approved: February 11, 2016.

**Walter M. Shaub, Jr.,**

*Director, Office of Government Ethics.*

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics proposes to amend 5 CFR part 2635, as set forth below:

#### **PART 2635—STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH**

■ 1. The authority citation for part 2635 continues to read as follows:

**Authority:** 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Subpart F of part 2635 is revised to read as follows:

#### **Subpart F—Seeking Other Employment**

Sec.

2635.601 Overview.

2635.602 Applicability and related considerations.

2635.603 Definitions.

2635.604 Recusal while seeking employment.

2635.605 Waiver or authorization permitting participation while seeking employment.

2635.606 Recusal based on an arrangement concerning prospective employment or otherwise after negotiations.

2635.607 Notification requirements for public financial disclosure report filers regarding negotiations for or agreement of future employment or compensation.

#### **Subpart F—Seeking Other Employment**

##### **§ 2635.601 Overview.**

This subpart contains a recusal requirement that applies to employees when seeking non-Federal employment with persons whose financial interests would be directly and predictably affected by particular matters in which the employees participate personally and substantially. Specifically, it

addresses the requirement of 18 U.S.C. 208(a) that an employee not participate in any particular matter that, to the employee's knowledge, will have a direct and predictable effect on the financial interests of a person "with whom the employee is negotiating or has any arrangement concerning prospective employment." See § 2635.402 and § 2640.103 of this chapter. Beyond this statutory requirement, this subpart also addresses issues of lack of impartiality that require recusal from particular matters affecting the financial interests of a prospective employer when an employee's actions in seeking employment fall short of actual employment negotiations. In addition, this subpart contains the statutory notification requirements that apply to public filers when they negotiate for or have agreements of future employment or compensation. Specifically, it addresses the requirements of section 17 of the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), Public Law 112-105, 126 Stat. 303, 5 U.S.C. app. 101 note, that a public filer must submit a written statement identifying the entity involved in the negotiations or agreement within three business days after commencement of such negotiations or agreement and must submit a notification of recusal whenever there is a conflict of interest or an appearance of a conflict of interest.

##### **§ 2635.602 Applicability and related considerations.**

(a) *Applicability.* (1) To ensure that an employee does not violate 18 U.S.C. 208(a), section 17 of the STOCK Act, or the principles of ethical conduct contained in § 2635.101(b), an employee who is seeking employment or who has an arrangement concerning prospective employment must comply with the applicable recusal requirements of §§ 2635.604 and 2635.606 if particular matters in which the employee will be participating personally and substantially would, to the employee's knowledge, directly and predictably affect the financial interests of a prospective employer or of a person with whom the employee has an arrangement concerning prospective employment. Compliance with this subpart also will ensure that the employee does not violate subpart D or E of this part. In addition, a public filer who negotiates for or has an agreement of future employment or compensation must comply with the requirements of § 2635.607.

(2) An employee who is seeking employment with a person whose

financial interests are not, to the employee's knowledge, affected directly and predictably by particular matters in which the employee participates personally and substantially has no obligation to recuse under this subpart. In addition, nothing in this subpart requires an employee, other than a public filer, to notify anyone that the employee is seeking employment unless a notification is necessary to implement a recusal pursuant to § 2635.604(b). A public filer who negotiates for or has an agreement of future employment or compensation must comply with the notification requirements in § 2635.607. An employee may, however, be subject to other statutes that impose requirements on employment contacts or discussions, such as 41 U.S.C. 2103, which is applicable to agency officials involved in certain procurement matters. Employees are encouraged to consult with their ethics officials if they have any questions about how this subpart may apply to them. Ethics officials are not obligated by this subpart to inform supervisors that employees are seeking employment.

*Example 1 to paragraph (a):* Recently, an employee of the Department of Education who is not a public filer submitted her resume to the University of Delaware for a job opening that she heard about through a friend. The employee has begun seeking employment. However, because she is not participating in any particular matters affecting the University of Delaware, she is not required to notify anyone that she has begun seeking employment.

*Example 2 to paragraph (a):* The employee in the preceding example has been approached about an employment opportunity at the University of Maryland. Because the University of Maryland has applied for grants on which she has been assigned to work in the past, she wants to make certain that she does not violate the ethics rules. The employee contacts her ethics official to discuss the matter. The employee informs the ethics official that she is not participating in any particular matters affecting the University of Maryland. As a result, the ethics official advises the employee that she will have no notification obligations under this subpart. However, the ethics official cautions the employee that, if the employee is assigned to participate in a particular matter affecting the University of Maryland while she is seeking employment with the university, she would normally need to notify her supervisor in order to avoid working on the grant.

(b) *Related restrictions.*—(1) *Outside employment while a Federal employee.* An employee who is contemplating outside employment to be undertaken concurrently with the employee's Federal employment must abide by any limitations applicable to the employee's outside activities under subparts G and

H of this part, including any requirements under supplemental agency regulations to obtain prior approval before engaging in outside employment or activities and any prohibitions under supplemental agency regulations related to outside employment or activities. The employee must also comply with any applicable recusal requirement of this subpart, as well as any applicable recusal requirements under subpart D or E of this part as a result of the employee's outside employment activities.

(2) *Post-employment restrictions.* An employee who is contemplating employment to be undertaken following the termination of the employee's Federal employment should consult an agency ethics official to obtain advice regarding any post-employment restrictions that may be applicable. The regulation implementing the Governmentwide post-employment statute, 18 U.S.C. 207, is contained in part 2641 of this chapter. Employees are cautioned that they may be subject to additional statutory prohibitions on post-employment acceptance of compensation from contractors, such as 41 U.S.C. 2104.

(3) *Interview trips and entertainment.* Where a prospective employer who is a prohibited source as defined in § 2635.203(d) offers to reimburse an employee's travel expenses, or provide other reasonable amenities incident to employment discussions, the employee may accept such amenities in accordance with § 2635.204(e)(3). Where a prospective employer is a foreign government or international organization, the employee must also ensure that he or she is in compliance with the Foreign Gifts and Decorations Act.

#### **§ 2635.603 Definitions.**

For purposes of this subpart:

(a) *Employment* means any form of non-Federal employment or business relationship involving the provision of personal services by the employee, whether to be undertaken at the same time as or subsequent to Federal employment. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee.

*Example 1 to paragraph (a):* An employee of the Bureau of Indian Affairs who has announced her intention to retire is approached by tribal representatives concerning a possible consulting contract with the tribe. The contractual relationship the tribe wishes to negotiate is employment for purposes of this subpart.

*Example 2 to paragraph (a):* An employee of the Department of Health and Human

Services is invited to a meeting with officials of a nonprofit corporation to discuss the possibility of his serving as a member of the corporation's board of directors. Service, with or without compensation, as a member of the board of directors constitutes employment for purposes of this subpart.

*Example 3 to paragraph (a):* An employee at the Department of Energy volunteers without compensation to serve dinners at a homeless shelter each month. The employee's uncompensated volunteer services in this case are not considered an employment or business relationship for purposes of this subpart.

(b) An employee is *seeking employment* once the employee has begun seeking employment within the meaning of paragraph (b)(1) of this section and until the employee is no longer seeking employment within the meaning of paragraph (b)(2) of this section.

(1) An employee has begun seeking employment if the employee has directly or indirectly:

(i) Engaged in negotiations for employment with any person. For these purposes, as for 18 U.S.C. 208(a) and section 17 of the STOCK Act, the term *negotiations* means discussion or communication with another person, or such person's agent or intermediary, mutually conducted with a view toward reaching an agreement regarding possible employment with that person. The term is not limited to discussions of specific terms and conditions of employment in a specific position;

(ii) Made an unsolicited communication to any person, or such person's agent or intermediary, regarding possible employment with that person. However, the employee has not begun seeking employment if that communication was for the sole purpose of requesting a job application; or

(iii) Made a response, other than rejection, to an unsolicited communication from any person, or such person's agent or intermediary, regarding possible employment with that person.

(2) An employee is no longer seeking employment when:

(i) The employee or the prospective employer rejects the possibility of employment and all discussions of possible employment have terminated; or

(ii) Two months have transpired after the employee's dispatch of an unsolicited resume or employment proposal, provided the employee has received no indication of interest in employment discussions from the prospective employer.

(3) For purposes of this definition, a response that defers discussions until the foreseeable future does not

constitute rejection of an unsolicited employment overture, proposal, or resume nor rejection of a prospective employment possibility.

*Example 1 to paragraph (b):* A paralegal at the Department of the Army is in his third year of law school. During a discussion with his neighbor, who is a partner in a large law firm in the community, the neighbor invited him to visit her law firm. The paralegal took her up on the offer and met with an associate at the firm. The associate shared with the paralegal her experiences looking for a legal position, discussed what she does in her position at the law firm, and explained why she chose her current law firm. There was no discussion of possible employment with the firm. The Army paralegal is not seeking employment at this time. The purpose of the visit was informational only.

*Example 2 to paragraph (b):* An employee of the Defense Contract Audit Agency (DCAA) is auditing the overhead accounts of an Army contractor. While at the contractor's headquarters, the head of the contractor's accounting division tells the employee that his division is thinking about hiring another accountant and asks whether the employee might be interested in leaving DCAA. The DCAA employee asks what kind of work would be involved. The DCAA employee has begun seeking employment because he made a response other than a rejection to the communication regarding possible employment with the Army contractor, although he has not yet begun negotiating for employment.

*Example 3 to paragraph (b):* The DCAA employee and the head of the contractor's accounting division in the previous example have a meeting to discuss the duties of the position that the accounting division would like to fill and the DCAA employee's qualifications for the position. They also discuss ways the DCAA employee could remedy one of the missing qualifications, and the employee indicates a willingness to obtain the proper qualifications. They do not discuss salary. The employee has engaged in negotiations regarding possible employment with the contractor.

*Example 4 to paragraph (b):* An employee at the Department of Energy (DOE) lists his job duties and employment experience in a profile on an online, business-oriented social networking service. The employee's profile is not targeted at a specific person. The employee has not begun seeking employment because the posting of a profile or resume is not an unsolicited communication with any potential employer.

*Example 5 to paragraph (b):* The DOE employee in the previous example was recently notified that a representative of a university has viewed his profile. The employee still has not begun seeking employment with the university. Subsequently, a representative of the university contacts the employee through the online forum to inquire whether the employee would be interested in working for the university, to which he makes a response other than rejection. At this point, the employee has begun seeking employment with the university until he rejects the

possibility of employment and all discussions of possible employment have terminated.

*Example 6 to paragraph (b):* The DOE employee in the previous two examples receives emails from various companies in response to his online profile. He does not respond. The employee has not begun seeking employment with the companies because he has not made a response.

*Example 7 to paragraph (b):* An employee of the Centers for Medicare & Medicaid Services (CMS) is complimented on her work by an official of a State Health Department who asks her to call if she is ever interested in leaving Federal service. The employee explains to the State official that she is very happy with her job at CMS and is not interested in another job. She thanks him for his compliment regarding her work and adds that she'll remember his interest if she ever decides to leave the Government. The employee has rejected the unsolicited employment overture and has not begun seeking employment.

*Example 8 to paragraph (b):* The employee in the preceding example responds by stating that she cannot discuss future employment while she is working on a project affecting the State's health care funding but would like to discuss employment with the State when the project is completed. Because the employee has merely deferred employment discussions until the foreseeable future, she has begun seeking employment with the State Health Department.

*Example 9 to paragraph (b):* Three months prior to the end of the current administration, a political appointee at a large department receives a telephone call from the managing partner of an international law firm. The managing partner asks if the official would be interested in joining the law firm. The official says, "I am not talking to anyone about employment until I leave the Government." The official has rejected the unsolicited employment overture and has not begun seeking employment.

*Example 10 to paragraph (b):* A geologist employed by the U.S. Geological Survey sends her resume to an oil company. The geologist has begun seeking employment with that oil company and will be seeking employment for two months from the date the resume was mailed. However, if she withdraws her application or is notified within the two-month period that her resume has been rejected, she will no longer be seeking employment with the oil company as of the date she makes such withdrawal or receives such notification.

(c) *Prospective employer* means any person with whom the employee is seeking employment. Where contacts that constitute seeking employment are made by or with an agent or other intermediary, the term prospective employer means:

(1) A person who uses that agent or other intermediary for the purpose of seeking to establish an employment relationship with the employee if the agent identifies the prospective employer to the employee; and

(2) A person contacted by the employee's agent or other intermediary for the purpose of seeking to establish an employment relationship if the agent identifies the prospective employer to the employee.

*Example 1 to paragraph (c):* An employee of the Federal Aviation Administration (FAA) has retained an employment search firm to help her find another job. The search firm has just reported to the FAA employee that it has given her resume to and had promising discussions with two airport authorities, which the search firm identifies to the employee. Even though the employee has not personally had employment discussions with either airport authority, each airport authority is her prospective employer. She began seeking employment with each airport authority upon learning its identity and that it has been given her resume.

*Example 2 to paragraph (c):* An employee pays for an online resume distribution service, which sends her resume to recruiters that specialize in her field. The online service has just notified her that they sent her resume to Software Company A and Software Company B. Even though the employee has not personally had employment discussions with either company, each software company is her prospective employer. She began seeking employment with each company upon learning from the online service that Software Company A and Software Company B had been given her resume by the intermediary.

(d) *Direct and predictable effect, particular matter, and personal and substantial* have the respective meanings set forth in § 2635.402(b)(1), (3), and (4).

(e) *Public filer* means a person required to file a public financial disclosure report as set forth in § 2634.202 of this chapter.

#### **§ 2635.604 Recusal while seeking employment.**

(a) *Obligation to recuse.* (1) Except as provided in paragraph (a)(2) or where the employee's participation has been authorized in accordance with § 2635.605, the employee may not participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom the employee is seeking employment within the meaning of § 2635.603(b). Recusal is accomplished by not participating in the particular matter.

(2) The employee may participate in a particular matter under paragraph (a)(1) of this section when:

(i) The employee's only communication with the prospective employer in connection with the search for employment is the submission of an



unsolicited resume or other employment proposal;

(ii) The prospective employer has not responded to the employee's unsolicited communication; and

(iii) The matter is not a particular matter involving specific parties.

*Example 1 to paragraph (a):* A scientist is employed by the National Science Foundation (NSF) as a special Government employee to serve on a panel that reviews grant applications to fund research relating to deterioration of the ozone layer. She is discussing possible employment with a university that received an NSF grant several years ago to study the effect of fluorocarbons but has no current grant applications pending before NSF. The employee is seeking employment, but she does not need to recuse because there is no particular matter that would have a direct and predictable effect on the financial interests of the prospective employer. Recusal would be required if the university submits a new application for the panel's review.

*Example 2 to paragraph (a):* An employee of the Food and Drug Administration is developing a regulation on research criteria for approving prescription drugs. She begins discussing possible employment with a pharmaceutical company. The employee may not participate personally and substantially in the development of the regulation because she has begun employment discussions with the pharmaceutical company and the regulation is a particular matter of general applicability which would have a direct and predictable effect on the financial interests of the pharmaceutical company.

*Example 3 to paragraph (a):* A special Government employee of the Federal Deposit Insurance Corporation (FDIC) is assigned to advise the FDIC on rules applicable to all member banks. She mails an unsolicited letter to a member bank offering her services as a contract consultant. Although the employee is seeking employment, the employee may participate in this particular matter of general applicability until she receives some response indicating an interest in discussing her employment proposal. A letter merely acknowledging receipt of the proposal is not an indication of interest in employment discussions.

*Example 4 to paragraph (a):* An employee of the Occupational Safety and Health Administration is conducting an inspection of one of several textile companies to which he sent an unsolicited resume. The employee may not participate personally and substantially in the inspection because he is seeking employment and the inspection is a particular matter involving specific parties that will affect the textile company.

(b) *Notification.* An employee who becomes aware of the need to recuse from participation in a particular matter to which the employee has been assigned must take whatever steps are necessary to ensure that the employee does not participate in the matter. Appropriate oral or written notification of the employee's recusal may be made to an agency ethics official, coworkers,

or a supervisor to document and help effectuate the employee's recusal. Public filers must comply with additional notification requirements set forth in § 2635.607.

*Example 1 to paragraph (b):* An employee of the Department of Veterans Affairs (VA) is participating in the audit of a contract for laboratory support services. Before sending his resume to a lab which is a subcontractor under the VA contract, the employee should recuse from participation in the audit. Since he cannot withdraw from participation in the contract audit without the approval of his supervisor, he should notify his supervisor of his need to recuse for ethics reasons so that appropriate adjustments in his work assignments can be made.

*Example 2 to paragraph (b):* An employee of the Food and Drug Administration (FDA) is contacted in writing by a pharmaceutical company concerning possible employment with the company. The employee is reviewing an application from a pharmaceutical company that is seeking FDA approval. Once the employee makes a response that is not a rejection to the company's communication concerning possible employment, the employee should recuse from further participation in the review of the application. Where he has authority to ask his colleague to assume his reviewing responsibilities, he may accomplish his recusal by transferring the work to the employee designated to cover for him. However, to ensure that his colleague and others with whom he had been working on the review do not seek his advice regarding the review of the application or otherwise involve him in the matter, it may be necessary for him to advise those individuals of his recusal.

(c) *Documentation.* An employee, other than a public filer, need not file a written recusal statement unless the employee is required by part 2634 of this chapter to file written evidence of compliance with an ethics agreement with the Office of Government Ethics or a designated agency ethics official, or is specifically directed by an agency ethics official or the person responsible for the employee's assignment to file a written recusal statement. However, it is often prudent for an employee to create a record of his or her actions by providing written notice to an agency ethics official, a supervisor, or other appropriate official. Public filers must comply with the documentation requirements set forth in § 2635.607.

*Example 1 to paragraph (c):* The General Counsel of a regulatory agency will be engaging in discussions regarding possible employment as corporate counsel of a regulated entity. Matters directly affecting the financial interests of the regulated entity are pending within the Office of General Counsel, but the General Counsel will not be called upon to act in any such matter because signature authority for that particular class of matters has been delegated to an Assistant

General Counsel. Because the General Counsel is responsible for assigning work within the Office of General Counsel, he can, in fact, accomplish his recusal by simply avoiding any involvement in matters affecting the regulated entity. However, because it is likely to be assumed by others that the General Counsel is involved in all matters within the cognizance of the Office of General Counsel, he would benefit from filing a written recusal statement with an agency ethics official or the Commissioners of the regulatory agency and providing his subordinates with written notification of his recusal. He may also be specifically directed by an agency ethics official or the Commissioners to file a written recusal statement. If the General Counsel is a public filer, he must comply with the documentation requirements set forth in § 2635.607.

(d) *Agency determination of substantial conflict.* Where the agency determines that the employee's action in seeking employment with a particular person will require the employee's recusal from matters so central or critical to the performance of the employee's official duties that the employee's ability to perform the duties of the employee's position would be materially impaired, the agency may allow the employee to take annual leave or leave without pay while seeking employment, or may take other appropriate action.

**§ 2635.605 Waiver or authorization permitting participation while seeking employment.**

(a) *Waiver.* Where, as defined in § 2635.603(b)(1)(i), an employee is engaged in employment negotiations for purposes of 18 U.S.C. 208(a), the employee may not participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of a prospective employer. The employee may participate in such matters only where the employee has received a written waiver issued under the authority of 18 U.S.C. 208(b)(1) or (3). These waivers are described in § 2635.402(d) and part 2640, subpart C of this chapter. For certain employees, a regulatory exemption under the authority of 18 U.S.C. 208(b)(2) may also apply (see part 2640, subpart B of this chapter), including § 2640.203(g) and (i).

*Example 1 to paragraph (a):* An employee of the Department of Agriculture is negotiating for employment within the meaning of 18 U.S.C. 208(a) and § 2635.603(b)(1)(i) with an orange grower. In the absence of a written waiver issued under 18 U.S.C. 208(b)(1), she may not take official action on a complaint filed by a competitor alleging that the grower has shipped oranges in violation of applicable quotas.

(b) *Authorization by agency designee.* Where an employee is seeking employment within the meaning of § 2635.603(b)(1)(ii) or (iii) and is not negotiating for employment, a reasonable person would be likely to question the employee's impartiality if the employee were to participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of any such prospective employer. The employee may participate in such matters only where the agency designee has authorized in writing the employee's participation in accordance with the standards set forth in § 2635.502(d).

*Example 1 to paragraph (b):* Within the past month, an employee of the Department of Education mailed her resume to a university. She is thus seeking employment with the university within the meaning of § 2635.603(b)(1)(ii). In the absence of specific authorization by the agency designee in accordance with § 2635.502(d), she may not participate in an assignment to review a grant application submitted by the university.

**§ 2635.606 Recusal based on an arrangement concerning prospective employment or otherwise after negotiations.**

(a) *Employment or arrangement concerning employment.* An employee may not participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of the person by whom he or she is employed or with whom he or she has an arrangement concerning future employment, unless authorized to participate in the matter by a written waiver issued under the authority of 18 U.S.C. 208(b)(1) or (3), or by a regulatory exemption under the authority of 18 U.S.C. 208(b)(2). These waivers and exemptions are described in § 2635.402(d) and part 2640, subparts B and C of this chapter.

*Example 1 to paragraph (a):* A military officer has accepted a job with a defense contractor that will begin six months after his retirement from military service. During the period that he remains with the Government, the officer may not participate in the administration of a contract with that particular defense contractor unless he has received a written waiver under the authority of 18 U.S.C. 208(b)(1).

*Example 2 to paragraph (a):* An accountant has just been offered a job with the Office of the Comptroller of the Currency (OCC) which involves a two-year limited appointment. Her private employer, a large corporation, believes the job will enhance her skills and has agreed to give her a two-year unpaid leave of absence at the end of which she has agreed to return to work for the corporation.

During the two-year period that she is to be an OCC employee, the accountant will have an arrangement concerning future employment with the corporation that will require her recusal from participation in any particular matter that, to her knowledge, will have a direct and predictable effect on the corporation's financial interests.

(b) *Offer rejected or not made.* The agency designee for the purpose of § 2635.502(c) may, in an appropriate case, determine that an employee not covered by the preceding paragraph who has sought but is no longer seeking employment nevertheless will be subject to a period of recusal upon the conclusion of employment negotiations. Any such determination will be based on a consideration of all the relevant factors, including those listed in § 2635.502(d), and a determination that the concern that a reasonable person may question the integrity of the agency's decision-making process outweighs the Government's interest in the employee's participation in the particular matter.

*Example 1 to paragraph (b):* An employee of the Securities and Exchange Commission was relieved of responsibility for an investigation of a broker-dealer while seeking employment with the law firm representing the broker-dealer in that matter. The firm did not offer her the partnership position she sought. Even though she is no longer seeking employment with the firm, she may continue to be recused from participating in the investigation based on a determination by the agency designee that the concern that a reasonable person might question whether, in view of the history of the employment negotiations, she could act impartially in the matter outweighs the Government's interest in her participation.

**§ 2635.607 Notification requirements for public financial disclosure report filers regarding negotiations for or agreement of future employment or compensation.**

(a) *Notification regarding negotiations for or agreement of future employment or compensation.* A public filer who is negotiating for or has an agreement of future employment or compensation with a non-Federal entity must file a statement notifying an agency ethics official of such negotiation or agreement within three business days after commencement of the negotiation or agreement. This notification statement must be in writing, must be signed by the public filer, and must include the name of the non-Federal entity involved in such negotiation or agreement and the date on which the negotiation or agreement commenced. When a public filer has previously complied with the notification requirement in this section regarding the commencement of negotiations, the filer need not file a separate notification statement when an

agreement of future employment or compensation is reached with the previously identified non-Federal entity. There is also no requirement to file another notification when negotiations have been unsuccessful. However, employees may want to do so to facilitate the resumption of their duties.

*Example 1 to paragraph (a):* An employee of the Merit Systems Protection Board who is a public filer was in private practice prior to his Government service. He receives a telephone call from a partner in a law firm who inquires as to whether he would be interested in returning to private practice. During this initial telephone call with the law firm partner, the employee indicates that he is interested in resuming private practice. They discuss generally the types of issues that would need to be agreed upon if the employee were to consider a possible offer to serve as "of counsel" with the firm, such as salary, benefits, and type of work the employee would perform. The employee has begun negotiating for future employment with the law firm. Within three business days after this initial telephone call, he must file written notification of the negotiations with his agency ethics official.

*Example 2 to paragraph (a):* The employee in the previous example also negotiates a possible contract with a publisher to begin writing a textbook after he leaves Government service. Within three business days after commencing negotiations, the employee must file written notification with his agency ethics official documenting that he is engaged in negotiations for future compensation with the book publisher.

(b) *Notification of recusal.* A public filer who files a notification statement pursuant to paragraph (a) of this section must file with an agency ethics official a notification of recusal whenever there is a conflict of interest or appearance of a conflict of interest with the non-Federal entity identified in the notification statement. The notification statement and the recusal statement may be contained in a single document or in separate documents.

(c) *Advance filing of notification and recusal statements.* When a public filer is seeking employment within the meaning of § 2635.603(b)(1)(ii) or (iii) or is considering seeking employment, the public filer may elect to file the notification statement pursuant to paragraph (a) of this section before negotiations have commenced and before an agreement of future employment or compensation is reached. A public filer may also elect to file the recusal statement pursuant to paragraph (b) of this section before the public filer has a conflict of interest or appearance of a conflict of interest with the non-Federal entity identified in the notification statement. The public filer need not file the document again upon

commencing negotiations or reaching an agreement of future employment or compensation. The advance filing of any such document is not construed as a statement that negotiations have or have not commenced or that a conflict of interest does or does not exist. Although the Office of Government Ethics encourages advance filing when a public filer anticipates a realistic possibility of negotiations or an agreement, the failure to make an advance filing does not violate this subpart or the principles of ethical conduct contained in § 2635.101(b).

*Example 1 to paragraph (c):* An employee of the Federal Labor Relations Authority who is a public filer began negotiating for future employment with a law firm. At the time he began negotiating for future employment with the law firm, he was not participating personally and substantially in a particular matter that, to his knowledge, had a direct and predictable effect on the financial interest of the law firm. Although the employee was not required to file a recusal statement because he did not have a conflict of interest or appearance of a conflict of interest with the law firm identified in the notification statement, the Office of Government Ethics encourages the employee to submit a notification of recusal at the same time that he files the notification statement regarding the negotiations for future employment in order to ensure that the requirement of paragraph (b) of this section is satisfied if a conflict of interest or an appearance of a conflict of interest later arises. The agency ethics official should counsel the employee on applicable requirements but is under no obligation to notify the employee's supervisor that the employee is negotiating for employment.

*Example 2 to paragraph (c):* An employee of the General Services Administration is contacted by a prospective employer regarding scheduling an interview for the following week to begin discussing the possibility of future employment. The employee discusses the matter with the ethics official and chooses to file a notification and recusal statement prior to the interview. The notification and recusal statement contain the identity of the prospective employer and an estimated date of when the interview will occur. The employee has complied with the notification requirement of section 17 of the STOCK Act.

(d) *Agreement of future employment or compensation* for the purposes of § 2635.607 means any arrangement concerning employment that will commence after the termination of Government service. The term also means any arrangement to compensate in exchange for services that will commence after the termination of Government service. The term includes, among other things, an arrangement to compensate for teaching, speaking, or

writing that will commence after the termination of Government service.

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 271 and 278

RIN 0584-AE27

#### Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Nutrition Service (FNS) proposes to make changes to the Supplemental Nutrition Assistance Program (SNAP) regulations pertaining to the eligibility of SNAP retail food stores. The Agricultural Act of 2014 (2014 Farm Bill) amended the Food and Nutrition Act of 2008 (the Act) to increase the requirement that certain SNAP authorized retail food stores have available on a continual basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The 2014 Farm Bill also amended the Act to increase, for certain SNAP authorized retail food stores, the minimum number of categories in which perishable foods are required from two to three. This proposed rule would codify these mandatory requirements.

Further, using existing authority in the Act and feedback from a Request for Information that included five listening sessions in urban and rural locations across the nation and generated 233 public comments, FNS is proposing several additional changes. Among other items, these proposed changes address depth of stock, amend the definition of staple foods, and amend the definition of "retail food store" to clarify when a retailer is a restaurant rather than a retail food store. The rulemaking also proposes that FNS begin disclosing to the public specific information about retailers who have violated SNAP rules.

**DATES:** To be assured of consideration, comments on this proposed rule must be received by the Food and Nutrition Service on or before April 18, 2016.

**ADDRESSES:** The Food and Nutrition Service (FNS), USDA, invites interested persons to submit comments on this proposed rule. Comments may be

submitted by one of the following methods:

- *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov>. Preferred method; follow the online instructions for submitting comments on docket [insert docket number].

- *Mail:* Comments should be addressed to Vicky Robinson, Chief, Retailer Management and Issuance Branch, Retailer Policy and Management Division, Room 418, 3101 Park Center Drive, Alexandria, Virginia 22302.

All comments submitted in response to this rulemaking will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the comments publicly available on the internet via: <http://www.regulations.gov>.

All submissions will be available for public inspection at the address above during regular business hours (8:30 a.m. to 5:30 p.m.), Monday through Friday.

#### FOR FURTHER INFORMATION CONTACT:

Address any questions regarding this rulemaking to Vicky Robinson, Chief, Retailer Management and Issuance Branch, Retailer Policy and Management Division at the Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302. Ms. Robinson can also be reached by telephone at 703-305-2476 or by email at [Vicky.Robinson@fns.usda.gov](mailto:Vicky.Robinson@fns.usda.gov) during regular business hours (8:30 a.m. to 5:30 p.m.) Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

##### Background

This proposed rulemaking is the result of two separate developments. First are statutory changes included in the 2014 Farm Bill. The second is the effort initiated by FNS in 2013 to look at enhancing the eligibility standards for SNAP retailers to better enforce the intent of the Act to permit low-income individuals to purchase more nutritious foods for home preparation and consumption.

The 2014 Farm Bill increases the requirement that certain SNAP authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories to a mandatory statutory minimum of seven varieties. Further, the 2014 Farm Bill increases the minimum number of categories in which perishable foods are required from two to three. This proposed rule

would codify these mandatory requirements.

In addition, on August 20, 2013, FNS published a notice entitled, "Request for Information: Supplemental Nutrition Assistance Program (SNAP) Enhancing Retail Food Store Eligibility" at 78 FR 51136. The Request for Information (RFI), which included fourteen specific questions, focused on ways to enhance the definitions of retail food store and staple foods, and overall eligibility requirements to participate in SNAP, in order to improve access to healthy foods and ensure that only retailers that effectuate the purposes of SNAP are authorized to accept benefits. FNS received a total of 211 comments from a diverse group, including retailers, academics, trade associations, policy advocates, professional associations, government entities, and the general public. RFI comments were considered in drafting this proposed rule and a copy of the comment summary can be viewed at: <http://www.fns.usda.gov/rfi-retailer-enhancement>.

In this rulemaking, based in part on feedback received via the RFI, FNS is proposing further revisions to SNAP regulations pertaining to the eligibility of retailers to participate in SNAP as retail food stores. Using the authorities in Sections 3 and 9 of the Act, these proposed revisions are intended to limit retailers that do not further the purposes of the Program from participating in SNAP without negatively impacting access for beneficiaries. This proposed rule would not impact eligible foods that can be purchased with SNAP benefits.

Over the years, a growing number of retailers have become authorized to participate in the Program as retail food stores. Some of these retailers operate primarily as restaurants, not retail food stores. Nothing in current regulations specifically prohibits items sold for SNAP benefits that are cold at the point-of-sale from being heated or cooked in the store after purchase. Further, current rules allow foods to be classified as staple or non-staple by their first ingredient; therefore some pizza restaurants, for example, have been deemed eligible with pizza as the qualifying staple food based on the primary ingredient (bread). After selling a cold pizza to SNAP customers, these firms subsequently heat the pizza and then have ultimately sold hot food from their pizza-restaurant location. Except for limited exceptions set forth under Section 3(k) of the Act and 7 CFR 278.1(d)(3), which permit State agencies to enter into contracts with restaurants to prepare and serve low-cost meals to homeless persons, elderly persons and

SSI recipients, Congress specified in Section 3(k) and Section 3(o)(1) of the Act that SNAP-authorized retailers must sell food for home preparation and consumption, which does not include hot foods or hot food products ready for immediate consumption. This proposed rulemaking would clarify and strengthen current regulations to ensure that SNAP retailer policy is aligned with this statutory intent.

The rulemaking also proposes to make ownership information tied to program violations available to the public, which will assist in maintaining program integrity.

Unless otherwise specified, the Agency proposes to implement the changes described in this rulemaking upon the effective date of the final rule.

### **Retail Food Store**

In order to be eligible to accept SNAP benefits, under Section 3(o)(1) of the Act, a retailer must "sell food for home preparation and consumption" as well as meet other criteria in the Act and SNAP regulations. Section 3(k)(1) of the Act defines "food" to include "any food or food product for home consumption except . . . hot foods or hot food products ready for immediate consumption. . . ." Congress specifically did not intend for restaurants to participate in SNAP, except under limited circumstances to serve the elderly, disabled, and homeless, as set forth in Section 3(k) of the Act and as referenced in Section 7(f)(2) of the Act.

The current SNAP regulations at 7 CFR 278.1(b)(1)(iv) provide that ineligible firms include "firms that are considered to be restaurants, that is, firms that have more than 50 percent of their total gross retail sales in hot and/or cold prepared foods not intended for home preparation and consumption." However, nothing in current regulations specifically prohibits items sold for SNAP benefits to be sold cold at the point-of-sale and heated or cooked in the store after purchase. As a result of this gap in existing regulations, some firms are authorized to accept SNAP benefits even though they primarily sell cold, uncooked, or raw foods and offer to heat or cook those foods for customers for free or for cash before the customer leaves the store premises. This gap has allowed these entities that in effect sell hot foods ready for immediate consumption to participate in SNAP as authorized retailers. The changes noted above will not impact farmer's markets, direct-marketing farmers, military commissaries, and other relevant establishments as described in Sec. 4002 of the Act.

Comments from the RFI involving firms that primarily sell food for immediate consumption and that also sell products cold and heat them for SNAP customers after purchase were evenly split. Some expressed concerns that allowing prepared foods that could be cooked or heated after purchase would likely cost more than unprepared foods, pointing out that SNAP benefit amounts were based on the Thrifty Food Plan, which is a market basket of foods that makes the economic assumption that food purchased with SNAP benefits will be foods intended for home preparation and not prepared foods. Others expressed concern that SNAP recipients without access to a kitchen could benefit by being able to have prepared foods cooked in stores where they are purchased.

Despite this latter comment, the Agency thinks it is important to maintain the intent of Congress' restriction on hot food purchases. Therefore, the rulemaking proposes to close the existing gap in SNAP regulations that allows these types of entities to become authorized SNAP retailers by adding language to the definition of retail food store in current regulations at 7 CFR 271.2 that would require that at least 85 percent of an entity's total food sales must be for items that are not cooked or heated on-site before or after purchase. This proposed threshold is based on a review of the data submitted by SNAP authorized restaurants currently operating outside of the intent of the Program. FNS requests comments regarding this threshold and the benefits and costs of alternative levels.

Additionally, this rule would add language to prevent such businesses that do not effectuate the purposes of SNAP from circumventing SNAP rules by splitting into two separate businesses that operate under one roof in order to gain eligibility for one of the businesses to participate in SNAP as a retail food store. For example, a restaurant purporting to be two separate businesses (one a hot foods restaurant and one a cold-prepared foods location) for purposes of SNAP authorization but operating from a single location with common employees, accounting, and management, is not eligible. FNS would not recognize separate businesses operating in one location and eligibility determinations would continue to be made based on an evaluation of these separate businesses as a single entity. FNS seeks comments relative to any unintended adverse effects of this proposed change.

The Agency proposes to make the requirements detailed above under

“Retail Food Store” effective for all new applicants and all retailers authorized to participate in SNAP within 120 days of the effective date of the final rule.

The rule also proposes to clarify the use of different terms, such as entities, firms, retailers and stores. These are terms used interchangeably in regulations and other policy, and they should be treated as equivalent terms in SNAP regulations and policies.

### Staple Food

As defined in Section 3(k) of the Act, current regulations define staple foods as foods in the following categories: Meat, poultry or fish; bread or cereals; vegetables or fruits; and dairy products. Current regulations at 7 CFR 271.2 specify that foods with multiple ingredients can only be counted in one staple food category, based on the main ingredient, when determining retailer eligibility. This is sometimes confusing and requires labels on many multiple-ingredient products to be examined closely in order to confirm the main ingredient when assigning it to the appropriate staple food category. For example, the main ingredient in some frozen chicken pot pies is bread and in others the main ingredient is chicken; therefore, one brand of chicken pot pie might be categorized in the bread or cereals category and another brand of chicken pot pie might be categorized in the meat, poultry or fish category. In addition, counting foods with multiple ingredients has allowed prepared foods sold for carry-out or for on-site consumption to be counted as staple foods when determining a store’s eligibility to participate in SNAP, enabling some restaurants to inappropriately participate in SNAP as retail food stores.

In order to prevent confusion and unintended consequences caused by foods with multiple ingredients, this rulemaking proposes to amend 7 CFR 278.1(b) to revise language in 7 CFR 271.2 defining staple food. The rulemaking proposes to define staple food as those food items intended for home preparation and consumption in each of the following four categories: meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products. Hot foods are not eligible for purchase with SNAP benefits and, therefore, do not qualify as staple foods for the purpose of determining eligibility under 278.1(b)(1) of this chapter. Commercially processed foods and prepared mixtures with multiple ingredients that do not represent a single staple food category shall not be counted in any staple food category. Examples of such foods include cold

pizza, macaroni and cheese, multiple ingredient soup, sandwiches, TV dinners, and pot pies. Accessory food items include foods that are generally consumed between meals and/or are generally considered snacks or desserts such as, but not limited to chips, dips, crackers, cupcakes, cookies, ready-popped popcorn, pastries, and candy, or food items that complement or supplement meals, such as, but not limited to coffee, tea, cocoa, carbonated and uncarbonated drinks, condiments, spices, salt, and sugar, and shall not be considered staple foods for purposes of determining the eligibility of any firm. These changes would ensure that those foods that do not represent a single staple food category, such as commercially processed and prepared mixtures with multiple ingredients are not considered when determining eligibility to participate in SNAP as a retail food store. Multiple ingredient foods include frozen entrees and prepared sandwiches, prepared salads, and pizza. These foods do not include such items as yogurt, cheeses, and cereals as the primary staple ingredient is clearly represented and easily recognized.

Multiple ingredient foods and accessory foods would not be counted toward variety, perishables, or depth of stock when determining a firm’s eligibility to participate in SNAP as a retail food store. This would not change the eligibility of these foods for purchase with SNAP benefits in authorized stores. FNS believes this approach would better reflect the intent of Congress that staple foods are those foods used primarily for home preparation and consumption that provide the main sources of nutrition intake for households.

The rulemaking also proposes changes to the Agency’s interpretation of accessory foods, which are not considered to be staple foods, but are eligible foods that can be purchased with SNAP benefits. The Agency currently treats any food items for home preparation and consumption not specifically listed as an accessory food in Section 3(q)(2) of the Act as a staple food. Section 3(q)(2) of the Act states that staple foods do not include “accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices.” This language in Section 3(q)(2) indicates that the list of accessory foods in the Act is an illustrative list, not a complete list. Therefore, under the proposed changes, FNS is clarifying that in addition to the examples of accessory foods provided in Section 3(q)(2) of the Act, accessory

foods also include items such as chips, dips, cookies, cakes and pastries that are commonly recognized as snack foods and desserts and/or that are typically consumed between meals. Similar to candy, carbonated and un-carbonated drinks, and condiments, which are examples of accessory foods provided in the Act, chips, ready-popped popcorn, cookies, cakes and pastries and similar foods are examples of snack foods or desserts, with limited nutritional value. FNS believes counting such foods as accessory items will ultimately encourage stores to offer more nutritious options and provide SNAP recipients access to a larger selection of healthy foods. Stores that, until now, have relied on these types of accessory foods to count as staple foods may need to expand their offerings of proper staple foods to continue to be eligible. FNS remains concerned that those stores that sell predominantly accessory foods do not further the purposes of SNAP. FNS is interested in public comments as to additional foods that should be categorized as accessory items and/or standards and criteria to determine whether a food is a staple food or an accessory; for example, popcorn that is already popped and has added salt or butter would be considered an accessory food. FNS is interested in whether and how the public would make a distinction between dried corn as a grain and popcorn (popped or unpopped) as a snack food. Accessory foods would remain eligible for purchase with SNAP benefits but would not be counted as staple foods for purposes of determining a store’s eligibility to participate in SNAP.

FNS understands there are challenges in making clear distinctions in the areas of multi-ingredient foods and accessory foods. FNS plans to issue specific guidance on the changes proposed in this rulemaking. In the past, FNS has issued questions and answers following a final rule. FNS is seeking comments on what specific aspects of the proposed changes should be addressed in guidance and whether guidance should again be issued after the rule is final or concurrent to issuance of the final rule.

There was mixed reaction from commenters on the RFI with respect to counting multiple ingredient foods as staple foods when determining store eligibility. Approximately half the submissions, including retailer groups and food manufacturers, support the current requirements to count foods with multiple ingredient foods in one staple food category based on the main ingredient. Other commenters, including farmers markets, professional associations, government agencies and

policy advocates, supported changing FNS' current rules on multiple ingredient foods.

However, there was strong support, and little opposition, from those submitting comments to the RFI for the notion that enhancing the standards for staple foods would lead to healthier food options that would help prevent obesity and reduce food insecurity. Consequently, most supported changes to the current definition of "staple foods."

#### Determination of Authorization

Changes proposed for regulations at 7 CFR 271.2 would also require clarification in 7 CFR 278.1 to conform to those changes. Current regulations at 7 CFR 278.1(b)(1)(ii)(C) include language about multiple ingredient foods and, as stated above, this rulemaking proposes to revise and add language to clarify that such foods are not counted as staple foods for purposes of determining store eligibility. Therefore, conforming changes to this paragraph are being proposed as well.

In addition, the rule proposes to codify in 7 CFR 278.1 mandatory requirements from the 2014 Farm Bill. The 2014 Farm Bill amended Section 3(o)(1)(A) of the Food and Nutrition Act to increase the required minimum variety of foods in each staple food category from three to seven different varieties and require perishables in three staple food categories instead of two, in order to be eligible to participate in SNAP as a retail food store. The rulemaking also proposes a minimum number of six stocking units per variety to ensure that retailers can meet the statutory requirement to offer for sale, on a continuous basis, staple foods in each staple food category. This stocking depth ensures that stores offer the minimum number of varieties on a continuous basis, as required by law without complicating collection of information that store visit contractors now collect for FNS to use in determining store eligibility. FNS requests comments on this stocking depth requirement. This new requirement only affects establishments and house-to-house trade routes that meet the definition of a retail food store in accordance with Section 3(o)(1)(A) of the Act; it does not affect establishments and house-to-house trade routes that have over 50 percent of their total sales in staple foods and would meet the definition of retail food store under Section 3(o)(1)(B) of the Act (*i.e.* stores that currently participate under criteria B generally include, for example, specialty food meat, fruit and vegetable, or seafood markets with 50% or more of

their sales in a specific staple food category. These firm types will not be affected by the changes in this rule.).

The rule also proposes to revise in 7 CFR 278.1(b)(1)(ii)(B) what constitutes a variety of staple foods in order to clear up any confusion that may exist with current regulations and to conform to earlier changes in 7 CFR 271.2 to the definition of staple foods pertaining to multiple ingredient foods.

Responses to the RFI questions mostly indicated support, though there was limited opposition, for the now mandatory, statutory changes to increase the minimum number of staple foods by increasing variety requirements. Most felt the minimum of twelve items currently required was too few. There was also support for the now mandatory, statutory change that requires perishable items in more than two staple food categories.

The Agency proposes to make the requirements detailed above under "Staple Food" and "Determination of Authorization" effective for all new applicants within 120 days of the effective date of a final rule. Further, FNS proposes that once these requirements become effective for new applicants, a retailer that is withdrawn or disqualified for a term and is subsequently reinstated, must meet these new requirements prior to reinstatement. Finally, this rule proposes that SNAP retailers authorized to participate in the Program on the effective date of the final rule will have one year (365 days) from the effective date of the final rule to comply with the new requirements.

#### Need for Access

The 2014 Farm Bill amended Section 9(a) of the Act to allow the Agency to consider whether an applicant retailer is located in an area with significantly limited access to food when determining the qualifications of that applicant. Pursuant to that change, FNS proposes to amend 278.1(b) to allow the Agency to consider need for access when a retailer does not meet all of the requirements for SNAP authorization.

FNS is interested in comments and suggestions regarding this proposed change. In considering need for access, at both authorization and reauthorization, the Agency would consider factors such as distance from the nearest SNAP authorized retailer, transportation options to other SNAP authorized retailer locations, the gap between store's stock and SNAP required stock for authorization eligibility, and whether the store furthers the purposes of the Program. FNS is particularly interested in

comments to help the Agency refine the language in the proposed change.

#### Public Disclosure of SNAP Information

With the exception of employment identification numbers (EINs) and social security numbers (SSNs), the Act allows information collected from retail food stores to be disclosed for purposes directly connected with the administration and enforcement of the Act and SNAP regulations. This rulemaking proposes to allow FNS to disclose to the public specific information about retailers that have been disqualified or otherwise sanctioned for SNAP violations. The information would be disclosed only after the time for administrative and judicial appeals has expired and would be limited to the name and address of the store, the owner name(s) and information about the sanction itself. Public disclosure of this information may include the posting of a list of sanctioned retailers on a public Web site. Public disclosure of such information would assist the Department in its efforts to combat SNAP fraud by providing an additional deterrent. The information would also provide the public with valuable information about the integrity of these businesses and individuals for future dealings. Therefore, public disclosure of this information would be for purposes directly connected with the administration and enforcement of the Act and its regulations.

#### Regulatory Impact Analysis

##### Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all cost 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 cost and benefits, of reducing cost, of harmonizing rules, and of promoting flexibility. This proposed rule has been determined to be significant and was reviewed by the Office of Management and Budget. The RIA for this rulemaking was published as part of the docket in Supporting Documents on [www.regulations.gov](http://www.regulations.gov). A summary of the regulatory impact analysis (RIA) follows.

#### Need for Action

The proposed rule is needed to codify mandatory provisions of the 2014 Farm

Bill, and to clarify and enhance current regulations governing the eligibility of retail food stores participating in SNAP.

#### Benefits

This rulemaking will codify mandatory provisions of the 2014 Farm Bill, and strengthen provisions in current regulations, to conform to the intent of the statutory requirements. Proposed changes will improve SNAP recipient access to a variety of healthy food options. It reflects the Department's commitment to provide vital nutrition assistance to our most vulnerable Americans, protect taxpayer dollars and build on aggressive efforts to ensure program integrity. The proposed rule would allow FNS to ensure that retailers authorized to participate in SNAP as retail food stores are consistent with the purposes of the Program. It would reinforce the intent of SNAP, that participants use their benefits to purchase more nutritious foods intended for home preparation and consumption. FNS requests information on any other benefits of this rule.

#### Costs

There will be minor costs to the Federal government as a result of the rule, as it does not change benefit levels, and existing retailer authorization and oversight resources would be used to enforce it. FNS anticipates that this rule may result initially in a small increase in requests for administrative reviews, but the estimated cost for additional reviews is less than \$150,000. With respect to the cost impact to retailers, the rule would mainly impact those firms that are minimally stocked and those that are primarily restaurants and therefore are inconsistent with the intent of Congress to make foods available to SNAP participants for home preparation and consumption. Firms that do not stock sufficient staple foods to meet the new requirements will have the opportunity to modify their staple food stock in order to be eligible to participate in SNAP. In the course of store reviews, FNS has observed that stores that are determined to not be eligible typically expand their food offerings to participate in SNAP. FNS requests comments on the costs to retailers from this rule.

#### Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Pursuant to that review, FNS believes that the rulemaking does not present a significant economic impact to a substantial number of small businesses;

although the number of stores impacted is large, we estimate that the cost to those small businesses for stocking additional inventory would be nominal, on average about \$140. However, FNS has prepared this Regulatory Flexibility Analysis to provide the opportunity for comment and input from the public. The complete Regulatory Flexibility Analysis for this rule was published as part of the docket in Supporting Documents on [www.regulations.gov](http://www.regulations.gov). A summary of the analysis follows: This proposed rule will impact nearly 200,000 small grocery stores and convenience stores by requiring that these stores make changes to their inventory in order to comply with the new minimum inventory requirement mandated in this rule. FNS estimates that for the vast majority of stores the changes needed will be minimal and represent less than one-tenth of one percent of a store's total gross sales.

#### Public Law 104–4

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under Section 202 of the UMRA, the Department generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local, or Tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule. This proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments or the private sector of \$100 million or more in any one year. This rulemaking is, therefore, not subject to the requirements of sections 202 and 205 of the UMRA.

#### Executive Order 12372

SNAP is listed in the Catalog of Federal Domestic Assistance under Number 10.551 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

#### Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have Federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of the Executive Order 13132. FNS has determined that this rulemaking does not have Federalism implications. This proposed rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a Federalism summary impact statement is not required.

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is intended to have preemptive effects with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This proposed rule is not intended to have retroactive effects unless so specified in the Effective Date paragraph of the final rule. Prior to any judicial challenge to the provisions of the final rule or the application of its provisions, all applicable administrative procedures must be exhausted.

#### Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

Currently, FNS provides regularly scheduled quarterly consultation sessions as a venue for collaborative conversations with Tribal officials or their designees. Reports from these consultations are part of the USDA annual reporting on Tribal consultation and collaboration. FNS will respond in timely and meaningful manner to Tribal government requests for consultation concerning this proposed rule. The policies contained in this rulemaking

should not have Tribal implications that preempt Tribal law.

Civil Rights Impact Analysis

FNS has reviewed this rule in accordance with Departmental Regulations 4300-4, "Civil Rights Impact Analysis" and 1512-1, "Regulatory Decision Making Requirements." After a careful review of the proposed rule's intent and provisions, FNS has determined that this rulemaking will not in any way limit or reduce the ability of protected classes of individuals to receive SNAP benefits on the basis of their race, color, national origin, sex, age, disability, religion or political belief nor will it have a differential impact on minority owned or operated business entities, and woman owned or operated business entities that participate in SNAP. The regulation affects or may potentially affect certain retail food stores that participate in (accept or redeem) SNAP. The only retail food stores that will be directly affected, however, are those retailers that participate in SNAP in accordance with Section 3(o)(1)(A) of the Act and that do not stock at the newly required and proposed levels, or whose hot food (heated before or after purchase) sales exceed 15 percent. FNS does not collect data from retail food stores regarding any of the protected classes under Title VI of the Civil Rights Act of 1964. FNS specifically prohibits retailers that participate in SNAP to engage in actions that discriminate based on race, color, national origin, sex, age, disability, religion or political belief. This proposed rule will not change any requirements related to the eligibility or participation of protected classes or individuals, minority owned or operated business entities, or woman owned or operated business entities in SNAP. As a result, this rulemaking will have no differential impact on protected classes of individuals, minority owned or operated business entities, or woman owned or operated business entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR part 1320) requires that the Office of Management and Budget (OMB) approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. There is no new information collection burden associated with this proposed rule.

E-Government Act Compliance

FNS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to government information and services, and for other purposes.

Lists of Subjects

7 CFR Part 271

Food stamps, Grant programs—Social programs, Reporting and recordkeeping requirements.

7 CFR Part 278

Approval and participation of retail food stores and wholesale food concerns, food stamps; Participation of financial institutions, disqualification and imposition of civil penalties or fines for retail food stores and wholesale food concerns; and Disposition of claims; penalties.

Accordingly, for reasons set forth in the preamble, 7 CFR parts 271 and 278 are proposed to be amended as follows:

- 1. The authority citation for 7 CFR 271 and 278 continue to read as follows:

Authority: 7 U.S.C. 2011-2036.

PART 271—GENERAL INFORMATION AND DEFINITIONS

- 2. In § 271.2:
a. Add a definition for Firm.
b. Amend the definition of Retail food store by adding two sentences at the end of paragraph (1).
c. Revise the definition of Staple food.

The additions and revision read as follows:

§ 271.2 Definitions.

\* \* \* \* \*

Firm (1) Means:

- (i) A retail food store that is authorized to accept or redeem SNAP benefits;
(ii) A retail food store that is not authorized to accept or redeem SNAP benefits; or
(iii) An entity that does not meet the definition of a retail food store.

(2) For purposes of the regulations and SNAP policies, the terms firm, entity, retailer, and store are used interchangeably.

\* \* \* \* \*

Retail food store means:

- (1) \* \* \* In addition, at least 85 percent of an entity's total food sales must be for items that are not cooked or heated on-site before or after purchase. Establishments that include separate businesses that operate under one roof and have commonalities, such as sale of similar foods, single management

structure, shared space, logistics, bank accounts, employees, and/or inventory, are considered to be a single establishment when determining eligibility to participate in SNAP as retail food stores.

\* \* \* \* \*

Staple food means those food items intended for home preparation and consumption in each of the following four categories: Meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products. Hot foods are not eligible for purchase with SNAP benefits and, therefore, do not qualify as staple foods for the purpose of determining eligibility under § 278.1(b)(1) of this chapter.

Commercially processed foods and prepared mixtures with multiple ingredients that do not represent a single staple food category shall not be counted in any staple food category. Examples of such foods include cold pizza, macaroni and cheese, multiple ingredient soup, sandwiches, TV dinners, and pot pies. Accessory food items include foods that are generally consumed between meals and/or are generally considered snacks or desserts such as, but not limited to chips, dips, crackers, cupcakes, cookies, popcorn, pastries, and candy, or food items that complement or supplement meals, such as, but not limited to coffee, tea, cocoa, carbonated and uncarbonated drinks, condiments, spices, salt, and sugar, and shall not be considered staple foods for purposes of determining the eligibility of any firm.

\* \* \* \* \*

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

- 3. In § 278.1:
a. Revise the first sentence in paragraph (b)(1)(ii)(A);
b. Amend the first sentence in paragraph (b)(1)(ii)(B) by removing the word "two" and adding in its place the word "three".
c. Revise paragraph (b)(1)(ii)(C);
d. Amend paragraph (b)(1)(iv) by adding a new sixth sentence;
e. Redesignate paragraph (b)(6) as paragraph (b)(7);
f. Add new paragraph (b)(6).
g. Add paragraph (q)(5).

The additions and revisions read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

\* \* \* \* \*

- (b) \* \* \*
(1) \* \* \*



(ii) \* \* \*

(A) Offer for sale and normally display in a public area, qualifying staple food items on a continuous basis, evidenced by having, on any given day of operation, no fewer than seven different varieties of food items in each of the staple food categories, with a minimum of six stocking units for each food item. \* \* \*

\* \* \* \* \*

(C) Offer a variety of staple foods which means different types of foods within each staple food category. For example: apples, cabbage, tomatoes, bananas, melons, broccoli, and squash in the vegetables or fruits category; or animal-based milk, plant-based milk, hard cheese, soft cheese, butter, sour cream, and yogurt in the dairy category; or rice, couscous, quinoa, bread, cold cereals, oatmeal, and flour tortillas in the bread or cereals category; or chicken, turkey, duck, beef, pork, salmon, and tuna in the meat and fish category. Variety of foods is not to be interpreted as different brands, nutrient values, packaging types or package sizes of the same or similar foods. Similar food items such as, but not limited to, link sausages and sausage patties, different types of cold breakfast cereals, whole milk and skim milk, or different types of apples (e.g., Empire, Jonagold and McIntosh), shall count as depth of stock but shall not each be counted as more than one staple food variety for the purpose of determining the number of varieties in any staple food group. Accessory foods and processed multiple ingredient foods shall not be counted as staple foods for purposes of determining eligibility to participate in SNAP as a retail food store.

\* \* \* \* \*

(iv) \* \* \* Firms that do not have 85 percent or more of their total food sales in items that are not cooked or heated on-site, before or after purchase, are ineligible. \* \* \*

\* \* \* \* \*

(6) FNS will consider whether the applicant is located in an area with significantly limited access to food. In determining whether an applicant is located in such an area, FNS will consider factors such as distance from the nearest SNAP authorized retailer, transportation options to other SNAP authorized retailer locations, the gap between a store's stock and SNAP required stock for authorized eligibility, and whether the store furthers the purpose of the Program.

\* \* \* \* \*

(q) \* \* \*

(5) *Public disclosure of firms sanctioned for SNAP violations.* FNS

may disclose information to the public when a retail food store has been disqualified or otherwise sanctioned for violations of the Program after the time for administrative and judicial appeals has expired. This information is limited to the name and address of the store, the owner names(s) and information about the sanction itself.

Dated: February 8, 2016.

**Kevin Concannon,**

*Under Secretary, Food Nutrition and Consumer Services.*

[FR Doc. 2016-03006 Filed 2-16-16; 8:45 am]

**BILLING CODE 3410-30-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 2

[Docket No. PRM-2-15; NRC-2015-0264]

#### Agency Procedures for Responding to Adverse Court Decisions and Addressing Funding Shortfalls

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of docketing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking (PRM) requesting that the NRC amend its rules of practice and procedure to establish procedures for responding to adverse court decisions and to annually report to the public each instance where the NRC does not receive "sufficient funds reasonably necessary to implement in good faith its statutory mandates." The petition, dated October 22, 2015, was submitted by Mr. Jeffrey M. Skov (the petitioner). The petition was docketed by the NRC on November 10, 2015, and was assigned Docket Number PRM-2-15. The NRC is examining the issues raised in this petition to determine whether they should be considered in rulemaking. The NRC is not requesting public comment on PRM-2-15 at this time.

**DATES:** The PRM is available on February 17, 2016.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0264 when contacting the NRC about the availability of information for this petition. You may obtain publicly-available information related to this petition by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0264. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463;

email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** For technical questions contact Mr. Ian Irvin, Office of the General Counsel, telephone: 301-415-3138, email: [Ian.Irvin@nrc.gov](mailto:Ian.Irvin@nrc.gov). For questions related to the petition for rulemaking process contact Mr. Anthony de Jesús, Office of Administration, telephone: 301-415-1106, email: [Anthony.defesus@nrc.gov](mailto:Anthony.defesus@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. The Petitioner

The petitioner, Mr. Jeffrey M. Skov, states, among other things, that his "interest is in securing for the NRC and the nation" benefits that would "[e]nhance public safety and health," "[r]educe costs," and "[a]lign NRC's practices with its principles."

##### II. The Petition

The petitioner requests that the NRC amend part 2 of title 10 of the *Code of Federal Regulations* (10 CFR), "Agency rules of practice and procedure," to establish procedures for (1) responding to adverse court decisions, and (2) annually reporting to the public each instance where the NRC does not receive sufficient funds reasonably necessary to implement in good faith its statutory mandates. The petition is available in ADAMS under Accession No. ML15314A075.

### III. Discussion of the Petition

The petitioner proposes that the NRC issue two new rules to address concerns about the NRC's actions in response to the August 13, 2013, decision in *In re: Aiken County* ruling<sup>1</sup> by the U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit Court"). The petitioner requests that the NRC issue a regulation requiring prompt action "in response to each instance where a court of competent jurisdiction rules that NRC violated applicable law." The petitioner also requests that the NRC issue an additional regulation "intended to ensure that public safety and health, protection of the environment, the common defense and security, the reputation and credibility of the NRC as a 'trusted, independent, transparent, and effective nuclear regulator,' and prudent stewardship of the national fisc all receive due consideration when the agency does not receive sufficient funding to implement its statutory mandates; and that both that consideration and the circumstances that require it are appropriately brought into the light."

#### First Proposed Rule Request

The petitioner requests that the NRC amend its regulations in 10 CFR part 2 to require that in "each instance where a court of competent jurisdiction rules that NRC violated applicable law" the NRC promptly take the following actions:

- Evaluate and determine the cause or causes for each violation;
- conduct an "extent of condition" evaluation to determine whether NRC's implementation of other statutes and regulations (*i.e.*, statutes and regulations beyond those identified by the court in its ruling) are similarly affected;
- implement immediate corrective actions to address any violations identified by the extent of condition evaluation;
- formulate and implement robust corrective actions to prevent recurrence that are based on the cause and extent of condition evaluations; and
- prepare and issue a report to the public that documents these activities.

In addition, the NRC would be required to formally "request review by the U.S. Department of Justice (1) of the adequacy of NRC oversight mechanisms and whether enhancements are warranted . . . and (2) of whether offenses proscribed by the federal criminal code . . . formed the basis of

or contributed to the adverse court ruling." The petitioner states that these amendments "would be effective retroactively, beginning with the 08/13/13 *In re: Aiken County* ruling—because of the extraordinary significance of that ruling."

#### Second Proposed Rule Request

The petitioner also requests that 10 CFR part 2 be amended to require that the NRC annually "report to the public each instance where it does not receive sufficient funds reasonably necessary to implement in good faith its statutory mandates. . . ." The petitioner states that this report should include a discussion "of whether NRC (1) was directed to request either no or insufficient funds, and complied with that direction; (2) did request sufficient funds, which were withheld by Congress; or (3) did not request sufficient funds." The petitioner recommends that the report also include "a discussion of the consequences of each instance with respect to (1) public safety and health; (2) environmental protection; (3) the common defense and security; (4) the reputation/credibility of the agency as a 'trusted, independent, transparent, and effective nuclear regulator,' and (5) collateral fiscal impacts (*e.g.*, the ongoing Judgment Fund disbursements to the nation's nuclear utilities flowing from the government's breach of the NWSA [Nuclear Waste Policy Act] 'standard contracts')."

The petitioner asserts that some of the "Benefits to [the] NRC and the Nation" that would be gained as a result of issuing these proposed rules include:

- Enhancing public safety and health;
- Reducing cost;
- Aligning the NRC's practices with its principles;
- Aligning the NRC's practices with the tenets it has set out for ensuring a positive safety culture; and
- Aligning the NRC's practices with its mission statement, vision, and organizational values.

### VI. Conclusion

The NRC has determined that the petition meets the threshold sufficiency requirements for docketing a petition for rulemaking under 10 CFR 2.802, "Petition for rulemaking—requirements for filing," and the petition has been docketed as PRM-2-15. The NRC will examine the issues raised in PRM-2-15, to determine whether they should be considered in the rulemaking process.

Dated at Rockville, Maryland, this 10th day of February, 2016.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook**,  
Secretary of the Commission.

[FR Doc. 2016-03254 Filed 2-16-16; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 429

[Docket No. EERE-2015-BT-CE-0019]

RIN 1990-AA44

#### Energy Conservation Program: Certification and Enforcement—Import Data Collection; Notice of Public Meeting and Reopening of Comment Period

**AGENCY:** Office of the General Counsel, Department of Energy.

**ACTION:** Notice of public meeting and reopening of comment period.

**SUMMARY:** On December 29, 2015, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking in the **Federal Register** proposing that a person importing into the United States any covered product or equipment subject to an applicable energy conservation standard provide, prior to importation, a certification of admissibility to the DOE. The comment period ended February 12, 2016. After receiving several requests for additional time to prepare and submit comments, DOE has decided to reopen the period for submitting comments. In addition, DOE announces a public meeting and webinar regarding its proposal. DOE is reopening the comment period until February 29, 2016.

**DATES:** The comment period for the notice of proposed rulemaking published on December 29, 2015 (80 FR 81199), has been extended. DOE will accept comments, data, and information in response to the NOPR received no later than February 29, 2016. See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** The meetings will be held at U.S. Department of Energy, Forrestal Building, Room 8E-089, 1000 Independence Avenue SW., Washington, DC 20585. See the section "Public Participation" for details on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: 202-586-6590. Email:

<sup>1</sup> See [https://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/\\$file/11-1271-1451347.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/$file/11-1271-1451347.pdf).

*ashley.armstrong@ee.doe.gov*; or Mr. Steven Goering, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-32, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: 202-286-5691. Email: *steven.goering@hq.doe.gov*.

**SUPPLEMENTARY INFORMATION:** On December 29, 2015, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NPR) in the **Federal Register** proposing that a person importing into the United States any covered product or equipment subject to an applicable energy conservation standard provide, prior to importation, a certification of admissibility to the DOE. (80 FR 81199) The comment period ended February 12, 2016. After receiving several requests for additional time to prepare and submit comments, DOE has decided to extend the period for submitting comments. In addition, DOE announces a public meeting and webinar regarding its proposal.

DOE will host a public meeting and webinar on February 19, 2016, from 9:30 a.m. to 2:00 p.m. at DOE's Forrestal Building, Room 8E-089.

DOE will accept comments, data, and information in response to the NPR received no later than February 29, 2016. DOE will consider any comments in response to the NPR received by midnight of February 29, 2016, and deems any comments received by that time to be timely submitted.

#### Meeting Address

U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Room 8E-089. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at <https://attendee.gotowebinar.com/register/8895993921663587586>.

To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email Ms. Brenda Edwards *brenda.edwards@ee.doe.gov*. In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Regina Washington at (202) 586-1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be

completed. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes have been made regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); A military ID or other Federal government issued Photo-ID card.

#### Public Participation

Any comments submitted must identify the NPR for Import Data Collection, and provide docket number EERE-2015-BT-CE-0019 and/or regulatory information number (RIN) number 1990-AA44. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
2. *Email:* [ImportData2015CE0019@ee.doe.gov](mailto:ImportData2015CE0019@ee.doe.gov). Include the docket number and/or RIN in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586-2945. If possible, please

submit all items on a CD. It is not necessary to include printed copies.

*Docket:* The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at [regulations.gov](http://regulations.gov). All documents in the docket are listed in the [regulations.gov](http://regulations.gov) index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: <http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-CE-0019>. This Web page will contain a link to the docket for this notice on the [regulations.gov](http://regulations.gov) site. The [regulations.gov](http://regulations.gov) Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment, review other public comments and the docket, or to request a public meeting, contact Ms. Brenda Edwards at (202) 586-2945 or by email: *Brenda.Edwards@ee.doe.gov*.

Issued in Washington, DC, on February 8, 2016.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2016-03092 Filed 2-16-16; 8:45 am]

**BILLING CODE 6450-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-3696; Directorate Identifier 2015-NM-113-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a report of a partial loss of the no-back brake (NBB) efficiency during endurance qualification tests on the trimmable horizontal stabilizer actuator (THSA). This proposed AD would require inspecting certain THSAs to determine

the number of total flight cycles the THSA has accumulated, and replacing the THSA if necessary. We are proposing this AD to prevent premature wear of the carbon friction disks on the NBB of the THSA, which could lead to reduced braking efficiency in certain load conditions, and, in conjunction with the inability of the power gear train to keep the ball screw in its last commanded position, could result in uncommanded movements of the trimmable horizontal stabilizer and loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by April 4, 2016.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-3696; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1405; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2016-3696; Directorate Identifier 2015-NM-113-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015-0080, dated May 7, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

During endurance qualification tests on A380 Trimmable Horizontal Stabilizer Actuator (THSA), a partial loss of the no-back brake (NBB) efficiency was experienced. Investigation results concluded that this particular malfunction was due to an ageing/endurance issue of the surfaces of the NBB carbon friction disks, leading to a partial loss of braking efficiency in some specific aerodynamic load conditions.

Due to design similarity on A320 family fleet, the same tests were initiated by the THSA manufacturer on certain SA type THSA, sampled from the field. Subject tests confirmed that THSA Part Number (P/N) 47145 series, as installed on A320 family aeroplanes, are also affected by this partial loss of NBB efficiency.

This condition, if not detected and corrected, and in conjunction with the power gear train not able to keep the ball screw in its last commanded position, could lead to an uncommanded movement of the THS, possibly resulting in loss of control of the aeroplane.

For the reasons described above, this [EASA] AD requires [inspecting certain

THSAs to determine the number of total flight cycles the THSA has accumulated and replacing THSAs having certain total flight cycles.] \* \* \*

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-3696.

#### Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320-27-1242, dated February 9, 2015. The service information describes procedures for replacing the THSA with a serviceable THSA. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Explanation of Compliance Times

The MCAI requires operators to replace certain THSAs by certain dates. The replacements are done for THSAs exceeding a certain flight cycle limit corresponding to each date. EASA determined that accomplishing the replacements by these dates is necessary in order to address the identified unsafe condition. Therefore, we are also specifying compliance dates in this proposed AD.

#### Costs of Compliance

We estimate that this proposed AD affects 959 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$81,515, or \$85 per product.

In addition, we estimate that any necessary follow-on actions would take about 21 work-hours and require parts costing \$26,500, for a cost of \$28,285 per product. We have no way of

determining the number of aircraft that might need this action.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. 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.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have 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.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2016-3696; Directorate Identifier 2015-NM-113-AD.

#### (a) Comments Due Date

We must receive comments by April 4, 2016.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, all manufacturer serial numbers.

(1) Model A318-111, -112, -121, and -122 airplanes.

(2) Model A319-111, -112, -113, -114, -115, -131, -132, and -133 airplanes.

(3) Model A320-211, -212, -214, -231, -232, and -233 airplanes.

(4) Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

#### (e) Reason

This AD was prompted by a report of a partial loss of the no-back brake (NBB) efficiency during endurance qualification tests on the trimmable horizontal stabilizer actuator (THSA). We are issuing this AD to prevent premature wear of the carbon friction disks on the NBB of the THSA, which could lead to reduced braking efficiency in certain load conditions, and, in conjunction with the inability of the power gear train to keep the ball screw in its last commanded position, could result in uncommanded movements of the trimmable horizontal stabilizer and loss of control of the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Inspection To Determine THSA Part Number and Accumulated Total Flight Cycles

Not later than each date specified in paragraphs (g)(1) through (g)(5) of this AD: Inspect the THSA to determine if it has a part number (P/N) 47145-(XXX), and, if any THSA P/N 47145-(XXX) is found, determine the total number of flight cycles accumulated since the THSA's first installation on an airplane, or since the most recent NBB replacement, whichever is later. A review of airplane delivery or maintenance records is acceptable in lieu of this inspection if the part number of the THSA can be conclusively determined from that review. In case maintenance records concerning the most recent NBB disk replacement are unavailable or incomplete, the total flight cycles accumulated since first installation of the THSA on an airplane apply.

(1) As of the effective date of this AD: The THSA flight-cycle limit (since first installation on an airplane, or since the most recent NBB replacement, whichever is later) is 40,000 total flight cycles.

(2) As of December 31, 2016: The THSA flight-cycle limit (since first installation on an airplane, or since the most recent NBB replacement, whichever is later) is 36,000 total flight cycles.

(3) As of December 31, 2017: The THSA flight-cycle limit (since first installation on an airplane, or since the most recent NBB replacement, whichever is later) is 33,600 total flight cycles.

(4) As of December 31, 2018: The THSA flight-cycle limit (since first installation on an airplane, or since the most recent NBB replacement, whichever is later) is 31,600 total flight cycles.

(5) As of December 31, 2019: The THSA flight-cycle limit (since first installation on an airplane, or since the most recent NBB replacement, whichever is later) is 30,000 total flight cycles.

#### (h) Replacements

For airplanes with any THSA P/N 47145-(XXX): Do the replacements required by paragraphs (h)(1) and (h)(2) of this AD.

(1) Not later than each date specified in paragraphs (g)(1) through (g)(5) of this AD, replace all THSA that have reached or exceeded on each date the corresponding number of flight cycles specified in paragraphs (g)(1) through (g)(5) of this AD. Do the replacement in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-27-1242, dated February 9, 2015. Affected THSAs must be replaced with serviceable THSAs.

(2) As of each date specified in paragraphs (g)(1) through (g)(5) of this AD, and before exceeding the flight cycle limit corresponding to each date, as applicable: Replace each THSA with a serviceable THSA, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-27-1242, dated February 9, 2015.

#### (i) Definition of Serviceable THSA

For the purposes of this AD: A serviceable THSA is a THSA that has not exceeded the applicable flight-cycle-limits, as specified paragraphs (g)(1) through (g)(5) of this AD, since first installation of the THSA on an airplane or since last NBB replacement, whichever is later.

**Note 1 to paragraph (i) of this AD:** Guidance for NBB disc replacement can be found in UTC Aerospace Systems Service Bulletin 47145-27-17, Revision 1, dated July 21, 2015.

#### (j) Parts Installation Limitation

As of each date specified in paragraphs (g)(1) through (g)(5) of this AD, as applicable, installation of a THSA P/N 47145-(XXX) is allowed on an airplane, provided the THSA is a serviceable THSA.

#### (k) Other FAA AD Provisions

The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, International

Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1405; fax 425-227-1149. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto:9-ANM-116-AMOC-REQUESTS@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### (l) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

#### (m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015-0080, dated May 7, 2015, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-3696.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on February 8, 2016.

**Michael Kaszycki,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016-03133 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2015-5800; Airspace Docket No. 15-AGL-21]

#### Proposed Establishment of Class E Airspace; Lisbon, ND

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

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

**DATES:** Comments must be received on or before April 4, 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-2015-5800; Docket No. 15-AGL-21, 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/](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](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:** Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817-222-5874.

#### 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 Lisbon Municipal Airport, Lisbon, ND.

##### 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-2015-5800/Airspace Docket No. 15-AGL-21." 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/](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

The FAA is proposing an amendment to 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 8.5-mile radius of Lisbon Municipal Airport, Lisbon, ND, 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 designations 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 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.*

\* \* \* \* \*

##### AGL ND E5 Lisbon, ND [New]

Lisbon Municipal Airport, ND  
(Lat. 46°26'49" N., long. 097°43'42" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lisbon Municipal Airport.

Issued in Fort Worth, TX, on January 22, 2016.

##### Christopher L. Southerland,

Manager, Operations Support Group, ATO  
Central Service Center.

[FR Doc. 2016-03061 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2015-3599; Airspace  
Docket No. 15-AGL-14]

#### Proposed Establishment of Class E Airspace; Dupree, SD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E en route domestic airspace in the Dupree, SD, area, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Minneapolis Air Route Traffic Control Center (ARTCC). The FAA is proposing this action to enhance the safety and efficiency of aircraft operations within the National Airspace System (NAS).

**DATES:** Comments must be received on or before April 4, 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-2015-3599; Docket No. 15-AGL-14, 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/](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](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:** Raul Garza Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817-222-5874.

**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 in the Dupree, SD, area.

**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-2015-3599/Airspace Docket No. 15-AGL-14." 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\\_](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**

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface in the Dupree, SD area. This action would contain aircraft while in IFR conditions under control of Minneapolis ARTCC by safely vectoring aircraft from en route airspace to terminal areas.

Class E airspace designations are published in Section 6006 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 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:

*Paragraph 6006 En Route Domestic Airspace Areas.*

\* \* \* \* \*

**AGL SD E6 Dupree, SD [New]**

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 46°43'39" N., long. 099°00'09" W.; to lat. 46°43'12" N., long. 098°27'11" W.; to lat. 45°53'47" N., long. 098°15'19" W.; to lat. 45°15'09" N., long. 098°45'49" W.; to lat. 44°40'45" N., long. 099°45'58" W.; to lat. 44°44'16" N., long. 100°47'46" W.; to lat. 44°52'34" N., long. 100°57'29" W.; to lat. 45°28'56" N., long. 102°46'15" W.; to lat. 45°34'49" N., long. 102°46'44" W.; to lat. 45°40'17" N., long. 099°00'09" W., thence to the point of



beginning, excluding that airspace within Federal airways.

Issued in Fort Worth, TX, on February 4, 2016.

**Robert W. Beck,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2016-03062 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2016-0525; Airspace Docket No. 16-AGL-1]

#### Proposed Amendment of Class E Airspace for the Following South Dakota Towns: Belle Fourche, SD; Madison, SD; Mobridge, SD; and Vermillion, SD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Belle Fourche Municipal Airport, Belle Fourche, SD; Madison Municipal Airport, Madison, SD; Mobridge Municipal Airport, Mobridge, SD; and Harold Davidson Field, Vermillion, SD. The decommissioning of non-directional radio beacons (NDB) and/or cancellation of NDB approaches due to advances in Global Positioning System (GPS) capabilities have made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at the above airports.

**DATES:** Comments must be received on or before April 4, 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-2016-0525; Airspace Docket No. 16-AGL-1, 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/](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](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:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

#### 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 amend Class E airspace at Belle Fourche Municipal Airport, Belle Fourche, SD; Madison Municipal Airport, Madison, SD; Mobridge Municipal Airport, Mobridge, SD; and Harold Davidson Field, Vermillion, SD.

##### 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-2016-0525/Airspace Docket No. 16-AGL-1." 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/](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 the **ADDRESSES** section for the 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations 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, for 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

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Belle Fourche Municipal Airport, Belle Fourche, SD;

Madison Municipal Airport, Madison, SD; Mobridge Municipal Airport, Mobridge, SD; and Harold Davidson Field, Vermillion, SD. Airspace reconfiguration is necessary due to the decommissioning of NDBs and/or the cancellation of the NDB approach at each airport. Controlled airspace is necessary for the safety and management of the standard instrument approach procedures for IFR operations at the airports.

Class E airspace designations are published in paragraph 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 designations listed in this document will be published subsequently in the Order.

### Regulatory Notices and Analyses

The FAA has determined that this 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

Accordingly, pursuant to the authority delegated to me, 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:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AGL SD E5 Belle Fourche, SD (Amended)

Belle Fourche Municipal Airport, SD  
(Lat. 44°44'04" N., long. 103°51'43" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Belle Fourche Municipal Airport, and within 1 mile each side of the 142° bearing from Belle Fourche Municipal Airport extending from the 6.4 mile radius to 7 miles southeast of the airport.

\* \* \* \* \*

#### AGL SD E5 Madison, SD (Amended)

Madison Municipal Airport, SD  
(Lat. 44°00'59" N., long. 97°05'08" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Madison Municipal Airport, and within 2 miles each side of the 334° bearing from the airport extending from the 6.5-mile radius to 10.5 miles northwest of the airport.

\* \* \* \* \*

#### AGL SD E5 Mobridge, SD (Amended)

Mobridge Municipal Airport, SD  
(Lat. 45°32'47" N., long. 100°24'23" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mobridge Municipal Airport.

\* \* \* \* \*

#### AGL SD E5 Vermillion, SD (Amended)

Harold Davidson Field, SD  
(Lat. 42°45'55" N., long. 96°56'03" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Harold Davidson Field.

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

**Robert W. Beck,**

*Manager, Operations Support Group Central Service Center.*

[FR Doc. 2016–03066 Filed 2–16–16; 8:45 am]

**BILLING CODE P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R07–OAR–2016–0045; FRL 9942–36–Region 7]

### Approval of Iowa's Air Quality Implementation Plans; Polk County Board of Health Rules and Regulations, Chapter V, Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve revisions to the State Implementation Plan (SIP) for the State of Iowa. The purpose of these revisions is to update the Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution. The proposed revisions reflect updates to the Iowa statewide rules previously approved by EPA and will ensure consistency between the applicable local agency rules and Federally-approved rules.

**DATES:** Comments on this proposed action must be received in writing by March 18, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R07–OAR–2016–0045, to <http://www.regulations.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, 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>.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at

(913) 551-7039, or by email at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: February 1, 2016.

**Mark Hague,**

*Regional Administrator, Region 7.*

[FR Doc. 2016-03107 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1187

#### Proposed Flood Elevation Determinations for Gladwin County, Michigan (All Jurisdictions)

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is

withdrawing its proposed rule concerning proposed flood elevation determinations for Gladwin County, Michigan (All Jurisdictions).

**DATES:** This withdrawal is effective on February 17, 2016.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1187 to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** On April 6, 2011 FEMA published a proposed rule at 76 FR 19007, proposing flood elevation determinations along one or more flooding sources in Gladwin County, Michigan (All Jurisdictions). FEMA is withdrawing the proposed rule because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper following issuance of the Revised Preliminary Flood Insurance Rate Map.

**Authority:** 42 U.S.C. 4104; 44 CFR 67.4.

Dated: February 2, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2016-03243 Filed 2-16-16; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 31

[FAR Case 2015-016; Docket 2015-0016; Sequence 1]

RIN 9000-AM97

#### Federal Acquisition Regulation; Prohibition on Reimbursement for Congressional Investigations and Inquiries

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 857 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015. This section provides additional requirements relative to the allowability of costs incurred by a contractor in connection with a congressional investigation or inquiry.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before April 18, 2016 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2015-016 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "FAR Case 2015-016". Select the link "Comment Now" that corresponds with FAR Case 2015-016. Follow the instructions provided at the "Comment Now" screen. Please include your name, company name (if any), and "FAR Case 2015-016" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FAR Case 2015-016, in all correspondence related to this case. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please

check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathlyn Hopkins, Procurement Analyst, at 202-969-7226 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite FAR case 2015-016.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 857 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291) amended 10 U.S.C. 2324(e)(1) to disallow costs incurred by a contractor in connection with a Congressional investigation or inquiry into an issue that is the subject matter of a proceeding resulting in a disposition as described in 10 U.S.C. 2324(k)(2).

While Section 857 only applies to contracts with the DoD, NASA, and the Coast Guard, for the purpose of promoting consistency in the accounting systems of Federal contractors, it was decided to apply the section's requirements to all agencies subject to the FAR.

Additionally, conforming language on unallowable costs is proposed for FAR 31.603-16, as well as for 31.603-15 (to update language associated with Whistleblower complaints).

**II. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**III. Regulatory Flexibility Act**

DoD, GSA and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility

Act, 5 U.S.C. 601, *et seq.*, because the rule merely disallows the costs incurred in the extremely rare instances when a contractor incurs costs in connection with a congressional investigation or inquiry into an issue regarding a criminal, civil, or administrative proceeding relating to a violation of, or failure to comply with, a Federal or State statute or regulation. However, an initial regulatory flexibility analysis (IRFA) has been prepared consistent with 5 U.S.C. 603. The analysis is summarized as follows:

The proposed rule will be manifested as a cost principle to which only select small businesses are subject. An analysis of contracts awarded during Fiscal Year 2014 revealed that fewer than 200 small businesses were performing contracts subject to FAR 31. Given the small segment of the small business population that could be impacted by the rule, in concert with the low likelihood of the conditions being met, the impact on small businesses is insignificant.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities. DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2015-016), in correspondence.

**C. Paperwork Reduction Act**

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. chapter 35.

**List of Subject in 48 CFR Part 31**

Government procurement.

**William Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 31 as set forth below:

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

■ 1. The authority citation for 48 CFR part 31 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 31.205-47 by—

■ a. In paragraph (a)—

■ i. Removing the words “*Fraud* means—” and adding “*Fraud* means—” in its place;

■ ii. Removing the words “*Penalty*, does” and adding “*Penalty* does” in its place; and

■ iii. Removing the words “*Proceeding*, includes” and adding “*Proceeding* includes” in its place;

■ b. Removing from the introductory text of paragraph (b) “employees),” and adding “employees);” in its place; and

■ c. Adding paragraph (f)(9).

The addition reads as follows:

**31.205-47 Costs related to legal and other proceedings.**

\* \* \* \* \*

(f) \* \* \*

(9) A Congressional investigation or inquiry into an issue that is the subject matter of a proceeding resulting in a disposition as described in paragraphs (b)(1) through (5) of this section (see 10 U.S.C. 2324(e)(1)(Q)).

\* \* \* \* \*

■ 3. Amend section 31.603 by revising paragraphs (b) introductory text and (b)(15) and adding paragraph (b)(16) to read as follows:

**31.603 Requirements.**

\* \* \* \* \*

(b) Agencies are not expected to place additional restrictions on individual items of cost. However, under 10 U.S.C. 2324, 41 U.S.C. 4304, 31 U.S.C. 3730, and 41 U.S.C. 4310, the following costs are unallowable:

\* \* \* \* \*

(15) Unless any of the exceptions at 31.205-47(c), (d) or (e) apply, costs incurred by a contractor in connection with any criminal, civil, or administrative proceedings that result in dispositions as described in 10 U.S.C. 2324(k) or 41 U.S.C. 4310 commenced by a Federal, State, local, or foreign government, or by a contractor or subcontractor employee submitting a whistleblower complaint of reprisal in accordance with 41 U.S.C. 4712 or 10 U.S.C. 2409, for violation of, or a failure to comply with, law or regulation by the contractor (including its agents or employees); or costs incurred in connection with any proceeding brought by a third party in the name of the United States under the False Claims Act, 31 U.S.C. 3730.

(16) Costs incurred in connection with a Congressional investigation or inquiry into an issue that is the subject matter of a proceeding resulting in a disposition as described in 10 U.S.C. 2324(k) or 41 U.S.C. 4310, unless any of

the exceptions at 31.205–47(c), (d) or (e) apply.

[FR Doc. 2016–03044 Filed 2–16–16; 8:45 am]

**BILLING CODE 6820–EP–P**

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

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2016-0002]

#### Syngenta Seeds Inc.; Availability of a Preliminary Finding of No Significant Impact and Preliminary Decision for an Extension of a Determination of Nonregulated Status of Corn Genetically Engineered for Insect and Glufosinate-Ammonium Resistance

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has reached a preliminary decision to extend our determination of nonregulated status of Pioneer corn event DP-004114-3 (hereinafter Pioneer 4114 corn) to Syngenta's corn event MZIR098 in response to a request from Syngenta Seeds Inc. MZIR098 corn has been genetically engineered for resistance to insects and to the herbicide glufosinate-ammonium using the same mechanism of action as Pioneer 4114. We are making available for public comment our preliminary regulatory determination, preliminary finding of no significant impact, and plant pest risk similarity assessment for the proposed determination of nonregulated status.

**DATES:** We will consider all comments that we receive on or before March 18, 2016.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0002>.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2016-0002, Regulatory Analysis and Development, PPD, APHIS, Station

3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

The Syngenta Seeds Inc. extension request, our preliminary finding of no significant impact, our preliminary determination, and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0002> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

Supporting documents and any comments we received regarding our determination of nonregulated status of the antecedent organism, Pioneer 4114 corn, can be found at <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0026>. Supporting documents may also be found on the APHIS Web site for MZIR098 corn (the organism under evaluation) under APHIS Petition Number 15-218-01p, and the antecedent organism Pioneer 4114 corn under APHIS Petition Number 11-244-01p.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Turner, Director, Biotechnology Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147 Riverdale, MD 20737-1236; (301) 851-3954, email: [john.t.turner@aphis.usda.gov](mailto:john.t.turner@aphis.usda.gov). To obtain copies of the supporting documents, contact Ms. Cindy Eck at (301) 851-3892, email: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:** Under the authority of the plant pest provisions of the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms (GE) and products are considered "regulated articles."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

On June 20, 2013,<sup>1</sup> APHIS announced its determination of nonregulated status of Pioneer 4114 corn, which was genetically engineered for resistant to certain lepidopteran and coleopteran pests and resistance to the herbicide glufosinate-ammonium. APHIS has received a request for an extension of a determination of nonregulated status of Pioneer 4114 corn to corn designated as event MZIR098 (APHIS Petition Number 15-218-01p) from Syngenta Seeds Inc. (Syngenta) of Research Triangle Park, NC. MZIR098 corn expresses resistance to both coleopteran pests and the herbicide glufosinate-ammonium. In its request, Syngenta stated that this corn is similar to the antecedent organism Pioneer 4114 corn and, based on the similarity to the antecedent organism, is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the extension request, MZIR098 corn was developed through agrobacterium-mediated transformation to stably incorporate genes designated as *ecry3.1Ab* and *mcry3A*, which encode the insecticidal proteins eCry3.1Ab and mCry3A, and *pat-08*, which encodes the enzyme phosphinothricin acetyltransferase (PAT) to provide herbicide resistance. The native Cry3A, derived from the soil bacterium *Bacillus thuringiensis* subsp. *Tenebrionis*, is active against certain coleopteran pests. MZIR098 contains a modified version, mCry3A, which has enhanced activity against western corn rootworm (*Diabrotica virgifera virgifera*) and other related coleopteran pests of corn. The other insecticidal protein in MZIR098 is the engineered eCry3.1Ab protein which is a chimera of mCry3A and Cry1Ab. Like mCry3A, eCry3.1Ab is

<sup>1</sup> [https://www.aphis.usda.gov/brs/aphisdocs/11\\_24401p\\_det.pdf](https://www.aphis.usda.gov/brs/aphisdocs/11_24401p_det.pdf).

active against *D. virgifera virgifera* and certain other coleopteran pests of corn. The native Cry1Ab from *B. thuringiensis* subsp. *kurstaki* is active against certain lepidopteran pests, however, the portion of Cry1Ab included in eCry3.1Ab does not retain activity against lepidopterans. The transgene *pat-08* was derived from the soil bacterium *Streptomyces viridochromogenes*. The PAT enzyme deactivates glufosinate herbicides thus conferring glufosinate resistance to the plants. PAT was also used as a selectable marker in the development of MZIR098 corn. The antecedent organism, Pioneer 4114 corn, was similarly genetically engineered to produce proteins which have the same mechanisms of action as do the proteins produced in MZIR098 corn. Based on the information in the request, we have concluded that MZIR098 corn is similar to Pioneer 4114 corn. MZIR098 corn is currently regulated under 7 CFR part 340.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS evaluates the plant pest risk of the article. In section 403 of the PPA, "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS completed a plant pest risk assessment (PPRA) on the antecedent organism in which we concluded that Pioneer 4114 corn is unlikely to present plant pest risks. APHIS also prepared a plant pest risk similarity assessment (PPRSA) to compare MZIR098 to the antecedent. As described in the PPRSA, the proteins expressed in MZIR098 corn are similar to those expressed in Pioneer 4114 corn, and APHIS has concluded that the proteins expressed in Pioneer 4114 corn are unlikely to pose a plant health risk. Furthermore, the Environmental Protection Agency reviewed the safety of the proteins expressed in MZIR098 corn and concluded that there would "no unreasonable adverse effects on the environment" from exposures to these proteins. Therefore, based on our PPRA for Pioneer 4114 corn and the similarity between Pioneer 4114 corn and MZIR098 corn as described in the PPRSA, APHIS has concluded that the proteins expressed in MZIR098 corn are unlikely to pose a plant pest risk.

In addition, APHIS has carefully examined the existing National Environmental Policy Act (NEPA)

documentation completed for Pioneer 4114 corn and has concluded that Syngenta's request to extend a determination of nonregulated status to MZIR098 corn encompasses the same scope of environmental analysis as Pioneer 4114 corn. Therefore, based on the similarity of MZIR098 corn to Pioneer 4114 corn, APHIS has prepared a preliminary finding of no significant impact (FONSI) on MZIR098 corn. The FONSI was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of MZIR098 corn and it would continue to be a regulated article, or (2) make a determination of nonregulated status of MZIR098 corn. APHIS' preferred alternative is to make a determination of nonregulated status of MZIR098 corn.

APHIS has analyzed information submitted by Syngenta, references provided in the extension request, peer-reviewed publications, and information in the NEPA documentation prepared for the antecedent organism. APHIS has also analyzed information in the PPRA for the antecedent organism and other information. Based on APHIS' analysis of this information and the similarity of MZIR098 corn to the antecedent organism Pioneer's 4114 corn, APHIS has determined that MZIR098 corn is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to approve the request to extend the determination of nonregulated status of Pioneer 4114 corn to MZIR098 corn, whereby MZIR098 corn would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of Pioneer 4114 corn to MZIR098 corn.

APHIS will accept written comments on the preliminary FONSI regarding a

determination of nonregulated status of MZIR098 corn for a period of 30 days from the date this notice is published in the **Federal Register**. The preliminary FONSI, as well as the extension request, supporting documents, and our preliminary determination with appended PPRSA for MZIR098 corn, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, if APHIS determines that no substantive information has been received that would warrant APHIS altering its preliminary regulatory determination or FONSI, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our Web site at [http://www.aphis.usda.gov/biotechnology/petitions\\_table\\_pending.shtml](http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml). APHIS will also furnish a response to the petitioner regarding our final regulatory determination. No further **Federal Register** notice will be published announcing the final regulatory determination regarding MZIR098 corn.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 10th day of February 2016.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2016–03193 Filed 2–16–16; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0048]

#### **Monsanto Co.; Availability of a Preliminary Plant Pest Risk Assessment, Draft Environmental Assessment, Preliminary Finding of No Significant Impact, and Preliminary Determination of Nonregulated Status for Maize Genetically Engineered for Resistance to Dicamba and Glufosinate**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared a preliminary determination regarding a request from Monsanto Co. seeking a determination of nonregulated status for maize designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate. We are also making available for public review and comment our preliminary plant pest risk assessment, draft environmental assessment, and preliminary finding of no significant impact for the preliminary determination of nonregulated status.

**DATES:** We will consider all comments that we receive on or before March 18, 2016.

**ADDRESSES:** You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048>.

- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2015–0048, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents for this petition and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

Supporting documents for this petition are also available on the APHIS Web site at [http://www.aphis.usda.gov/biotechnology/petitions\\_table\\_pending.shtml](http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml) under APHIS Petition Number 15–113–01p.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Turner, Director, Biotechnology Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: [john.t.turner@aphis.usda.gov](mailto:john.t.turner@aphis.usda.gov). To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:** Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to

Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered “regulated articles.”

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 15–113–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate. The Monsanto petition states that information collected during field trials and laboratory analyses indicates that MON 87419 maize is not likely to be a plant pest and therefore should not be a regulated article under APHIS’ regulations in 7 CFR part 340.

According to our process<sup>1</sup> for soliciting public comment when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice<sup>2</sup> published in the **Federal Register** on August 13, 2015 (80 FR 48489–48490, Docket No. APHIS–2015–0048), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on October 13, 2015, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. APHIS received 21 comments on the petition, one of which included over 23,000 signatures opposing the petition. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion

<sup>1</sup> On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129>.

<sup>2</sup> To view the notice, the petition, and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048>.

of these issues in our draft environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public review process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS’ preliminary regulatory determination along with its draft EA, preliminary finding of no significant impact (FONSI), and its preliminary plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period. For this petition, we are using Approach 1.

Had APHIS decided, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues, APHIS would follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and preliminary PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and preliminary PPRA and other information, APHIS would revise the preliminary PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement).

As part of our decisionmaking process regarding a GE organism’s regulatory status, APHIS prepares a PPRA to assess the plant pest risk of the article. APHIS also prepares the appropriate environmental documentation—either an EA or an environmental impact statement—in accordance with NEPA, to provide the Agency and the public with a review and analysis of any potential environmental impacts that may result if the petition request is approved.



APHIS has prepared a preliminary PPRA and has concluded that maize designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate, is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by Monsanto, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of maize designated as event MON 87419, or (2) make a determination of nonregulated status of maize designated as event MON 87419.

The draft EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our draft EA and other pertinent scientific data, APHIS has prepared a preliminary FONSI with regard to the preferred alternative identified in the draft EA.

Based on APHIS' analysis of field and laboratory data submitted by Monsanto, references provided in the petition, peer-reviewed publications, information analyzed in the draft EA, the preliminary PPRA, comments provided by the public on the petition, and discussion of issues in the draft EA, APHIS has determined that maize designated as event MON 87419 is unlikely to pose a plant pest risk. We have therefore reached a decision to make a preliminary determination of nonregulated status of maize designated as event MON 87419, whereby maize designated as event MON 87419 would no longer be subject to our regulations governing the introduction of certain GE organisms.

We are making available for a 30-day review period APHIS' preliminary regulatory determination of maize designated as event MON 87419, along with our preliminary PPRA, draft EA,

and preliminary FONSI for the preliminary determination of nonregulated status. The draft EA, preliminary FONSI, preliminary PPRA, and our preliminary determination for maize designated as event MON 87419, as well as the Monsanto petition and the comments received on the petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the 30-day review period closes, APHIS will review and evaluate any information received during the 30-day review period. If, after evaluating the information received, APHIS determines that we have not received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the draft EA, or substantially changing the analysis of impacts in the draft EA, APHIS will notify the public through an announcement on our Web site of our final regulatory determination. If, however, APHIS determines that we have received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the draft EA, or substantially changing the analysis of impacts in the draft EA, then APHIS will conduct the additional analysis and prepare an amended EA, a new FONSI, and/or a revised PPRA, which would be made available for public review in a subsequent notice in the **Federal Register**, similar to an Approach 2 petition. APHIS will also notify the petitioner.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 10th day of February 2016.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2016–03194 Filed 2–16–16; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Ochoco National Forest, Lookout Mountain Ranger District; Oregon; Ochoco Summit Trail System Project Supplemental EIS

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement.

**SUMMARY:** The Ochoco National Forest is preparing a supplemental environmental impact statement (EIS) to analyze the effects of changing the existing motorized trail system to create and designate a sustainable system of roads, trails and areas open to motor vehicles that will provide legal public access, enhance regulation of unmanaged wheeled motor vehicle travel, protect resources, and decrease conflicts between motorized and non-motorized use on the Ochoco National Forest. Consistent with the Ochoco National Forest Land and Resource Management Plan, as amended, this action is needed to provide to the public a diversity of road and trail opportunities for experiencing a variety of environments and modes of travel. The original notice of intent to prepare an environmental impact statement was published in the **Federal Register** on November 20, 2009 (74 FR 60235–60236). The supplemental environmental impact statement is being prepared because a 2014 wildfire in the project area changed the conditions initially analyzed so that additional analysis was required, and because the responsible official desired to have additional discussions with stakeholders prior to making a decision. The Ochoco Summit Trail System decision and the reasons for the decision will be documented in the record of decision. That decision will be subject to the Forest Service Project-level Predecisional Administrative Review Process (36 CFR part 218).

**DATES:** The supplemental draft environmental impact statement is expected to be completed and available for public comment in February 2016. The final environmental impact statement is expected to be completed in the fall of 2016.

**ADDRESSES:** Ochoco Summit Trail System Planning Team, Ochoco National Forest, 3160 NE Third Street, Prineville, Oregon 97754.

**FOR FURTHER INFORMATION CONTACT:** Marcy Anderson, Project Leader, at 3160 NE Third Street, Prineville, Oregon 97754, or at (541) 416–6463, or by email at [marcelleanderson@fs.fed.us](mailto:marcelleanderson@fs.fed.us).

Dated: February 10, 2016.

**Stacey L. Forson,**  
*Forest Supervisor.*

[FR Doc. 2016–03174 Filed 2–16–16; 8:45 am]

**BILLING CODE 3410–11–P**

**DEPARTMENT OF AGRICULTURE****Forest Service****Winschell Dugway Motorized Trail Project; Caribou-Targhee National Forest, Idaho**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service intends to prepare an environmental impact statement to analyze and disclose the environmental effects of constructing a motorized trail from Morgan Meadows to Caribou City on the Soda Springs Ranger District of the Caribou-Targhee National Forest.

**DATES:** Comments concerning the scope of the analysis must be received by March 18, 2016. The draft environmental impact statement is expected June, 2016 and the final environmental impact statement is expected October, 2016.

**ADDRESSES:** Send written comments to Garth Smelser, Forest Supervisor, Caribou-Targhee National Forest, 1405 Hollipark Drive, Idaho Falls, ID 83402. Comments may also be sent via email to [comments-intermtn-caribou-targhee@fs.fed.us](mailto:comments-intermtn-caribou-targhee@fs.fed.us), or via facsimile to 208-557-5827.

**FOR FURTHER INFORMATION CONTACT:** Jessica Taylor, Forest NEPA Coordinator at 208-557-5837.

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 8 p.m., Eastern Time, Monday through Friday.

**Purpose and Need for Action**

The purpose for this project is to respond to outside public interest to provide a motorized trail opportunity from Morgan Meadows to Caribou City allowing forest visitors to experience the historic mining history of the area.

**Proposed Action**

The proposed action would establish a motorized ATV trail from Morgan Meadows to Caribou City. The proposed action comes from planning efforts that have occurred since 2007. This alternative includes constructing approximately 2.2 miles of new trail and managing the new trail as a motorized ATV trail. Further, the proposed action calls for reconstructing approximately 4.85 miles of existing trails, exploratory mining roads and abandoned roads (see Alternative 2 Map) to implement the Winschell Dugway Motorized Trail project.

The proposed action addresses the trail corridor in the following specific segments:

1. Use .75 mile of ATV Trail #449, from Morgan Meadows to Tincup Creek.
2. Reconstruction of 1.5 miles of trail from Tincup Creek to the saddle west of Jackknife Basin.
3. Construct 1.5 miles along the ridgeline west of Jackknife Basin to an old reclaimed gold exploratory road.
4. Use of old reclaimed gold exploratory road for approximately .6 mile.
5. Construction of .1 mile down into the Bilk Creek drainage.
6. Use of abandoned mining road that crosses Bilk Creek and continues to ridgeline between Anderson and Bilk Creeks.
7. Construction of .5 mile on ridgeline in the Anderson Creek drainage back into Bilk Creek.
8. Use of old roadbed for .2 mile in Bilk Creek.
9. Construction of .1 mile of route that would tie into a well-used road that takes the trail to Caribou City.

The route would require the installation of ATV bridges at four stream crossings; on Bilk Creek (2), Tincup Creek (1) and on an unnamed tributary to Tincup Creek (1). A cooperative agreement with Bonneville County Parks and Recreation and Idaho Department of Parks and Recreation would be created, specifying management and maintenance responsibilities of all parties.

**Possible Alternatives**

Alternatives currently being considered for the Winschell Dugway Motorized Trail project include: (a) No action, and (b) proposed action as outlined above.

**Responsible Official**

Forest Supervisor, Garth Smelser, is the responsible official.

**Nature of Decision To Be Made**

The decision to be made is whether to implement the proposed action as described above, or to meet the purpose and need for action through some other combination of activities as a result of the scoping process, or to take no action at this time.

**Scoping Process**

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement.

The purpose of this comment period is to provide an opportunity for the public to provide early and meaningful participation on a proposed action prior

to a decision being made by the Responsible Official. Per 36 CFR 218, only those who provide specific, written comments regarding the proposed project or activity will be eligible to file an objection.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: February 10, 2016.

**Garth Smelser,**

*Forest Supervisor, Caribou-Targhee National Forest.*

[FR Doc. 2016-03250 Filed 2-16-16; 8:45 am]

**BILLING CODE 3411-15-P**

**DEPARTMENT OF AGRICULTURE****Grain Inspection, Packers and Stockyards Administration****Request for Extension and Revision of a Currently Approved Information Collection**

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces Grain Inspection, Packers and Stockyards Administration's (GIPSA) intention to request that the Office of Management and Budget approve a 3-year extension and revision of a currently approved information collection in support of the reporting and recordkeeping requirements for the Swine Contract Library program.

**DATES:** Written comments must be submitted on or before April 18, 2016.

**ADDRESSES:** We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- Internet: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail, hand deliver, or courier to R. Dexter Thomas, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530-S, Washington, DC 20250-3604.
- Fax to (202) 690-2173.

*Instructions:* All comments should refer to the date and page number of this issue of the **Federal Register**. The information collection package, public comments, and other documents relating to this action will be available for public inspection in the above office during regular business hours. Please

call GIPSA's Management and Budget Services at (202) 720-7486 to arrange a viewing of these documents.

**FOR FURTHER INFORMATION CONTACT:** Catherine M. Grasso, Program Analyst, Litigation and Economic Analysis Division at (202) 720-7201 or [catherine.m.grasso@usda.gov](mailto:catherine.m.grasso@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Grain Inspection, Packers and Stockyards Administration is responsible for maintaining the Swine Contract Library, which is authorized by the Livestock Mandatory Reporting (LMR) Act of 1999, and requires that certain packers submit hog procurement contracts and delivery estimates to GIPSA. The LMR was reauthorized on October 5, 2006, September 27, 2010, and September 30, 2015, for an additional 5 years each time.

*Title:* Swine Contract Library.

*OMB Number:* 0580-0021.

*Expiration Date of Approval:* July 31, 2016.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* The information collection and recordkeeping requirements for the Swine Contract Library are essential to maintaining the mandatory library of swine marketing contracts and reporting the number of swine contracted for delivery. Currently 32 packers are required to file contracts and report certain information on hog deliveries for a total of 54 plants that they either operate or at which they have swine slaughtered. We expect the overall number of plants and packers to remain relatively constant, but the specific packers required to report will vary with consolidation and construction in the industry.

Packers are required to report information for individual plants. The information collection burden estimate provided below is based on time and cost requirements at the plant level. Consequently, packers that report for more than one plant would bear a cost that would be a multiple of the per-plant estimates.

We understand from discussions with packers complying with current reporting requirements that reporting packers have adapted pre-existing data and information systems to provide the required information.

There are two types of information collections required for the Swine Contract Library.

The first information collection requirement consists of submitting example contracts. Initially, a packer submits example contracts currently in effect or available for each swine

processing plant that is subject to the regulations. Subsequently, a packer submits example contracts for any offered, new, or amended contracts that vary from previously submitted contracts in regard to the base price determination, the application of a ledger or accrual account, carcass merit premium and discount schedules (including the determination of the lean percent or other merit of the carcass that is used to determine the amount of the premiums and discounts and how those premiums and discounts are applied), or the use and amount of noncarcass merit premiums or discounts. The initial submission of example contracts requires more time than subsequent filings of new contracts or changes, as packers initially need to review all their contracts to identify the unique types that need to be represented by an example contract submitted to GIPSA.

Thereafter, subsequent filings require a minimal amount of effort on the part of packers, as only example contracts that represent a new or different type need to be filed with GIPSA. Form P&SP-342 "Contract Submission Cover Sheet," must accompany each contract submission to identify the contract, the plan for which the contract is valid, and the contact person.

Packers are required to submit both written and verbal contracts. Packers must document verbal contracts which adds to their existing recordkeeping systems in order to comply with this requirement. Optional form P&SP-343 "Verbal Contract Optional Documentation Sheet," provides a format to document the verbal agreement.

The second information collection requirement is a monthly filing of summary information on form P&SP 341, Monthly Report: Estimates of Swine To Be Delivered Under Contract. The form for the monthly filing is simple and brief. For new packers required to start reporting, this data should be available in the packers' existing record system. We encourage electronic submission and provide the necessary information on procedures to submit data to GIPSA electronically.

The estimates of time requirements used for the burden estimates below were developed in consultation with GIPSA personnel knowledgeable in the industry's recordkeeping practices. The estimates also reflect our experience in assembling large amount of data during the course of numerous investigations involving use of data collected from the industry. Estimates of time requirements and hourly wage costs for developing electronic recordkeeping and reporting systems are based on our experience in

developing similar systems in consultation with our automated information systems staff.

### **(1) Contract Submission Cover Sheet (Form P&SP-342)**

*Estimate of Burden:* Reporting burden for submission of contracts is estimated to include 4 hours per plant for an initial review of all contracts to categorize them into types and identify unique examples, plus an additional 0.25 hours per unique contract identified during the initial review to submit an example of that contract. After the initial filing, the reporting burden is estimated to include 0.25 hours per plant to submit an example of each new or amended contract.

*Respondents:* Packers required to report information for the Swine Contract Library.

*Estimated Number of Respondents:* 32 packers (total of 54 plants).

*Estimated Number of Responses per Plant:* Number of responses per plant varies. Some plants could have no contracts, while others could have up to 80 contracts. We receive an average of six example contracts per plant per year for offered contracts and for amended existing or available contracts.

*Estimated Total Annual Burden on Respondents:* Initial filing: 5.5 total hours for the initial filing of examples of existing contracts by all plants newly subject to the regulations combined. Based on changes in the industry, we anticipate one new plant to become subject to the regulations each year. Calculated as follows: 4 hours per plant for initial review  $\times$  1 new plant = 4 hours for initial review; 0.25 hours per contract  $\times$  6 example contracts per plant  $\times$  1 new plant = 1.5 hours; 4 hours + 1.5 hours = 5.5 total hours.

Thereafter, 81 total hours annually for all subsequent filing of example contracts by all plants combined, based on an average of 6 newly offered or amended contracts annually.

Calculated as follows: 0.25 hours per contract  $\times$  6 example contracts per plant  $\times$  54 plants = 81 hours.

Total Cost: Initial filing \$138 for one expected new plant. Calculated as follows: 5.5 hours  $\times$  \$25 per hour = \$138

Thereafter: \$2025 annually for all plants combined for submission of subsequent filings. Calculated as follows: 81 hours  $\times$  \$25 per hour = \$2,025

### **(2) Monthly Report: Estimate of Swine To Be Delivered Under Contract (Form P&SP-341)**

*Estimate of Burden:* The reporting burden for compiling data, completing

and submitting the form is estimated to average 2 hours per manually prepared and submitted (by mail or facsimile) report and 1 hour per electronically prepared and submitted report. There would be an estimated additional one-time set up burden of 1 hour at a cost of \$60 per plant for a packer that chose to create a spreadsheet or database for recordkeeping and preparation of monthly estimates. There would be an estimated additional 2 hour burden at a cost of \$60 per hour or \$120 per plant for a packer to develop procedures to extract and format the required information and to develop an interface between the packer's electronic recordkeeping system and GIPSA's system. The hourly rate for the development of electronic tools is assumed to be high due to the need to use personnel with specialized computer skills.

**Respondents:** Packers required to report information for the Swine Contract Library.

**Estimated Number of Respondents:** 32 packers (total of 54 plants).

**Estimated Number of Responses per Plant:** 12 (1 per month for 12 months).

**Estimated Total Annual Burden on Respondents:** 1,296 hours for all plants combined provided all plants used manual compiling, preparation, and submission.

Calculated as follows: 2 hours per response  $\times$  54 plants  $\times$  12 responses per plant = 1,296

648 hours for all plants combined provided all plants use electronic compiling, preparation, and submission. Calculated as follows: 1 hour per response  $\times$  54 plants  $\times$  12 responses per plant = 648 hours.

Total Cost: \$32,400 annually for all plants combined provided all use manual submission. Calculated as follows: 1,296  $\times$  \$25 per hour = \$32,400

\$16,200 annually for all plants combined provided all were to completely utilize electronic preparation and submission. Calculated as follows: 648 hours  $\times$  \$25 per hour = \$16,200

Additional \$180 one-time set-up cost provided all plants newly subject to the Regulations were to completely utilize electronic systems for preparation and submission. Calculated as follows: 1 hour build spreadsheet/database + 2 hours develop electronic interface = 3 hours. 3 hours total development  $\times$  \$60 per hour  $\times$  1 new plant = \$180

The Paperwork Reduction Act also requires GIPSA to measure the recordkeeping burden. Under the Packers and Stockyards Act and its existing regulations, each packer is

required to maintain and make available upon request any records necessary to verify information on all transactions between the packer and producers from whom the packer obtains swine for slaughter. Records that packers are required to maintain under existing regulations would meet the requirements for verifying the accuracy of information required to be reported for the Swine Contract Library. These records include original contracts, agreements, receipts, schedules, and other records associated with any transaction related to the purchase, pricing, and delivery of swine for slaughter under the terms of marketing contracts. Additional annual costs of maintaining records would be nominal since packers are required to store and maintain such records as a matter of normal business practice and in conformity with existing regulations.

As required by the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)) and its implementing regulations (5 CFR 1320.8(d)(1)), GIPSA specifically requests comment to:

(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 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 on 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.

All responses to this notice will be summarized and included in the request for the Office of Management and Budget approval. All comments will also become a matter of public record.

**Authority:** 44 U.S.C. 3506 and 5 CFR 1320.8.

**Larry Mitchell,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2016-03195 Filed 2-16-16; 8:45 am]

**BILLING CODE 3410-EN-P**

## DEPARTMENT OF COMMERCE

### 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:** U.S. Census Bureau.

**Title:** Construction Progress Reporting Surveys.

**OMB Control Number:** 0607-0153.

**Form Number(s):** C-700, C-700(SL), C-700(R), and C-700 (F).

**Type of Request:** Revision of a currently approved collection.

**Number of Respondents:** 24,000.

**Average Hours per Response:** 30 minutes for initial response; 10 minutes in succeeding months.

**Burden Hours:** 56,000.

**Needs and Uses:** The U.S. Census Bureau is requesting an extension with minor revisions of a currently approved collection for forms C-700, Private Construction Projects; C-700(R), Multifamily Residential Projects, C-700(SL), State and Local Governments Projects and C-700(F), Federal Government Projects.

These forms are used to conduct the Construction Progress Reporting Surveys (CPRS) to collect information on the dollar value of construction put in place on non-residential building projects under construction by private companies or individuals, private multifamily residential buildings, and building projects under construction by federal and state and local governments.

The Census Bureau uses the information collected on these forms to publish estimates of the monthly dollar value of construction put in place. Statistics from the CPRS become part of the monthly "Value of Construction Put in Place" or "Construction Spending" series, a Principal Economic Indicator that is used extensively by the federal government in making policy decisions and used to estimate the gross domestic product (GDP). The private sector uses the statistics for market analysis and other research. Construction now accounts for approximately five percent of GDP.

There are two changes planned to the content of these questionnaires. The first is the elimination of the data item for square footage of the construction project. This information was used for editing but is no longer needed. The second change is the addition of a data item to collect the projected completion date to assist with imputation if a

response is not obtained in future months.

Form C-700 is used to collect data on construction of privately-owned nonresidential buildings and structures. Form C-700(R) is used to collect data on privately-owned residential building projects with two or more housing units. Form C-700(SL) is used to collect data on state and local government construction projects. Form C-700(F) is used to collect data on federal government construction projects.

Published statistics are used by all levels of government to evaluate economic policy, to measure progress toward national goals, to make policy decisions, and to formulate legislation. For example, Bureau of Economic Analysis (BEA) staff uses the data to develop the construction components of gross private domestic investment and government investment in the Gross Domestic Product. The Federal Reserve Board and the Department of the Treasury use the data to develop monetary policy. Private businesses and trade organizations use the data to estimate demand for building materials and to schedule production, distribution and sales efforts.

**Affected Public:** Business or other for-profit; Not-for-profit institutions, State, local or tribal government; Federal government.

**Frequency:** Monthly.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** Title 13 U.S.C., sections 131 and 182.

This information collection request may be viewed at [www.reginfo.gov](http://www.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](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

**Sheleen Dumas,**

*Departmental PRA Lead, Office of the Chief Information Officer.*

[FR Doc. 2016-03140 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on March 3, 2016, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between

Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

#### Agenda

##### Open Session

1. Opening remarks and Introductions.
2. Remarks from the Bureau of Industry and Security senior management.
3. Report by regime representatives.
4. Report by working groups (Composite Working Group, Biological Working Group, Pump and Valves Working Group, and the Chemicals Working Group).
5. Public Comments and New Business.

##### Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov), no later than February 25, 2016.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 5, 2015, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public. For more information, call Yvette Springer at (202) 482-2813.

Dated: February 10, 2016.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. 2016-03158 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-JT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Transportation and Related Equipment; Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on March 2, 2016, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

#### Agenda

##### Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

##### Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov) no later than February 24, 2016.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 5, 2015, pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: February 10, 2016.

**Yvette Springer,**  
*Committee Liaison Officer.*

[FR Doc. 2016-03159 Filed 2-16-16; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Emerging Technology and Research Advisory Committee; Notice of Open Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on March 10, 2016, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

#### Agenda

##### Open Session

1. Welcome and Opening Remarks.
2. Update on Export Control Reform, Bureau of Industry and Security.
3. Issues for discussion: Atom-based sensing; International Summit on Human Gene Editing; Nanotechnology; Advanced Materials—Graphene Center—China; EAR-4E001.e; Sanctions and the Scientific Community—Russia; and Emerging Technology issues at recent events.
4. Remarks by: Senior Advisor for Innovation and Competitiveness, Office of the Secretary-U.S. Dept. of Commerce.
5. Presentation: “Addressing Electromagnetic Threats to U.S. Critical Infrastructure”.
6. JINSA Germunder Center for Defense Strategy.
7. Presentation: “Creative Disruption: Technology, Strategy and the Future of the Global Defense Industry”, Center for a New American Security.
8. Distribution of new emerging technology topics for analysis by ETRAC members

9. Discussion of ETRAC review of Export Administration Regulations needing revisions.

10. Comments from the Public.

The open sessions will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov) no later than, March 3, 2016.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482-2813.

Dated: February 10, 2016.

**Yvette Springer,**  
*Committee Liaison Officer.*

[FR Doc. 2016-03157 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-JT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Materials Processing Equipment Technical Advisory Committee; Notice of Open Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on March 8, 2016, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

#### Agenda

##### Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov), no later than March 1, 2016.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482-2813.

Dated: February 10, 2016.

**Yvette Springer,**  
*Committee Liaison Officer.*

[FR Doc. 2016-03154 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-JT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-849, A-821-808, A-823-808]

#### Continuation of Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate From the Russian Federation and Ukraine: Notice of Correction

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

**DATES:** *Effective date:* February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Howard Smith (PRC), David Cordell (Russia) or Julie Santoboni (Ukraine), Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-5193, (202) 482-0408 or (202) 482-3063, respectively.

#### Correction

On December 21, 2015, the Department of Commerce (“Department”) published, in the **Federal Register**, the continuation notice of the above referenced Order and Suspended Antidumping Duty

Investigations.<sup>1</sup> The published **Federal Register** notice contained a clerical error stating that “[p]ursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year sunset reviews of the antidumping duty order on CTL plate from the PRC and the Agreements on CTL plate from Russia and Ukraine not later than November 2019.”<sup>2</sup> The Notice should have read that the Department intends to initiate the above-referenced next five-year sunset reviews not later than November 2020.

This notice serves to correct the incorrect initiation date of the next five-year sunset reviews in the *Continuation Notice*. This correction is published in accordance with section 777(i) of the Act.

Dated: February 10, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2016-03255 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818]

#### Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review; 2013-2014

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

**SUMMARY:** On August 7, 2015, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review of certain pasta (pasta) from Italy and gave interested parties an opportunity to comment on the *Preliminary Results*.<sup>1</sup>

The period of review (POR) is July 1, 2013, through June 30, 2014. As a result of our analysis of the comments and information received, these final results differ from the *Preliminary Results* with respect to Rummo S.p.A. Molino e Pastificio (the Rummo Group).<sup>2</sup> For the

final weighted-average dumping margins, see the “Final Results of Review” section below.

**DATES:** *Effective:* February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Joy Zhang (La Molisana) or George McMahon (the Rummo Group), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1168 or (202) 482-1167, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 7, 2015, the Department of Commerce (the Department) published the *Preliminary Results*. In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results*. On August 10, 2015, La Molisana submitted a request for a hearing, which was withdrawn on October 27, 2015.<sup>3</sup> On October 5, 2015, Petitioners, La Molisana S.p.A. (La Molisana)<sup>4</sup> and the Rummo Group submitted their case briefs. October 9, 2015, the Department revised the briefing schedule.<sup>5</sup> On October 15, 2015, Petitioners, La Molisana and the Rummo Group submitted their rebuttal briefs. 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 review is now February 9, 2016.<sup>6</sup>

S.p.A. Molino e Pastificio. In this review, we found that the facts have not changed with respect to Rummo and its affiliates and therefore, we followed the same methodology as we did in the most recent completed review (AR 17) by collapsing the affiliated companies as the Rummo Group. See *Certain Pasta From Italy: Notice of Final Results of 17th Antidumping Duty Administrative Review; 2012-2013*, 80 FR 8604 (February 18, 2015) (*AR 17 Final Results*).

<sup>3</sup> Rummo filed a request for a hearing on September 9, 2015, which the Department rejected on September 9, 2015, as being untimely filed.

<sup>4</sup> On October 6, 2015, La Molisana submitted a correction to an item stated in its October 5, 2015 case brief.

<sup>5</sup> The Department also postponed the briefing schedule in several Memoranda to All Interested Parties, dated August 12, 2015, September 8, 2015, September 11, 2015, and September 28, 2015.

<sup>6</sup> See Memorandum to the Record from Ron Lorentzen, Acting Assistant Secretary for Enforcement & Compliance, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,” dated January 27, 2016.

#### Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.<sup>7</sup>

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded is attached to this notice as Appendix. 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 in the Central Records Unit (CRU), 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.

#### Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we have recalculated La Molisana’s and the Rummo Group’s weighted-average dumping margins. However, La Molisana’s adjustments did not affect the calculated final margin.<sup>8</sup>

<sup>7</sup> For a full description of the scope of the order, see the “Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and Partial Rescission: Certain Pasta from Italy; 2013-2014” 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 notice (Issues and Decision Memorandum) and incorporated herein by reference.

<sup>8</sup> See Issues and Decision Memorandum; see also Memorandum to the File, Through Eric B. Greynolds, Program Manager, Office III, from Joy Zhang, Case Analyst, Office III, titled “Certain Pasta from Italy: Calculation Memorandum—La Molisana,” dated February 9, 2016, and Memorandum to the File, Through Eric B. Greynolds, Program Manager, Office III, from George McMahon, Case Analyst, Office III, titled

Continued

<sup>1</sup> See *Continuation of Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People’s Republic of China and Continuation of Suspended Antidumping Duty Investigations on Certain Cut-to-Length Carbon Steel Plate from the Russian Federation and Ukraine*, 80 FR 79306 (December 21, 2015) (“*Continuation Notice*”).

<sup>2</sup> *Id.* at 79307.

<sup>3</sup> See *Certain Pasta From Italy: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 47467 (August 7, 2015) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>4</sup> The Rummo Group consists of Rummo S.p.A., Lenta Lavorazione, Pasta Castiglioni, and Rummo

As a result of the aforementioned recalculation of the Rummo Group's rate, the weighted-average dumping margin for the two non-selected companies has changed.

### Final Results of the Review

As a result of this review, the Department determines the following weighted-average dumping margins<sup>9</sup> for the period July 1, 2013, through June 30, 2014:

| Producer and/or exporter   | Weighted-average dumping margin (percent) |
|--|---|
| La Molisana S.p.A. ....  | 12.90                                     |
| Rummo S.p.A., Lenta Lavorazione, Pasta Castiglioni, and Rummo S.p.A. Molino e Pastificio (collectively, the Rummo Group) ..... | 0.00                                      |
| Pastificio Andalini S.p.A. ....  | 12.90                                     |
| Delverde Industrie Alimentari S.p.A. ....  | 12.90                                     |

### Duty Assessment

The Department shall determine and Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.<sup>10</sup> For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.*, at or above 0.5 percent), the Department will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

<sup>9</sup> "Certain Pasta from Italy: Calculation Memorandum—the Rummo Group," dated February 9, 2016.

<sup>9</sup> The margin for the non-examined companies was based on the calculated weighted-average margin of La Molisana (the sole mandatory respondent receiving an above *de minimis* margin in these final results).

<sup>10</sup> In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

### Administrative Protective Order

This notice also serves as a 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(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 the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: February 9, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Final Issues and Decision Memorandum

#### Summary

- I. Background
  - Scope of the Order
- II. List of Comments
- III. Analysis of Comments

#### La Molisana

- Comment 1: Pasta Shape
- Comment 2: General and Administrative (G&A) Ratio
- Comment 3: Indirect Selling Expenses
- Comment 4: Direct Materials Calculation
- Comment 5: Direct Selling Expenses
- Comment 6: Applying Differential Pricing Analysis

#### The Rummo Group

- Comment 7: Treatment of Pasta Castiglioni's Home Market Control Numbers
- Comment 8: Treatment of Matching U.S. Sales with Home Market Sales
- Comment 9: Treatment of the Manufacturers, Rummo and Pasta Castiglioni
- Comment 10: Treatment of the Rummo Group's Freight Revenue
- Comment 11: Application of a Cap for Certain U.S. Market Freight Revenue (FRTREJU)
- Comment 12: Application of a Countervailing Duty Offset (CVDU) to Rummo
- Comment 13: Treatment of Negative Margins Associated with the Differential Pricing (DP) Methodology
- IV. Recommendation

[FR Doc. 2016-03252 Filed 2-16-16; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-601]

#### Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Rescission of Antidumping Duty New Shipper Review; 2014-2015

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

**DATES:** Effective February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, AD/CVD



Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3874.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 22, 2015, the Department of Commerce (the Department) published the preliminary rescission of the new shipper review of the antidumping duty (AD) order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC) for Zhejiang Changxing CTL Auto Parts Manufacturing Co., Ltd. (Changxing).<sup>1</sup> We invited parties to comments on our *Preliminary Rescission Notice*; however, no interested party submitted comments. Therefore, we made no changes to our analysis for purposes of this final rescission, and we are rescinding the new shipper review of the AD order on TRBs from the PRC with respect to Changxing.

*Scope of the Order*

Imports covered by the order are shipments of tapered roller bearings and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

*Rescission of Review*

As discussed in the *Preliminary Rescission Notice*, Changxing failed to respond to the Department's request for additional information regarding possible entries of subject merchandise that predated the applicable period of review (POR).<sup>2</sup> In the absence of any

comments on this issue, we continue to find on the basis of adverse facts available, pursuant to section 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), that Changxing had additional entries of subject merchandise prior to the POR (June 1, 2014, through May 31, 2015) that were not reported to the Department at the time of Changxing's request for a new shipper review. Based on the foregoing, we find that Changxing does not meet the minimum requirements for a new shipper review under 19 CFR 351.214(b)(2)(iv)(C) in that Changxing's request did not contain documentation establishing the date of its first sale to an unaffiliated customer in the United States. Because we find that Changxing's request for a new shipper review did not satisfy the regulatory requirements for initiation of a new shipper review, we are rescinding the new shipper review of the AD order on TRBs from the PRC with respect to Changxing.

*Assessment Rates*

Because we are rescinding the new shipper review of Changxing, we are not making a determination as to whether Changxing qualifies for a separate rate. Therefore, Changxing remains part of the PRC entity and any entries covered by this new shipper review will be assessed at the PRC-wide rate.

*Cash Deposit Requirements*

Effective upon publication of the final rescission of the new shipper review of Changxing, the Department will instruct U.S. Customs and Border Protection to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise from Changxing.<sup>3</sup> Because we did not calculate a dumping margin for Changxing or grant Changxing a separate rate in this new shipper review, we find that Changxing continues to be part of the PRC-wide entity. The cash deposit rate for the PRC-wide entity is 92.84 percent. These cash deposit requirements shall remain in effect until further notice.

*Notification to Importers*

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that

reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

*Administrative Protective Order*

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written 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 subject to sanction.

*Notification to Interested Parties*

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(f)(3).

Dated: February 8, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2016-03261 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**National Institute of Standards and Technology**

**Proposed Information Collection; Comment Request; National Institute of Standards and Technology (NIST), Generic Clearance for Community Resilience Data Collections**

**AGENCY:** National Institute of Standards and Technology, 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 18, 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](mailto:Jjessup@doc.gov)).

<sup>1</sup> See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Rescission of Antidumping Duty New Shipper Review; 2014-2015*, 80 FR 79561 (December 22, 2015) (*Preliminary Rescission Notice*).

<sup>2</sup> *Id.*, at 79561.

<sup>3</sup> See section 751(a)(2)(B)(iii) of the Act; see also 19 CFR 351.214(e).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection instrument and instructions should be directed to Jennifer Helgeson, Economist, NIST, 100 Bureau Drive, MS 8603, Gaithersburg, MD 20899-1710, telephone 301-975-6133, or via email to [jennifer.helgeson@nist.gov](mailto:jennifer.helgeson@nist.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Through acts such as the National Construction Safety Team Act (NCSTA) and the NIST Organic Act, among others, as well as the President's Climate Action Plan (2013),<sup>a</sup> NIST conducts research and develops guidance and other related tools to promote and enhance the safety and well-being of people in the face of a hazard event. With this in mind, NIST proposes to conduct a number of data collection efforts within the topic areas of disaster and failure studies and community resilience and sustainability. This includes studies of specific disaster events (e.g., wildfire, urban fire, structure collapse, hurricane, earthquake, tornado, and flood events), assessments of community resilience and sustainability, and evaluations of the usability and utility of NIST guidance or other products. For example, one study may assess user perceptions and applications of the NIST "Community Resilience Planning Guide for Buildings and Infrastructure Systems" as well as adherence to building and fire codes and standards in community resilience planning. Another example may include the study of disaster impacts to community members due to a large-scale wildfire event. These data collection efforts may be either qualitative or quantitative in nature, or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (i.e., in person, video and audio collections), interviews, questionnaires, and focus groups. NIST will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. The results of the data collected will be used to decrease

<sup>a</sup>The President's Climate Action Plan (2013) is available at: <https://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf>. On page 13, it is explicitly noted that "the National Institute of Standards and Technology will convene a panel on disaster-resilience standards to develop a comprehensive, community-based resilience framework and provide guidelines for consistently safe buildings and infrastructure—products that can inform the development of private-sector standards and codes."

negative impacts of disasters on society, and, in turn, increase community resilience within the U.S. communities. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

**II. Method of Collection**

NIST will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. NIST may also utilize observational techniques to collect this information.

**III. Data**

*OMB Control Number:* New collection.

*Form Number(s):* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households; first responders; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal government; Federal government; Standards-making bodies; Universities.

*Estimated Number of Respondents:* 5,000.

*Estimated Time per Response:* Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire may be 15 minutes or 2 hours to participate in an interview.

*Estimated Total Annual Burden Hours:* 5,625 (1,250 to 10,000).

*Estimated Total Annual Cost to Public:* \$0.

**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, and 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 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.

**Sheleen Dumas,**

*Departmental PRA Lead, Office of the Chief Information Officer.*

[FR Doc. 2016-03172 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Hydrographic Services Review Panel Meeting**

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of open public meeting.

**SUMMARY:** The Hydrographic Services Review Panel (HSRP) will hold a meeting that will be open to the public. Information about the HSRP and the full meeting agenda will be posted at [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_galveston2016.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_galveston2016.htm).

**DATE AND TIME:** The meeting will be held on March 15, 2016, 9:00 a.m. to 3:00 p.m. CDT; March 16, 2016, 9:00 a.m. to 4:00 p.m.; and March 17, 2016, 8:00 a.m. to 5:00 p.m. Times are subject to change.

*Location:* Galveston, Texas. For updates on the exact location, check [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_galveston2016.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_galveston2016.htm).

**FOR FURTHER INFORMATION CONTACT:**

Lynne Mersfelder-Lewis, HSRP program manager, National Ocean Service, Office of Coast Survey, NOAA (N/NSD), 1315 East-West Highway, Silver Spring, Maryland 20910; telephone: 301-713-2750 ext. 166; email: [lynne.mersfelder@noaa.gov](mailto:lynne.mersfelder@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public, and public seating will be available on a first-come, first-served basis. The times of onsite public comment periods, scheduled for each day, will be included in the draft and final agendas. Each individual or group making verbal comments will be limited to a total time of five (5) minutes. Comments will be recorded. Individuals who would like to submit written statements should email or fax their comments to [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov) by March 4, 2016.

The HSRP will provide webinar and teleconference capability for the public sessions. Pre-registration is required by March 14, 2016. For instructions, go to [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_galveston2016.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_galveston2016.htm).

The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate

matters that the Under Secretary refers to the Panel for review and advice. The charter and other information are located online at <http://www.nauticalcharts.noaa.gov/ocs/hsrp/CharterBylawsHSIAStatute.htm>.

**Matters to Be Considered:** The panel is convening to hear federal, state, regional and local partners and stakeholders on issues relevant to NOAA's navigation services, particularly focusing on the Texas Gulf Coast area. Navigation services include the data, products, and services provided by the NOAA programs and activities that undertake geodetic observations, gravity modeling, shoreline mapping, bathymetric mapping, hydrographic surveying, nautical charting, tide and water level observations, current observations, and marine modeling. This suite of NOAA products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to support America's commerce.

The Panel will hear from federal agencies and non-federal organizations about their missions and their use of NOAA's navigation services; what value these services bring; and what improvements could be made. Other administrative matters may be considered. This agenda is subject to change.

**Special Accommodations:** This meeting is physically accessible to people with disabilities. Direct requests for sign language interpretation or other auxiliary aids to [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov) by February 26, 2016.

Dated: January 29, 2016.

**Rear Admiral Gerd F. Glang,**

*Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2016-03166 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XE444

### Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Council and its advisory entities will hold public meetings.

**DATES:** The Pacific Council and its advisory entities will meet March 8–14, 2016. The Pacific Council meeting will begin on Wednesday, March 9, 2016 at 8 a.m., reconvening each day through Monday, March 14, 2016. All meetings are open to the public, except a closed session will be held at 8 a.m. on Wednesday, March 9 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

**ADDRESSES:** Meetings of the Council and its advisory entities will be held at the Doubletree by Hilton Sacramento, 2001 Point West Way, Sacramento, CA 95815; telephone: (916) 929-8855.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820-2280 or (866) 806-7204 toll free; or access the Pacific Council Web site, <http://www.pcouncil.org> for the current meeting location, proposed agenda, and meeting briefing materials.

**SUPPLEMENTARY INFORMATION:** The March 9–14, 2016 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin at 9 a.m. Pacific Time (PT) Wednesday, March 9, 2016 and continue daily through Monday, March 14, 2016. Broadcasts end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion is listen-only; you will be unable to speak to the Pacific Council via the broadcast. To access the meeting online please use the following link: <http://www.gotomeeting.com/online/webinar/join-webinar> and enter the March Webinar ID, 112-257-227 and your email address. You can attend the webinar online using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio portion only of the meeting. The audio portion may be attended using a telephone by dialing the toll number 1-631-992-3221 (not a toll-free number), audio access code 788-106-977, and enter the audio pin shown after joining the webinar.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as “(Final Action)” refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, advisory entity meeting times, and meeting rooms are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance March 2016 briefing materials and posted on the Council Web site at [www.pcouncil.org](http://www.pcouncil.org).

#### A. Call to Order

1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

#### B. Open Comment Period

1. Comments on Non-Agenda Items

#### C. Habitat

1. Current Habitat Issues

#### D. Ecosystem Management

1. California Current Ecosystem Report Including Integrated Ecosystem Assessment
2. Update on Coordinated Ecosystem Indicator Review Initiative

#### E. Salmon Management

1. National Marine Fisheries Service Report
2. Review of 2015 Fisheries and Summary of 2016 Stock Abundance

#### Forecasts

3. Chinook Fishery Regulation Assessment Model (FRAM) Co-manager

#### Update

4. Identification of Management Objectives and Preliminary Definition of

#### 2016 Salmon Management Alternatives Including Test Fishery Alternatives

5. Council Recommendations for 2016 Management Alternative Analysis
6. Further Council Direction for 2016 Management Alternatives
7. Adoption of 2016 Management Alternatives for Public Review
8. Salmon Hearing Officers
9. Sacramento River Winter Chinook Control Rule Update

#### F. Highly Migratory Species Management

1. National Marine Fisheries Service Report

2. Report on Ongoing Exempted Fishing Permits
3. Deep-Set Buoy Gear Amendment Scoping
4. Recommendations for International Management Activities Including *U.S.-Canada Albacore Treaty Area Fishery Update*

**G. Groundfish Management**

1. National Marine Fisheries Service Report
2. Exempted Fishing Permit (EFP) for California Mid-Water Commercial Jig  
*Gear for 2017–18*
3. Biennial Harvest Specifications and Management Measures for 2017–18

*Groundfish Fisheries*

4. Consideration of Inseason Adjustments, Including Carryover
5. Oregon Mid-Water Sport Fishery Regulations (Final Action)
6. Salmon Endangered Species Act (ESA) Consultation Update
7. Electronic Monitoring Exempted Fishing Permit Update and Revisions
8. Changes to Trawl Catch Share Program Gear Regulations (Final Action)

**H. Pacific Halibut Management**

1. Report on the International Pacific Halibut Commission Meeting
2. Incidental Catch Recommendation Options for the Salmon Troll and Final

*Recommendations for Fixed Gear Sablefish Fisheries (Final Action)*

3. Halibut Incidental Groundfish Regulations (Final Action)

**I. Administrative Matters**

1. Approval of Council Meeting Record
2. Membership Appointments and Council Operating Procedures
3. Future Council Meeting Agenda and Workload Planning

**SCHEDULE OF ANCILLARY MEETINGS**

|   |           |
|---|-----------|
| <b>Day 1—Tuesday, March 8, 2016</b>       |           |
| Ecosystem Advisory Subpanel               | 8 a.m.    |
| Ecosystem Workgroup                       | 8 a.m.    |
| Habitat Committee                         | 8:30 a.m. |
| Sacramento River Winter Chinook Workgroup | 1 p.m.    |
| Scientific and Statistical Committee      | 1 p.m.    |
| <b>Day 2—Wednesday, March 9, 2016</b>     |           |
| California State Delegation               | 7 a.m.    |
| Oregon State Delegation                   | 7 a.m.    |
| Washington State Delegation               | 7 a.m.    |
| Ecosystem Advisory Subpanel               | 8 a.m.    |
| Scientific and Statistical Committee      | 8 a.m.    |

**SCHEDULE OF ANCILLARY MEETINGS—Continued**

|   |         |
|---|---------|
| Salmon Advisory Subpanel  | 8 a.m.  |
| Salmon Technical Team   | 8 a.m.  |
| Enforcement Consultants   | 3 p.m.  |
| Tribal Policy Group   | Ad hoc. |
| Tribal and Washington Technical Group                                     | Ad hoc. |
| <b>Day 3—Thursday, March 10, 2016</b>                                     |         |
| California State Delegation   | 7 a.m.  |
| Oregon State Delegation   | 7 a.m.  |
| Washington State Delegation   | 7 a.m.  |
| Highly Migratory Species Advisory Subpanel                                | 8 a.m.  |
| Highly Migratory Species Management Team                                  | 8 a.m.  |
| Salmon Advisory Subpanel  | 8 a.m.  |
| Salmon Technical Team   | 8 a.m.  |
| Scientific and Statistical Committee Coastal Pelagic Species Subcommittee | 8 a.m.  |
| Enforcement Consultants   | Ad hoc. |
| Tribal Policy Group   | Ad hoc. |
| Tribal and Washington Technical Group                                     | Ad hoc. |
| <b>Day 4—Friday, March 11, 2016</b>                                       |         |
| California State Delegation   | 7 a.m.  |
| Oregon State Delegation   | 7 a.m.  |
| Washington State Delegation   | 7 a.m.  |
| Groundfish Advisory Subpanel  | 8 a.m.  |
| Groundfish Management Team  | 8 a.m.  |
| Highly Migratory Species Advisory Subpanel                                | 8 a.m.  |
| Highly Migratory Species Management Team                                  | 8 a.m.  |
| Salmon Advisory Subpanel  | 8 a.m.  |
| Salmon Technical Team   | 8 a.m.  |
| Enforcement Consultants   | Ad hoc. |
| Tribal Policy Group   | Ad hoc. |
| Tribal and Washington Technical Group                                     | Ad hoc. |
| <b>Day 5—Saturday, March 12, 2016</b>                                     |         |
| California State Delegation   | 7 a.m.  |
| Oregon State Delegation   | 7 a.m.  |
| Washington State Delegation   | 7 a.m.  |
| Groundfish Advisory Subpanel  | 8 a.m.  |
| Groundfish Management Team  | 8 a.m.  |
| Highly Migratory Species Advisory Subpanel                                | 8 a.m.  |
| Highly Migratory Species Management Team                                  | 8 a.m.  |
| Salmon Advisory Subpanel  | 8 a.m.  |
| Salmon Technical Team   | 8 a.m.  |
| Enforcement Consultants   | Ad hoc. |
| Tribal Policy Group   | Ad hoc. |
| Tribal and Washington Technical Group                                     | Ad hoc. |
| <b>Day 6—Sunday, March 13, 2016</b>                                       |         |
| California State Delegation   | 7 a.m.  |
| Oregon State Delegation   | 7 a.m.  |
| Washington State Delegation   | 7 a.m.  |
| Groundfish Advisory Subpanel  | 8 a.m.  |
| Groundfish Management Team  | 8 a.m.  |
| Salmon Advisory Subpanel  | 8 a.m.  |
| Salmon Technical Team   | 8 a.m.  |
| Enforcement Consultants   | Ad hoc. |
| Tribal Policy Group   | Ad hoc. |
| Tribal and Washington Technical Group                                     | Ad hoc. |
| <b>Day 7—Monday, March 14, 2016</b>                                       |         |
| California State Delegation   | 7 a.m.  |
| Oregon State Delegation   | 7 a.m.  |
| Washington State Delegation   | 7 a.m.  |

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those

issues may not be the subject of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice 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 final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: February 10, 2016.

**Tracey L. Thompson,**

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

[FR Doc. 2016–03134 Filed 2–16–16; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XE432**

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Waterfront Construction**

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

**ACTION:** Notice; receipt of application for Letters of Authorization; request for comments and information.

**SUMMARY:** NMFS' Office of Protected Resources has received a request from the U.S. Navy (Navy) for authorization to take small numbers of marine mammals incidental to conducting waterfront construction, over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than March 18, 2016.

**ADDRESSES:** Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted to the Internet at [www.nmfs.noaa.gov/pr/permits/incidental/research.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm) without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

**Availability**

An electronic copy of the Navy's application may be obtained by visiting the Internet at: [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm). The Navy is concurrently releasing a draft Environmental Assessment, prepared pursuant to requirements of the National Environmental Policy Act, for the conduct of the construction projects. A copy of the draft EA, which would also support our proposed rulemaking under the MMPA, is available at the same Web site.

**Background**

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued.

Incidental taking shall be allowed if NMFS finds that the taking will have a negligible impact on the species or stock(s) affected and will not have an unmitigable adverse impact on the availability of the species or stock(s) for

taking for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: "any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

**Summary of Request**

On January 19, 2016, NMFS received an adequate and complete application from the Navy requesting authorization for take of marine mammals incidental to waterfront construction conducted by the Navy. The requested regulations would be valid for five years, from July 12, 2017, through July 11, 2022. The Navy plans to conduct work necessary to maintain existing waterfront structures as well as to construct new structures at Naval Submarine Base Kings Bay, GA (NSB Kings Bay). The proposed action may incidentally expose marine mammals occurring in the vicinity to elevated levels of underwater sound, thereby resulting in incidental take, by Level B harassment only. Therefore, the Navy requests authorization to incidentally take marine mammals.

**Specified Activities**

To ensure the Navy can continue its mission of supporting the Fleet Ballistic Missile System and Trident Submarine Program, the Navy proposes to repair (including direct repairs and repairs by component replacement) in-water structures at NSB Kings Bay, construct a new Transit Protection System Operational Support Facility, and extend the existing Layberth Pier. These repairs, upgrades, and new construction would (1) address critical damage and mission and safety requirements, (2) limit further deterioration and increase the useful life of the structures, and/or (3) upgrade infrastructure to meet requirements of new submarine technology. Construction will include

use of impact and vibratory pile driving, including installation and removal of steel, concrete, and timber piles.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the Navy, if appropriate.

Dated: February 11, 2016.

**Perry F. Gayaldo**,  
*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2016-03213 Filed 2-16-16; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Telecommunications and Information Administration**

**Proposed Information Collection; Comment Request; State and Local Implementation Grant Program Closeout Documentation**

**AGENCY:** National Telecommunications and Information Administration, 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 18, 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](mailto:jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments and instructions should be sent to Michael Dame, Telecommunications Policy Specialist, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230 (or via email at [mdame@ntia.doc.gov](mailto:mdame@ntia.doc.gov)).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The Middle Class Tax Relief and Job Creation Act of 2012 (Act, Pub. L. 112–96, 126 Stat. 156 (2012)) was signed by the President on February 22, 2012. The Act meets a long-standing priority of the Administration, as well as a critical national infrastructure need, to create a single, interoperable, nationwide public safety broadband network (NPSBN) that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety officials to effectively communicate with each other across agencies and jurisdictions. Public safety workers have long been hindered in their ability to respond in a crisis situation because of incompatible communications networks and often outdated communications equipment. The Act establishes the First Responder Network Authority (FirstNet) as an independent authority within NTIA and authorizes it to take all actions necessary to ensure the design, construction, and operation of the NPSBN, based on a single, national network architecture.

FirstNet is responsible for, at a minimum, ensuring nationwide standards for the use of and access to the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and overseeing contracts with non-federal entities to build, operate, and maintain the network.

The Act also charges NTIA with establishing the State and Local Implementation Grant Program (SLIGP) to assist state, regional, tribal, and local jurisdictions with identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the NPSBN to satisfy the wireless broadband and data services needs of their jurisdictions. The SLIGP program office awarded \$116.5 million in grant funds to 54 active state and territorial recipients between July 2013 and June 2014.

Moreover, the Act's framework contemplates that FirstNet will coordinate its activities with state, regional, tribal, and local governments and imposes a statutory requirement that FirstNet consult with these entities as it takes all actions necessary to build, deploy, and operate the NPSBN.

Specifically, the Act requires FirstNet to consult with state, regional, tribal, and local governments about the distribution and expenditure of any amounts required to carry out its responsibilities, including (i) The construction of a core network and any radio access network build-out; (ii) placement of towers; (iii) coverage areas of the network; (iv) adequacy of hardware, security, reliability, and resiliency requirements; (v) assignment of priority to local users and selection of entities seeking network access; and (vi) training needs of local users.

Additionally, the Act specifies that these required consultations are to occur between FirstNet and the single point of contact that the state was required to designate in its application for grant funds under SLIGP or that the governor has since designated. Thus, progress in meeting FirstNet's responsibilities under the Act, including its required consultations, is inextricably linked to SLIGP. FirstNet must rely on NTIA to utilize SLIGP as the principal means to facilitate its required consultations. At the same time, without funding assistance from SLIGP, the states would lack the resources to consult effectively with FirstNet and provide it with information needed for it to proceed with the design and construction of a NPSBN in an effective and timely manner, as required by the Act.

SLIGP recipients' periods of performance will end either on December 31, 2017, January 31, 2018, or February 28, 2018, depending on when the award was made. Following the award end date, grantees will be required to complete grant closeout activities within 90 days. The purpose of closeout is to capture a final account of grantee activities and how these activities contributed to overall program goals. To ensure effective grant oversight and management, SLIGP developed a closeout report form for recipients to complete as part of post-award monitoring and closeout activities at the end of the period of performance. The closeout form serves as a summary of grant-funded recipient activities over the entire award period and ensures that recipients comply with all necessary closeout procedures. The closeout form will ask recipients to aggregate their cumulative progress toward program priority areas identified in their quarterly performance progress reports (PPRs), namely stakeholders engaged, broadband conferences attended, staff hired, contracts executed, governance meetings held, outreach materials disseminated, and overall progress toward FirstNet-determined data collection activities. Recipients

will also be asked to report on their cumulative expenditures throughout the period of performance in each object class category, including personnel, fringe, travel, equipment, materials/supplies, contractual, construction, other, and indirect costs.

NTIA will use the collection of information to ensure that SLIGP grant recipients are effectively monitored and evaluated against the core purposes of the program established by the Act. The publication of this notice allows NTIA to begin the process to obtain the approval for the standard three years.

**II. Method of Collection**

Paper format.

**III. Data**

*OMB Control Number:* None.

*Form Number(s):* None.

*Type of Review:* Regular submission; new collection.

*Affected Public:* State, regional, local, and tribal government organizations.

*Frequency:* Once (at the end of the period of performance).

*Number of Respondents:* 54.

*Average Time per Response:* Final closeout report, 25 hours.

*Estimated Total Annual Burden Hours:* 1,350 hours.

*Estimated Total Annual Cost to Public:* \$52,623.

**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 will also become a matter of public record.

**Sheleen Dumas,**

*Departmental PRA Lead, Office of the Chief Information Officer.*

[FR Doc. 2016–03139 Filed 2–16–16; 8:45 am]

**BILLING CODE 3510-06-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Addition

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Addition to the Procurement List.

**SUMMARY:** This action adds a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities.

**DATES:** *Effective Date:* 3/18/2016.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

### SUPPLEMENTARY INFORMATION:

#### Addition

On 11/20/2015 (80 FR 72710-72711), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.
2. The action will result in authorizing a small entity to provide the service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the service proposed for addition to the Procurement List.

### End of Certification

Accordingly, the following service is added to the Procurement List:

#### Service

*Service Type:* Custodial Service.

*Service is Mandatory for:* US Air Force, March Air Reserve Base, CA.

*Mandatory Source(s) of Supply:* CW Resources, Inc., New Britain, CT.

*Contracting Activity:* Dept of the Air Force, FA4664 452 LG LGC, March ARB, CA.

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. 2016-03179 Filed 2-16-16; 8:45 am]

**BILLING CODE 6353-01-P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB-2016-0004]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, "Report of Terms of Credit Card Plans (Form FR 2572)."

**DATES:** Written comments are encouraged and must be received on or before March 18, 2016 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *OMB:* Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395-5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

*Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

### FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at [www.reginfo.gov](http://www.reginfo.gov) (this link active on the day following publication of this notice). Select "Information Collection Review," under "Currently under review, use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: [PRA@cfpb.gov](mailto:PRA@cfpb.gov). *Please do not submit comments to this email box.*

### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Report of Terms of Credit Card Plans (Form FR 2572).

*OMB Control Number:* 3170-0001.

*Type of Review:* Extension without change of an existing collection.

*Affected Public:* Private sector.

*Estimated Number of Respondents:* 150.

*Estimated Total Annual Burden Hours:* 75.

*Abstract:* Form FR 2572 collects data on credit card pricing and availability from a sample of at least 150 financial institutions that offer credit cards. The data enable the Bureau to present information to the public on terms of credit card plans.

**Request for Comments:** The Bureau issued a 60-day **Federal Register** notice on November 24, 2015, (80 FR 73169). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (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 Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: February 10, 2016.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2016-03245 Filed 2-16-16; 8:45 am]

**BILLING CODE 4810-AM-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No: CFPB-2016-0005]

### **Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, "Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (Regulation X) 12 CFR 1024."

**DATES:** Written comments are encouraged and must be received on or before March 18, 2016 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- OMB: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395-5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

*Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Documentation prepared in support of this information collection request is available at [www.reginfo.gov](http://www.reginfo.gov) (this link active on the day following publication of this notice). Select "Information Collection Review," under "Currently under review, use the dropdown menu

"Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: [PRA@cfpb.gov](mailto:PRA@cfpb.gov). *Please do not submit comments to this email box.*

#### **SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (Regulation X) 12 CFR 1024.

*OMB Control Number:* 3170-0025.

*Type of Review:* Extension without change of an existing information collection.

*Affected Public:* Private sector.

*Estimated Number of Respondents:* 2,259.

*Estimated Total Annual Burden Hours:* 117,500.

*Abstract:* Regulation X implements the Real Estate Settlement Procedures Act, ensures that consumers are provided with more helpful information about the cost of the mortgage settlement and protected from unnecessarily high settlement charges caused by certain abusive practices. Regulation X contains information collections in the form of third party disclosures and recordkeeping requirements.

This amendment to Regulation X requires lenders to provide mortgage applicants a list of certified homeownership counselors at or soon after the time of their application. This requirement is meant to help applicants be informed about the process of applying for a mortgage, and receive additional non-biased guidance if desired.

*Request For Comments:* The Bureau issued a 60-day **Federal Register** notice on November 25, 2015, 80 FR 73734. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (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. All comments will become a matter of public record.

Dated: February 10, 2016.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2016-03204 Filed 2-16-16; 8:45 am]

**BILLING CODE 4810-AM-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No: CFPB-2016-0003]

### **Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, "Equal Credit Opportunity Act (Regulation B) 12 CFR 1002."

**DATES:** Written comments are encouraged and must be received on or before March 18, 2016 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- OMB: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395-5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

*Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Documentation prepared in support of this information collection request is



available at [www.reginfo.gov](http://www.reginfo.gov) (this link active on the day following publication of this notice). Select "Information Collection Review," under "Currently under review, use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>.

Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435-9575, or email: [PRA@cfpb.gov](mailto:PRA@cfpb.gov). Please do not submit comments to this email box.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Equal Credit Opportunity Act (Regulation B) 12 CFR 1002.

*OMB Control Number:* 3170-0013.

*Type of Review:* Extension without change of an existing information collection.

*Affected Public:* Private sector.

*Estimated Number of Respondents:* 514,000.

*Estimated Total Annual Burden*

*Hours:* 1,450,250.

*Abstract:* The Equal Credit

Opportunity Act (ECOA) was enacted to ensure that credit is made available to all creditworthy applicants without discrimination on the basis of sex, marital status, race, color, religion, national origin, age, or other prohibited bases under the ECOA. The ECOA allows for creditors to collect information for self-testing against these criteria, while not allowing creditors to use this information in making credit decisions of applicants. For certain mortgage applications, the ECOA requires creditors to ask for some of the prohibited information for monitoring purposes. In addition, for certain mortgage applications, creditors are required to send a copy of any appraisal or written valuation used in the application process to the applicant in a timely fashion.

The ECOA also prescribes creditors to inform applicants of decisions made on credit applications. In particular, where creditors make adverse actions on credit applications or existing accounts, creditors must inform consumers as to why the adverse action was taken, such that credit applicants can challenge errors on their accounts or learn how to become more creditworthy. Creditors must retain all application information for 25 months, including notices sent and any information related to adverse actions.

Finally, the ECOA requires creditors who furnish applicant information to a

consumer credit bureau to reflect participation of the applicant's spouse, if the spouse is permitted to use or contractually liable on the account.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on November 25th 2015, 80 FR 73734. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (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. All comments will become a matter of public record.

Dated: February 10, 2016.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2016-03246 Filed 2-16-16; 8:45 am]

**BILLING CODE 4810-AM-P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **Computer Matching and Privacy Protection Act of 1988; Report of Matching Program: Corporation for National and Community Service and the Social Security Administration**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice of computer matching program between the Corporation for National and Community Service and the Social Security Administration.

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), OMB Final Guidance Interpreting the Provisions of the Computer Matching and Privacy Protection Act of 1988 (54 FR 25818, June 19, 1989), and OMB Circular No. A-130, "Management of Federal Information Resources," the Corporation for National and Community Service ("CNCS") is issuing a public notice of the computer matching program with

the Social Security Administration ("SSA").

**DATES:** CNCS will file a report of the subject computer matching agreement with the Office of Management and Budget and Congress. The matching program will begin April 1, 2016 or 40 days after the date of CNCS's submissions to OMB and Congress, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

**ADDRESSES:** You may submit comments identified by the title of the information collection activity, by any of the following methods.

(1) By mail sent to: Corporation for National and Community Service, Attention Zachary Jackson, Project Manager, Suite 300, 250 E. Street SW., Washington, DC, 20525.

(2) By fax to: (202) 606-3467.

(3) By email to: [zjackson@cns.gov](mailto:zjackson@cns.gov). Individuals who use a telecommunications device for the deaf (TTY-TDD) may call (202) 606-3472 between 8:30 a.m. and 5:00 p.m. Eastern Time, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Zachary Jackson, Project Manager, (202) 606-6948, or by email at [zjackson@cns.gov](mailto:zjackson@cns.gov).

**SUPPLEMENTARY INFORMATION:**

**A. General**

The Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), regulates the use of computer matching agreements by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. Among other things, it requires Federal agencies involved in computer matching agreements to publish a notice in the **Federal Register** regarding the establishment of the matching program.

**B. Participating Agencies**

Participants in this computer matching program are the Social Security Administration (source agency) and the Corporation for National and Community Service (recipient agency).

**C. Purpose of the Match**

The computer match between CNCS and SSA will enable CNCS to verify the social security numbers of individuals applying to serve in approved national service positions and those designated to receive national service education awards under the National and Community Service Act of 1990 (NCSA)

and verify statements made by those individuals regarding their citizenship status.

#### **D. Authority for Conducting the Matching Program**

This agreement is executed in compliance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a), and the regulations and guidance promulgated under the Act.

SSA's legal authority to enter into this agreement is section 1106 of the Social Security Act (42 U.S.C. 1306) and the regulations promulgated pursuant to that section (20 CFR part 401). The authority for SSA's disclosure of record information is 5 U.S.C. 552a(b)(3).

Section 146(a)(3) of the NCSA (42 U.S.C. 12602(a)) sets forth the eligibility requirements for an individual to receive an Education Award from the National Service Trust upon successful completion of a term of service in an approved national service position. Section 1711 of the Serve America Act (Pub. L. 111-13) directs CNCS to enter into a data matching agreement to verify statements made by an individual declaring that such individual is in compliance with section 146(a)(3) of the NCSA by comparing information provided by the individual with information relevant to such a declaration in the possession of another Federal agency. In accordance with the study CNCS completed pursuant to section 1711 of the Serve America Act, CNCS determined that a data matching program with SSA is the most effective means to verify an individual's statement that he or she is in compliance with section 146(a)(3) of the NCSA.

#### **E. Categories of Records and Individuals Covered by the Matching Program**

Each individual who is eligible to receive an education award or applies to serve in an approved national service position, including positions in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and Serve America Fellows, must, at the time of acceptance of an education award or application to serve, certify that the individual meets the citizenship eligibility criteria to serve in the position, *i.e.*, is a citizen, national, or lawful permanent resident of the United States.

The Master Files of Social Security Number Holders and SSN Applications SSA/OTSO 60-0058, last published in full on December 29, 2010 (75 FR 82121), as amended on July 5, 2013 (78

FR 40542) and February 13, 2014 (79 FR 8780) maintains records about each individual who has applied for and obtained an SSN. SSA uses information from this system to assign SSNs. The information CNCS provides from the AmeriCorps Member Individual Account; Corporation -8 system of record, published in full on March 5, 1999 (64 FR 10879-10893), as amended on August 1, 2000, (65 FR 46890-46905) and July 25, 2002 (67 FR 48616-48617) will be matched against this system of records and verification results will be disclosed under the applicable routine use.

#### **F. Inclusive Dates of the Matching Program**

This agreement will be in effect for a period of 18 months, with a provision for a one-time extension for a period not to exceed 12 months. In order to renew this agreement, both CNCS and SSA must certify to their respective Data Integrity Boards that: (1) The matching program will be conducted without change; and (2) the matching program has been conducted in compliance with the original agreement.

#### **G. Procedure**

CNCS will provide SSA with a data file including each applicant's and potential education award recipient's social security number, first and last names, and date of birth. SSA will conduct a match on the identifying information. If the match does not return a result verifying the individual's citizenship status, CNCS will contact the individual or the grant recipient program that selected the individual to verify the results in accordance with the requirements of 5 U.S.C. 552a(p) and applicable OMB guidelines. The affected individual will have an opportunity to contest the accuracy of the information provided by SSA. The applicant will have at least 30 days from the date of the notice to provide clear and convincing evidence of the accuracy of the social security number, proof of U.S. citizenship, or both.

#### **H. Additional Notice**

Applicants will be informed at the time of application that information provided on the application is subject to verification through a computer matching program. The application package will contain a privacy certification notice that the applicant must sign authorizing CNCS to verify the information provided.

For transferees of education awards, at the time an award is transferred, CNCS will provide individual notice that the SSN is subject to verification

through a computer matching program. CNCS will send a privacy notice to the transferee, and in the case of a minor, to the parent or legal guardian. The transferee, parent, or legal guardian must sign the privacy certification authorizing CNCS to verify the information provided.

#### **I. Other Information**

CNCS will furnish a copy of this notice to both Houses of Congress and the Office of Management and Budget.

Dated: February 10, 2016.

**Thomas Hanley**,  
Chief Information Officer.

[FR Doc. 2016-03164 Filed 2-16-16; 8:45 am]

**BILLING CODE 6050-28-P**

### **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

#### **Proposed Information Collection; Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the President's Volunteer Service Awards (PVSA), parts A, B, C, D, E and F. This information will be provided by certifying organizations which will include non-profits, schools, universities, businesses and faith based organizations. This is a voluntary submission in order to place an order for an award.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attention: David Premo, 250 E Street SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through [www.regulations.gov](http://www.regulations.gov).

Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** David Premo, 202-606-6717, or by email at [dpremo@cns.gov](mailto:dpremo@cns.gov).

**SUPPLEMENTARY INFORMATION:** CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

### Background

The President's Volunteer Service Awards were created by Executive Order on January 30, 2003. The awards are administered by the Corporation for National and Community Service. Under the Executive Order, the Corporation was directed to (among other things) design and recommend programs to recognize individuals, schools, and organizations that excel in their efforts to support volunteer service and civic participation, especially with respect to students in primary schools, secondary schools, and institutions of higher learning. The President's Volunteer Service Awards fulfills this

direction. In order to recognize individuals, schools and organizations, the program must collect information about the individuals and organizations and their activities to verify that they are eligible to receive the award and have earned the award.

### Current Action

The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on March 31, 2016.

*Type of Review:* Renewal.

*Agency:* Corporation for National and Community Service.

*Title:* President's Volunteer Service Awards, parts A, B, C, D, E and F.

*OMB Number:* 3045-0086.

*Agency Number:* None.

*Affected Public:* General public.

*Total Respondents:* 200,000.

*Frequency:* On occasion.

*Average Time per Response:* Averages 20 minutes.

*Estimated Total Burden Hours:* 66,666 hours.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 11, 2016.

**Theodore Miller,**

*Chief of External Affairs.*

[FR Doc. 2016-03163 Filed 2-16-16; 8:45 am]

**BILLING CODE 6050-28-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DOD-2015-OS-0017]

### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Defense Finance and Accounting Service (DFAS), announces a proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services- Cleveland, 1240 East 9th Street, Cleveland, OH 44199, ATTN: Mr. Charles Moss, [Charles.moss@dfas.mil](mailto:Charles.moss@dfas.mil), 216-204-4426.

### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Child Annuitant's School Certification; DD Form 2788; OMB Control Number 0730-0001.

*Needs and Uses:* In accordance with 10 U.S.C. 1447 and DoD Financial Management Regulation, 7000.14-R, Volume 7B, a child annuitant between the age of 18 and 22 years of age must

provide evidence of intent to continue study or training at a recognized educational institution. The certificate is required for the school semester or other period in which the school year is divided.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 7,200 hours.

*Number of Respondents:* 3,600.

*Responses per Respondent:* 2.

*Annual Responses:* 7,200.

*Average Burden per Response:* 1 hour.

*Frequency:* Once each semester of full time school, ages 18 to 22.

The Child Annuitant's School Certification form is submitted to the child for completion and returned to this agency. The child will certify as to his or her intent for future enrollment and a school official must certify on the past or present school enrollment of the child. By not obtaining school certification, overpayment of annuities to children would exist. This information may be collected from some schools which are non-profit institutions such as religious institutions. If information is not received after the end of each school enrollment, over disbursements of an annuity would be made to a child who elected not to continue further training or study.

Dated: February 10, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 2016-03074 Filed 2-16-16; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2013-OS-0129]

#### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Defense Finance and Accounting Service announces a proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Indianapolis, DFAS-ZPR, 8899 E. 56th St., Indianapolis, IN 46249, ATTN: Ms. La Zaleus D. Leach, [LaZaleus.Leach@DFAS.mil](mailto:LaZaleus.Leach@DFAS.mil), 317-212-6032.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Waiver/Remission of Indebtedness Application, DD Form 2789; OMB Number 0730-0009.

*Needs and Uses:* The information collection requirement is used by current or former DoD Civilian employees or military members to request waiver or remission of an indebtedness owed to the Department of Defense. Under 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, certain debts arising out of erroneous payments may be waived. Under 10 U.S.C. 4837, 10 U.S.C. 6161, and 10 U.S.C. 9837, certain debts may be remitted. Information

obtained through this form is used for adjudicating the request for waiver or remission.

*Affected Public:* Individuals.

*Annual Burden Hours:* 13,950.

*Number of Respondents:* 6,200.

*Responses per Respondent:* 1.

*Annual Responses:* 6,200.

*Average Burden per Response:* 2.25 hours.

*Frequency:* On Occasion.

The referenced United States Code sections on waivers provide for an avenue of relief for individuals who owe debts to the United States, which resulted from erroneous payments. Criteria for waiver of a debt includes a determination that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the individual owing the debt or any other person interested in obtaining a waiver. Information obtained through the proposed collection is needed in order to adjudicate the waiver request under the law.

Dated: February 10, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2016-03085 Filed 2-16-16; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DoD-2015-OS-0097]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Secretary of Defense of Personnel and Readiness, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Secretary of Defense of Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Mr. Sam Peterson at Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955–6771.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Collection of Required Data Elements to Verify Eligibility; OMB Control Number 0704–0545.

*Needs and Uses:* The information collection requirement is necessary for the Government to verify whether or not an individual was impacted by the OPM cybersecurity incident involving background investigation records and to send a letter confirming status as “impacted” or “not impacted” by this incident. Once the minimally required information has been input into the OPM secure portal, it will be compared to an electronic master file and verification will be accomplished electronically. After the Government has validated the individual’s status, the DoD Defense Manpower Data Center (DMDC) will generate and mail a response letter. This letter will either confirm eligibility and contain a PIN for impacted individuals, or confirm that

the individual was not impacted by this cybersecurity incident

*Affected Public:* Individuals or Households.

*Annual Burden Hours:* 83,333.

*Number of Respondents:* 1,000,000.

*Responses per Respondent:* 1.

*Annual Responses:* 1,000,000.

*Average Burden per Response:* 5 minutes.

*Frequency:* On occasion.

For the purposes of this submission, the affected public is comprised of military applicants, and employees of government contractors, experts, instructors, and consultants to Federal programs who underwent a personnel background investigation after January 1, 1990. Additionally, other individuals whose Social Security Numbers (SSN) were provided on an SF 85, SF85–P or SF86 after January 1, 1990. Lastly, it also applies to individuals who submit a breach verification inquiry as well as minor children, who were minors as of July 1, 2015, of individuals described in this paragraph.

Dated: February 11, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2016–03161 Filed 2–16–16; 8:45 am]

**BILLING CODE 5001–06–P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID DoD–2015–OS–0018]

**Proposed Collection; Comment Request**

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** Notice.

In compliance with the *Paperwork Reduction Act of 1995*, the Defense Finance and Accounting Service announces a proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

*Instructions:* All submissions received must include the agency name, docket number and title for this **FEDERAL REGISTER** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Cleveland, 1240 East 9th Street, Cleveland, OH 44199, ATTN: Mr. Charles Moss, [charles.moss@dfas.mil](mailto:charles.moss@dfas.mil), 216–204–4426.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Custodianship Certification to Support Claims on Behalf of Minor Children of Deceased Members of the Armed Forces, DD Form 2790, OMB Control Number 0730–0010.

*Needs and Uses:* Per DoD Financial Management Regulation, 7000.14–R, Volume 7B, Chapter 46, paragraph 460103A(1), an annuity for a minor child is paid to the legal guardian, or, if there is no legal guardian, to the natural parent who has care, custody, and control of the child as the custodian, or to a representative payee of the child. An annuity may be paid directly to the child when the child is considered to be of majority age under the law in the state of residence. The child then is considered an adult for annuity purposes and a custodian or legal fiduciary is not required.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 120 hours.

*Number of Respondents:* 300.

*Responses per Respondent:* 1.

*Annual Responses:* 300.

*Average Burden per Response:* 24 minutes.

*Frequency:* On occasion.

The form is used by the Directorate of Retired and Annuity Pay, Defense Finance and Accounting Service—Cleveland, in order to pay the annuity to the correct person on behalf of a child under the age of majority. If the form, with the completed certification is not received, the annuity payments are suspended.

Dated: February 10, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 2016–03104 Filed 2–16–16; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DoD–2013–OS–0176]

#### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management

Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services-Cleveland, 1240 East 9th Street, Cleveland, OH 44199, ATTN: JFBDA—Mr. Charles Moss, [charles.moss@dfas.mil](mailto:charles.moss@dfas.mil), 216–204–4426.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Trustee Report, DD 2826, OMB Control Number 0730–0012.

*Needs and Uses:* This form is used to report on the administration of the funds received on behalf of a mentally incompetent member of the uniformed services pursuant to 37 U.S.C. 602–604.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 300 hours.

*Number of Respondents:* 300.

*Responses per Respondent:* 1.

*Average Burden per Response:* 1 hour.

*Frequency:* On occasion.

When a member of the uniformed services is declared mentally incompetent, the need arises to have a trustee appointed to act on their behalf with regard to military pay matters. Trustees will complete this form to report the administration of the funds received on behalf of the member. The requirement to complete this form helps alleviate the opportunity for fraud, waste and abuse of Government funds and member's benefits.

Dated: February 11, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2016–03146 Filed 2–16–16; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

[Docket No. ED–2016–ICCD–0017]

#### Agency Information Collection Activities; Comment Request; Transition and Postsecondary Programs for Students With Intellectual Disabilities (TPSID) Evaluation Protocol

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement of a previously approved information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2016.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2016–ICCD–0017. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Shedita Alston, 202–502–7808.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed

information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) Evaluation Protocol.

*OMB Control Number:* 1840–0825.

*Type of Review:* A reinstatement of a previously approved information collection.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 48.

*Total Estimated Number of Annual Burden Hours:* 1,096.

*Abstract:* In October 2015, the Institute for Community Inclusion (ICI), UMass Boston received a five-year cooperative agreement from the Office of Postsecondary Education to serve as the National Coordinating Center (NCC) for colleges and universities implementing inclusive higher education programs for students with intellectual disabilities, including 25 newly-funded model demonstration projects aimed at creating inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities known as Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSIDs).

To reduce respondent burden, the NCC has streamlined and simplified the previously approved evaluation system for the TPSID programs. The NCC will enhance the collection and analyses of longitudinal follow up data from the new 25 TPSID model programs via an already developed and previously OMB approved evaluation system for the TPSID programs. The revised data collection system is part of an evaluation effort. The system will collect program data at the institutions from TPSID program staff via an online, secure data management system.

Dated: February 11, 2016.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2016–03147 Filed 2–16–16; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0135]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Financial Assistance for Students With Intellectual Disabilities

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before March 18, 2016.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2015–ICCD–0135. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department

assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Student Assistance General Provisions—Financial Assistance for Students with Intellectual Disabilities.

*OMB Control Number:* 1845–0099.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments; Private Sector.

*Total Estimated Number of Annual Responses:* 235.

*Total Estimated Number of Annual Burden Hours:* 74.

*Abstract:* As provided by the Higher Education Act of 1965, as amended, (HEA) these regulations allow students with intellectual disabilities, who enroll in an eligible comprehensive transition program to receive Title IV, HEA program assistance under the Federal Pell Grant, the Federal Supplemental Educational Opportunity Grant (FSEOG), and the Federal Work Study (FWS) programs.

This request is for an extension of the current record-keeping requirements contained in the regulations at 34 CFR 668.232 and 668.233, related to the administrative requirement of the financial assistance for students with intellectual disabilities program.

Dated: February 11, 2016.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2016–03173 Filed 2–16–16; 8:45 am]

**BILLING CODE 4000–01–P**

**DEPARTMENT OF ENERGY****Request for Information (RFI) for Updated Critical Materials Strategy***Correction*

In notice document 2016–02676, appearing on pages 7087–7089 in the issue of Wednesday, February 10, 2016, make the following correction:

On page 7087, in the table on line 4, the term “Dish engine system” should appear in the second column under “Types” instead of the third column under “Components”.

On page 7089, in the first column, the heading “II. Confidential Business Information” should be in bold text.

[FR Doc. C1–2016–02676 Filed 2–16–16; 8:45 am]

**BILLING CODE 1505–01–D**

**DEPARTMENT OF ENERGY****Energy Employees Occupational Illness Compensation Program Act of 2000; Revision to the List of Covered Facilities**

**AGENCY:** Department of Energy.

**ACTION:** Notice of revision of listing of covered facilities.

**SUMMARY:** The Department of Energy (“Department” or “DOE”) periodically publishes revisions to the list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (“EEOICPA” or “Act”). This Notice amends the list of covered facilities by correcting the facility description and the covered period for Jessop Steel Company in Washington, Pennsylvania, and adding the designation of Duriron Company in Dayton, Ohio (“Duriron”) as an atomic weapons employer (“AWE”) facility for purposes of EEOICPA.

**DATES:** Effective February 17, 2016.

**ADDRESSES:** The Department welcomes comments on this Notice. Comments should be addressed to: Patricia R. Worthington, Ph.D., Director, Office of Health and Safety (AU–10), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Patricia R. Worthington, Ph.D., Director, Office of Health and Safety (AU–10), (301) 903–5926.

**SUPPLEMENTARY INFORMATION:** This Notice amends the list of covered

facilities by correcting the facility description and the covered period for Jessop Steel Company in Washington, Pennsylvania, and adding the designation of Duriron in Dayton, Ohio, as an AWE facility for purposes of EEOICPA. Previous lists or revisions were published by DOE on July 16, 2015 (80 FR 42094); February 11, 2013 (78 FR 9678), February 6, 2012 (77 FR 5781); May 26, 2011 (76 FR 30695); August 3, 2010 (75 FR 45608); April 9, 2009 (74 FR 16191); June 28, 2007 (72 FR 35448); November 30, 2005 (70 FR 71815); August 23, 2004 (69 FR 51825); July 21, 2003 (68 FR 43095); December 27, 2002 (67 FR 79068); June 11, 2001 (66 FR 31218); and January 17, 2001 (66 FR 4003).

**Purpose**

EEOICPA establishes a program to provide compensation to certain employees who develop illnesses as a result of their employment with DOE and its predecessor agencies, as well as employees of certain of its contractors, subcontractors, beryllium vendors and AWEs. Section 7384l(4) of EEOICPA, codified at 42 United States Code, defines an AWE as “an entity, other than the United States, that—(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and (B) is designated by the Secretary of Energy as an [AWE] for purposes of the compensation program.” Section 7384l(5) defines an AWE facility as “a facility, owned by an [AWE], that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.”

It has recently come to the attention of the Department that the covered facility description and the covered period for Jessop Steel Company should be amended to include the shearing of uranium metal plates on March 2, 1954, which were sent to the DOE Savannah River Site. Moreover, the description of Jessop Steel Company should be revised to delete the reference to the proposed rolling of uranium since no records indicate that this work was ever performed.

In addition, records indicate that uranium-contaminated nickel scrap metals were sent to Duriron in December 1952, which were used to produce stainless-steel piping for the

Fernald plant. Accordingly, Duriron meets the definition of an AWE facility under EEOICPA and should be added to the DOE list of covered facilities.

This Notice formally makes the changes to the listing of covered facilities as indicated below:

- The covered facility description and the covered period for Jessop Steel Company are revised to include the shearing of uranium metal plates in March of 1954 and delete the reference to the proposed rolling of uranium.
- Duriron is designated as an AWE under EEOICPA and its Dayton, Ohio, location is added to the DOE list of covered facilities for the period of December 1952.

Issued in Washington, DC, on February 4, 2016.

**Matthew B. Moury,**

*Associate Under Secretary for Environment, Health, Safety and Security.*

[FR Doc. 2016–03192 Filed 2–16–16; 8:45 am]

**BILLING CODE 6450–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Sunshine Act Meeting Notice**

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

**TIME AND DATE:** February 18, 2016 at 10 a.m.

**PLACE:** Room 2C, 888 First Street NE., Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda \*NOTE—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission’s Web site at <http://www.ferc.gov> using the eLibrary link, or may be examined in the Commission’s Public Reference Room.



## 1024TH—MEETING

[Regular meeting, February 18, 2016, 10:00 a.m.]

| Item No.              | Docket No.   | Company   |
|-----------------------|--|---|
| <b>Administrative</b> |  |   |
| A-1 .....             | AD16-1-000 .....   | Agency Administrative Matters.  |
| A-2 .....             | AD16-7-000 .....   | Customer Matters, Reliability, Security and Market Operations.  |
| <b>Electric</b>       |  |   |
| E-1 .....             | EC15-157-000 .....   | Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company, FirstEnergy Transmission, LLC, Mid-Atlantic Interstate Transmission, LLC. |
| E-2 .....             | RM16-6-000 .....   | Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response.   |
| E-3 .....             | EL16-27-000 .....  | West-Wide Must-Offer Requirements.  |
| E-4 .....             | EL16-7-000 .....   | City of Osceola, Arkansas v. Entergy Arkansas, Inc. and Entergy Services, Inc.  |
| E-5 .....             | ER16-178-000, ER16-180-000, ER16-180-001 .....               | Public Service Company of Colorado.   |
|                       | ER16-212-000, ER16-212-001, ER16-217-000, ER16-217-001 ..... | Black Hills/Colorado Electric Utility Company, LP.  |
| E-6 .....             | ER16-168-000, ER16-168-001 .....                             | New York Independent System Operator, Inc.  |
| E-7 .....             | ER15-1922-000 .....  | Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC, Entergy New Orleans, Inc.  |
| E-8 .....             | ER16-619-000 .....   | PJM Interconnection, L.L.C. and Public Service Electric and Gas Company.  |
| E-9 .....             | ER15-2294-001 .....  | Pacific Gas and Electric Company.   |
| E-10 .....            | ER14-2529-001 .....  | Pacific Gas and Electric Company.   |
| E-11 .....            | ER13-2157-004, ER13-2157-005 .....                           | Midcontinent Independent System Operator, Inc.  |
| E-12 .....            | ER15-237-004, ER15-326-001 .....                             | Public Service Company of Colorado.   |
|                       | ER15-295-003, ER15-348-003 .....                             | Black Hills/Colorado Electric Utility Company, LP.  |
| E-13 .....            | ER15-2571-001, ER15-2572-001, ER15-2573-001 .....            | GenOn Energy Management, LLC.   |
| <b>Gas</b>            |  |   |
| G-1 .....             | RP16-131-000 .....   | Gulf South Pipeline Company, LP.  |
| G-2 .....             | RP10-1398-003, RP10-1398-000, RP10-1398-004 .....            | EL Paso Natural Gas Company.  |
| G-3 .....             | RP15-1022-003 .....  | Alliance Pipeline L.P.  |
| <b>Hydro</b>          |  |   |
| H-1 .....             | P-14491-002, P-13579-004 .....                               | Western Minnesota Municipal Power Agency FFP Qualified Hydro 14, LLC.   |
| <b>Certificates</b>   |  |   |
| C-1 .....             | CP15-495-000 .....   | Columbia Gas Transmission, LLC.   |
| C-2 .....             | CP15-272-000, CP15-272-001 .....                             | Regency Field Services LLC.   |
| C-3 .....             | CP15-104-001 .....   | DBM Pipeline, LLC.  |
| C-4 .....             | CP14-27-001 .....  | Tres Palacios Gas Storage LLC.  |
| C-5 .....             | CP16-58-000 .....  | Iroquois Gas Transmission System, L.P.  |

Issued: February 11, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

A free webcast of this event is available through [www.ferc.gov](http://www.ferc.gov). Anyone with Internet access who desires to view this event can do so by navigating to [www.ferc.gov](http://www.ferc.gov)'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit [www.CapitolConnection.org](http://www.CapitolConnection.org) or contact

Danelle Springer or David Reininger at 703-993-3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2016-03318 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6717-01-P****ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-RCRA-2015-0606; FRL-9942-33-OEI]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; General Hazardous Waste Facility Standards (Renewal)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), "General

Hazardous Waste Facility Standards (Renewal)” (EPA ICR No. 1571.11, OMB Control No. 2050–0120) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 29, 2016. Public comments were previously requested via the **Federal Register** (80 FR 65999) on October 28, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

**DATES:** Additional comments may be submitted on or before March 18, 2016.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–RCRA–2015–0606, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Norma Abdul-Malik, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–8753; fax number: 703–308–8617; email address: [abdul-malik.norma@epamail.epa.gov](mailto:abdul-malik.norma@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

*Abstract:* Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the U.S. Environmental Protection Agency develop standards for hazardous waste treatment, storage, and disposal facilities (TSDFs) as may be necessary to protect human health and the environment. Subsections 3004(a)(1), (3), (4), (5), and (6) specify that these standards include, but not be limited to, the following requirements:

- Maintaining records of all hazardous wastes identified or listed under subtitle C that are treated, stored, or disposed of, and the manner in which such wastes were treated, stored, or disposed of;
- Operating methods, techniques, and practices for treatment, storage, or disposal of hazardous waste;
- Location, design, and construction of such hazardous waste treatment, disposal, or storage facilities;
- Contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste; and
- Maintaining or operating such facilities and requiring such additional qualifications as to ownership, continuity of operation, training for personnel, and financial responsibility as may be necessary or desirable.

The regulations implementing these requirements are codified in 40 CFR parts 264 and 265. The collection of this information enables the EPA to properly determine whether owners/operators or hazardous waste treatment, storage, and disposal facilities meet the requirements of Section 3004(a) of RCRA.

*Form Numbers:* None.

*Respondents/affected entities:* Hazardous Waste Operators, State/Local/Tribal governments.

*Respondent’s obligation to respond:* Mandatory (RCRA section 3004).

*Estimated number of respondents:* 1,872.

*Frequency of response:* On occasion.

*Total estimated burden:* 672,417 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$41,759,144 (per year), includes \$533,525 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2016–03151 Filed 2–16–16; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–HQ–OAR–2003–0033; FRL 9941–75–OEI]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; EPA’s ENERGY STAR® Product Labeling (Renewal)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), “EPA’s ENERGY STAR Product Labeling” (EPA ICR No. 2078.06, OMB Control No. 2060–0528) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed revision of the ICR, which is currently approved through February 29, 2016. Public comments were previously requested via the **Federal Register** (80 FR 65752) on October 27, 2015, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

**DATES:** Additional comments may be submitted on or before March 18, 2016.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2003–0033, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Kirsten Hesla, Climate Protection Partnerships Division, Office of Air and Radiation, Mailcode 6202J,

Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-564-2984; fax number: 202-343-2200; email address: [hesla.kirsten@epa.gov](mailto:hesla.kirsten@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

*Abstract:* ENERGY STAR is a voluntary program developed in collaboration with industry to create a self-sustaining market for energy efficient products. The center piece of the program is the ENERGY STAR label, a registered certification label that helps consumers identify products that save energy, save money, and help protect the environment without sacrificing quality or performance. In order to protect the integrity of the label and enhance its effectiveness in the marketplace, EPA must ensure that products carrying the label meet appropriate program requirements.

Program participants submit signed Partnership Agreements indicating that they will adhere to logo-use guidelines and program requirements. Retail partners commit to selling, marketing and promoting ENERGY STAR certified products. Product brand owner partners, who are usually the manufacturer of the products, commit to having participating products certified to meet specified energy performance criteria based on a standard test method and EPA's third party certification requirements. These requirements for ENERGY STAR product certification also include provisions for verifying the performance of certified products through verification testing.

Now, product information is recorded by Certification Bodies and shared with EPA using XML-based web services that validate and save the information in EPA's database. With this new process of obtaining certified product data, certified model data is automatically updated daily on the ENERGY STAR Web site. To ensure continued product performance after initial certification, EPA requires Certification Bodies to conduct post-market verification testing of a sampling of ENERGY STAR certified products. Certification Bodies are required to share information with

EPA on products subjected to this post-market testing twice a year and to immediately report any certified products that no longer meet the program requirements. This process allows EPA to monitor the ongoing performance of products and take necessary steps to maintain consumer confidence in the ENERGY STAR label and protect the investment of partners.

*Form Numbers:* 5900-252, 5900-251, 5900-33, 5900-253, 5900-168, 5900-206, 5900-207, 5900-28, 5900-208, 5900-210, 5900-228, 5900-234, 5900-229, 5900-235, 5900-47, 5900-349, 5900-350, 5900-351, 5900-348, 5900-35, 5900-36, 5900-37, 5900-38, 5900-39, 5900-41, 5900-42, 5900-43, 5900-44, 5900-48, 5900-49, 5900-50, 5900-51, 5900-53, 5900-54, 5900-55, 5900-56, 5900-57, 5900-58, 5900-230, 5900-224, 5900-227, 5900-166, 5900-165, 5900-164, 5900-226, 5900-163, 5900-34, 5900-216, 5900-217, 5900-218, 5900-388.

*Respondents/affected entities:* Respondents for this information collection request include Partners in ENERGY STAR.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 2,080.

*Frequency of response:* Initially/one-time and annually.

*Total estimated burden:* 41,209 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$3,118,166 (per year), includes \$17,285 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is a decrease of 24,129 hours in the total estimated burden compared with the ICR currently approved by OMB. Although participation in the ENERGY STAR program has steadily increased, the automated process of sharing information between Certification Bodies and the Agency has reduced the overall burden for Partners.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2016-03155 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OECA-2009-0494; FRL-9942-05-OEI]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Tips and Complaints Regarding Environmental Violations (Renewal)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), "Tips and Complaints Regarding Environmental Violations (Renewal)" (EPA ICR No. 2219.05, OMB Control No. 2020-0032) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through April 30, 2016. Public comments were previously requested via the **Federal Register** 80 FR 67400 on November 2, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

**DATES:** Additional comments may be submitted on or before March 18, 2016.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2009-0494, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Michael LeDesma, Legal Counsel Division, Office of Criminal Enforcement, Forensics, and Training;

Environmental Protection Agency, Building 25, Box 25227, Denver Federal Center, Denver, CO 80025; telephone number: 303-462-9453 or fax number: 303-462-9075; email address: <mailto:ledesma.michael@epa.gov>.

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

*Abstract:* The Office of Enforcement and Compliance Assurance (OECA) is responsible for administrative, civil and criminal enforcement of the environmental laws that EPA administers. EPA's criminal enforcement and civil enforcement programs are dependent on tips and complaints from concerned citizens and members of the regulated community. The OECA Tips & Complaints Web page provides a convenient means by which these individuals can voluntarily submit tips and complaints regarding suspected violations of environmental law. Tips or complaints received are used by civil and/or criminal enforcement personnel at EPA to determine whether an investigation is warranted into the suspected or alleged misconduct. In some cases, EPA may decide to refer tips or complaints for investigation to other federal agencies or to State or local authorities within whose jurisdiction the matter may appropriately fall. The OECA Tips and Complaints Web page does not replace or otherwise supplant other means of providing tips or complaints to EPA; it merely provides a convenient means by which to supply these tips or complaints. As with complaints provided by phone, fax, or electronic mail, we expect that tipsters or complainants are already in the possession of information that leads them to suspect a violation of environmental law when they contact EPA to report the matter. Accordingly, EPA believes that the burden associated with the reporting is merely that arising from the need to read the instructions and type or select information into the appropriate fields.

*Form Numbers:* None.

*Respondents/affected entities:*

Anyone wishing to file a tip or complaint.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 10,286 (total).

*Frequency of response:* Occasionally.

*Total estimated burden:* 5,143 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$102,242 (per year), includes \$0 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is an increase of 542 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase reflects that tips and complaints are being filed at a higher rate, which is a strong indication of the success of this program.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2016-03156 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OECA-2012-0534; FRL-9942-44-OEI]**

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Surface Coating of Plastic Parts for Business Machines (Renewal)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), "NSPS for Surface Coating of Plastic Parts for Business Machines (40 CFR part 60, subpart TTT) (Renewal)" (EPA ICR No. 1093.11, OMB Control No. 2060-0162), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 29, 2016. Public comments were previously requested via the **Federal Register** (80 FR 32116) on June 5, 2015, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before March 18, 2016.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2012-0534, to: (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: [yellin.patrick@epa.gov](mailto:yellin.patrick@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

*Abstract:* The affected entities are subject to the General Provisions of the NSPS (40 CFR part 60, subpart A) and any changes, or additions to the Provisions are specified at 40 CFR part 60, subpart TTT. Owners or operators of the affected facilities must make an initial notification report, performance tests, periodic reports, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

*Form Numbers:* None.

*Respondents/affected entities:* Facilities that perform industrial surface coating on plastic parts for business machines.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart TTT).

*Estimated number of respondents:* 10 (total).

*Frequency of response:* Initially, quarterly and semiannually.

*Total estimated burden:* 992 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$99,700 (per year). There are no annualized capital/startup and/or operation & maintenance costs.

*Changes in the Estimates:* There is an adjustment increase in the respondent burden from the most recently approved ICR. The increase in respondent labor hour is caused by a change in assumption; in this ICR, we assume all existing sources will take some time each year to re-familiarize themselves with the rule requirements.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2016-03150 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[Docket No. EPA-HQ-OW-2015-0056; FRL 9942-46-OW]

### National Advisory Council for Environmental Policy and Technology: Assumable Waters Subcommittee; Notice of Public Meetings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of federal advisory subcommittee meetings.

**SUMMARY:** Consistent with the Federal Advisory Committee Act, Public Law 92463, the Environmental Protection Agency (EPA) is giving notice of two upcoming public meetings of the Assumable Waters Subcommittee convened under the National Advisory Council for Environmental Policy and Technology (NACEPT). The Assumable Waters Subcommittee will provide advice and recommendations on how the EPA can best clarify assumable waters for dredge and fill permit programs pursuant to the Clean Water Act section 404(g)(1). The EPA is undertaking this effort to support states and tribes that wish to assume the program. Similar to the parent NACEPT, the subcommittee represents a diversity of interests from academia, industry, non-governmental organizations, and local, State, and tribal governments.

Meeting agendas and materials will be posted at [www2.epa.gov/cwa-404/assumable-waters-sub-committee](http://www2.epa.gov/cwa-404/assumable-waters-sub-committee).

**DATES:** The Assumable Waters Subcommittee will hold two 3-day public meetings on:

- March 15 and 16, 2016, from 9 a.m. to 5 p.m.; and on March 17, 2016, 9 a.m. to 3 p.m. in the One Potomac Yard Building in Arlington, VA.
- June 7 through 9, 2016, from 9 a.m. to 5 p.m., in the One Potomac Yard Building in Arlington, VA.

**ADDRESSES:** One Potomac Yard, 2777 Crystal Dr., Arlington, VA, 22202.

**FOR FURTHER INFORMATION CONTACT:** Laura Bachle, Designated Federal Officer, via Email at: [assumablewaters@epa.gov](mailto:assumablewaters@epa.gov), by phone: (202) 566-2468, via postal service at: U.S. EPA, Office of Wetlands, Oceans and Watersheds, 1200 Pennsylvania Avenue NW., Washington, DC, 20460.

**SUPPLEMENTARY INFORMATION:** Requests to make oral comments or to provide written comments to the Assumable Waters Subcommittee should be sent to Laura Bachle via Email at: [assumablewaters@epa.gov](mailto:assumablewaters@epa.gov) by March 4, 2016, for the March meeting and by May 27, 2016, for the June meeting. The meetings are open to the public, with limited seating available on a first-come, first-served basis. Members of the public wishing to attend should contact Laura Bachle via Email at: [assumablewaters@epa.gov](mailto:assumablewaters@epa.gov) or by phone at: (202) 566-2468 by March 4, 2016, for the March meeting and by May 27, 2016, for the June meeting. Public comments will be heard on Wednesday, March 16 and Wednesday, June 8, 2016, at 1 p.m.

**Meeting Access:** Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Laura Bachle at the email address or phone number listed. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the meeting.

Dated: February 10, 2016.

**Benita Best-Wong,**

*Director, Office of Wetlands, Oceans and Watersheds.*

[FR Doc. 2016-03211 Filed 2-16-16; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0986]

### 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 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 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 18, 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 Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

*OMB Control Number:* 3060-0986.

*Title:* Competitive Carrier Line Count Report and Self-Certification as a Rural Carrier.

*Form Number:* FCC Form 481, FCC Form 505, FCC Form 507, FCC Form 508, FCC Form 509, and FCC Form 525.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit, not-for-profit institutions and state, local or tribal government.

*Number of Respondents and Responses:* 1,977 respondents; 15,333 responses.

*Estimated Time per Response:* .5 hours to 100 hours.

*Frequency of Response:* On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

*Total Annual Burden:* 277,089 hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

*Nature and Extent of Confidentiality:* We note that USAC must preserve the confidentiality of all data obtained from respondents; must not use the data except for purposes of administering the universal service programs; and must not disclose data in company-specific form unless directed to do so by the Commission.

*Needs and Uses:* The Commission is requesting approval for a revision. In November 2011, the Commission adopted an order reforming its high-cost universal service support mechanisms. Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*); and the Commission and Wireline Competition Bureau have since adopted a number of orders that implement the *USF/ICC Transformation Order*; see also Connect America Fund et al., WC Docket No. 10–

90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); Connect America Fund et al., WC Docket No. 10–90 et al., Order, 27 FCC Rcd 605 (Wireline Comp. Bur. 2012); Connect America Fund et al., WC Docket No. 10–90 et al., Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); Connect America Fund et al., WC Docket No. 10–90 et al., Order, 28 FCC Rcd 2051 (Wireline Comp. Bur. 2013); Connect America Fund et al., WC Docket No. 10–90 et al., Order, 28 FCC Rcd 7227 (Wireline Comp. Bur. 2013); Connect America Fund, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7766 (Wireline Comp. Bur. 2013); Connect America Fund, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7211 (Wireline Comp. Bur. 2013); Connect America Fund, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 10488 (Wireline Comp. Bur. 2013); Connect America Fund et al., WC Docket No. 10–90 et al., Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769 (2014); Connect America Fund et al., WC Docket No. 10–90 et al., Report and Order, 29 FCC Rcd 15644 (2014); Modernizing the E-rate Program for Schools and Libraries et al., WC Docket No. 13–184 et al., Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538 (2014). The Commission has received OMB approval for most of the information collections required by these orders. At a later date the Commission plans to submit additional revisions for OMB review to address other reforms adopted in the orders (e.g., 47 CFR 54.313(a)(11)).

Here, the Commission proposes to revise FCC Form 481 and its instructions to reflect information collection requirements that the Commission recently adopted. This includes reporting and certification requirements for price cap carriers that elected to receive Phase II model-based support, reporting and certification requirements for recipients of rural broadband experiment support, a reasonably comparable rate certification for broadband for recipients of high-cost support, and an E-rate bidding certification for Phase II model-based support and rate-of-return carrier high-cost recipients. The Commission also proposes to add templates for some of these obligations and to add a template for the existing obligation that certain ETCs report data regarding newly served community anchor institutions. Additionally, the Commission proposes to delete the outdated information collection for Phase II model-based support elections and to adjust the

number of respondents for the state certification letter and annual reporting requirements to reflect that rural broadband experiment recipients must now meet these requirements. The Commission also proposes to modify the existing Phase II certification requirement to reduce the hours to reflect that some aspects of the existing certifications have been superseded by the new proposed requirements and to adjust the number of respondents to reflect the number of price cap carriers that accepted Phase II model-based support. Finally, the Commission proposes to make a number of non-substantive changes to FCC Form 481 and its instructions.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2016–03077 Filed 2–16–16; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1129]

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**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 18, 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 Nicole Ongele, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1129.

*Title:* Broadband Speed Test and Unavailability Registry.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals and households.

*Number of Respondents and Responses:* 7,300 respondents; 7,300 responses.

*Estimated Time per Response:* .017 hours.

*Frequency of Response:* On occasion reporting requirement, and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in Public Law 111-5, American Reinvestment and Recovery Act of 2009; Public Law 110-385, Broadband Data Improvement Act of 2008, 47 U.S.C. 103(c)(1).

*Total Annual Burden:* 124 hours.

*Total Annual Cost:* No cost.

*Privacy Impact Assessment:* Yes. The Commission will retain the street and IP address information obtained from participants in the speed test. The Commission will not release individual personally identifiable information (PII) to the public. As noted in the supporting statement, page 2, the FCC is committed to protecting the PII that is being collected, stored, maintained, and used as part of the Broadband Plan and the Broadband Map and the related impact studies and filing processes.

*Nature and Extent of Confidentiality:* The Commission is not requesting that respondents submit confidential information to the Commission. If the Commission requests that respondents submit information which respondents

believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459. The FCC has a system of records, FCC/OSP-1, "Broadband Dead Zone Report and Consumer Broadband Test," to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individuals may submit to enable these U.S. residents to voluntarily report the unavailability of broadband service at the household street address level and to test the speed and quality of their broadband service and to provide the Commission with unique data on household availability of broadband and on relative broadband speeds.

*Needs and Uses:* The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the full, three year clearance from them. The Commission is seeking an extension for these requirements. There is no change in the Commission's previous burden estimates.

The Broadband Data Improvement Act of 2008, Public Law 110-385, Stat 4096, section 103(c)(1) directs the Commission to collect information on the types of technology used to provide broadband to large businesses and small businesses, the price of such services, actual data transmission speeds and the reasons for non-adoption of broadband service. Additionally, the FCC in the *2008 Broadband Data Gather Order* (23FCC Rcd at 9699, para. 18, 73 FR 37869, 73 FR 37911), instructs the Commission to "design and implement a voluntary system that households may use to report availability and speed of broadband Internet access service at their premises."

The purpose of this collection is to enable residents of the United States to voluntarily report the unavailability of broadband service at the household street address level and to test the speed and quality of their broadband service. This collection will provide the Commission with unique data on household availability of broadband and on relative broadband speeds.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2016-03080 Filed 2-16-16; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0059]

### Information Collection 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 18, 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](mailto:Nicholas_A_Fraser@omb.eop.gov); and to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@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 Nicole Ongele at (202) 418-2991. 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:* 3060-0059.

*Title:* Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference.

*Form No.:* FCC Form 740.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 10,000 respondents, 2,000,000 responses.

*Estimated Time per Response:* 30 seconds (.0084 hours).

*Frequency of Response:* One-time reporting requirement and third-party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154(i), 157(a), 302(a), 303(b), 303(f), 303(g) and 303(r).

*Total Annual Burden:* 33,600 hours.

*Total Annual Costs:* No Costs.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There are no confidentiality issues.

*Needs and Uses:* The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them.

The FCC is responsible for the regulation of both authorized radio services and devices that can cause interference. The FCC, working in conjunction with U.S. Customs and Border Protection (CBP), is responsible for ensuring that radio frequency devices imported into the United States

are properly authorized. FCC Form 740 must be completed for each radio frequency device which is imported into the United States, and is used to keep non-compliant devices from being distributed to the general public, thereby reducing the potential for harmful interference being caused to authorized communications. FCC Form 740 is submitted to CBP electronically or, in a few cases, in paper format. The FCC Form 740 is not submitted to the Federal Communications Commission. FCC works with the CBP to resolve issues related to the importation of unauthorized radio frequency devices, and can issue fines for violation of its rules.

This information collection extension does not affect the ongoing rulemaking in ET Docket 15-170, which includes proposed rules that would modify or eliminate FCC Form 740.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2016-03076 Filed 2-16-16; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-0075]

**Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**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 18, 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](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto: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:* 3060-0075.

*Title:* Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station, FCC Form 345.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not for profit institutions; Local or Tribal Government.

*Number of Respondents and Responses:* 1,700 respondents; 2,700 responses.

*Estimated Time per Response:* 0.084-1.25 hours.

*Frequency of Response:* Third party disclosure requirement and on occasion reporting requirement.

*Total Annual Burden:* 2,667 hours.

*Total Annual Cost:* \$3,910,525.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 310 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 Act Impact Assessment:* No impact(s).

*Needs and Uses:* Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station.



This collection also includes the third party disclosure requirement of 47 CFR 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060-0031). 47 CFR 73.3580 requires local public notice in a newspaper of general circulation in the community in which the station is located or providing notice over the air of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the application. A copy of the newspaper notice or a record of the broadcast notice and the application must be placed in the public inspection file.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2016-03079 Filed 2-16-16; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0332]

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**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 18, 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:* 3060-0332.

*Title:* Section 76.614, Cable Television System Regular Monitoring, and Section 76.1706, Signal Leakage Logs and Repair Records.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 5,800 respondents and 4,062 responses.

*Estimated Hours per Response:* .0167-0.5 hours.

*Frequency of Response:* Recordkeeping requirement; On occasion reporting requirement.

*Total Annual Burden:* 4,062 hours.

*Total Annual Cost:* None.

*Nature of Response:* Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 302 and 303 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:* No impact(s).

*Needs and Uses:* 47 CFR 76.1706 requires cable operators shall maintain a log showing the date and location of each leakage source identified pursuant to 47 CFR 76.614, the date on which the leakage was repaired, and the probable cause of the leakage. The log shall be kept on file for a period of two years and shall be made available to authorized representatives of the Commission upon request.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2016-03078 Filed 2-16-16; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10418, Central Florida State Bank, Belleview, Florida

*Notice is hereby given* that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Central Florida State Bank, Belleview, Florida ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Central Florida State Bank on January 20, 2012. 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 11, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2016-03143 Filed 2-16-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10325, First Commercial Bank of Florida, Orlando, FL

*Notice is hereby given* that the Federal Deposit Insurance Corporation ("FDIC")

as Receiver for First Commercial Bank of Florida, Orlando, FL ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Commercial Bank of Florida on January 7, 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 10, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2016-03098 Filed 2-16-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination; 10239, Southwest Community Bank; Springfield, Missouri

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10239, Southwest Community Bank, Springfield, Missouri (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Southwest Community Bank (Receivership Estate); The Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective February 01, 2016 the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: February 2, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2016-03069 Filed 2-16-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10287, Bank of Ellijay, Ellijay, Georgia

*Notice is hereby given* that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Bank of Ellijay, Ellijay, Georgia ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Bank of Ellijay on September 17, 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 10, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2016-03097 Filed 2-16-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Notice

February 12, 2016.

**TIME AND DATE:** 10:00 a.m., Thursday, February 25, 2016.

**PLACE:** The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session: *Secretary of Labor v. Oak Grove Resources, LLC*, Docket Nos. SE 2010-1236, et al. (Issues include whether the Judge erred in concluding that a safeguard notice was valid).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

**CONTACT PERSON FOR MORE INFO:**

Emogene Johnson (202) 434-9935/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

**Sarah L. Stewart,**

*Deputy General Counsel.*

[FR Doc. 2016-03341 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6735-01-P**

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Notice

February 12, 2016.

**TIME AND DATE:** 11:00 a.m., Thursday, February 25, 2016.

**PLACE:** The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session: *Secretary of Labor v. Leeco, Inc.*, Docket No. KENT 2012-166. (Issues include whether the Judge erred in ruling that the mine operator was negligent where a continuous miner operator placed himself in an unsafe location.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

**CONTACT PERSON FOR MORE INFO:**

Emogene Johnson (202) 434-9935/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

**Sarah L. Stewart,**

*Deputy General Counsel.*

[FR Doc. 2016-03342 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6735-01-P**

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**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**
**Sunshine Act Notice**

February 12, 2016.

**TIME AND DATE:** 10:00 a.m., Wednesday, February 24, 2016.

**PLACE:** The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument in the matter *Secretary of Labor v. Oak Grove Resources, LLC*, Docket Nos. SE 2010-1236, et al. (Issues include whether the Judge erred in concluding that a safeguard notice was valid.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

**CONTACT PERSON FOR MORE INFO:**

Emogene Johnson (202) 434-9935/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

**Sarah L. Stewart,**

*Deputy General Counsel.*

[FR Doc. 2016-03340 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6735-01-P**

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**FEDERAL RESERVE SYSTEM**
**Sunshine Act Meeting Notice**

**TIME AND DATE:** 10:00 a.m., Friday, February 19, 2016.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Reserve bank personnel matters.

**CONTACT PERSON FOR MORE INFORMATION:**

Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202-452-2955.

**SUPPLEMENTARY INFORMATION:** You may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic

announcement that not only lists applications but also indicates procedural and other information about the meeting.

Dated: February 12, 2016.

**Robert deV. Frierson,**

*Secretary of the Board.*

[FR Doc. 2016-03386 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6210-01-P**

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**FEDERAL RESERVE SYSTEM**
**Corporation To Do Business Under Section 25A of the Federal Reserve Act**

The company listed in this notice has applied to the Board for approval, pursuant to Section 25A of the Federal Reserve Act (Edge Corporation) 12 U.S.C. Sec. 611 *et seq.*, and all other applicable statutes and regulations to establish an Edge Corporation. The Edge Corporation will operate as a subsidiary of the applicant. The factors that are to be considered in acting on the application are set forth in the Board's Regulation K (12 CFR 211.4).

The application below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in Section 25 of the Federal Reserve Act.

Unless otherwise noted, comments regarding this application may be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 2, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *MB Financial Bank, National Association*, Chicago, Illinois; to establish MB Financial International, Inc., Chicago, Illinois, as an Edge Corporation.

Board of Governors of the Federal Reserve System, February 11, 2016.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2016-03169 Filed 2-16-16; 8:45 am]

**BILLING CODE 6210-01-P**

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**FEDERAL RESERVE SYSTEM**
**Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and

§ 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 2, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309. Comments can also be sent electronically to [Applications.Comments@atl.frb.org](mailto:Applications.Comments@atl.frb.org):

1. *Henry Monty Weigel*, Dothan, Alabama; to acquire additional voting shares of SunSouth Bancshares, Inc., and thereby indirectly acquire additional voting shares of SunSouth Bank, both in Dothan, Alabama.

B. 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](mailto:Comments.applications@stls.frb.org):

1. *The Philip K. Mobley 2015 Trust with Philip K. Mobley as trustee*, both of Austin, Texas; to retain voting shares of Commercial Bancshares, Inc., Texarkana, Arkansas, and thereby indirectly retain voting shares of Commercial National Bank of Texarkana, Texarkana, Texas.

Board of Governors of the Federal Reserve System, February 11, 2016.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2016-03167 Filed 2-16-16; 8:45 am]

**BILLING CODE 6210-01-P**

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**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 11, 2016.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Mackinac Financial Corporation*, Manistique, Michigan; to acquire 100 percent of the voting shares of The First National Bank of Eagle River, Eagle River, Wisconsin.

Board of Governors of the Federal Reserve System, February 11, 2016.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2016-03168 Filed 2-16-16; 8:45 am]

**BILLING CODE 6210-01-P**

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Sunshine Act; Notice of Meeting

**TIME AND DATE:** 8:30 a.m. (Eastern Time) February 22, 2016 (In-Person).

**PLACE:** 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

**STATUS:** Parts will be open to the public and parts will be closed to the public.

**MATTERS TO BE CONSIDERED:**

**Open to the Public**

1. Approval of the Minutes of the January 25, 2016 Board Member Meeting
2. Monthly Reports
  - (a) Participant Activity Report
  - (b) Investment Performance Report
  - (c) Legislative Report
3. Quarterly Metrics
4. Office of the Chief Financial Officer Report

5. Update on Blended Retirement

**Closed to the Public**

6. Security
7. Personnel

**CONTACT PERSON FOR MORE INFORMATION:** Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

Dated: February 12, 2016.

**Megan Grumbine,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2016-03349 Filed 2-12-16; 4:15 pm]

**BILLING CODE 6760-01-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR), Lead Poisoning Prevention (LPP) Subcommittee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the CDC, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR) announces the following meeting of the aforementioned committee:

**Time and Date**

12:00 p.m.–2:00 p.m., EST, February 23, 2016

**PLACE:** This meeting will be held by teleconference. To participate in the teleconference, please dial 1-888-390-3409 Passcode: 7621651

**STATUS:** The meeting is open to the public, limited only by the conference lines available. The public is welcome to participate during the public comment period, which is tentatively scheduled from 1:15 p.m. to 1:30 p.m.

This **Federal Register** Notice is being published less than 15 days before the meeting due to the recent public health crisis involving the Flint, Michigan water contamination with lead. CDC is convening a meeting of the Lead Poisoning Prevention Subcommittee of the BSC, NCEH/ATSDR for a discussion of public health measures and assessments needed in response to this event.

**Purpose**

The subcommittee will propose strategies and options to the Board of Scientific Counselors (BSC) on ways to

prioritize NCEH/ATSDR's activities, improve health outcomes, and address health disparities as it relates to lead exposures. The subcommittee will deliberate on ways to evaluate lead exposure and how to best conduct health evaluations through exposure and epidemiologic studies. Subcommittee proposals on lead prevention practices and national lead poisoning prevention efforts will be provided to the Board of Scientific Counselors for deliberation and possible adoption as formal recommendations to NCEH/ATSDR.

**MATTERS FOR DISCUSSION:** Agenda items will include the following: A discussion on the blood lead testing and health surveillance strategies for the residents of Flint, Michigan.

Agenda items are subject to change as priorities dictate.

**CONTACT PERSON FOR MORE INFORMATION:** Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, 4770 Buford Highway, Mail Stop F-45, Chamblee, Georgia 30345; telephone 770/488-0575, Fax: 770/488-3377; Email: [smalcom@cdc.gov](mailto:smalcom@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. 2016-03375 Filed 2-12-16; 4:15 pm]

**BILLING CODE 4163-18-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Docket Number CDC-2016-0020, NIOSH-289]

#### National Institute for Occupational Safety and Health (NIOSH) Quality Assurance Review of B Readers' Classifications Submitted in the Department of Labor (DOL) Black Lung Benefits Program

**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:** Request for information and comment.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, announces the availability of draft procedures pertaining to classifications referred to the NIOSH Respiratory Health Division (RHD) by the Department of Labor, Office of Workers' Compensation Programs, for quality assurance review and corrective measures. The draft, titled, *National Institute for Occupational Safety and Health (NIOSH) Quality Assurance Review of B Readers' Classifications Submitted in the Department of Labor (DOL) Black Lung Benefits Program*, is available for public comment. To view the notice and related materials, visit [www.regulations.gov](http://www.regulations.gov) and enter CDC-2016-0020 in the field and click "Search." This draft document does not have the force or effect of the law.

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- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION:
- SUPPLEMENTARY INFORMATION:

**DATES:** Comments must be received by April 18, 2016.

**ADDRESSES:** You may submit comments, identified by CDC-2016-0020 and docket number NIOSH-289, by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://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-2016-0020; NIOSH-289]. All relevant comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For access to the docket to read background materials and comments received, go to [www.regulations.gov](http://www.regulations.gov). All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226-1998.

**FOR FURTHER INFORMATION CONTACT:** Dr. Eileen Storey, NIOSH, Respiratory Health Division, Surveillance Branch, 1095 Willowdale Road, Morgantown, WV, 26505. Telephone (304) 285-5754 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** In 2015, NIOSH and the DOL Office of Workers'

Compensation Programs (OWCP) entered into a Memorandum of Understanding (MOU)<sup>1</sup> designed to establish a joint quality assurance program for the assessment of classifications of chest radiographic images performed by physicians in Black Lung Benefits proceedings who are "B Readers" certified by NIOSH. The B Reader Certification Program was established by NIOSH pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 843. NIOSH B Readers are physicians who have demonstrated proficiency in the use of the International Labour Organization (ILO) Classification of Radiographs of Pneumoconioses by passing a proficiency examination offered by NIOSH, as specified in 42 CFR 37.51. B Readers may submit classifications as part of OWCP's process of evaluating claims for compensation under the federal Black Lung Benefits Act, 30 U.S.C. 901 to 944.

To implement the MOU, NIOSH has developed a draft quality assurance review procedure entitled, *NIOSH Quality Assurance Review of B Readers' Classifications Submitted in the Department of Labor (DOL) Black Lung Benefits Program*, to provide a mechanism to assess the quality of classifications of certain chest radiographs performed by B Readers. NIOSH quality assurance review will focus on the classification of the presence or absence of large opacities as described in the ILO classification system in chest radiographs, because coal miners with large opacities are irrefutably presumed to be totally disabled, or to have died, from pneumoconiosis, pursuant to 30 U.S.C. 921(c)(3). Thus, determinations of large opacities have a significant impact on awarding benefits under the Black Lung Benefits Act.

NIOSH seeks comment from B Readers and other interested parties on the draft procedure. All comments submitted will be considered; the final version of this procedure will be published on the NIOSH Web site.

Dated: February 8, 2016.

**John Howard,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2016-03242 Filed 2-16-16; 8:45 am]

**BILLING CODE 4163-19-P**

<sup>1</sup> The Memorandum of Understanding between the Department of Labor Office of Workers' Compensation Programs (OWCP) and the Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health (NIOSH) establishing a B reader quality assurance program, is found in the docket for this action.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-16-0968]

#### 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](mailto:omb@cdc.gov). Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

#### Proposed Project

Monitoring and Reporting System for DELTA FOCUS Awardees (OMB Control No. 0920-0968, Expires May 31, 2016)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

This is a revision request for three years for the currently approved OMB Control Number 0920–0968, with an expiration date of May 31, 2016. This request is to extend the time and slightly reduce burden.

Intimate Partner Violence (IPV) is a serious, preventable public health problem that affects millions of Americans and results in serious consequences for victims, families, and communities. IPV occurs between two people in a close relationship. The term “intimate partner” describes physical, sexual, or psychological harm by a current or former partner or spouse. IPV can impact health in many ways, including long-term health problems, emotional impacts, and links to negative health behaviors. Given these factors, the Family Violence Prevention and Services Act (42 U.S.C. 10401) provides an important opportunity for the advancement of public health and reduction of IPV. Support and guidance

for programs addressing IPV have been provided through cooperative agreement funding and technical assistance administered by CDC’s National Center for Injury Prevention and Control (NCIPC). NCIPC will continue collecting information needed to monitor cooperative agreement programs funded under Domestic Violence Prevention Enhancement and Leadership through Alliances, Focusing on Outcomes for Communities United with States (DELTA FOCUS).

Information to be collected will provide crucial data for program performance monitoring and provide CDC with the capacity to respond in a timely manner to requests for information about the program from the Department of Health and Human Services (HHS), the White House, Congress, and other sources. Awardees will report progress and activity information to CDC on an annual schedule using the Program Management Information System (PMIS)

consisting of fillable electronic templates and submitted via Grant Solutions. CDC will use the information collected to monitor each awardee’s progress and to identify facilitators and challenges to program implementation and achievement of outcomes. Monitoring allows CDC to determine whether an awardee is meeting performance goals and to make adjustments in the type and level of technical assistance provided to them, as needed, to support attainment of their objectives. CDC’s monitoring and evaluation activities also allow CDC to provide oversight of the use of federal funds, and to identify and disseminate information about successful prevention and control strategies implemented by awardees.

Participation in the information collection is required as a condition of funding. The estimated annual burden hours are 60. There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

| Type of respondent                       | Form name                            | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|--|--------------------------------------|-----------------------|------------------------------------|--|
| State Domestic Violence Coalitions ..... | Instrument PMIS DELTA Elements ..... | 10                    | 2                                  | 3                                      |

**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. 2016–03144 Filed 2–16–16; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers For Medicare & Medicaid Services**

**Privacy Act of 1974; CMS Computer Match No. 2016–10; HHS Computer Match No. 1607; Effective Date—April 2, 2016; Expiration Date—October 2, 2016**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of Computer Matching Program (CMP).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the re-establishment of a CMP that CMS plans to conduct with the Department of

Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS).

**Effective Dates**

Comments are invited on all portions of this notice. The effective date of the Computer Matching Agreement (CMA) is April 2, 2016, provided that the following review periods have lapsed: thirty (30) days from the date CMS publishes a Notice of Computer Matching in the **Federal Register**; thirty (30) days from the date the matching program report is transmitted to the Congressional committees of jurisdiction consistent with the provisions of 5 U.S.C. 552a (r), (o)(2)(A), and (o)(2)(B); and forty (40) days from the date the matching program report is sent to OMB, consistent with the provisions of 5 U.S.C. 552a (r) and OMB Circular A–130, Revised (Transmittal Memorandum No. 4), November 28, 2000, Appendix I, entitled “Federal Agency Responsibilities for Maintaining Records about Individuals” (A–130 Appendix I).

**ADDRESSES:** The public should send comments to: CMS Privacy Officer, Division of Security, Privacy Policy & Governance, Information Security &

Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Kane, Acting Director, Verifications Policy & Operations Division, Eligibility and Enrollment Policy and Operations Group, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Avenue, Bethesda, MD 20814, Office Phone: (301) 492–4418, Facsimile: (443) 380–5531, E-Mail: [Elizabeth.Kane@cms.hhs.gov](mailto:Elizabeth.Kane@cms.hhs.gov)

**SUPPLEMENTARY INFORMATION:** The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget

Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

**Celeste Dade-Vinson,**

*Health Insurance Specialist, Centers for Medicare & Medicaid Services.*

**CMS Computer Match No. 2016-10  
HHS Computer Match No. 1607**

**NAME:**

“Computer Matching Agreement between the Centers for Medicare & Medicaid Services and the Department of Homeland Security, United States Citizenship and Immigration Services, for the Verification of United States Citizenship and Immigration Status Data for Eligibility Determinations”

**SECURITY CLASSIFICATION:**

Unclassified

**PARTICIPATING AGENCIES:**

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS)

**AUTHORITY FOR CONDUCTING MATCHING PROGRAM:**

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152) (collectively, the ACA) require the Secretary of HHS to establish a program for determining eligibility for certain state health subsidy programs, and certifications of Exemption; and authorize use of secure, electronic

interfaces and an on-line system for the verification of eligibility.

**PURPOSE(S) OF THE MATCHING PROGRAM:**

The purpose of the Computer Matching Agreement is to re-establish the terms, conditions, safeguards, and procedures under which USCIS will provide records, information, or data to CMS under the ACA. CMS will access USCIS data needed to make eligibility determinations in its capacity as a Federally-facilitated Exchange, and state agencies that administer Medicaid, a Basic Health Program, or the Children's Health Insurance Program, and State-based Exchanges will receive the results of verifications using USCIS data accessed through CMS Data Services Hub to make eligibility determinations.

Data will be matched by CMS for the purpose for determining eligibility for enrollment in state health subsidy programs and eligibility determinations for exemptions. Specifically, USCIS will provide CMS with electronic access to immigrant, nonimmigrant, and naturalized or derived citizen status information contained within or accessed by the USCIS Verification Information System. Access to this information will assist CMS in determining whether an applicant is lawfully present, a qualified non-citizen, a naturalized or derived citizen, and whether the 5 year bar applies and has been met in order to determine eligibility for the previously mentioned programs.

**DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:**

The matching program will be conducted with data maintained by CMS in the Health Insurance Exchanges System (HIX), CMS System No. 09-70-0560, as amended, published at 78 FR 8538 (Feb. 6, 2013), 78 FR 32256 (May 29, 2013) and 78 FR 63211 (October 23, 2013).

The matching program will also be conducted with data maintained by DHS in the Systematic Alien Verification for Entitlements (SAVE) System of Records Notice (SAVE SORN): DHS/USCIS-004 Systematic Alien Verification for Entitlements Program System of Records Notice, 77 FR 47415 (August 8, 2012).

**INCLUSIVE DATES OF THE MATCH:**

The effective date of the CMA is April 2, 2016, provided that the following review periods have lapsed: thirty (30) days from the date CMS publishes a Notice of Computer Matching in the **Federal Register**; thirty (30) days from the date the matching program report is transmitted to the Congressional

committees of jurisdiction consistent with the provisions of 5 U.S.C. 552a (r), (o)(2)(A), and (o)(2)(B); and forty (40) days from the date the matching program report is sent to OMB, consistent with the provisions of 5 U.S.C. 552a (r) and OMB Circular A-130, Revised (Transmittal Memorandum No. 4), November 28, 2000, Appendix I, entitled “Federal Agency Responsibilities for Maintaining Records about Individuals” (A-130 Appendix I). The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016-03203 Filed 2-16-16; 8:45 am]

**BILLING CODE 4120-03-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**[CMS Computer Match No. 2016-08; HHS Computer Match No. 1606]**

**Privacy Act of 1974; Effective Date—April 2, 2016; Expiration Date—October 2, 2016**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of Computer Matching Program (CMP).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the re-establishment of a CMP that CMS plans to conduct with the Internal Revenue Service (IRS), a Bureau of the Department of the Treasury.

**DATES:** *Effective Dates:* Comments are invited on all portions of this notice. The effective date of the Computer Matching Agreement (CMA) is April 2, 2016, provided that the following review periods have lapsed: thirty (30) days from the date CMS publishes a Notice of Computer Matching in the **Federal Register**; thirty (30) days from the date the matching program report is transmitted to the Congressional committees of jurisdiction consistent with the provisions of 5 U.S.C. §§ 552a (r), (o)(2)(A), and (o)(2)(B); and forty (40) days from the date the matching program report is sent to OMB, consistent with the provisions of 5 U.S.C. § 552a (r) and OMB Circular A-130, Revised (Transmittal Memorandum No. 4), November 28, 2000, Appendix I, entitled “Federal Agency Responsibilities for Maintaining

Records about Individuals” (A–130 Appendix I).

**ADDRESSES:** The public should send comments to: CMS Privacy Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Enterprise Information, CMS, Room N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Kane, Acting Director, Verifications Policy & Operations Division, Eligibility and Enrollment Policy and Operations Group, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Avenue, Bethesda, MD 20814, Office Phone: (301) 492–4418, Facsimile: (443) 380–5531, E-Mail: [Elizabeth.Kane@cms.hhs.gov](mailto:Elizabeth.Kane@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. § 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual’s benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

**Celeste Dade-Vinson,**

*Health Insurance Specialist, Centers for Medicare & Medicaid Services.*

**CMS Computer Match No. 2016–08  
HHS Computer Match No. 1606**

**NAME:**

“Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services, and the Department of the Treasury, Internal Revenue Service, for the Verification of Household Income and Family Size for Insurance Affordability Programs and Exemptions”

**SECURITY CLASSIFICATION:**

Unclassified

**PARTICIPATING AGENCIES:**

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and Department of the Treasury, Internal Revenue Service (IRS)

**AUTHORITY FOR CONDUCTING MATCHING PROGRAM:**

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for determining eligibility for certain state health subsidy programs, and certifications of exemption; and authorize use of secure, electronic interfaces and an on-line system for the verification of eligibility.

Section 1414 of the ACA amended 26 U.S.C. § 6103 to add paragraph (l)(21), which authorizes the disclosure of certain items of return information as part of the Eligibility Determination process for enrollment in the following state health subsidy programs: advance payments of the premium tax credit (APTC) under Sections 1401, 1411 and 1412 of the ACA; cost-sharing reductions (CSRs) under Section 1402 of the ACA; Medicaid and the Children’s Health Insurance Program (CHIP), under titles XIX and XXI of the Social Security Act, pursuant to Section 1413 of the ACA; or a State’s Basic Health Program (BHP), if applicable, under Section 1331 of the ACA.

**PURPOSE(S) OF THE MATCHING PROGRAM:**

The purpose of the Computer Matching Agreement (CMA) is to re-establish the terms, conditions, safeguards, and procedures governing

the disclosures of return information by IRS to CMS and by CMS to entities administering Medicaid, CHIP, or Basic Health Programs, and state-based Exchanges (also, called Marketplaces) through the CMS Data Services Hub to support the verification of household income and family size for an applicant receiving an eligibility determination under the ACA.

Return information will be matched by CMS in its capacity as the Federally-facilitated Exchange (also, known as the Federally-facilitated Marketplace) or by an administering entity for the purpose of determining eligibility for state health subsidy programs (APTC, CSR, Medicaid, CHIP or a BHP). Return information will also be matched for determining eligibility for certain certificates of exemption.

**DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM:**

The matching program will be conducted with data maintained by CMS in the Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, as amended, published at 78 **Federal Register** (FR) 8538 (Feb. 6, 2013), 78 FR 32256 (May 29, 2013) and 78 FR 63211 (October 23, 2013).

The matching program will also be conducted with specified Return Information maintained by IRS in the Customer Account Data Engine (CADE) Individual Master File, Treasury/IRS 24.030, published at 77 FR 47948 (August 10, 2012).

**INCLUSIVE DATES OF THE MATCH:**

The effective date of the CMA is April 2, 2016, provided that the following review periods have lapsed: Thirty (30) days from the date CMS publishes a Notice of Computer Matching in the **Federal Register**; thirty (30) days from the date the matching program report is transmitted to the Congressional committees of jurisdiction consistent with the provisions of 5 U.S.C. §§ 552a(r), (o)(2)(A), and (o)(2)(B); and forty (40) days from the date the matching program report is sent to OMB, consistent with the provisions of 5 U.S.C. § 552a (r) and OMB Circular A–130, Revised (Transmittal Memorandum No. 4), November 28, 2000, Appendix I, entitled “Federal Agency Responsibilities for Maintaining Records about Individuals” (A–130 Appendix I). The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–03185 Filed 2–16–16; 8:45 am]

**BILLING CODE 4120–03–P**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

[CFDA Numbers: 93.581, 93.587, 93.612, 93.340]

**Request for Public Comment on the Proposed Adoption of Administration for Native Americans Program Policies and Procedures; Correction**

**AGENCY:** Administration for Native Americans, ACF, HHS.

**ACTION:** Notice for Public Comment; Correction.

**SUMMARY:** The Administration for Children and Families, Administration for Native Americans (ANA), published a notice for public comment in the *Federal Register* of December 8, 2015, on the proposed adoption of program policies and procedures concerning FY 2016 Funding Opportunity Announcements (FOA). The document contained incorrect information under “Section D. Changes to Evaluation Criteria for All FOAs (FOA *Section V.1. Criteria*); 45 CFR 75.204” concerning evaluation criteria and point values for the Native Youth Initiative for Leadership, Empowerment, and Development (hereinafter referred to as “Native Youth I-LEAD”) Funding Opportunity Announcement (HHS-2016-ACF-ANA-NC-1167).

**DATES:** The deadline for receipt of comments is 15 days from publication of this Notice for Public Comment; Correction in the *Federal Register*.

**ADDRESSES:** Send comments in response to this correction notice via email to Lillian Sparks Robinson, Commissioner, ANA, at [ANACommissioner@acf.hhs.gov](mailto:ANACommissioner@acf.hhs.gov). Comments will be available for inspection by members of the public at the Administration for Native Americans, 330 C Street SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Carmelia Strickland, Director, Division of Program Operations, ANA, (877) 922-9262.

**Correction**

In the *Federal Register* of December 8, 2015, in Volume 80, No. 235, on page 76296, in the third column, correct section “D. Changes to Evaluation Criteria for All FOAs (FOA *Section V.1. Criteria*); 45 CFR 75.204” to read:

D. Changes to Evaluation Criteria for All FOAs FOA (*Section V.1. Criteria*), except the Native Youth I-LEAD FOA; 45 CFR 75.204:

1. Changes to Evaluation Criteria Maximum Point Values: In all FY 2016 FOAs, except the Native Youth I-LEAD FOA (HHS-2016-ACF-ANA-NC-1167), ANA proposes to adjust the maximum point values of evaluation criteria to prioritize the elements that are important to project monitoring and project success. ANA intends to add five points to the value for the Approach Criterion for a maximum point value of 35. The point value for the Objective Work Plan (OWP) criterion will be reduced by five points for a maximum point value of 20 points.

ANA proposes to use the following maximum point values for criteria in all FY 2016 FOAs, except the Native Youth I-LEAD FOA:

| Evaluation criteria                   | Maximum point values |
|---------------------------------------|----------------------|
| Need for Assistance .....             | 10 points.           |
| Outcomes Expected .....               | 25 points.           |
| Project Approach .....                | 35 points.           |
| Objective Work Plan .....             | 20 points.           |
| Budget and Budget Justification ..... | 10 points.           |

The remainder of Section D. is correct.

**Correction**

Section “E. Change to Recipient Reporting Requirements for All FOAs (FOA *Section VI.3.Reporting*

*Requirements*); 45 CFR 75.342” is changed to:

E. Proposed Evaluation Criteria for the Native Youth I-LEAD (FOA *Section V.1.Criteria*) (HHS-2016-ACF-ANA-NC-1167); 45 CFR 75.204” added:

1. Evaluation Criteria: The evaluation criteria will offer up to five Bonus Points for applications that include letters of support from community-based youth that describe how they were involved in the planning of the proposed project and how they will continue their involvement in the project’s implementation.

ANA proposes to use the following maximum point values for criteria in the Native Youth I-LEAD FOAs:

| Evaluation criteria                   | Maximum point values |
|---------------------------------------|----------------------|
| Need for Assistance .....             | 10 points.           |
| Outcomes Expected .....               | 35 points.           |
| Approach .....                        | 40 points.           |
| Budget and Budget Justification ..... | 15 points.           |
| Bonus Points .....                    | 5 points.            |

Submission of an OWP form will not be required of Native Youth I-LEAD applicants therefore there will not be an evaluation criterion related to the OWP.

2. In the evaluation of Native Youth I-LEAD applications, ANA intends to include youth ages 18 to 25 as objective reviewers and subject matter experts. As applicable to all objective reviewers, youth reviewers will also be subject to conflict of interest requirements and confidentiality certification.

3. In scoring each section of a Native Youth I-LEAD application, objective reviewers will use the scales in the following table. Each criterion has five reference guides. Reviewers will assign a score within the range between the minimum and maximum possible points for each criterion.

| Need for assistance (10 pts) | Outcomes expected (35 pts) | Approach (40 pts) | Budget and budget justification (15 pts) | Bonus (5 pts) | Guidance   |
|------------------------------|----------------------------|-------------------|--|---------------|--|
| 0 .....                      | 0                          | 0                 | 0  | 0             | No information provided. No strengths.             |
| 1-3 .....                    | 1-5                        | 1-8               | 1-3                                      | 1-2           | Limited or incomplete proposal lacking detail.     |
| 4-5 .....                    | 5-10                       | 9-16              | 4-6                                      | 2-3           | Some incomplete discussion or insufficient detail. |
| 6-8 .....                    | 11-30                      | 17-35             | 7-10                                     | 3-4           | Strong overall discussion and detail.              |
| 9-10 .....                   | 31-35                      | 36-40             | 11-15                                    | 5             | Detailed and compelling proposal. No weaknesses.   |

**Correction**

Section F. Relocation of ANA Offices is changed to F. Change to Recipient Reporting Requirements for All FOAs

(FOA *Section VI.3.Reporting Requirements*); 45 CFR 75.342; and a new Section G. is added as “G. Relocation of ANA Offices.” There are

no changes to the content of these sections.

**Statutory Authority:** Section 814 of the Native American Programs Act of 1974, as amended.

**Lillian Sparks Robinson,**

*Commissioner, Administration for Native Americans.*

[FR Doc. 2016-03132 Filed 2-16-16; 8:45 am]

**BILLING CODE 4184-34-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2016-N-0001]

#### Science Board to the Food and Drug Administration Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Science Board to the Food and Drug Administration (Science Board).

*General Function of the Committee:* The Science Board provides advice to the Commissioner of Food and Drugs and other appropriate officials on specific, complex scientific and technical issues important to the FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice to the Agency on keeping pace with technical and scientific developments including in regulatory science, input into the Agency's research agenda and on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency-sponsored intramural and extramural scientific research programs.

*Date and Time:* The meeting will be held on March 1, 2016, from 8:30 a.m. until 5 p.m.

*Location:* FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993-0002. For those unable to attend in person, the meeting will also be webcast. The link for the webcast is available at <https://collaboration.fda.gov/scienceboard0316/>. Answers to commonly asked questions including information regarding special

accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

*Contact Person:* Rakesh Raghuvanshi, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, Bldg. 1 Rm. 3309, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-4769, [rakesh.raghuvanshi@fda.hhs.gov](mailto:rakesh.raghuvanshi@fda.hhs.gov), or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

*Agenda:* The Science Board will hear about and discuss: (1) The role of opioids in pain management; (2) scientific challenges facing FDA in supporting the development of pain medications, including opioids, that have reduced risks of being abused; (3) scientific challenges facing FDA in seeking to understand the real-world use of opioids to treat pain, including the impact of opioids with potentially less risk for abuse; (4) the role that FDA plays as a part of a larger Federal, State, and local response to the challenges of providing appropriate pain treatment while reducing opioid abuse; and (5) postmarket surveillance activities related to opioids. The Science Board will also receive a final report from the Centers of Excellence in Regulatory Science and Innovation Program Evaluation Subcommittee.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 23, 2016. Oral presentations from the public will be scheduled between approximately 3:15 and 4:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 23, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to February 25, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Mr. Rakesh Raghuvanshi at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

FDA regrets that it was unable to publish this notice 15 days prior to the March 1, 2016, meeting of the Science Board. Because the Agency believes there is some urgency to bring these issues to public discussion and qualified members of the Science Board were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 10, 2016.

**Jill Hartzler Warner,**

*Associate Commissioner for Special Medical Programs.*

[FR Doc. 2016-03152 Filed 2-16-16; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2016-N-0160]

#### Pilot Program for Tobacco Product Manufacturers; Center for Tobacco Products eSubmissions Portal

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Center for Tobacco Products (CTP) in the Food and Drug Administration (FDA) is soliciting applications from regulated tobacco product manufacturers to participate in a voluntary pilot program to help CTP evaluate a potential new portal, the CTP eSubmissions Portal (CTP Portal), that is being designed to improve the process in connection with providing certain regulatory submissions electronically to CTP. CTP plans to accept up to six participants for the pilot program. The pilot program is intended to provide CTP regulatory review staff with an opportunity to evaluate the CTP Portal, including its capability for sending and receiving secure messages and providing information as to the documents submitted to it (for example, receipt date and tracking number).

**DATES:** Interested parties should submit an electronic application to participate in this pilot program by March 2, 2016. We plan to conduct user testing beginning on or about March 18, 2016. See section III of this document for information on applications for participation.

**ADDRESSES:** If you are interested in participating in this pilot program, please submit an electronic application to [CTPeSub@fda.hhs.gov](mailto:CTPeSub@fda.hhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Ann Staten, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. G402, Silver Spring, MD 20993-0002, [ann.staten@fda.hhs.gov](mailto:ann.staten@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) (Pub. L. 111-31) grants FDA important authority to regulate the

manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. Among its many provisions, the Tobacco Control Act created requirements for tobacco product manufacturers and importers, among others, to submit certain regulatory documents and information to FDA, including, but not limited to, new tobacco product applications, documents relating to certain research activities and research findings, and documents relating to tobacco product ingredients, including harmful and potentially harmful constituents. While certain of these documents must be submitted electronically, for others an electronic format for submission currently is not required but is strongly encouraged to facilitate efficiency and timeliness of data submission and management. Also, in June 2013, CTP announced a workshop to obtain public input on topics related to the potential electronic submission of tobacco product applications and other information and opened a docket for public comment on this topic. (For more information about this workshop, please see “Electronic Submission of Tobacco Product Applications and Other Information; Public Workshop; Request for Comments” (78 FR 34393, June 7, 2013).

CTP has reviewed the input received from the comments and other sources and is committed to improving the processes for providing regulatory submissions electronically to FDA. Consequently, CTP is announcing a pilot program to test the functionality of the CTP Portal, an electronic submission and communication tool that should enhance efficiency, communication, and timeliness.

##### II. Pilot Program Participation

The pilot program to evaluate the CTP Portal is to last approximately 3 months. During the pilot program, CTP staff will be available to answer any questions or concerns that may arise. Pilot program participants will receive training and will be asked to submit regulatory submissions using data provided to them by CTP for testing purposes. Pilot program participants also will be asked to provide written and verbal feedback during their training and after their participation in the pilot program is over. These comments and discussions will assist CTP in its development of the CTP Portal. CTP estimates that each individual participant’s involvement should take about 15 hours.

CTP is soliciting applications from regulated tobacco product manufacturers and, in particular, is

interested in hearing from small tobacco product manufacturers (STPMs) and tobacco product manufacturers that use an authorized agent.

##### III. Applications for Participation

Applications to participate in the pilot program should be sent electronically to [CTPeSub@fda.hhs.gov](mailto:CTPeSub@fda.hhs.gov). Applications should include the following information: Company and contact name; contact phone number; contact email address; and whether you are an STPM. Once applications for participation are received, FDA will contact interested applicants to discuss the pilot program. FDA is seeking a limited number of participants (no more than six) to participate in this pilot program. The pilot program is expected to last approximately 3 months.

Dated: February 10, 2016.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2016-03145 Filed 2-16-16; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2015-N-4462]

#### Point of Care Prothrombin Time/ International Normalized Ratio Devices for Monitoring Warfarin Therapy; 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 “Point of Care Prothrombin Time/ International Normalized Ratio Devices for Monitoring Warfarin Therapy.” The purpose of this workshop is to discuss and receive input from stakeholders regarding approaches to the analytical and clinical validation of point of care (POC) Prothrombin Time/International Normalized Ratio (PT/INR) in vitro diagnostic devices for improved clinical management of warfarin therapy in addition to describing the FDA’s process for facilitating the development of safe and effective POC and patient self-testing PT/INR devices. The goal of the workshop is to seek and identify potential solutions to address the scientific and regulatory challenges associated with POC PT/INR devices to ensure safety and effectiveness. The public workshop on “Point of Care

Prothrombin Time/International Normalized Ratio Devices for Monitoring Warfarin Therapy” that had been scheduled for January 25, 2016, was postponed due to unanticipated weather conditions and rescheduled for March 18, 2016.

**DATES:** The public workshop will be held on March 18, 2016, from 8 a.m. to 5 p.m. This public workshop is being rescheduled because of a postponed meeting announced in the **Federal Register** of December 15, 2015 (80 FR 77641), originally scheduled for January 25, 2016. Submit either electronic or written comments on the public workshop by April 18, 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-2015-N-4462 for “Point of Care Prothrombin Time/International Normalized Ratio Devices for Monitoring Warfarin Therapy.” 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., Bldg. 31 Conference Center, Rm. 1503 (the Great Room), Silver Spring, MD 20993-0002. 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:

Rachel Goehe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 66, Rm. 5533, Silver Spring, MD 20993, 240-402-6565, email: [Rachel.Goehe@fda.hhs.gov](mailto:Rachel.Goehe@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Warfarin, an oral vitamin K antagonist, is a commonly prescribed anticoagulant drug used to reduce the risk of thromboembolic events. Warfarin inhibits the synthesis of clotting factors II, VII, IX, and X, in addition to the naturally occurring endogenous anticoagulant proteins C and S. The response of individual patients to warfarin is highly variable because of factors such as diet, age, and interaction with other drugs. As a consequence, it is important that warfarin dosage be tailored individually to maintain clinical benefit. The PT test is used to determine a patient’s clotting time, which the Clinical and Laboratory Standards Institute defines as the time in seconds required for a fibrin clot to form in a plasma sample after tissue thromboplastin and an optimal amount of calcium chloride have been added to the sample. It is well-recognized that a PT result obtained with one test system cannot be compared to a PT result obtained with another test system because of the variety of thromboplastins used in different test systems. Therefore, PT test results are converted into a standardized unit known as the INR, which was adopted by the World Health Organization with the intent to reduce intersystem variation in test results. The INR result is used to monitor patients’ response to warfarin.

POC PT/INR devices offer an alternative to laboratory-based testing and venipuncture, enabling a rapid INR determination from a finger stick sample of whole blood. POC devices can be used in a variety of settings including, but not limited to, physician’s office laboratory, anti-coagulation clinic, patient bedside, hospital emergency department, and prescription home use. The purpose of POC PT/INR testing is to monitor warfarin and to provide immediate information to physicians about the patient’s anticoagulation

status so that this information can be integrated into appropriate treatment decisions that can improve patient outcomes. POC PT/INR testing is increasingly being viewed as a testing modality with performance expectations similar to that of traditional laboratory testing. From a regulatory standpoint, POC PT/INR devices have been reviewed and cleared for prescription use under appropriate professional supervision or prescription home use (patient self-testing), depending on the claimed intended use. For this workshop, both settings will be open for discussion.

## II. Topics for Discussion at the Public Workshop

This public workshop will consist of presentations covering the topics listed in this document. Following the presentations, there will be a moderated panel discussion where participants will be asked to provide their perspectives. The workshop panel discussion will focus on identifying potential solutions to address the scientific and regulatory challenges associated with POC PT/INR devices. In advance of the meeting, FDA plans to post a discussion paper outlining FDA's current thinking on the various topics mentioned in the following list, and invite comment on this from the community.

Topics to be discussed at the public workshop include, but are not limited to, the following:

- Current regulatory process involved with the clearance of POC PT/INR devices.
- Current benefit/risk balance of POC PT/INR devices.
- Technological differences amongst marketed POC PT/INR devices, advantages and limitations of each technology, and comparability of test results obtained using different technologies.
- Challenges associated with correlating results from whole blood POC PT/INR devices to conventional plasma-based laboratory tests.
- Appropriate study design for validation and usability studies from the perspectives of the Agency, manufacturers and end users to help improve our understanding of the accuracy, reliability and safety of POC PT/INR devices.
- Types of quality control and the test system elements assessed by the controls.
- Challenges associated with different sample matrices (venous, fingerstick, arterial).

**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., March 10, 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, Center for Devices and Radiological Health, Office of Communication and Education, 301-796-5661, email: [Susan.Monahan@fda.hhs.gov](mailto:Susan.Monahan@fda.hhs.gov) no later than March 4, 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 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 (contact for special accommodations) 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 March 10, 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](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](http://www.adobe.com/go/connectpro_overview). FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

**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 9, 2016.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2016-03153 Filed 2-16-16; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Heart, Lung, and Blood Institute Special Emphasis Panel Career Development Program in Emergency Care Research (K12).

**Date:** March 10, 2016.

**Time:** 9:00 a.m. to 5:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Hilton Washington, DC/Rockville 1750 Rockville Pike, Rockville, MD 20852.

**Contact Person:** Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301-435-0291, [stephanie.webb@nih.gov](mailto:stephanie.webb@nih.gov).

**Name of Committee:** National Heart, Lung, and Blood Institute Special Emphasis Panel Pathophysiology and Treatment of Bicuspid Aortic Valve Disease.

**Date:** March 11, 2016.

**Time:** 9:00 a.m. to 1:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

**Contact Person:** Chang Sook Kim, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892-7924, 301-435-0287, [carolko@mail.nih.gov](mailto:carolko@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 10, 2016.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03121 Filed 2-16-16; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Cancer Institute; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Omnibus SEP-12.

*Date:* March 15, 2016.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Timothy C. Meeker, MD, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850, 240-276-6464 [meekert@mail.nih.gov](mailto:meekert@mail.nih.gov).

*Name of Committee:* National Cancer Institute Special Emphasis Panel; Planning Grants for Global Research Infrastructure in Non-Communicable Disease.

*Date:* April 27-28, 2016.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Courtyard Gaithersburg Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.

*Contact Person:* Michael B. Small, Ph.D., Chief, Program & Review Extramural Staff Training Office, Division of Extramural Activities, National Cancer Institute, NIH,

9609 Medical Center Drive, Room 7W412, Bethesda, MD 20892-9750, 240-276-6438 [smallm@mail.nih.gov](mailto:smallm@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 10, 2016.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03124 Filed 2-16-16; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Prospective Grant of Exclusive License: Development of In Vitro Diagnostics for the Detection of Diseases or Pathogenic Agents**

**AGENCY:** National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Public Health Service, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR part 404.7(a)(1)(i), that the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), at the National Institutes of Health, Department of Health and Human Services, is contemplating the grant to Altra Tech, Ltd. ("AltraTech"), a company incorporated under the laws of the Ireland, having an office in Shannon, Ireland, an exclusive patent commercialization license to practice the following inventions embodied in the following patent applications: US Provisional Patent Application No.60/846,354, entitled, "(S,S)-trans-1,2-cyclopentane Diamine-modified and Gamma-lysine-modified Peptide Nucleic Acids as Probes for Nucleic Acid Detection: Synthesis and Applications," filed 22 Sep 2006 [HHS Ref No. E-308-2006/0-US-01]; US Provisional Patent Application No. 60/896,667, entitled, "Synthesis of Trans-tert-butyl-2-aminocyclopentylcarbamate," filed 23 Mar 2007 [HHS Ref No. E-308-2006/1-US-01]; International Application PCT/US2007/020466, entitled, "Synthesis of Trans-tert-butyl-2-aminocyclopentylcarbamate," filed 21 Sep 2007 [HHS Ref No. E-308-2006/2-

PCT-01]; US Patent Application No. 12/441,925, filed 21 Sep 2007, [HHS Ref No. E-308-2006/2-US-02]; US Patent Application No. 12/409,159, entitled, "Cross-Coupled Peptide Nucleic Acids for Detection of Nucleic Acids of Pathogens," filed 23 Mar 2009 [HHS Ref No. E-308-2006/3-US-01]; US Patent No. 9,156,778, entitled, "Cross-Coupled Peptide Nucleic Acids for Detection of Nucleic Acids of Pathogens," issued 13 Oct 2015 [HHS Ref No. E-308-2006/3-US-02]; US Provisional Patent Application No. 61/684,354, entitled, Cyclopentane-peptide Nucleic Acids for Qualitative and Quantitative Detection of Nucleic Acids," filed 17 Aug 2012 [HHS Ref No. E-260-2012/0-US-01]; International Application PCT/US2013/055252, filed 16 Aug 2013 [HHS Ref No. E-260-2012/0-PCT-02]; European Patent Application No. 13753962.3, filed 11 Feb 2015, [HHS Ref No E-260-2012/0-EP-03]; Korea Patent Application No. 10-2015-7006286, filed 11 Mar 2015, [HHS Ref No E-260-2012/0-KR-04]; US Patent Application No. 14/421,732, filed 13 Feb 2015, [HHS Ref No E-260-2012/0-US-05]; US Provisional Patent Application No. 61/333,442, filed 11 May 2010, [HHS Ref No E-129-2010/0-US-01]; International Patent Application No. PCT/US2011/036090, filed 11 May 2011, [HHS Ref No. E-129-2010/0-PCT-02]; European Patent Application No. 11721899.0, filed 11 May 2011, [HHS Ref No. E-129-2010/0-EP-03]; and US Patent Application No. 13/697,123, filed 9 Nov 2012, [HHS Ref No. E-129-2010/0-US-04].

The patent rights in these inventions have been assigned to the United States of America. AltraTech is seeking a worldwide territory for this license. The field of use may be limited to exclusive use of the licensed patent rights limited to the development and sale of *trans*-cyclopentane-modified peptide nucleic acids (PNA) in a diagnostic test system incorporating AltraTech's proprietary sample preparation and AltraTech's proprietary semiconductor sensor technology for the detection of infectious diseases or pathogenic agents including viruses and microorganisms.

**DATES:** Only written comments or applications for a license (or both) which are received by the Technology Advancement Office, NIDDK, on or before March 3, 2016 will be considered.

**ADDRESSES:** Requests for copies of the patent application, patents, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Patrick McCue, Ph.D., Senior Licensing and Patenting

Manager, Technology Advancement Office, The National Institutes of Diabetes and Digestive and Kidney Diseases, 12A South Drive, Bethesda, MD 20892, Telephone: (301) 451-5560; Email: [patrick.mccue@nih.gov](mailto:patrick.mccue@nih.gov). A signed confidentiality non-disclosure agreement will be required to receive copies of any patent applications that have not been published by the United States Patent and Trademark Office or the World Intellectual Property Organization.

**SUPPLEMENTARY INFORMATION:** These technologies, and the corresponding patent applications, are directed to cyclopentane-peptide nucleic acids (PNA) and their use in qualitative and quantitative detection of nucleic acids. The technologies overcome a stability problem and sensitivity to outside contamination that is inherent to PCR-based detection systems, wherein the PNA probes bind to DNA with greater stability and selectivity compared to a complementary DNA sequence.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the Technology Advancement Office, NIDDK, receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Properly filed competing applications for a license in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 10, 2016.

**Anna Amar,**

*Acting Deputy Director, Technology Advancement Office, NIDDK.*

[FR Doc. 2016-03187 Filed 2-16-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Collaborative Projects in Organ Fibrosis.

*Date:* March 8, 2016.

*Time:* 8:30 a.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301-435-0725, [kristen.page@nih.gov](mailto:kristen.page@nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Small Business Point of Care.

*Date:* March 9, 2016.

*Time:* 9:00 a.m. to 11:00 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301-435-0297, [goltrykl@mail.nih.gov](mailto:goltrykl@mail.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Small Business Point of Care.

*Date:* March 9-10, 2016.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301-435-0297, [goltrykl@mail.nih.gov](mailto:goltrykl@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 10, 2016.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03122 Filed 2-16-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, PAR-14-166: Early Phase Clinical Trials in Imaging and Image-Guided Interventions (R01).

*Date:* February 29, 2016.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* David L Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435-1174, [williamsdl2@csr.nih.gov](mailto:williamsdl2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Topics in Bacterial Pathogenesis.

*Date:* March 9, 2016.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240-519-7808, [kostrikr@csr.nih.gov](mailto:kostrikr@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.

*Date:* March 9, 2016.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Cambria Hotel & Suites, 1 Helen Heneghan Way, Rockville, MD 20850.

*Contact Person:* Martha Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301-435-1243, [garciamc@nih.gov](mailto:garciamc@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel;

Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

Date: March 9–10, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7812, Bethesda, MD 20892, 301-435-2365, [aitouchea@csr.nih.gov](mailto:aitouchea@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Injury and Recovery.

Date: March 9, 2016.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892-7846, 301-435-1254, [yakovleva@csr.nih.gov](mailto:yakovleva@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Differentiation and Integration of Stem Cells (Embryonic and Induced-Pluripotent) Into Developing or Damaged Tissues.

Date: March 9, 2016.

Time: 1:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rass M Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435-2359, [shayiqr@csr.nih.gov](mailto:shayiqr@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Differentiation and Integration of Stem Cells (Embryonic and Induced-Pluripotent) Into Developing or Damaged Tissues.

Date: March 9, 2016.

Time: 5:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maqsood A Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301-435-2270, [wanimags@csr.nih.gov](mailto:wanimags@csr.nih.gov).

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Consequences of HIV/AIDS Study Section.

Date: March 9–10, 2016.

Time: 8:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC., 2401 M Street NW., Washington, DC 20037.

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-806-6596, [rubertm@csr.nih.gov](mailto:rubertm@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR15-326: Imaging—Science Track Award for Research.

Date: March 9, 2016.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892

Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301-379-3793, [bennetty@csr.nih.gov](mailto:bennetty@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Biology and Therapeutics.

Date: March 9, 2016.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301-435-1211, [quadris@csr.nih.gov](mailto:quadris@csr.nih.gov).

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Clinical Studies and Epidemiology Study Section.

Date: March 10–11, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Hilary D. Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 357-9236, [sigmonh@csr.nih.gov](mailto:sigmonh@csr.nih.gov).

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Synthetic and Biological Chemistry.

Date: March 10–11, 2016.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Hyatt, 1 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301-435-1722, [eissenstatma@csr.nih.gov](mailto:eissenstatma@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 10, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016-03120 Filed 2-16-16; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Atherosclerosis Risk in Communities (ARIC) Study—Coordinating Center.

Date: March 8, 2016.

Time: 8:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Chang Sook Kim, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892-7924, 301-435-0287, [carolko@mail.nih.gov](mailto:carolko@mail.nih.gov).

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Atherosclerosis Risk in Communities (ARIC) Study—Field Centers.

Date: March 8, 2016.

Time: 10:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Chang Sook Kim, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892-7924, 301-435-0287, [carolko@mail.nih.gov](mailto:carolko@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and



Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 10, 2016.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03123 Filed 2-16-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2015-0694]

#### Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625-0040

**AGENCY:** Coast Guard, DHS.

**ACTION:** Thirty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625-0040, Application for Merchant Mariner Credential (MMC), Application for Merchant Mariner Medical Certificate, Applications for Merchant Mariner Medical Certificate for Entry Level Ratings, Small Vessel Sea Service Form, DOT/USCG Periodic Drug Testing Form, Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions, Merchant Mariner Medical Certificate, Recognition of Foreign Certificate. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

**DATES:** Comments must reach the Coast Guard and OIRA on or before March 18, 2016.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG-2015-0694] to the Coast Guard using the Federal eRulemaking Portal at <http://www.regulations.gov>. Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email:* [OIRA-submission@omb.eop.gov](mailto:OIRA-submission@omb.eop.gov).

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202-395-6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington, DC 20593-7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532, or fax 202-372-8405, for questions on these documents.

#### SUPPLEMENTARY INFORMATION:

##### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG-2015-0694], and must be received by March 18, 2016.

##### Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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).

OIRA posts its decisions on ICRs online at <http://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0040.

##### Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 62079, October 15, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

##### Information Collection Request

*Title:* Application for Merchant Mariner Credential (MMC), Application for Merchant Mariner Medical Certificate, Application for Merchant Mariner Medical Certificate for Entry Level Ratings, Small Vessel Sea Service Form, DOT/USCG Periodic Drug Testing Form, Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions, Merchant Mariner Medical Certificate, Recognition of Foreign Certificate.

*OMB Control Number:* 1625-0040.

*Summary:* The Application for Merchant Mariner Credential (MMC), Application for Merchant Mariner Medical Certificate, Application for Merchant Mariner Medical Certificate for Entry Level Ratings, Small Vessel Sea Service Form, DOAT/USCG Periodic Drug Testing Form, Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions, contains the following information: signature of

applicant and supplementary material required to show that the mariner meets the mandatory requirements for the credential or medical certificate sought; proof of applicant passing all applicable vision, hearing, medical, and/or physical exams; negative chemical test for dangerous drugs; discharges or other documentary evidence of sea service indicating the name, tonnage, propulsion mode and power of the vessels, dates of service, capacity in which the applicant served, and on what waters; and disclosure documentation for narcotics, DWI/DUI, and/or other convictions.

**Need:** Title 46 United States Code (U.S.C.) Subtitle II, Part E, Title 46 Code of Federal Regulation (CFR) Part 10, Subpart B, and International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention) and the STCW Code, including the STCW Final Rule (Docket No. USCG-2004-17914) published on December 24, 2013, requires MMC and Medical Certificate applicants to apply at one of the Coast Guard's seventeen Regional Examination Centers located nationwide. MMCs are established for individuals who are required to hold a credential under Subtitle II. The Coast Guard's National Maritime Center (NMC), Medical Evaluation Division is responsible for evaluating fitness for duty of all merchant mariners, in order to minimize safety risk to the Mariner Transportation System. The Coast Guard NMC has the task of issuing MMCs and Medical Certificates to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness. The instruments contained within OMB Control No. 1625-0040 serve as a means for the applicant to apply for a MMC and Medical Certificate.

**Forms:** CG-719B, Application for Merchant Mariner Credential (MMC); CG-719C, Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions; CG-719K, Application for Merchant Mariner Medical Certificate; CG-719K/E, Application for Merchant Mariner Medical Certificate for Entry Level Ratings; CG-719S, Small Vessel Sea Service Form; CG-719P, DOT/USCG Periodic Drug Testing Form.

**Respondents:** Applicants for MMC, whether original, renewal, duplicate, raise of grade, or a new endorsement on a previously issued MMC. Applicants for Medical Certificates to include National and STCW credentialed mariners, and first-class pilots.

**Frequency:** On occasion.

**Hour Burden Estimate:** The estimated burden remains 47,444 hours a year

(CG-719B = 8,475 hours, CG-719K = 16,440 hours, CG-719K/E = 2,283 hours, CG-719S = 14,125 hours, CG-719P = 4,708 hours, and CG-719C = 1,413).

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 26, 2016.

**Thomas P. Michelli,**

*U.S. Coast Guard, Deputy Chief Information Officer.*

[FR Doc. 2016-03291 Filed 2-16-16; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1453]

#### Proposed Flood Hazard Determinations for St. Clair County, Alabama, and Incorporated Areas

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed Notice; withdrawal.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is withdrawing its proposed notice concerning proposed flood hazard determinations, which may include the addition or modification of any Base Flood Elevation, base flood depth, Special Flood Hazard Area boundary or zone designation, or regulatory floodway (herein after referred to as proposed flood hazard determinations) on the Flood Insurance Rate Maps and, where applicable, in the supporting Flood Insurance Study reports for St. Clair County, Alabama, and Incorporated Areas.

**DATES:** This withdrawal is effective February 17, 2016.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1453, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email)

*Luis.Rodriguez3@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email)

*Luis.Rodriguez3@fema.dhs.gov.*

**SUPPLEMENTARY INFORMATION:** On December 11, 2014, FEMA published a

proposed notice at 79 FR 73621, proposing flood hazard determinations for St. Clair County, Alabama, and Incorporated Areas. FEMA is withdrawing the proposed notice.

**Authority:** 42 U.S.C. 4104; 44 CFR 67.4.

Date: January 22, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2016-03225 Filed 2-16-16; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1539]

#### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency; DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On October 27, 2015, FEMA published in the **Federal Register** a proposed flood hazard determination notice at 80 FR 65789 that contained a table which included a Web page address through which the Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for the communities listed in the table could be accessed. The information available through the Web page address has been updated. Subsequently, FEMA is no longer proposing flood hazard determination changes for the City of Atlanta as identified in the above-referenced publication. The table provided here represents the proposed flood hazard determinations and communities affected for Clayton County, Georgia, and Incorporated Areas.

**DATES:** Comments are to be submitted on or before May 17, 2016.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1539, to Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered

before the FIRM and FIS report are made final.

**Correction**

In the proposed flood hazard determination notice published at 80 FR 65789 in the October 27, 2015, issue of the **Federal Register**, FEMA published a table titled “Clayton County, Georgia, and Incorporated Areas”. This table contained a Web page address through which the Preliminary FIRM, and where applicable, the FIS report for the communities listed in the table could be accessed online. The information available through the Web page address has been updated and is to be used in lieu of the information previously available. Subsequently, FEMA is no longer proposing flood hazard determination changes for the City of Atlanta as identified in the above-referenced publication.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, “Flood Insurance.”)

Dated: January 22, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

| Community   | Community map repository address  |
|---|---|
| <b>Clayton County, Georgia, and Incorporated Areas</b>  |   |
| <b>Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a></b> |   |
| <b>Project: 12-04-7371S Preliminary Date: May 29, 2015</b>  |   |
| City of Forest Park .....   | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| City of Jonesboro .....   | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| City of Lake City .....   | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| City of Lovejoy .....   | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| City of Morrow .....  | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| City of Riverdale .....   | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |
| Unincorporated Areas of Clayton County .....  | Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260. |

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2016-0002]

**Final Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Final Notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium

rates for buildings and the contents of those buildings.

**DATES:** The effective date of April 19, 2016 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) by the effective date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each

community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov).

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: January 22, 2016.

**Roy E. Wright,**  
*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

| Community   | Community map repository address  |
|---|---|
| <b>Prowers County, Colorado, and Incorporated Areas</b><br><b>Docket No.: FEMA-B-1453</b>     |   |
| City of Lamar .....   | City Hall, 102 East Parmenter Street, Lamar, CO 81052.                                  |
| Town of Granada .....   | Town Hall, 103 South Main Street, Granada, CO 81041.                                    |
| Town of Holly .....   | Town Hall, 100 Tony Garcia Drive, Holly, CO 81047.                                      |
| Town of Wiley .....   | Town Hall, 304 Main Street, Wiley, CO 81092.  |
| Unincorporated Areas of Prowers County .....  | Prowers County Emergency Operations Management, 301 South Main Street, Lamar, CO 81052. |
| <b>Harford County, Maryland, and Incorporated Areas</b><br><b>Docket No.: FEMA-B-1466</b>     |   |
| City of Aberdeen .....  | Planning Department, 60 North Parke Street, Aberdeen, MD 21001.                         |
| City of Havre De Grace .....  | Planning Department, 711 Pennington Avenue, Havre De Grace, MD 21078.                   |
| Town of Bel Air .....   | Planning Department, 705 East Churchville Road, Bel Air, MD 21014.                      |
| Unincorporated Areas of Harford County .....  | Planning and Zoning Department, 220 South Main Street, Bel Air, MD 21014.               |
| <b>Granite County, Montana, and Incorporated Areas</b><br><b>Docket No.: FEMA-B-1457</b>      |   |
| Town of Drummond .....  | Town Hall, 114 A Street, Drummond, MT 59832.  |
| Town of Philipsburg .....   | Town Hall, 104 South Sansome Street, Philipsburg, MT 59858.                             |
| Unincorporated Areas of Granite County .....  | Granite County Courthouse, 220 North Sansome Street, Philipsburg, MT 59858.             |
| <b>Pembina County, North Dakota, and Incorporated Areas</b><br><b>Docket No.: FEMA-B-1462</b> |   |
| City of Cavalier .....  | City Hall, 301 Division Avenue North, Cavalier, ND 58220.                               |
| City of Drayton .....   | City Hall, 122 South Main Street, Drayton, ND 58225.                                    |

| Community                                    | Community map repository address                                       |
|--|--|
| City of Pembina .....                        | City Hall, 152 West Rolette Street, Pembina, ND 58271.                 |
| City of St. Thomas .....                     | City Hall, 301 Main Street, St. Thomas, ND 58276.                      |
| Township of Cavalier .....                   | Pembina County Courthouse, 301 Dakota Street West, Cavalier, ND 58220. |
| Township of Drayton .....                    | Pembina County Courthouse, 301 Dakota Street West, Cavalier, ND 58220. |
| Township of Joliette .....                   | Pembina County Courthouse, 301 Dakota Street West, Cavalier, ND 58220. |
| Unincorporated Areas of Pembina County ..... | Pembina County Courthouse, 301 Dakota Street West, Cavalier, ND 58220. |

[FR Doc. 2016-03227 Filed 2-16-16; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2015-0027; OMB No. 1660-0125]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Preparedness Grants: Homeland Security Grant Program (HSGP)

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

**DATES:** Comments must be submitted on or before March 18, 2016.

**ADDRESSES:** Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to [oir.submission@omb.eop.gov](mailto:oir.submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW.,

Washington, DC 20472-3100, or email address [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

This proposed information collection previously published in the **Federal Register** on December 4, 2015 at 80 FR 75870 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

#### Collection of Information

*Title:* FEMA Preparedness Grants: Homeland Security Grant Program (HSGP).

*Type of information collection:* Revision of a currently approved information collection.

*OMB Number:* 1660-0125.

*Form Titles and Numbers:* FEMA Form 089-1, HSGP Investment Justification (SHSP and UASI); FEMA Form 089-16, OPSG Operations Order Report; FEMA Form 089-20, OPSG Inventory of Operation Orders.

*Abstract:* The HSGP is an important tool among a comprehensive set of measures to help strengthen the Nation against risks associated with potential terrorist attacks. DHS/FEMA uses the information to evaluate applicants' familiarity with the national preparedness architecture and identify how elements of this architecture have been incorporated into regional/state/local planning, operations, and investments.

The HSGP is a primary funding mechanism for building and sustaining national preparedness capabilities. The HSGP is comprised of three separate grant programs: the State Homeland Security Program (SHSP), the Urban Area Security Initiative (UASI), and Operation Stonegarden (OPSG). Together, these grants fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration costs. The OPSG will begin to utilize the

Office of Management and Budget's web-based portal MAX.GOV, at <https://www.MAX.GOV/>, for operational management of the grant program.

*Affected Public:* State, Local or Tribal Government.

*Estimated Number of Respondents:* 462.

*Estimated Total Annual Burden Hours:* 310,357 hours.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is \$19,096,265. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is \$2,022,270.

Dated: February 10, 2016.

**Richard W. Mattison,**

*Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2016-03293 Filed 2-16-16; 8:45 am]

BILLING CODE 9111-19-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1531]

#### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On September 2, 2015, the Federal Emergency Management Agency (FEMA) published in the **Federal Register** a notice that contained an erroneous table. This notice provides a correction to that table, to be used in lieu of the information published at 80 FR 53172-53173. The table provided here lists communities where the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway

(hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by FEMA for the communities, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community numbers are shown in the table below and must be used for all new policies and renewals.

**DATES:** These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the communities that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**ADDRESSES:** The affected communities are listed in the table below. Revised flood hazard information for the communities are available for inspection at both the online location and the respective community map repository addresses listed in the table

below. Additionally, the current effective FIRM and FIS report for the communities are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below. **FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The specific flood hazard determinations are not described for the communities in this notice. However, the online location and local community map repository addresses where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the communities are required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These flood hazard determinations, together with the floodplain

management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the communities must change any existing ordinances that are more stringent in their floodplain management requirements. The communities may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for the communities are available for inspection at both the online location and the respective community map repository addresses listed in the table below. Additionally, the current effective FIRM and FIS report for the communities are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

**Correction**

In the notice published at 80 FR 53172-53173, the table contained inaccurate information for the associated effective date of modification featured in the table. In this notice, FEMA is publishing a table containing the accurate information to address this prior error. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: January 22, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

| State and county | Location and case No.              | Chief executive officer of community  | Community map repository  | Online location of Letter of Map Revision                                 | Effective date of modification | Community No. |
|------------------|------------------------------------|---|---|---|--------------------------------|---------------|
| Texas:           |                                    |   |   |   |                                |               |
| Tarrant .....    | City of Bedford (14-06-4249P).     | The Honorable Jim Griffin, Mayor, City of Bedford, City Hall, 2000 Forest Ridge Drive, Bedford, TX 76021. | Public Works Office, 1813 Reliance Parkway, Bedford, TX 76021.              | <a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> . | Oct. 20, 2015 .....            | 480585        |
| Tarrant .....    | City of Colleyville (14-06-4249P). | The Honorable David Kelly, Mayor, City of Colleyville, City Hall, 100 Main Street, Colleyville, TX 76034. | Public Works Office 100 Main Street, Colleyville, TX 76034.                 | <a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> . | Oct. 20, 2015 .....            | 480590        |
| Tarrant .....    | City of Euless (14-06-4249P).      | The Honorable Linda Martin, Mayor, City of Euless, City Hall, 201 North Ector Drive, Euless, TX 76039.    | Planning and Engineering Building, 201 North Ector Drive, Euless, TX 76039. | <a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> . | Oct. 20, 2015 .....            | 480593        |

[FR Doc. 2016-03230 Filed 2-16-16; 8:45 am]  
 BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1546]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before May 17, 2016.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for

inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1546, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies will be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: February 2, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|-----------|----------------------------------|
|-----------|----------------------------------|

**Berks County, Pennsylvania (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

**Project: 14-03-2049S Preliminary Date: June 26, 2015**

|                             |   |
|-----------------------------|---|
| Borough of Bernville .....  | Borough Hall, 6602 Bernville Road, Bernville, PA 19506.                   |
| Township of Jefferson ..... | Jefferson Township Office Building, Five Solly Lane, Bernville, PA 19506. |

| Community              | Community map repository address  |
|------------------------|---|
| Township of Penn ..... | Penn Township Municipal Building, 840 North Garfield Road, Bernville, PA 19506. |

**Butler County, Pennsylvania (All Jurisdictions)**

**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>**

**Project: 06-03-A623S Preliminary Date: October 15, 2015**

|                         |   |
|-------------------------|---|
| Township of Adams ..... | Adams Township Municipal Building, 690 Valencia Road, Mars, PA 16046. |
|-------------------------|---|

**Fayette County, Pennsylvania (All Jurisdictions)**

**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>**

**Project: 06-03-A625S Preliminary Dates: November 24, 2009 and June 27, 2014**

|                               |  |
|-------------------------------|--|
| Borough of Fayette City ..... | Borough Hall, 340 Second Street, Fayette City, PA 15438. |
|-------------------------------|--|

**Cameron County, Texas, and Incorporated Areas**

**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>**

**Project: 05-06-2027S Preliminary Date: June 4, 2015**

|  |   |
|--|---|
| City of Brownsville .....                    | Building and Permitting Department, 1034 East Levee Street, Brownsville, TX 78520.  |
| City of Harlingen .....                      | Lon C. Hill Building, 502 East Tyler Avenue, Harlingen, TX 78550.                   |
| City of La Feria .....                       | City Hall, 115 East Commercial Avenue, La Feria, TX 78559.                          |
| City of Los Fresnos .....                    | City Hall, 200 North Brazil Street, Los Fresnos, TX 78566.                          |
| City of Los Indios .....                     | City Hall, 109 East 6th Street, Los Indios, TX 78567.                               |
| City of Port Isabel .....                    | City Hall, 305 East Maxan Street, Port Isabel, TX 78578.                            |
| City of Rio Hondo .....                      | Municipal Building, 121 North Arroyo Boulevard, Rio Hondo, TX 78583.                |
| City of San Benito .....                     | Planning and Development Department, 400 North Travis Street, San Benito, TX 78586. |
| City of Santa Rosa .....                     | City Hall, 413 South Santa Cruz Avenue, Santa Rosa, TX 78593.                       |
| City of South Padre Island .....             | City Hall, 4601 Padre Boulevard, South Padre Island, TX 78597.                      |
| Town of Bayview .....                        | Town Office, 104 South San Roman Road, Bayview, TX 78566.                           |
| Town of Combes .....                         | Town Hall, 21626 Hand Road, Combes, TX 78535.                                       |
| Town of Indian Lake .....                    | Indian Lake Town Hall, 62 South Aztec Cove Drive, Los Fresnos, TX 78566.            |
| Town of Laguna Vista .....                   | Town Hall, 122 Fernandez Street, Laguna Vista, TX 78578.                            |
| Town of Rancho Viejo .....                   | Town Hall, 3301 Carmen Avenue, Rancho Viejo, TX 78575.                              |
| Town of Rangerville .....                    | Rangerville Town Hall, 31850 Rangerville Road, San Benito, TX 78586.                |
| Unincorporated Areas of Cameron County ..... | Cameron County, San Benito Annex, 1390 West Expressway 83, San Benito, TX 78586.    |

**Willacy County, Texas, and Incorporated Areas**

**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>**

**Project: 07-06-1392S Preliminary Date: May 28, 2015**

|  |  |
|--|--|
| Unincorporated Areas of Willacy County ..... | Willacy County Courthouse, 576 West Main Street, Raymondville, TX 78580. |
|--|--|

[FR Doc. 2016-03223 Filed 2-16-16; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5914-N-02]

**60-Day Notice of Proposed Information Collection: 2539-0008; Office of Lead Hazard Control and Healthy Homes Grant Programs Data Collection and Progress Reporting**

**AGENCY:** Office of Lead Hazard Control and Healthy Homes, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for renewal of the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date: April 18, 2016.*



**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management Officer, QDAM, Department of Housing

and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for renewal of the information collection described in Section A.

**A. Overview of Information Collection**

*Title of Information Collection:* Office of Lead Hazard Control and Healthy

Homes Grant Programs Data Collection and Progress Reporting.

*OMB Approval Number:* 2539-0008.

*Type of Request:* Revision to a currently approved information collection.

*Form Number:* HUD 96006 (electronic equivalent).

*Description of the need for the information and proposed use:* Collect data on the progress of grantees' programs.

*Respondents:* Grantees of the Office of Lead Hazard Control and Healthy Homes. The revised hour burden estimates are presented in the table below. All respondents' expenses are covered by grant funds.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|------------------------|-----------------------|-----------------------|---------------------|--------------------------|---------------------|--------------------------|-------------|
| Total .....            | 200                   | Quarterly .....       | 4                   | 10                       | 8,000               | none .....               | None.       |

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 8, 2016.

**Michelle M. Miller,**  
*Acting Director, OLHCHH.*

[FR Doc. 2016-03131 Filed 2-16-16; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[Docket No. FWS-HQ-IA-2016-0040; FXIA1671090000-156-FF09A30000]

**Endangered Species; Marine Mammals; Receipt of Applications for Permit**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

**DATES:** We must receive comments or requests for documents on or before [March 18, 2016. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in **ADDRESSES** by March 18, 2016.

**ADDRESSES:** *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-HQ-IA-2016-0040.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2016-0040; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments below, for more information). *Viewing Comments:* Comments and materials we receive will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2095.

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, (703) 358-2104 (telephone); (703) 358-2281 (fax); [DMAFR@fws.gov](mailto:DMAFR@fws.gov) (email).

**SUPPLEMENTARY INFORMATION:**

**I. Public Comment Procedures**

*A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**.

Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

#### *B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the locations listed under *Viewing Comments* in **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

## II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, “Delivering an Efficient, Effective, and

Accountable Government,” and the President’s Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

## III. Permit Applications

### A. Endangered Species

Applicant: Phoenix Herpetological Society, Scottsdale, AZ; PRT-80786B

The applicant requests a permit to import 10 live captive-bred specimens of black caiman (*Melanosuchus niger*) from Aalborg Zoo, Aalborg, Denmark, for the purpose of enhancement of the survival of the species through zoological display and captive propagation.

Applicant: Cynthia Lagueux, University of Florida, Gainesville, FL; PRT-86982B

The applicant requests a permit to import biological samples collected from wild hawksbill sea turtle (*Eretmochelys imbricata*), green sea turtle (*Chelonia mydas*), and leatherback sea turtle (*Dermochelys coriacea*) for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Chris Gurley, Yuma, TN; PRT-78710B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: South American tapir (*Tapirus terrestris*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Edwin Rymut, Fort Atkinson, WI; PRT-82084B

The applicant requests a permit to import sport-hunted trophies of two male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

## Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: James Mercer, Carbondale, KS; PRT-86126B

Applicant: Luisa Lee, Nashville, NC; PRT-82277B

Applicant: Harry Peterson, Sandy, UT; PRT-83947B

### B. Marine Mammals

Applicant: British Broadcasting Corporation—Ocean, Bristol, England, UK; PRT-59492B

The applicant requests an amendment to their permit to photograph northern sea otters (*Enhydra lutris kenyoni*) from air, land, and boat in Alaska for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 1-year period.

Applicant: Indianapolis Zoological Society, Indianapolis, IN; PRT-81843B

The applicant requests a permit to take one non-releasable male Pacific walrus (*Odobenus rosmarus divergens*) for the purpose of public display. “Pakak” was rescued as an abandoned calf near Barrow, Alaska, in June 2012. In October 2012, the Service deemed this animal non-releasable after determining that “Pakak” did not demonstrate the skills and abilities needed to survive in the wild; “Pakak” was subsequently transferred to the Indianapolis Zoo for continued care. The applicant is applying for a permit to permanently hold this animal for the purpose of public display.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

### Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2016-03105 Filed 2-16-16; 8:45 am]

BILLING CODE 4333-15-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-HQ-MB-2015-N025; FF09M29000-156F1611MD-FXMB12320900000]

**Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Depredation Orders for Double-Crested Cormorants**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on February 29, 2016. We 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. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

**DATES:** You must submit comments on or before March 18, 2016.

**ADDRESSES:** Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-5806 (fax) or *OIRA\_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail), or *hope\_grey@fws.gov* (email). Please include "1018-0121" in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Hope Grey at *hope\_*

*grey@fws.gov* (email) or 703-358-2482 (telephone). You may review the ICR online at <http://www.reginfo.gov>. Follow the instructions to review Department of the Interior collections under review by OMB.

**SUPPLEMENTARY INFORMATION:**

**Information Collection Request**

*OMB Control Number:* 1018-0121.  
*Title:* Depredation Orders for Double-Crested Cormorants, 50 CFR 21.47 and 21.48.

*Service Form Number(s):* 3-202-18-2147; 3-202-19-2148.

*Type of Request:* Extension of a currently approved collection.

*Description of Respondents:* Aquaculture producers, States, and tribes.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually for reports; ongoing for recordkeeping.

| Activity   | Number of respondents | Number of responses | Completion time per response | Total annual burden hours |
|--|-----------------------|---------------------|------------------------------|---------------------------|
| Report take of migratory bird species other than double-crested cormorants (21.47(d)(7); 21.48(d)(7)). | 1                     | 1                   | 1 hour .....                 | 1                         |
| Report take of species protected under Endangered Species Act (21.47(d)(8); 21.48(d)(8)).              | 1                     | 1                   | 1 hour .....                 | 1                         |
| Written notice of intent to conduct control activities (21.48(d)(9)).                                  | 12                    | 12                  | 3 hours .....                | 36                        |
| Report of control activities (21.48(d)(10) and (11)) .....   | 12                    | 12                  | 20 hours .....               | 240                       |
| Report effects of management activities (21.48(d)(12)) .....   | 9                     | 9                   | 75 hours .....               | 675                       |
| Recordkeeping (21.47(d)(9)) .....  | 325                   | 325                 | 7 hours .....                | 2,275                     |
| Totals .....   | 360                   | 360                 | .....                        | 3,228                     |

*Estimated Annual Nonhour Burden Cost:* None.

**Abstract:** This information collection is associated with regulations implementing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*). Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, migratory birds or their parts, nests, or eggs, except as authorized by regulations implementing the MBTA.

The regulations in the Code of Federal Regulations (CFR) at 50 CFR 21.47 (Aquaculture Depredation Order) authorize landowners, operators, and tenants (or their employees or agents) actually engaged in the commercial, Federal, or State production of freshwater aquaculture stocks and the U.S. Department of Agriculture (APHIS-Wildlife Services) in 13 States to take double-crested cormorants when the birds are found committing or about to commit depredations on commercial freshwater aquaculture stocks. The

regulations at 50 CFR 21.48 (Public Resource Depredation Order) authorize State fish and wildlife agencies, APHIS-Wildlife Services, and federally recognized tribes in 24 States to take double-crested cormorants to prevent depredations on the public resources of fish, wildlife, plants, and their habitats.

Both 50 CFR 21.47 and 21.48 impose reporting and recordkeeping requirements on those operating under the depredation orders. We use the information collected to:

- Help assess the impact of the depredation orders on double-crested cormorant populations.
- Protect nontarget migratory birds or other species.
- Ensure that agencies and individuals are operating in accordance with the terms, conditions, and purpose of the orders.
- Help gauge the effectiveness of the orders at mitigating cormorant-related damages.

**Comments Received and Our Responses**

On September 30, 2015, we published in the **Federal Register** (80 FR 58770) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on November 30, 2015. We received one comment from an individual. Although much of what was submitted did not relate to the information collection directly, the commenter made two main points:

- The Service does not have a mechanism in place to evaluate the validity of the data submitted. Instead, the Service relies on the integrity of others to submit reliable data.
- There is no systematic evaluation of control programs and the system continues to proceed based on faith that what is being done is accomplishing some kind of benefit.

We appreciate these comments because they recognize the importance of collecting sufficient information to allow the Service to do its important job

of protecting our public trust resources for the benefit of all. The information collected serves as a tool for enforcement of the depredation orders and contributes to our knowledge of the impacts of the depredation orders on double-crested cormorants. Because of the risk of enforcement, we believe those operating under these orders have reason to collect and report reliable data. We agree that the control program would benefit from a systematic evaluation. This evaluation will be conducted as resources allow. We did not make any changes to our requirements at this time.

#### Request for Public Comments

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB and us in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: February 11, 2016.

**Tina A. Campbell,**

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2016-03200 Filed 2-16-16; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCOS00000 L10100000.BN0000 16X]

#### Notice of Public Meeting, Southwest Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Southwest Resource Advisory Council (RAC) is scheduled to meet as indicated below.

**DATES:** The Southwest RAC meeting will be held on March 18, 2016, in Ridgway, Colorado.

**ADDRESSES:** The Southwest RAC meeting will be held March 18 at the Ouray County Fairgrounds Building, 22739 Highway 550, Ridgway, CO 81432. The meeting will begin at 9:30 a.m. and adjourn at approximately 4 p.m. A public comment period regarding matters on the agenda will be held at 2 p.m.

**FOR FURTHER INFORMATION CONTACT:** Shannon Borders, Public Affairs Specialist, 970-240-5300; 2505 S. Townsend Ave., Montrose, CO 81401. 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, seven 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 Southwest RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues in Colorado. Topics of discussion for all Southwest RAC meetings may include field manager and working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, land exchange proposals, cultural resource management and other issues as appropriate. These meetings are open to the public. The public may present written comments to the RACs. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of people wishing to comment and time available, the time for individual oral comments may be limited.

**Brian St. George,**

Acting BLM Colorado State Director.

[FR Doc. 2016-03294 Filed 2-16-16; 8:45 am]

**BILLING CODE 4310-JB-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-928 and Investigation No. 337-TA-937]

### (Consolidated) (Remand) Certain Windshield Wipers and Components Thereof; Commission Determination Not To Review Two Initial Determinations; Schedule for Filing Written Submissions on Remedy, the Public Interest, and Bonding; Extension of the Target Date for Completion 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 (1) an initial determination (“ID”) (Order No. 43) of the presiding administrative law judge (“ALJ”) granting complainants’ motion to terminate the remand investigation with respect to certain products and (2) a remand ID. The Commission has set a schedule for filing written submissions on remedy, the public interest, and bonding. The Commission has also determined to extend the target date for completion of this investigation to April 12, 2016.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3115. 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 investigation No. 337-TA-928, *Certain Windshield Wipers and Components Thereof*, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), on September 2, 2014, based on a complaint filed by Valeo North

America, Inc. of Troy, MI, and Delmex de Juarez S. de R.L. de C.V. of Mexico (collectively, "Valeo"). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,891,044 ("the '044 patent"); 7,937,798 ("the '798 patent"); and 8,220,106 by Federal-Mogul Corp. of Southfield, Michigan, Federal-Mogul Vehicle Component Solutions, Inc. of Southfield, Michigan, and Federal-Mogul S.A. of Aubange, Belgium (collectively, "Federal-Mogul"). 79 FR 52041-42 (Sep. 2, 2014).

On November 21, 2014, the Commission instituted a Section 337 investigation No. 337-TA-937, *Certain Windshield Wipers and Components Thereof*, based on a complaint filed by Valeo. The complaint alleges a violation of section 337 by reason of infringement of certain claims of the '044 patent and the '798 patent by Trico Products Corporation of Rochester Hills, Michigan, Trico Products of Brownsville, Texas, and Trico Componentes SA de CV of Tamaulipas, Mexico (collectively, "Trico"). 79 FR 69525-26 (Nov. 21, 2014).

On December 9, 2014, the ALJ consolidated investigations 337-TA-928 and 337-TA-937. See ALJ Order No. 8 in the investigation 337-TA-928. The Office of Unfair Import Investigations does not participate as a party in these consolidated investigations.

The evidentiary hearing on the question of violation of section 337 was held in July of 2015. On October 22, 2015, the ALJ issued his final ID finding a violation of section 337 with respect to certain claims of the '798 patent.

On December 21, 2015, the Commission issued a notice ("Commission Notice") in which the Commission determined as follows:

(1) To review the ALJ's determination in Order No. 36 (Jul. 16, 2015) precluding arguments and evidence relating to Trico's 618 and 596 connectors on the basis that they are obsolete and are irrelevant to the present investigation, see ALJ Order No. 36 at 1, and on review, to reverse this determination and to remand the investigation to the ALJ with respect to this issue, to make findings regarding whether Trico products with 618 and 596 connectors infringe either asserted patent and to make any necessary related findings, as set forth in the accompanying Remand Order.

(2) To review the ALJ's finding that Valeo's indirect infringement claims are moot and, on review, to vacate it. The Commission finds it unnecessary to reach the issue of whether Trico induced infringement of the '798 patent with respect to the accused products considered by the ALJ because the Commission has determined not to review the ALJ's finding that Trico directly infringes the '798 patent.

(3) To review the ALJ's finding that Valeo established quantitatively and qualitatively significant investment in plant and equipment and thus satisfies economic prong of the domestic industry requirement under subsection (A) of section 337(a)(3) and, on review, to take no position with respect to this finding.

(4) To review the final ID with respect to footnote 7 on page 17 and, on review, to modify the subject footnote by striking its second sentence.

Commission Notice at 2-3. The

Commission determined not to review the remainder of the final ID.

On January 7, 2016, complainants Valeo moved to terminate the Remand Investigation with respect to Trico's products with 618 and 596 connectors. In its motion, Valeo states that it has withdrawn its assertion of infringement of the asserted patents against such products. On January 11, 2016, the ALJ issued an ID (Order No. 43) granting Valeo's unopposed motion.

On the same day, the ALJ issued a Remand ID. The ALJ stated that in view of Order No. 43 granting Complainants' motion to terminate the Remand Investigation with respect to Trico's products with the 618 and 596 connectors, the Commission's Remand Order dated December 21, 2015, directing the ALJ to: (1) Make findings regarding whether Trico products with 618 and 596 connectors infringe the Asserted Patents; and (2) issue an ID within 30 days of the Remand Order extending the target date, is moot. Remand ID at 1. No party petitioned for review of any of the subject IDs, and the Commission has determined not to review them. The Commission's determination results in a finding of violation as to the '798 patent. The Commission has determined to extend the target date for completion of this investigation to April 12, 2016.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely

affecting it or are likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (Dec. 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

*Written Submissions:* The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination on remedy and bonding issued on October 22, 2015, by the ALJ. Complainants are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to provide the expiration date of the '798 patent and state the HTSUS numbers under which the accused articles are imported. The written submissions and proposed remedial orders must be filed no later than the close of business on February 24, 2016. Reply submissions must be filed no later than the close of business on March 2, 2016. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document

electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-928/937") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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).

By order of the Commission.

Issued: February 10, 2016.

**Lisa R. Barton,**

Secretary to the Commission.

[FR Doc. 2016-03205 Filed 2-16-16; 8:45 am]

BILLING CODE 7020-02-P

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0073]

#### Agency Information Collection Activities; Proposed eCollection eComments Requested; Furnishing of Samples

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco,

Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register** 80 FR 77377, on December 14, 2015, allowing for a 60-day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until March 18, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, 99 New York Ave. NE., Washington, DC 20226 at email: [Anita.Scheddel@atf.gov](mailto:Anita.Scheddel@atf.gov). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

## Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Furnishing of Samples.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.  
Other: None.

Abstract: ATF requires licensed manufacturers and importers and persons who manufacture or import explosives materials or ammonium nitrate to submit samples at the request of the Director.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,350 respondents will take 30 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,175 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: February 11, 2016.

**Jerri Murray,**

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016-03186 Filed 2-16-16; 8:45 am]

BILLING CODE 4410-FY-P

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 9, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Montana, Missoula Division, in a lawsuit entitled *United States v. Michael's Convenience Stores, Inc.*, Civil Action No. 9:16-cv-00020-DWM.

In its Complaint in this civil action, the United States alleges that Michael's

Convenience Stores, Inc. is liable for penalties under the Federal Water Pollution Control Act, also known as the Clean Water Act (“CWA”), 33 U.S.C. 1251–1387, as amended by the Oil Pollution Act of 1990 (“OPA”). Specifically, the United States asserts that Michael’s is responsible for the unauthorized discharge of harmful quantities of pollutants (gasoline) on or about May through July, 2007 from underground storage tanks at its Kalispell, Montana store. Gasoline from Michael’s underground tanks migrated into waters of the United States (Ashley and Spring Creeks) and their adjoining shorelines in violation of 33 U.S.C. 1321(b)(3) and (4).

The proposed Consent Decree resolves all civil claims alleged in the Complaint. The proposed Decree requires Michael’s to pay a \$55,000.00 civil penalty in 2 installments, 30 days and 365 days after the effective date of the proposed Decree.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Environmental Enforcement Section, and should refer to *United States v. Michael’s Convenience Stores, Inc.*, D.J. Ref. No. 90–5–1–1–09620. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| To submit comments: | Send them to:  |
|---------------------|--|
| By email .....      | <i>pubcomment-ees.enrd@usdoj.gov.</i>  |
| By mail .....       | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611. |

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$6.00 (25 cents per page reproduction cost) for the proposed

Consent Decree payable to the United States Treasury.

**Robert Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2016–03189 Filed 2–16–16; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1140–0011]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Application To Make and Register a Firearm (ATF Form 1 (5320.1))**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

**DATES:** Comments are encouraged and will be accepted for 60 days until April 18, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, Industry Liaison Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 99 New York Ave. NE., Washington, DC 20226 at email: [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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;
- Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; 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.

Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83–1): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application to Make and Register a Firearm.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 1 (5320.1).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households; and State, Local or Tribal Government.

Abstract: This form is filed to obtain permission to make and register a National Firearms Act (NFA) firearm. Possession of an unregistered NFA firearm is illegal. The approval of the application effectuates the registration of the firearm to the applicant. For any person other than a government agency, the making incurs a tax of \$200.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 25,716 respondents will take 1.69 hours to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 102,808 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 10, 2016.

**Jerri Murray,**  
*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016–03100 Filed 2–16–16; 8:45 am]

**BILLING CODE 4410–FY–P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1140-0015]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Exempt Transfer and Registration of Firearm (ATF Form 5 (5320.5))****AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice**ACTION:** 60-Day notice.**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.**DATES:** Comments are encouraged and will be accepted for 60 days until April 18, 2016.**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, Industry Liaison Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 99 New York Ave. NE., Washington, DC 20226 at email: [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.*Overview of this information collection:*

1 *Type of Information Collection* (check justification or form 83-I): Revision of a currently approved collection.

2 *The Title of the Form/Collection:* Application for Tax Exempt Transfer and Registration of Firearm

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5 (5320.5).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other (if applicable): Individuals or Households; Business or other for-Profit; and Not-for-profit institutions.

**Abstract:** This form is filed to obtain permission to make and transfer a National Firearms Act (NFA) firearm. Transfer without approval and possession of an unregistered NFA firearm are illegal. The approval of the application effectuates the registration of a firearm to the transferee. The transferee claims an exemption from the transfer tax by filing this application.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,591 respondents will take .51 hours to complete the survey.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5,350 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: February 10, 2016.

**Jerri Murray,***Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03095 Filed 2-16-16; 8:45 am]

**BILLING CODE 4410-FY-P****DEPARTMENT OF JUSTICE**

[OMB Number 1140-0014]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4))****AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.**ACTION:** 60-Day notice.**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.**DATES:** Comments are encouraged and will be accepted for 60 days until April 18, 2016.**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, Industry Liaison Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 99 New York Ave. NE., Washington, DC 20226 at email: [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.



Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83-I): Revision of a currently approved collection.

2. *The Title of the Form/Collection*: Application for Tax Paid Transfer and Registration of Firearm.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection*:

Form number (if applicable): ATF Form 4 (5320.4)

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract*:

Primary: Business or other for-profit.

Other (if applicable): Individuals or households; and Not-for-profit institutions.

Abstract: This form is filed to obtain permission to transfer and register a National Firearms Act (NFA) firearm. A transfer without approval and possession of an unregistered NFA firearm are illegal. The approval of the application effectuates the registration of a firearm to the transferee. There is a tax of \$5 or \$200 on the transfer of an NFA firearm with certain exceptions (see ATF Forms 3 and 5 for tax exempt transfer information).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*: An estimated 123,339 respondents will take 3.66 hours to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection*: The estimated annual public burden associated with this collection is 466,755 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: February 10, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03094 Filed 2-16-16; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP (OJP) Docket No. 1700]

#### Meeting of the Office of Justice Programs' Science Advisory Board

**AGENCY:** Office of Justice Programs (OJP), Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a forthcoming meeting of OJP's Science Advisory Board ("the Board"). This meeting is the rescheduled meeting for the event originally planned for January 22, 2016 which was cancelled due to inclement weather. General Function of the Board: The Board is chartered to provide OJP, a component of the Department of Justice, with valuable advice in the areas of science and statistics for the purpose of enhancing the overall impact and performance of its programs and activities in criminal and juvenile justice.

**DATES:** The meeting will take place on Friday, March 24, 2016, from approximately 8 a.m. to 5 p.m., with a break for lunch at approximately 12:00 p.m.

**ADDRESSES:** The meeting will take place in the Main Conference Room on the third floor of the Office of Justice Programs, 810 7th Street NW., Washington, DC 20531.

**FOR FURTHER INFORMATION CONTACT:** Katherine Darke Schmitt, Designated Federal Officer (DFO), Office of the Assistant Attorney General, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531; Phone: (202) 616-7373 [Note: This is not a toll-free number]; Email: [katherine.darke@usdoj.gov](mailto:katherine.darke@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is being convened to brief the OJP Assistant Attorney General and the Board members on the progress of the subcommittees, discuss any recommendations they may have for consideration by the full Board, and brief the Board on various OJP-related projects and activities. The final agenda is subject to adjustment, but the meeting will likely include briefings of the subcommittees' activities and discussion of future Board actions and priorities. This meeting is open to the public. Members of the public who wish to attend this meeting must register with Katherine Darke Schmitt at the above address at least seven (7) calendar days in advance of the meeting. Registrations will be accepted on a space available basis. Access to the meeting will not be allowed without registration. Persons

interested in communicating with the Board should submit their written comments to the DFO, as the time available will not allow the public to directly address the Board at the meeting. Anyone requiring special accommodations should notify Ms. Darke Schmitt at least seven (7) calendar days in advance of the meeting.

**Katherine Darke Schmitt,**

*Senior Policy Advisor and SAB DFO, Office of the Assistant Attorney General, Office of Justice Programs.*

[FR Doc. 2016-03188 Filed 2-16-16; 8:45 am]

**BILLING CODE 4410-18-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting

**TIME AND DATE:** 12:00 p.m., Tuesday, January 26, 2016.

**PLACE:** U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Determination on six original jurisdiction cases.

**CONTACT PERSON FOR MORE INFORMATION:** Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, D.C. 20530, (202) 346-7010.

Dated: January 15, 2016.

**J. Patricia W. Smoot,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 2016-03381 Filed 2-12-16; 4:15 pm]

**BILLING CODE 4410-31-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting

**TIME AND DATE:** 10:00 a.m., January 26, 2016.

**PLACE:** U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Approval of October 6, 2015 minutes.

**CONTACT PERSON FOR MORE INFORMATION:** Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, D.C. 20530, (202) 346-7010.

Dated: January 15, 2016.

**J. Patricia W. Smoot,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 2016-03382 Filed 2-12-16; 4:15 pm]

**BILLING CODE 4410-31-P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. OSHA-2016-0001]

**National Advisory Committee on Occupational Safety and Health****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Announcement of special meeting.

**SUMMARY:** The National Advisory Committee on Occupational Safety and Health (NACOSH) will hold a special meeting on March 4, 2016, in Washington, DC, to consider and make recommendations on OSHA's draft Safety and Health Program Management Guidelines.

**DATES:** NACOSH will meet from 2 to 5 p.m., Friday, March 4, 2016.

*Comments, requests to speak, speaker presentations, requests for special accommodations and requests to attend the meeting by teleconference:* You must submit (postmark, send, transmit) comments, requests to address NACOSH, speaker presentations, requests for special accommodations for the NACOSH meeting and requests to attend the meeting by teleconference by Wednesday, February 24, 2016.

**ADDRESSES:** NACOSH will meet in Room N-5437A, Conference Rooms A-B, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

*Submission of comments, requests to speak and speaker presentations:* You may submit comments and requests to speak at the NACOSH meeting, identified by the docket number for this **Federal Register** notice (Docket No. OSHA-2016-0001), by one of the following methods:

*Electronically:* You may submit materials, including attachments, electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the online instructions for making submissions.

*Facsimile:* If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693-1648.

*Regular mail, express mail, hand delivery, or messenger/courier service (hard copy):* You may submit your materials to the OSHA Docket Office, Docket No. OSHA-2016-0001, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2350 (TTY (887) 889-5627). OSHA's Docket

Office accepts deliveries (hand deliveries, express mail, and messenger/courier service) during normal business hours, 8:15 a.m. to 4:45 p.m. e.t., weekdays.

*Requests for special accommodations and requests to attend the meeting by teleconference:* Please submit requests for special accommodations to attend the NACOSH meeting and requests to attend the meeting by teleconference, by email, telephone, or hard copy to Ms. Gretta Jameson, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999 (TTY (887) 889-5627); email [jameson.gretta@dol.gov](mailto:jameson.gretta@dol.gov).

*Instructions:* Your submissions must include the Agency name and the docket number for this **Federal Register** notice (Docket No. OSHA-2016-0001). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions by hand delivery, express delivery, or messenger/courier service. For additional information about submissions, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post in the NACOSH docket, without change, any comments, requests to speak, and speaker presentations, including any personal information that you provide. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999 (TTY (877) 889-5627); email [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*For general information:* Ms. Michelle Walker, Director, OSHA Technical Data Center, Directorate of Technical Support and Emergency Management, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2350 (TTY (877) 889-5627); email [walker.michelle@dol.gov](mailto:walker.michelle@dol.gov).

**SUPPLEMENTARY INFORMATION:** NACOSH will hold a special meeting on Friday, March 4, 2016, in Washington, DC. The purpose of this special meeting is to allow NACOSH to consider and make recommendations on OSHA's draft Safety and Health Program Management Guidelines. Some NACOSH members

may attend by teleconference. NACOSH meetings are open to the public.

NACOSH was established by Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) to advise, consult with and make recommendations to the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), its implementing regulations (41 CFR part 102-3), and OSHA's regulations on NACOSH (29 CFR part 1912a).

OSHA transcribes and prepares detailed minutes of NACOSH meetings. OSHA posts the transcripts and minutes in the public docket along with written comments, speaker presentations, and other materials submitted to NACOSH or presented at NACOSH meetings.

**Public Participation, Submissions and Access to Public Record**

All NACOSH meetings are open to the public. Individuals attending NACOSH meetings at the U.S. Department of Labor must enter the building at the Visitors' Entrance at 3rd and C Streets NW., and pass through building security. Persons attending the meeting must have valid government-issued photo identification (e.g., driver's license) to enter the building. For additional information about attending the NACOSH meeting (in person or by teleconference), please contact Ms. Jameson (see **ADDRESSES** section).

Individuals requesting special accommodations to attend the NACOSH meeting and requesting to attend the meeting by teleconference should contact Ms. Jameson.

*Submission of comments:* You may submit comments using one of the methods listed in the **ADDRESSES** section. Your submission must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2016-0001). OSHA will provide copies of any submissions to the NACOSH members.

Because of security-related procedures, submissions by regular mail may experience significant delays. For information about security procedures for submitting materials by hand delivery, express mail, and messenger/courier service, please contact the OSHA Docket Office.

*Requests to speak and speaker presentations:* If you want to address NACOSH at the meeting you must submit a request to speak, as well as any written or electronic presentation, by

February 24, 2016, using one of the methods listed in the **ADDRESSES** section. Your request must state:

- The amount of time requested to speak;
- The interest you represent (e.g., business, organization, affiliation), if any; and

- A brief outline of the presentation. PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats. The NACOSH Chair may grant requests to address NACOSH as time and circumstances permit.

*Public docket of NACOSH meetings:* OSHA places comments, requests to speak, and speaker presentations, including any personal information you provide, in the NACOSH docket, without change. Those documents also may be available online at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting certain personal information such as Social Security numbers and birthdates.

OSHA also places in the NACOSH docket meeting transcripts, meeting minutes, documents presented at the NACOSH meeting, and other documents pertaining to the NACOSH meetings. These documents may be available online at <http://www.regulations.gov>.

*Access to the public record of NACOSH meetings:* To read or download documents in the NACOSH docket, go to Docket No. OSHA-2016-0001 at <http://www.regulations.gov>. The index for that Web page lists all of the documents in the docket; however, some documents (e.g., copyrighted materials) are not publicly available through that Web page. All documents in the NACOSH docket, including materials not available through <http://www.regulations.gov>, are available in the OSHA Docket Office. Please contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the NACOSH docket.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, also are available on OSHA's Web page at <http://www.osha.gov>.

#### Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by 29 U.S.C. 656; 5 U.S.C. App. 2; 29 CFR part 1912a; 41 CFR part 102-3; and Secretary of Labor's Order No. 1-2012 (77 FR 3912 (1/25/2012)).

Signed at Washington, DC, on February 11, 2016.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2016-03295 Filed 2-16-16; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2012-0026]

#### Regulations Containing Procedures for Handling of Retaliation Complaints; Revision of Approved Information Collection (Paperwork) Requirements for Office of Management and Budget (OMB) Approval

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend and revise the collections of information currently approved by the Office of Management and Budget (OMB) for handling of retaliation complaints filed with OSHA under various whistleblower protection statutes and the procedural regulations described in this notice. These regulations contain procedures employees must use to file a complaint with OSHA alleging that their employer violated a whistleblower protection provision contained in certain statutes that generally prohibit retaliatory action by employers against employees who engage in activities protected by the statutes. The collections of information include revisions to the form for employees to submit retaliation complaints to OSHA, including electronic submission.

**DATES:** Comments must be submitted (postmarked, sent, or received) by April 18, 2016.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger or courier service:* When using this method, you must submit your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA-2012-0026, U.S. Department of

Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number (OSHA-2012-0026) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact the Directorate of Whistleblower Protection Programs at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Directorate of Whistleblower Protection Programs, OSHA, U.S. Department of Labor, Room N-4624, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-2199; email [Garrahan.Maryann@dol.gov](mailto:Garrahan.Maryann@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (e.g., an employee filing a retaliation complaint) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and

OSHA's estimate of the information collection burden is accurate.

The Agency is responsible for investigating alleged violations of "whistleblower" provisions contained in a number of statutes. These whistleblower provisions generally prohibit retaliation by employers against employees who report alleged violations of certain laws or regulations. Accordingly, these provisions prohibit an employer from discharging or taking any other retaliatory action against an employee because the employee engages in any of the protected activities specified by the whistleblower provisions of the statutes. These statutes are covered under the following regulations: 29 CFR part 24, Procedures for the Handling of Retaliation Complaints under the Employee Protection Provisions of Six Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, As Amended (29 CFR part 24 covers the: Safe Drinking Water Act, 42 U.S.C. 300j-9(i); Federal Water Pollution Control Act, 33 U.S.C. 1367; Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42 U.S.C. 5851; and Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9610); 29 CFR part 1977, Discrimination Against Employees Exercising Rights under the Williams-Steiger Occupational Safety and Health Act (29 CFR part 1977 covers the: Occupational Safety and Health Act, 29 U.S.C. 660; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2651; and International Safe Container Act, 46 U.S.C. 80507); 29 CFR part 1978, Procedures for the Handling of Retaliation Complaints under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982; 29 CFR part 1979, Procedures for Handling Discrimination Complaints Under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; 29 CFR part 1980, Procedures for Handling of Discrimination Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (Title VIII of the Sarbanes-Oxley Act of 2002); 29 CFR part 1981, Procedures for the Handling of Discrimination Complaints under Section 6 of the Pipeline Safety and Improvement Act of 2002; 29 CFR part 1982, Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act; 29 CFR part 1983, Procedures for the

Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008; 29 CFR part 1984, Procedures for Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act; 29 CFR part 1985, Procedures for Handling Retaliation Complaints Under the Employee Protection Provision of the Consumer Financial Protection Act of 2010; 29 CFR part 1986, Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Seaman's Protection Act (SPA), as Amended; and 29 CFR part 1987, Procedures for Handling Retaliation Complaints Under Section 402 of the FDA Food Safety Modernization Act.

In addition, OSHA investigates complaints of retaliation filed under the recently-enacted whistleblower provision Section 31307 of the Moving Ahead for Progress in the 21st Century Act, 49 U.S.C. 30171. This statutory provision is included in the existing ICR. Collections of information contained in future regulations promulgated by the Agency with respect to a whistleblower provision of any other Federal law, except those that are assigned to another DOL agency, will be added to this information collection.

OSHA's whistleblower regulations specify the procedures that an employee must use to file a complaint alleging that their employer violated a whistleblower provision for which the Agency has investigative responsibility. Any employee who believes that such a violation occurred may file a complaint, or have the complaint filed on their behalf. Two of these regulations, 29 CFR parts 1979 and 1981, state that complaints must be filed in writing and should include a full statement of the acts and omissions, with pertinent dates, that the employee believes constitute the violation. The other regulations, 29 CFR parts 24, 1977, 1978, 1980, 1982, 1983, 1984, 1986, 1986, and 1987 require no particular form of filing for complaints. However, it is OSHA's policy to accept complaints in any form (*i.e.*, orally or in writing) under all statutes. This policy helps ensure that employees of all circumstances and education levels will have equal access to the complaint filing process.

OSHA proposes to revise this ICR to include revisions to the electronic complaint form, titled, "Notice of Whistleblower Complaint" (OSHA8-60.1), that will streamline the process for employees to submit complaints of retaliation to OSHA electronically directly through the Internet. The revisions to the form will not impact

workers' ability to electronically submit whistleblower complaints directly to OSHA 24-hours a day, which provides workers with greater flexibility for meeting statutory filing deadlines. Additionally, the revised form includes interactive features which make the form easier for an employee to understand and complete. By streamlining the Agency's electronic complaint filing process, the revised form will reduce the Agency's complaint processing time, which will improve the quality of the customer service that the Agency can offer the public.

## II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed collections of information are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the collections of information, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on individuals who must comply; for example, by using automated or other technological information collection and transmission techniques.

## III. Proposed Actions

OSHA is requesting that OMB approve the proposed extension and revision of the collections of information contained in OSHA's statutory authorities and the regulations containing procedures for handling retaliation complaints at 29 CFR parts 24, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986 and 1987.<sup>1</sup> Specifically, this revision contains a revised information collection instrument, a form, which employees may use to file complaints. In addition, OSHA is requesting an adjustment increase in burden hours from 2,872 burden hours to 7,516 burden hours (a total increase of 4,644 hours). The adjustment increase is due to updated investigation data, which includes the number of complaints investigated as well as screened out complaints. The updated data shows an increase in the annual number of complaints filed. The Agency will summarize the comments submitted in response to this notice,

<sup>1</sup> Several of these regulations use the term "discrimination" or "discrimination complaints" in their titles. These terms are synonymous with "retaliation" and "retaliation complaints," respectively.

and will include this summary in the request to OMB.

*Type of Review:* Revision of a currently approved collection.

*Title:* Regulations Containing Procedures for Handling Retaliation Complaints.

*OMB Number:* 1218–0236.

*Affected Public:* Individuals.

*Number of Respondents:* 7,516.

*Frequency of Response:* Once per complaint.

*Average Time per Response:* 1 hour.

*Estimated Total Burden Hours:* 7,516.

*Estimated Cost (Operation and Maintenance):* \$0.

#### IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2012–0026). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY) (877) 889–5627. Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is

available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

#### V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on February 11, 2016.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2016–03259 Filed 2–16–16; 8:45 am]

**BILLING CODE 4510–26–P**

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–015)]

#### NASA Advisory Council; Science Committee; Astrophysics Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

**DATES:** Tuesday, March 15, 2016, 8:00 a.m.–5:00 p.m., and Wednesday, March 16, 2016, 8:00 a.m.–5:00 p.m., Local Time.

**ADDRESSES:** NASA Headquarters, Room 3H42, 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or [ann.b.delo@nasa.gov](mailto:ann.b.delo@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting will also be available

telephonically and by WebEx. Any interested person may call the USA toll free conference call number 1–888–995–9162, passcode 2991610, on both days. The WebEx link is <https://nasa.webex.com/>; the meeting number on March 15 is 992 641 163, password is Astrophysics!1; and the meeting number on March 16 is 999 231 439, password is Astrophysics!1.

The agenda for the meeting includes the following topics:

- Astrophysics Division Update, including Budget Updates from the FY2016 Appropriation and FY2017 President's Budget Request
- Updates on Specific Astrophysics Missions
- Reports from the Program Analysis Groups
- Report on NASA Earth and Space Science Fellows Program

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I–9]. Non-compliant states/territories are: American Samoa, Illinois, Minnesota, Missouri, New Mexico and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at [ann.b.delo@nasa.gov](mailto:ann.b.delo@nasa.gov) or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo. It is imperative that this meeting be held on these dates

to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2016-03198 Filed 2-16-16; 8:45 am]

**BILLING CODE 7510-13-P**

**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES**

**National Endowment for the Arts**

**Arts Advisory Panel Meetings**

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 2 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

**DATES:** All meetings are Eastern time and ending times are approximate:

*Dance* (review of applications): This meeting will be closed.

*Date and time:* March 2, 2016; 2:00 p.m. to 3:00 p.m.

*Accessibility* (review of applications): This meeting will be closed.

*Date and time:* March 8, 2016; 4:00 p.m. to 5:00 p.m.

**ADDRESSES:** National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC, 20506.

**FOR FURTHER INFORMATION CONTACT:**

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *plowitzk@arts.gov*, or call 202/682-5691.

**SUPPLEMENTARY INFORMATION:** The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

Dated: February 11, 2016.

**Kathy Plowitz-Worden,**

*Panel Coordinator, National Endowment for the Arts.*

[FR Doc. 2016-03165 Filed 2-16-16; 8:45 am]

**BILLING CODE 7537-01-P**

**NUCLEAR REGULATORY  
COMMISSION**

[NRC-2016-0001]

**Sunshine Act Meeting Notice**

**DATES:** February 15, 22, 29, March 7, 14, 21, 2016.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

**Week of February 15, 2016**

There are no meetings scheduled for the week of February 15, 2016.

**Week of February 22, 2016—Tentative**

*Tuesday, February 23, 2016*

9:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

*Thursday, February 25, 2016*

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Material Users Business Lines (Public Meeting); (Contact: Anita Gray: 301-415-7036).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of February 29, 2016—Tentative**

*Thursday, March 3, 2016*

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9).

*Friday, March 4, 2016*

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting); (Contact: Mark Banks: 301-415-3718).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of March 7, 2016—Tentative**

There are no meetings scheduled for the week of March 7, 2016.

**Week of March 14, 2016—Tentative**

*Tuesday, March 15, 2016*

9:00 a.m. Briefing on Power Reactor Decommissioning Rulemaking

(Public Meeting); (Contact: Jason Carneal: 301-415-1451).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

*Thursday, March 17, 2016*

9:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting); (Contact: Douglas Bollock: 301-415-6609).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of March 21, 2016—Tentative**

There are no meetings scheduled for the week of March 21, 2016.

\* \* \* \* \*

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at *Denise.McGovern@nrc.gov*.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov*.

Dated: February 11, 2016.

**Denise McGovern,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2016-03384 Filed 2-12-16; 4:15 pm]

**BILLING CODE 7590-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-77106; File No. SR-NYSEMKT-2016-18]

**Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Change Modifying the NYSE Amex Options Fee Schedule**

February 10, 2016.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 1, 2016, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) 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 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 modify the NYSE Amex Options Fee Schedule (“Fee Schedule”). The Exchange proposes to implement the fee change effective February 1, 2016. The proposed 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 the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to amend sections I. E. and G. of the Fee Schedule<sup>3</sup> to adjust fees and credits payable, effective on February 1, 2016.

Proposed Changes to ACE Program

Section I.E. of the Fee Schedule describes the Exchange’s ACE Program, which features five tiers expressed as a percentage of total industry Customer equity and Exchange Traded Fund (“ETF”) option average daily volume<sup>4</sup> and provides two alternative methods through which Order Flow Providers may receive per contract credits for Electronic Customer volume that the OFP, as agent, submits to the Exchange.

The Exchange proposes to modify the ACE Program by increasing certain of the credits available for Tiers 2, 3 and 4 as illustrated in the table below, with proposed additions appearing in italics and proposed deletions appearing in brackets:

\* \* \* \* \*

| Tier    | ACE Program—standard options   |    | Credits payable on customer volume only   |                         |   |   |
|---------|--|----|---|-------------------------|---|---|
|         | Customer electronic ADV as a % of industry customer equity and ETF options ADV |    | Total Electronic ADV (of which 20% or greater of the minimum qualifying volume for each Tier must be Customer) as a % of Industry Customer Equity and ETF Options ADV | Customer volume credits | 1 Year enhanced customer volume credits | 3 Year enhanced customer volume credits |
| 1 ..... | 0.00% to 0.60% .....   | OR | N/A .....   | \$0.00                  | \$0.00                                  | \$0.00                                  |
| 2 ..... | > 0.60% to 0.80% or ≥ 0.35% over October 2015 volumes.                         |    | N/A .....   | [( \$0.14 )<br>(\$0.16) | [( \$0.15 )<br>(\$0.16)                 | (\$0.16)                                |
| 3 ..... | > 0.80% to 1.25% .....   |    | 1.50% to 2.50% of which 20% or greater of 1.50% must be Customer.   | [( \$0.14 )<br>(\$0.17) | [( \$0.16 )<br>(\$0.18)                 | [( \$0.18 )<br>(\$0.19)                 |
| 4 ..... | > 1.25% to 1.75% .....   |    | > 2.50% to 3.50% of which 20% or greater of 2.50% must be Customer.   | [( \$0.17 )<br>(\$0.18) | (\$0.19)                                | (\$0.21)                                |
| 5 ..... | > 1.75% .....  |    | > 3.50% of which 20% or greater of 3.5% must be Customer.   | (\$0.19)                | (\$0.21)                                | (\$0.23)                                |

The proposed amendments to the ACE Program are designed to enhance the rebates, which the Exchange believes would attract more volume and liquidity to the Exchange to the benefit of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

Proposed Changes to CUBE Pricing

Section I.G. of the Fee Schedule sets forth the rates for per contract fees and credits for executions associated with a CUBE Auction. The Exchange is proposing to reduce rates for RFR Response fees and Initiating Credits and Rebates. Specifically, the Exchange proposes to reduce RFR Response fees

for Non-Customers to \$0.12, down from \$0.60 for symbols in the Penny Pilot and down from \$0.95 for symbols not in the Penny Pilot. The Exchange also proposes to reduce Initiating Participant credits and rebates to \$0.05 down from \$0.35 for symbols in the Penny Pilot, \$0.70 for symbols not in the Penny Pilot and down from \$0.12 for the ACE Initiating Participant Rebate.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Fee Schedule, sections I.E. (Amex Customer Engagement (“ACE”) Program—Standard Options) and I.G. (CUBE Auction Fees & Credits), available here, [https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE\\_Amex\\_Options\\_Fee\\_Schedule.pdf](https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf).

<sup>4</sup> The volume thresholds are based on an NYSE Amex Options Market Makers’ [sic] volume transacted Electronically as a percentage of total industry Customer equity and ETF options volumes as reported by the Options Clearing Corporation (the “OCC”). Total industry Customer equity and ETF option volume is comprised of those equity and ETF contracts that clear in the Customer

account type at OCC and does not include contracts that clear in either the Firm or Market Maker account type at OCC or contracts overlying a security other than an equity or ETF security. See OCC Monthly Statistics Reports, available here, <http://www.theocc.com/webapps/monthly-volume-reports>.

The proposed changes are designed to address concerns expressed to the Exchange by Market Makers about “imposing oversized transaction fees on market makers (MMs) when they compete with the facilitation side to pre-matched auction crosses,” including the CUBE Auction.<sup>5</sup> Specifically, the Market Makers claim that this so-called “break-up fee” is “designed to hamper traders (primarily MMs) from competing on auction crosses.”<sup>6</sup> The Exchange believes the proposed changes to CUBE pricing, particularly the reduction in the RFR Response Fee addresses the concerns raised and, as a result, may attract greater volume and liquidity to the Exchange, which would improve its overall competitiveness and strengthen its market quality for all market participants. The Exchange notes that the proposed changes would also provide the concerned Market Makers to have a platform on which they can provide proof of concept.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>7</sup> in general, and furthers the objectives of sections 6(b)(4) and (5) of the Act,<sup>8</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed amendments to the ACE Program are reasonable, equitable and not unfairly discriminatory because they would enhance the incentives to Order Flow Providers to transact Customer orders on the Exchange, which would benefit all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the ACE Program. Additionally, the Exchange believes the proposed changes to the ACE Program are consistent with the Act because they may attract greater volume and liquidity

to the Exchange, which would benefit all market participants by providing tighter quoting and better prices, all of which perfects the mechanism for a free and open market and national market system.

In addition, the Exchange believes that the proposed changes to CUBE Auction fees are reasonable, equitable and not unfairly discriminatory. First, the proposed reductions to both the Initiating Participant Credits (for all issues) as well as the fees associated with RFR Responses that participate in the CUBE are reasonable, equitable and non-discriminatory because they apply equally to all ATP Holders that choose to participate in the CUBE, and access to the Exchange is offered on terms that are not unfairly discriminatory.

The Exchange likewise believes the proposed reduction of the ACE Initiating Participant Credit is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the ACE Initiating Participant Rebate is based on the amount of business transacted on the Exchange and is designed to attract more volume and liquidity to the Exchange generally, and to CUBE Auctions specifically, which would benefit all market participants (including those that do not participate in the ACE Program) through increased opportunities to trade at potentially improved prices as well as enhancing price discovery. Furthermore, the Exchange notes that the ACE Initiating Participant Rebate is equitable and not unfairly discriminatory because it would continue to incentivize ATP Holders to transact Customer orders on the Exchange and an increase in Customer order flow would bring greater volume and liquidity to the Exchange. Increased volume to the Exchange benefits all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the ACE Program.

Finally, the Exchange believes the proposed changes are consistent with the Act because to the extent the modifications permit the Exchange to continue to attract greater volume and liquidity, the proposed change would improve the Exchange’s overall competitiveness and strengthen its market quality for all market participants.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

## B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with section 6(b)(8) of the Act,<sup>9</sup> the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed changes to CUBE pricing are designed to address concerns raised by Market Makers that so-called “break-up fees” imposed in price improvement auctions like CUBE are anti-competitive. To that end, the Exchange believes the proposed amendments to CUBE Auction pricing are pro-competitive as the fees and credits are designed to incentivize increases in volume and liquidity to the Exchange, which would benefit all of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

Further, the Exchange believes the proposed amendments to the ACE Program are pro-competitive as the proposed increased rebates may encourage OFPs to direct Customer order flow to the Exchange and any resulting increase in volume and liquidity to the Exchange would benefit all of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

## 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

The foregoing rule change is effective upon filing pursuant to section 19(b)(3)(A)<sup>10</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>11</sup> thereunder, because it establishes a due,

<sup>5</sup> See Letter from Gerald D. O’Connell, CRO, Susquehanna International Group, LLP; John Kinahan, CEO, Group One Trading, LP; Daniel Overmyer, Head of Compliance, IMC Financial Markets LLC; Edward Haravon, Chief Operating Officer, SpotTrading L.L.C.; Frank Bednarz, President, CTC, L.L.C.; Kurt Eckert, Principal, Wolverine Trading LLC; and Sebastiaan KoeHng, CEO, Optiver US, LLC to Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, dated October 13, 2014, available at, <http://www.sec.gov/comments/sr-nysemkt-2014-52/nysemkt201452-1.pdf>.

<sup>6</sup> See *id.* at 1.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>9</sup> 15 U.S.C. 78f(b)(8).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(2).



fee, or other charge imposed by the Exchange.

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)<sup>12</sup> of the Act to 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2016-18 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-NYSEMKT-2016-18. 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-NYSEMKT-2016-18, and should be submitted on or before March 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2016-03129 Filed 2-16-16; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77103; File No. SR-FINRA-2015-029]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions), as Modified by Partial Amendment No. 1, in the Consolidated FINRA Rulebook

February 10, 2016.

On July 31, 2015, Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt a new, consolidated rule addressing accounts opened or established by associated persons of members at firms other than the firm with which they are associated.

The proposed rule change was published for comment in the **Federal Register** on August 14, 2015.<sup>3</sup> The Commission received four comment letters in response to the proposal.<sup>4</sup> On

November 10, 2015, FINRA responded to the comments and filed Partial Amendment No. 1 to the existing proposal.<sup>5</sup> On November 12, 2015, the Commission issued an order instituting proceedings pursuant to Exchange Act section 19(b)(2)(B)<sup>6</sup> to determine whether to approve or disapprove the proposed rule change, as modified by Partial Amendment No. 1. The order was published in the **Federal Register** on November 18, 2015.<sup>7</sup> The Commission received one (1) comment letter in response to the Order Instituting Proceedings.<sup>8</sup>

Exchange Act section 19(b)(2)(B)(ii)(I)<sup>9</sup> provides that the Commission shall approve or disapprove a proposed rule change in Proceedings within 180 days after the Publication Date, or within a longer period up to 240 days after the Publication Date if: (1) The Commission determines that a longer period is appropriate and publishes the reasons for so determining,<sup>10</sup> or (2) the applicable self-regulatory organization consents to the extension.<sup>11</sup> The 180th day for this filing (File Number SR-FINRA-2015-029) is February 10, 2016.

The Commission is extending this 180-day time period. The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the

Public Investors Arbitration Bar Association, dated September 3, 2015; and Kevin Zambrowicz, Associate General Counsel & Managing Director, and Stephen Vogt, Assistant Vice President & Assistant General Counsel, Securities Industry and Financial Markets Association, dated September 3, 2015. Comment letters are available at [www.sec.gov](http://www.sec.gov).

<sup>5</sup> See Letter from Patrice Gliniecki, Senior Vice President and Deputy General Counsel, FINRA, to the Commission, dated November 10, 2015. FINRA's letter and text of Partial Amendment No. 1 are available on FINRA's Web site at <http://www.finra.org>, at the principal office of FINRA, and at the Commission's Public Reference Room.

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B) (if the Commission does not approve or disapprove a proposed rule change under Exchange Act section 19(b)(2)(A) (*i.e.*, within 90 days of publication of notice of the filing of the proposed rule change in the **Federal Register** (the "Publication Date")), the Commission shall institute proceedings to determine whether to approve or disapprove the proposed rule change ("Proceedings").

<sup>7</sup> See Exchange Act Release No. 76430 (Nov. 12, 2015), 80 FR 72118 (Nov. 18, 2015) (Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change to Adopt FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions), as Modified by Partial Amendment No. 1) ("Order Instituting Proceedings"). The comment period closed on December 9, 2015.

<sup>8</sup> See Letter from Laura Crosby-Brown, dated November 13, 2015. Comment letters are available at [www.sec.gov](http://www.sec.gov).

<sup>9</sup> 15 U.S.C. 78s(b)(2)(B)(ii)(I).

<sup>10</sup> Exchange Act section 19(b)(2)(B)(ii)(II)(aa), 15 U.S.C. 78s(b)(2)(B)(ii)(II)(aa).

<sup>11</sup> Exchange Act section 19(b)(2)(B)(ii)(II)(bb), 15 U.S.C. 78s(b)(2)(B)(ii)(II)(bb).

<sup>12</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Exchange Act Rel. No. 75655 (Aug. 10, 2015), 80 FR 48941 (Aug. 14, 2015). The comment period closed on September 4, 2015.

<sup>4</sup> See Letters from Eric Arnold and Clifford Kirsch, Sutherland Asbill & Brennan LLP (for the Committee of Annuity Insurers), dated September 4, 2015; Michael J. Hogan, President and Chief Executive Officer, FOLIO/Investments, Inc., dated September 4, 2015; Joseph C. Peiffer, President,

proposed rule change so that it has sufficient time to consider the proposed rule change, as amended by Partial Amendment No.1, comment letters, and FINRA's submission. Accordingly, the Commission, pursuant to Exchange Act section 19(b)(2), designates April 8, 2016, as the date by which the Commission shall approve or disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Brent J. Fields,**  
Secretary.

[FR Doc. 2016-03127 Filed 2-16-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

*Extension:* Rule 204A-1,

SEC File No. 270-536, OMB Control No. 3235-0596.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is "Rule 204A-1 (17 CFR 275.204A-1) under the Investment Advisers Act of 1940" (15 U.S.C. 80b-1 *et seq.*) Rule 204A-1 (the "Code of Ethics Rule") requires investment advisers registered with the Commission to (i) set forth standards of conduct expected of advisory personnel (including compliance with the federal securities laws); (ii) safeguard material nonpublic information about client transactions; and (iii) require the adviser's "access persons" to report their personal securities transactions, including transactions in any mutual fund managed by the adviser. The Code of Ethics Rule requires access persons to obtain the adviser's approval before investing in an initial public offering or private placement. The Code of Ethics Rule also requires prompt reporting, to

the adviser's chief compliance officer or another person designated in the code of ethics, of any violations of the code. Finally, the Code of Ethics Rule requires the adviser to provide each supervised person with a copy of the code and any amendments, and require the supervised persons to acknowledge, in writing, their receipt of these copies.

The purposes of the information collection requirements are to: (i) Ensure that advisers maintain codes of ethics applicable to their supervised persons; (ii) provide advisers with information about the personal securities transactions of their access persons for purposes of monitoring such transactions; (iii) provide advisory clients with information with which to evaluate advisers' codes of ethics; and (iv) assist the Commission's examination staff in assessing the adequacy of advisers' codes of ethics and assessing personal trading activity by advisers' supervised persons.

The respondents to this information collection are investment advisers registered with the Commission. The Commission has estimated that compliance with rule 204A-1 imposes a burden of approximately 118 hours per adviser annually for an estimated total annual burden of 1,418,703 hours.

An agency 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.

Written 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 will 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 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 in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 10, 2016.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2016-03111 Filed 2-16-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

*Extension:* Rule 15a-6, SEC File No. 270-0329, OMB Control No. 3235-0371.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 15a-6, (17 CFR 240.15a-6), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 15a-6 provides conditional exemptions from the requirement to register as a broker-dealer pursuant to Section 15 of the Exchange Act (15 U.S.C. 78o) for foreign broker-dealers that engage in certain specified activities involving U.S. persons. In particular, Rule 15a-6(a)(3) provides an exemption from broker-dealer registration for foreign broker-dealers that solicit and effect transactions with or for U.S. institutional investors or major U.S. institutional investors through a registered broker-dealer, provided that the U.S. broker-dealer, among other things, obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith.

These requirements are intended to ensure (a) that the registered broker-dealer will receive notice of the identity of, and has reviewed the background of, foreign personnel who will contact U.S. investors, (b) that the foreign broker-dealer and its personnel effectively may be served with process in the event enforcement action is necessary, and (c) that the Commission has ready access to information concerning these persons and their U.S. securities activities. Commission staff estimates that approximately 2,000 U.S. registered

<sup>12</sup> 17 CFR 200.30-3(a)(57).

broker-dealers will spend an average of two hours of clerical staff time and one hour of managerial staff time per year obtaining the information required by the rule, resulting in a total aggregate burden of 6,000 hours per year for complying with the rule. Assuming an hourly cost of \$63<sup>1</sup> for a compliance clerk and \$283<sup>2</sup> for a compliance manager, the resultant total internal labor cost of compliance for the respondents is \$818,000 per year (2,000 entities × ((2 hours/entity × \$63/hour) + (1 hour per entity × \$283/hour)) = \$818,000).

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 10, 2016.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2016-03112 Filed 2-16-16; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>1</sup> The hourly rate used for a compliance clerk was from SIFMA's *Office Salaries in the Securities Industry 2013*, modified by Commission staff to account for an 1,800 hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

<sup>2</sup> The hourly rate used for a compliance manager was from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1,800 hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 606 of Regulation NMS, SEC File No. 270-489, OMB Control No. 3235-0541.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 606 of Regulation NMS ("Rule 606") (17 CFR 242.606), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 606 (formerly known as Rule 11Ac1-6) requires broker-dealers to prepare and disseminate quarterly order routing reports. Much of the information needed to generate these reports already should be collected by broker-dealers in connection with their periodic evaluations of their order routing practices. Broker-dealers must conduct such evaluations to fulfill the duty of best execution that they owe their customers.

The collection of information obligations of Rule 606 apply to broker-dealers that route non-directed customer orders in covered securities. The Commission estimates that out of the currently 4,240 broker-dealers that are subject to the collection of information obligations of Rule 606, clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 606 on behalf of small to mid-sized introducing firms. There currently are approximately 185 clearing brokers. In addition, there are approximately 81 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 606.

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate a quarterly report required by Rule 606, or a burden of 160 hours

per year. With an estimated 266<sup>1</sup> broker-dealers significantly involved in order routing practices, the total industry-wide burden per year to comply with the quarterly reporting requirement in Rule 606 is estimated to be 42,560 hours (160 × 266).

Rule 606 also requires broker-dealers to respond to individual customer requests for information on orders handled by the broker-dealer for that customer. Clearing brokers generally bear the burden of responding to these requests. The Commission staff estimates that an average clearing broker incurs an annual burden of 400 hours (2000 responses × 0.2 hours/response) to prepare, disseminate, and retain responses to customers required by Rule 606. With an estimated 185 clearing brokers subject to Rule 606, the total industry-wide burden per year to comply with the customer response requirement in Rule 606 is estimated to be 74,000 hours (185 × 400).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Comments should be directed to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 10, 2016.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2016-03113 Filed 2-16-16; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>1</sup> 185 clearing brokers + 81 introducing brokers = 266.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77105; File No. SR-BATS-2015-102]

### Self-Regulatory Organizations: BATS Exchange Inc.; Notice of Filing of Partial Amendment No. 2 and Order Granting Accelerated Approval to a Proposed Rule Change, as Modified by Partial Amendment No. 2, To Adopt Rule 11.27 Regarding the Data Collection Requirements of the Tick Size Pilot

February 10, 2016.

#### I. Introduction

On November 13, 2015, BATS Exchange, Inc. (“BATS” or “Exchange”) filed with Securities and Exchange Commission (“SEC” or “Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt rules related to the data collection requirements set forth in the Regulation NMS Plan (“Plan”) to Implement a Tick Size Pilot Program (“Tick Size Pilot”).<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on December 1, 2015.<sup>4</sup> The Commission has received one comment letter in response to the Notice and a response letter from BATS.<sup>5</sup> On January 13, 2016, the Commission designated a longer period for Commission action on the proposal.<sup>6</sup> On February 4, 2016, BATS filed Partial Amendment No. 2 to the proposal.<sup>7</sup> This order approves the proposed rule change, as modified by Partial Amendment No. 2.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015) (order approving the Tick Size Pilot) (“Approval Order”).

<sup>4</sup> See Securities Exchange Act Release No. 76524 (November 25, 2015), 80 FR 75141 (“Notice”).

<sup>5</sup> See Letters from Mary Lou Von Kaenel, Managing Director, Financial Information Forum dated December 4, 2015, to Robert W. Errett, Deputy Secretary, Commission (“FIF Letter”), and Chris Solgan, Associate General Counsel, BATS Exchange, Inc. dated February 1, 2015 to Brent J. Fields, Secretary, Commission (“BATS Response Letter”).

<sup>6</sup> See Securities Exchange Act Release No. 76891, 81 FR 3218 (January 20, 2016).

<sup>7</sup> In Partial Amendment No. 2, BATS amends (1) proposed Rule 11.24(b)(4)(A) by deleting an erroneous cross-reference and replacing the phrase “pipe-delineated” with the phrase “required by their DEA” and (2) proposed Rule 11.27.03 by replacing the phrase “dually listed securities” with “securities that trade in a foreign market.” On February 1, 2016, BATS filed Partial Amendment No. 1 to the proposal and subsequently withdrew Partial Amendment No. 1.

#### II. Background

On August 25, 2014, NYSE Group, Inc., on behalf of BATS Exchange, Inc., NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the Nasdaq Stock Market LLC (“Nasdaq”), New York Stock Exchange LLC (“NYSE”), NYSE MKT LLC, and NYSE Arca, Inc. (collectively “Participants”), filed with the Commission, pursuant to Section 11A of the Act<sup>8</sup> and Rule 608 of Regulation NMS thereunder,<sup>9</sup> the Plan to Implement the Tick Size Pilot.<sup>10</sup> The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014.<sup>11</sup> The Plan was published for comment in the **Federal Register** on November 7, 2014,<sup>12</sup> and approved by the Commission, as modified, on May 6, 2015.<sup>13</sup> On November 6, 2015, the Commission issued an exemption to the Participants from implementing the Plan until October 3, 2016.<sup>14</sup>

The Tick Size Pilot is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of certain small-capitalization companies. Each Participant is required to comply, and to enforce compliance by its members, as applicable, with the provisions of the Plan.<sup>15</sup> In addition to developing quoting and trading requirements for the Tick Size Pilot, the Plan requires Participants to collect and submit to the Commission a variety of data, including market quality statistics and market maker participation statistics and profitability data.<sup>16</sup> BATS has filed the proposed rule change, as modified by Partial Amendment No. 2, to require its members to comply with the applicable data collection requirements of the Plan and to provide interpretive guidance

<sup>8</sup> 15 U.S.C. 78k-1.

<sup>9</sup> 17 CFR 242.608.

<sup>10</sup> See Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

<sup>11</sup> See Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014).

<sup>12</sup> See Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423.

<sup>13</sup> See Approval Order, *supra* note 3.

<sup>14</sup> See Securities Exchange Act Release No. 76382, 80 FR 70284 (November 13, 2015).

<sup>15</sup> Rule 608(c) of Regulation NMS, 17 CFR 242.608(c). See also Plan Sections II.B. and IV.

<sup>16</sup> The data collection requirements for the Plan are specified in Appendices B and C. See Approval Order, 80 FR at 27552-53, *supra* note 3.

and clarification of certain data collection provisions.<sup>17</sup>

#### III. Description of the Proposed Rule Change, as Modified by Partial Amendment No. 2

BATS proposes Rule 11.27(b) to establish the rules necessary for compliance with applicable data collection and transmission requirements of the Plan. In addition, proposed Rule 11.27(b) contains Interpretations and Policies designed to clarify certain aspects of the data collection requirements.

##### A. Rule Text for Proposed Rule 11.27(b)

The Exchange proposes Rule 11.27(b)<sup>18</sup> to facilitate compliance with the data collection and transmission requirements set forth by Appendices B and C of the Plan. Proposed Rule 11.27(b)(1) provides that a BATS member that operates a Trading Center<sup>19</sup> shall establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the data collection and transmission requirements of Items I and II to Appendix B of the Plan, and a BATS member that is a Market Maker shall establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the data collection and transmission requirements of Item IV of Appendix B of the Plan and Item I of Appendix C of the Plan.

Proposed Rule 11.27(b)(2) provides that the Exchange shall collect and transmit to the SEC the data described in Items I and II of Appendix B of the Plan relating to trading activity in Pre-

<sup>17</sup> FINRA, on behalf of the Plan Participants submitted a letter to Commission requesting exemption from certain provisions of the Plan related to data collection. See letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA dated December 9, 2015 to Robert W. Errett, Deputy Secretary, Commission (“Exemption Request”). The Commission, pursuant to its authority under Rule 608(e) of Regulation NMS, has granted BATS a limited exemption from the requirement to comply with certain provisions of the Plan as specified in the letter and noted herein. See letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Eric Swanson, General Counsel, BATS, dated February 10, 2016 (“SEC Exemption Letter”).

<sup>18</sup> BATS has proposed Rule 11.27(a) to establish rules related to the quoting and trading requirements of the Plan. See Securities Exchange Act Release No. 76552 (December 3, 2015), 80 FR 76591 (December 9, 2015). On January 21, 2016, the Commission extended the period for Commission action to March 8, 2016. See Securities Exchange Release Act No. 76945, 81 FR 4734 (January 27, 2016).

<sup>19</sup> Capitalized terms used in this Order are defined in the Plan, unless otherwise specified herein.

Pilot Data Collection Securities<sup>20</sup> and Pilot Securities on a Trading Center Operated by the Exchange. Proposed Rule 11.27(b)(2) also provides that the Exchange shall transmit such data to the SEC in a pipe-delimited format, on a disaggregated basis by Trading Center, within 30 calendar days following month end for: (i) Each Pre-Pilot Data Collection Security for the period beginning six months prior to the Pilot Period through the trading day immediately preceding the Pilot Period (“Pre-Pilot Period”); and (ii) each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period. Proposed Rule 11.27(b)(2) also provides that the Exchange shall make such data publicly available on the Exchange Web site on a monthly basis at no charge and will not identify the member that generated the data.<sup>21</sup>

The Exchange proposes Rule 11.27(b)(3) related to daily Market Maker participation statistics to facilitate compliance with Appendix B.IV of the Plan. Proposed Rule 11.27(b)(3)(A) provides that a BATS member that is a Market Maker shall collect and transmit to their Designated Examining Authority (“DEA”) data relating to Item IV of Appendix B of the Plan, with respect to activity conducted on any Trading Center in Pre-Pilot Data Collection Securities and Pilot Securities in furtherance of its status as a registered Market Maker, including a Trading Center that executes trades otherwise than on a national securities exchange, for transactions that have settled or reached settlement dates. Proposed Rule 11.27(b)(3)(A)(i) would also require that Market Makers transmit such data in a format required by their DEA by 12:00 p.m. EST on T+4: (i) For transactions in each Pre-Pilot Data Collection Security for the Pre-Pilot Period; and (ii) for transactions in each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

Proposed Rule 11.27(b)(3)(B) provides that the Exchange shall transmit the data collected by the DEA pursuant to Rule 11.27(b)(3)(A) relating to Market Maker activity on a Trading Center operated by the Exchange to the SEC in a pipe-delimited format within 30

calendar days following month end.<sup>22</sup> Proposed Rule 11.27(b)(3)(B) provides that the Exchange shall also make such data publicly available on the Exchange Web site on a monthly basis at no charge and shall not identify the Trading Center that generated the data.<sup>23</sup>

The Exchange proposes Rule 11.27(b)(4) related to Market Maker profitability to facilitate the data collection and transmission requirements of Appendix C.I of the Plan. Proposed Rule 11.27(b)(4)(A) requires a BATS member that is a Market Maker shall collect and transmit to their DEA the data described in Item I of Appendix C of the Plan with respect to executions of Pilot Securities on any Trading Center that have settled or reached the settlement date.<sup>24</sup> Proposed Rule 11.27(b)(4)(A) also requires BATS members that are Market Makers to provide such data in a format required by their DEA by 12:00 p.m. EST on T+4 for executions during and outside of Regular Trading Hours in each: (i) Pre-Pilot Data Collection Security for the Pre-Pilot Period; and (ii) Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

The Exchange proposes Rule 11.27(b)(5) related to the daily Market Maker registration statistics to facilitate compliance with Appendix B.III of the Plan. Proposed Rule 11.27(b)(5) provides that the Exchange shall collect and transmit to the SEC the data described in Item III of Appendix B of the Plan relating to daily Market Maker registration statistics in pipe-delimited format within 30 calendar days following month end: (i) For transactions in each Pre-Pilot Data Collection Security for Pre-Pilot Period; and (ii) for transactions in each Pilot Security for the period beginning on the first day of the Pilot Period through six months after the end of the Pilot Period.

#### *B. Interpretations and Policies Under Proposed Rule 11.27(b)*

The Exchange proposes Interpretations and Policies under proposed Rule 11.27(b) in order to clarify certain aspects related to the data collection and transmission requirements of the Plan.

Proposed Interpretations and Policy .01 provides that, unless otherwise specified, the terms used in proposed

Rule 11.27 shall have the same meaning as provided in the Plan.

Proposed Interpretations and Policy .02 relates to the identification of Retail Investor Orders for purposes of Appendix B.II(n) reporting. The Plan provides that market and Marketable Limit Order Retail Investor Orders shall be identified in a separate field with a “Y/N.” The Exchange proposes in Interpretations and Policy .02 to clarify that, for purposes of the reporting requirement in Appendix B.II(n), a Trading Center shall report “Y” to their DEA for those Retail Investor Orders that rely on the exceptions to Test Groups Two and Three, and “N” for all other instances.<sup>25</sup>

Proposed Interpretations and Policy .03 proposes to include a field, “Affected by Limit-Up Limit-Down bands” for purposes of Appendix B.I. Proposed Rule Interpretations and Policy 03 specifies that a Trading Center shall report “Y” to its DEA when the ability of an order to execute has been affected by the Limit-Up Limit-Down (“LULD”) band<sup>26</sup> in effect at the time of order receipt, and shall report a value of “N” to its DEA when the ability of an order to execute has not been affected by the LULD bands in effect at the time of order receipt. In addition, proposed Rule Interpretations and Policy 03 provides that the Participants shall classify all orders that may trade in a foreign market as: (1) Fully executed domestically; or (2) fully or partially executed on a foreign market.<sup>27</sup> For the purposes of Appendix B.II, proposed Rule Interpretation and Policy 03 sets forth that the Participants shall classify all orders in Pilot and Pre-Pilot Data Collection Securities that may trade in a foreign market as: (1) Directed to a domestic venue for execution; (2) may only be directed to a foreign venue for execution; or (3) was fully or partially directed to a foreign venue at the discretion of the member.<sup>28</sup>

In proposed Interpretation and Policy .04, BATS proposes to modify the reporting requirements under Appendix B.I.a(14), B.I.a(15), B.I.a(21) and B.I.a(22).<sup>29</sup> Specifically, BATS proposes

<sup>25</sup> BATS has requested an exemption from the Plan related to the provision. See Exemption Request, *supra* note 17.

<sup>26</sup> See National Market System Plan to Address Extraordinary Market Volatility, Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4-631) (“Limit-Up Limit-Down Plan”).

<sup>27</sup> See Partial Amendment No. 2, *supra* note 7.

<sup>28</sup> See Partial Amendment No. 2, *supra* note 7.

<sup>29</sup> Appendix B.I.a(14) requires reporting of the cumulative number of shares of orders executed from 0 to less than 100 microseconds after the time of order receipt; Appendix B.I.a(15) requires

<sup>20</sup> As discussed herein, BATS proposes to establish data collection requirements for securities designated as Pre-Pilot Data Collection Securities for the period that begins six months prior to the Pilot Period.

<sup>21</sup> BATS has requested an exemption from the Plan related to this provision. See Exemption Request, *supra* note 17.

<sup>22</sup> BATS has requested an exemption from the Plan related to this provision. See Exemption Request, *supra* note 17.

<sup>23</sup> BATS has requested an exemption from the Plan related to this provision. See Exemption Request, *supra* note 17.

<sup>24</sup> See Partial Amendment No. 2, *supra* note 7.

the following: Appendix B.I.a(14A): The cumulative number of shares of orders executed from 100 microseconds to less than 1 millisecond after the time of order receipt; Appendix B.I.a(15): The cumulative number of shares of orders executed from 1 millisecond to less than 100 milliseconds after the time of order receipt; Appendix B.I.a(21A): The cumulative number of shares of orders canceled from 100 microseconds to less than 1 millisecond after the time of order receipt; and Appendix B.I.a(22): The cumulative number of shares of orders canceled from 1 millisecond to less than 100 milliseconds after the time of order receipt.<sup>30</sup>

Proposed Interpretation and Policy .05 changes the time of calculating certain data to the time of order receipt, instead of the time of order execution, as currently set forth by Appendix B.I.a(31)–(33).<sup>31</sup>

Proposed Interpretation and Policy .06 specifically identifies certain order types for purposes of reporting under Appendix B of the Plan (with numbers for reporting). In particular, not held orders, assigned the number (18); clean cross orders, assigned the number (19); auction orders, assigned the number (20); and orders that cannot otherwise be classified, including orders received when the NBBO is crossed, assigned the number (21) shall be identified in the data reports.

Proposed Interpretation and Policy .07 sets forth that, for purposes of Appendix B of the Plan, the Exchange would not deem a member to be a Trading Center where that member only executes orders otherwise on a national securities exchange for the purpose of: (i) Correcting a bona fide error related to the execution of a customer order; (ii) purchasing a security from a customer at a nominal price solely for the purposes of liquidating the customer's position; or (iii) completing the fractional share portion of an order.<sup>32</sup>

reporting of the cumulative number of shares or orders executed from 100 microseconds to less than 100 milliseconds after the time of order receipt; Appendix B.I.a(21) requires reporting of the cumulative number of shares of orders cancelled from 0 to less than 100 microseconds after the time of order receipt; and Appendix B.I.a(22) requires reporting of the cumulative number of shares or orders cancelled from 100 microseconds to less than 100 milliseconds after the time of order receipt.

<sup>30</sup> BATS has requested an exemption from the Plan related to these provisions. See Exemption Request, *supra* note 17.

<sup>31</sup> BATS has requested an exemption from the Plan related to these provisions. See Exemption Request, *supra* note 17.

<sup>32</sup> The Exchange noted that where a member purchases a fractional share from a customer, the Trading Center that executes the remaining whole shares of that customer order would be subject to

Proposed Interpretation and Policy .08 sets forth that April 4, 2016 is the date a Trading Center must begin the data collection pursuant to the Plan; and that the Exchange or a Trading Center's DEA must provide information to the SEC within 30 days following month end and make certain data publicly available pursuant to Appendix B and C of the Plan shall commence at the beginning of the Pilot Period.<sup>33</sup>

Proposed Interpretation and Policy .09 specifies that for purposes of Appendix C.I., Participants shall calculate daily Market Maker realized profitability statistics for each trading day on a daily last in first out (LIFO) basis using reported trade price and shall include only trades executed on the subject trading day.<sup>34</sup> Further, the daily LIFO calculation shall not include any positions carried over from previous trading days. In addition, proposed Interpretation and Policy .09 provides that for purposes of Item I.c of Appendix C, the Participants shall calculate daily Market Maker unrealized profitability statistics for each trading day on an average price basis. Specifically, Participants will calculate the volume-weighted average price of the excess (deficit) of buy volume over sell volume for the current trading day using reported trade price. The gain (loss) of the excess (deficit) of buy volume over sell volume will be determined by using the volume weighted average price compared to the closing price of the security as reported by the primary listing exchange. Proposed Interpretation and Policy .09 also provides that in calculating unrealized trading profits, the Participant shall also report the number of excess (deficit) shares held by the Market Maker, the volume weighted average price of that excess (deficit) and the closing price of the security as reported by the primary listing exchange used in reporting unrealized profit.

Proposed Interpretation and Policy .10 defines "Pre-Pilot Data Collection Securities" as the securities designated by the Participants for purposes of the data collection requirements described in Items I, II, III and IV of Appendix B and Item I of Appendix C of the Plan for the Pre-Pilot Period. Proposed Interpretation and Policy .10 provides that the Participants shall compile the list of Pre-Pilot Data Collection

proposed Rule 11.27 and need to report pursuant to Appendix B of the Plan.

<sup>33</sup> BATS has requested an exemption from the Plan related to this provision. See Exemption Request, *supra* note 17.

<sup>34</sup> BATS has requested an exemption from the Plan related to this provision. See Exemption Request, *supra* note 17.

Securities by selecting all NMS stocks with (1) a market capitalization of \$5 billion or less, (2) a Consolidated Average Daily Volume (CADV) of 2 million shares or less and (3) a closing price of \$1 per share or more. The market capitalization and the closing price thresholds shall be applied to the last day of the Pre-Pilot measurement period, and the CADV threshold shall be applied to the duration of the Pre-Pilot measurement period. Further, the Pre-Pilot measurement period shall be the three calendar months ending on the day when the Pre-Pilot Data Collection Securities are selected. Finally, the Pre-Pilot Data Collection Securities shall be selected thirty days prior to the commencement of the six-month Pre-Pilot Period.

Proposed Interpretation and Policy .11 specifies that the effectiveness of proposed Rule 11.27 would coincide with the pilot period for the Plan, including any extensions.

#### IV. Discussion and Commission Findings

After careful review of the proposal and the comment letter, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>35</sup> Specifically, the Commission finds that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act,<sup>36</sup> which requires, among other things, that the Exchange's rules be 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 a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers. In addition, the Commission finds that the proposed rule change is consistent with the requirements of section 6(b)(8) of the Act,<sup>37</sup> which requires that the Exchange's rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission has previously stated that the Tick Size Pilot set forth in the Plan should provide a data-driven

<sup>35</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>36</sup> 15 U.S.C. 78f(b)(5).

<sup>37</sup> 15 U.S.C. 78f(b)(8).

approach to evaluate whether certain changes to the market structure for Pilot Securities would be consistent with the Commission's mission to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.<sup>38</sup> As discussed below, the Commission believes that BATS's proposal is consistent with the requirements of the Act, and would further the purpose of the Plan to provide measurable data.

BATS, as a Participant in the Plan, has an obligation to comply, and enforce compliance by its members, with the terms of the Plan. Rule 608(c) of Regulation NMS provides that "[e]ach self-regulatory organization shall comply with the terms of any effective national market system plan of which it is a sponsor or participant. Each self-regulatory organization also shall, absent reasonable justification or excuse, enforce compliance with any such plan by its members and persons associated with its members."<sup>39</sup> BATS proposed Rule 11.27(b) would impose compliance obligations on its members with the data collection requirements set forth in Appendices B and C to the Plan. The Commission also believes the proposal is consistent with the Act because it is designed to assist BATS in meeting its regulatory obligations pursuant to and Rule 608(c) of Regulation NMS<sup>40</sup> and the Plan.<sup>41</sup>

#### A. Proposed Rule 11.27(b)<sup>42</sup>

BATS proposes Rule 11.27(b)(1) that provides that a BATS member that operates as a Trading Center must establish, maintain and enforce written policies and procedures that are reasonably designed to meet the requirements under Appendix B.I and B.II of the Plan, and that a BATS member that is a Market Maker must establish, maintain and enforce written

policies and procedures that are that are reasonably designed to meet the requirements under Appendix B.IV and C.I of the Plan.<sup>43</sup> The Commission finds that these provisions are consistent with the Act because they implement provisions of the Plan.

BATS proposes Rule 11.27(b)(2), related to trading activity in Pre-Pilot Data Collection Securities and Pilot Securities on a Trading Center operated by the Exchange, to meet the data collection and transmission requirements of Appendix B.I and B.II of the Plan. In its comment letter, FIF expressed confidentiality concerns with respect to the possibility that data made publicly available by BATS could potentially be reverse engineered such that the counterparties of a trade could be identified. FIF stated that because some Pilot Securities are thinly traded by a limited number of market participants the identifying characteristics related to the data, even if unattributed, could be discerned.<sup>44</sup> FIF stated that great care to ensure confidentiality of detailed information must be taken and requested that the industry be enlisted in the defining the form and content of the data made publicly available on the Participants' Web sites.<sup>45</sup> BATS, in its response, noted that the Plan, as approved by the Commission, sets forth the requirements for the data that is to be made publicly available by the Participants and the format in which such data shall be made available.<sup>46</sup> BATS, however, also acknowledged member concerns about data confidentiality and stated its intent to work diligently to ensure that the data is made available consistent with the requirements of the Plan.

The Commission notes that the Plan provides for the public dissemination of Tick Size Pilot data but states that "[t]he data made publicly available shall not identify the trading center that generated the data."<sup>47</sup> The Commission also notes that Participants are scheduled to start collecting data on April 4, 2016, but the Participants have requested not to make the data publicly

available until August 30, 2016.<sup>48</sup> The Commission notes that this could give Participants the opportunity to evaluate the data to determine whether the FIF's concerns related to the disclosure of the identity of Trading Centers exist, and if so whether additional measures are necessary to prevent the disclosure of attributed Trading Center data. The Commission finds that proposed Rule 11.27(b)(2) is consistent with the Act because it implements provisions of the Plan.

BATS proposed Rule 11.27(b)(3) and (b)(4) related, respectively to (i) daily Market Maker participation statistics to meet the data collection and transmission requirements of Appendix B.IV of the Plan and (ii) Market Maker profitability to meet the data collection and transmission requirements for Appendix C.I and C.II of the Plan.<sup>49</sup> In its comment letter, FIF relayed the concerns related to Exchange access to the disaggregated Market Maker data and the form of its receipt from FINRA before publication under these provisions.<sup>50</sup> Further, FIF requested clear assurances that such data would not be used for commercial or competitive purposes.<sup>51</sup> BATS confirmed that it did not intend to use the data collected pursuant to the Plan for commercial or competitive purposes.<sup>52</sup>

The Commission finds that proposed Rules 11.27(b)(3) and (b)(4) are consistent with the Act because they will implement provisions of the Plan.

Rule 11.27(b)(5) provides that the Exchange will collect and transmit to the SEC daily Market Maker registration statistics under Appendix B.III of the Plan. The Commission finds that this proposal is consistent with the Act because it implements provisions of the Plan and enhances the utility of the Tick Size Pilot data.

<sup>38</sup> See Approval Order, 80 FR at 27515-16, *supra* note 3.

<sup>39</sup> 17 CFR 242.608(c).

<sup>40</sup> 17 CFR 242.608(c).

<sup>41</sup> Sections II.B and IV of the Plan each require Participants to comply with, and enforce compliance by its members, with the Plan. See Approval Order, 80 FR at 27548, *supra* note 3.

<sup>42</sup> In its comment letter, FIF expressed its assumption that this proposed rule change would be a template for other Participants that will also have to establish rules for member compliance with the data collection and reporting provisions of the Plan. The FIF emphasized that it was important that the rules of the Participants work together to avoid conflict and noted that the FINRA Data Collection Proposal appeared to be in alignment with the instant proposal. FIF noted that its comment letter sought to raise points specific to this filing, and reinforce other relevant points relevant to this proposal that were previously raised in its comment letter related to File No. SR-FINRA-2015-048 ("FINRA Data Collection Proposal"). See FIF Letter at 1, *supra* note 5.

<sup>43</sup> In its comment letter, FIF requested verification that there would be no additional requirements for data submission to BATS beyond that which will be reported through FINRA (or another DEA) to cover Appendices B and C. See FIF Letter at 2, *supra* note 5. BATS noted that its members would not be required to provide additional information to BATS other than that required to be reported to its DEA related to Appendices B and C. See BATS Response Letter at 5, *supra* note 5.

<sup>44</sup> FIF Letter at 3, *supra* note 5.

<sup>45</sup> FIF Letter at 3, *supra* note 5.

<sup>46</sup> BATS Response Letter at 7, *supra* note 5.

<sup>47</sup> This requirement is contained in Section VII.A of the Plan. See Approval Order, 80 FR at 27551, *supra* note 3.

<sup>48</sup> See Exemption Request, *supra* note 17. The Commission notes that it has granted BATS a limited exemption from Rule 608(c) of Regulation NMS related to this provision. See SEC Exemption Letter, *supra* note 17.

<sup>49</sup> In its comment letter, FIF requested confirmation that a firm that becomes a Trading Center or Market Maker during the Pre-Pilot Period or Pilot Period would not have to retroactively provide data. See FIF Letter at 6, *supra* note 5. BATS, in response, clarified that there would be no retroactive reporting requirement for Trading Centers that become Market Makers during the Pre-Pilot or Pilot Period, and that Market Makers would only need to report data on those days for which they trade as a Registered Market Maker. See BATS Response Letter at 6, *supra* note 5.

<sup>50</sup> FIF Letter at 3, *supra* note 5.

<sup>51</sup> FIF Letter at 3, *supra* note 5.

<sup>52</sup> See BATS Response Letter at 7, *supra* note 5.

*B. Interpretations and Policies Under Proposed Rule 11.27(b)*

The Exchange also proposes Interpretations and Policies under proposed Rule 11.27(b) to clarify certain aspects of the data collection requirements in the Plan. The Commission believes that the proposed Interpretations and Policies are consistent with the requirements of the Act, and should further the purpose of the Plan to provide robust, meaningful data that will allow the Commission and the public to evaluate the potential impact of the Tick Size Pilot of the trading and liquidity of Pilot Securities. Further, the proposed Interpretation and Policies should clarify certain aspects of the data collection requirement in the Plan, which in turn could serve to enhance the quality and utility of the Tick Size Pilot data to be collected and analyzed.

Proposed Interpretation and Policy .01 clarifies that terms used in the rule shall have the same meaning as provided in the Plan, unless otherwise specified. The Commission believes that this proposed Rule is consistent with the Act as it clarifies the language of the BATS rule.

Proposed Interpretation and Policy .02 clarifies reporting obligations with respect to the Retail Investor Orders under Appendix B.II.(m).<sup>53</sup> As proposed, Trading Centers will only be required to identify those Retail Investor Orders that rely on the exceptions provided in Test Groups Two and Three rather than all orders that may satisfy the Retail Investor Order definition. The Commission finds that this provision is consistent with the Act because it clarifies existing Plan language in a way that maintains the usefulness of the data while also reducing implementation costs.<sup>54</sup>

Proposed Interpretation and Policy .03 proposes to add a reporting field to signify whether the ability of an order to be executed has been affected by LULD bands.<sup>55</sup> In addition, BATS proposes that Participants will classify

<sup>53</sup> The Commission notes that FIF reiterated its comment to the FINRA Data Collection Proposal related to the Retail Investor Order flag. See FIF Letter at 4, *supra* note 5. The Commission believes comments related to OATS are specific to the FINRA Data Collection Proposal.

<sup>54</sup> The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. See SEC Exemption Letter, *supra* note 17.

<sup>55</sup> FIF requested confirmation as to whether FINRA would determine whether the Limit-Up Limit-Down flag is applicable. See FIF Letter at 4, *supra* note 5. BATS stated that it does not propose to require additional reporting by its members that operate a Trading Center beyond what has already been set forth in OATS Reporting Technical Specifications published by FINRA.

all orders Pilot and Pre-Pilot Data Collection Securities that may trade in a foreign market for purposes of Appendix B.II.<sup>56</sup> The Commission finds that these additional discrete data reporting elements are consistent with the Act. In particular, these provisions should enhance certain Tick Size Pilot data elements and provide guidance to reporting Trading Centers.

Proposed Interpretation and Policy .04 provides that certain data elements should be reported based upon modified time ranges. The proposed rules would add finer increments to the Plan reporting requirements and isolate microsecond and millisecond reporting requirements into separate data elements.<sup>57</sup> According to the Participants, not all Participants or non-Participant Trading Centers currently capture or report all orders and trades in either microseconds or milliseconds.<sup>58</sup>

The Commission notes that the proposal merely shifts the time reporting elements into separate reporting lines to accommodate different reporting capabilities.<sup>59</sup> The data reported under BATS' rule are consistent with the intent of the Plan. Accordingly, the Commission finds that the proposal is consistent with the Act.

Proposed Interpretation and Policy .05 sets forth that certain data should be calculated at the time of order receipt instead of the time of order execution as currently set forth by Appendix B.I.a(31)–(33). In the Exemption Request, the Participants suggested that the time of order receipt is more consistent with the goal of observing the effect to the Tick Size Pilot on liquidity.<sup>60</sup> The Commission finds that the proposal is consistent with the Act because it should make the data more useful for measuring the impact of the

<sup>56</sup> FIF sought confirmation that proposed Interpretation and Policy .03 only applied to Participants, and Trading Centers were not be responsible for providing such information to the Exchange. See FIF Letter at 4, *supra* note 5. In response, BATS confirmed that was the case. However, BATS noted that Trading Centers would be required to include information regarding orders routed to foreign venues to OATS. See BATS Response Letter at 8, *supra* note 5.

<sup>57</sup> In its comment letter, FIF raised concerns about OATS reporting capabilities. See FIF Letter at 5, *supra* note 5. In response, BATS stated that it understood that a member would not be required to report in an increment of time that is not accepted or permitted by FINRA systems. See BATS Response Letter at 8–9, *supra* note 5. The Commission believes comments related to OATS are specific to the FINRA Data Collection Filing.

<sup>58</sup> See Exemption Request *supra* note 17.

<sup>59</sup> The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. See SEC Exemption Letter, *supra* note 17.

<sup>60</sup> See Exemption Request, *supra* note 17.

Tick Size Pilot.<sup>61</sup> In addition, the Commission notes that the time of order receipt is used in other rules for which data is calculated, which should lessen the implementation burden for gathering these data elements.<sup>62</sup>

Proposed Interpretation and Policy .06 clarifies certain reporting obligations under Appendix B by requiring that certain additional order types (*i.e.*, not held orders, auction orders, and clean cross orders) be reported separately in discrete data lines. The Commission believes that this proposed rule is consistent with the Act as it clarifies existing Plan language. The Commission notes that these orders are currently included under Appendix B to the Plan. The Commission believes this provision merely clarifies for reporting purposes how these orders would be identified, which should facilitate reporting and provide for better analysis.<sup>63</sup>

Proposed Interpretation and Policy .07 sets forth circumstances where the Exchange would not deem a member to be a Trading Center for purposes of Appendix B of the Plan. Specifically, this provision sets forth that members that execute orders over-the-counter for the purpose of correcting bona fide errors of customer orders, purchase securities from customers at a nominal price solely for the purposes of liquidating customers' positions or completing a fractional share portion of an order, would not be considered a Trading Center for purposes of Appendix B of the Plan. The Commission finds that this proposal is consistent with the Act as it further clarifies what is required under the Plan. As noted in the Approval Order, the data requirements are reasonably designed to provide measurable data that should facilitate the ability of the Commission, the public, and market participants to review and analyze the effect of tick size on the trading, liquidity, and market quality of Pilot Securities.<sup>64</sup> The Commission believes that excluding the discrete trading activity identified above is appropriate

<sup>61</sup> The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. See SEC Exemption Letter, *supra* note 17.

<sup>62</sup> See *e.g.* 17 CFR 242.605.

<sup>63</sup> In its comment letter, FIF inquired about the introduction of additional new order types that might result in additional data collection and reporting requirements under the Plan. See FIF Letter at 5, *supra* note 5. In response, BATS stated that it did not intend to propose any new order types for purposes of the Plan, but that it did anticipate submitting a proposed rule change to amend the operation of certain order types within each Test Group. See BATS Response Letter at 10, *supra* note 5.

<sup>64</sup> See Approval Order, *supra* note 3.



and will not harm the usefulness of the data.

Proposed Interpretation and Policy .08 sets April 4, 2016 as the date a Trading Center must begin the data collection pursuant to the Plan and sets forth that the Exchange or a Trading Center's DEA must provide information to the SEC within 30 days following month end and make certain data publicly available. In its comment letter, the FIF pointed out a discrepancy as the Notice has language stating that Appendix B and Appendix C data would be published and reported to the SEC by the Exchange or the member's DEA commencing six months prior to the beginning of the Pilot Period but the text of proposed Interpretation and Policy .08 states that such data would be published and reported to the SEC commencing at the beginning of the Pilot Period.<sup>65</sup> In response, BATS explained that the Participants had submitted the Exemption Request which included a request to delay the initial reporting of data to the Commission to August 30, 2016.<sup>66</sup> BATS also explained that if the Commission did not grant the request, the Exchange would publish and report the data collected pursuant to Appendix B and C consistent with provisions of the Plan (*i.e.*, six months prior to the beginning of the Pilot Period).<sup>67</sup> As noted above, pursuant to Rule 608(e) of Regulation NMS,<sup>68</sup> the Commission has granted BATS a limited exemption from the Plan requirements related to proposed Interpretation and Policy .08.<sup>69</sup> Accordingly, the Commission believes that this provision is consistent with the Act and reinforces and clarifies important dates and obligations under the Plan.

Proposed Interpretation and Policy .09 specifies the method by which Participants may calculate daily Market Maker realized profitability statistics. Specifically, the provision would allow an alternative methodology that yields a LIFO-like result as opposed to a LIFO-like methodology required under Appendix C.I.(b) under the Plan. The Commission believes that proposed Interpretation and Policy .09 is consistent with the Act because the proposed calculation result will provide measurable data that is consistent with what was originally sought to be captured under the Plan. Therefore, the proposal will continue to allow analysis

of the impact of the Tick Size Pilot on Market Maker Profitability.<sup>70</sup>

Proposed Interpretation and Policy .10 defines the term "Pre-Pilot Data Collection Securities" for purposes of the data collection requirements under the Plan that are required to begin six months before the Pilot Period. Specifically, BATS proposes to expand the number of securities for which data will be collected during the Pre-Pilot Period to help to ensure there is a complete data set for Pilot Securities when the Pilot Period begins on October 3, 2016. In its comment letter, FIF requested information related to how listing exchanges would disclose Pre-Pilot Data Collection Securities and Pilot Securities.<sup>71</sup> In response, BATS stated that it understood that the primary listing markets, the NYSE and Nasdaq, would publish the lists of Pre-Pilot Data Collection Securities and Pilot Securities listed on their respective exchanges on their Web site. BATS also stated that it understood that FINRA would consolidate and publish all Pre-Pilot Data Collection Securities and Pilot Securities on its Web site.<sup>72</sup> BATS noted that it does not currently list any securities that are eligible to participate in the Plan, but would promptly publish any such security that became eligible to be a Pre-Pilot Data Collection Securities or Pilot Security on its Web site.

The Commission finds that the proposal to identify Pre-Pilot Data Collection Securities for which Tick Size Pilot data will be collected during the Pre-Pilot Period is consistent with the Act. The Commission understands that it could be costly for Trading Centers to backfill the data requirements to collect the Pre-Pilot Period data if Trading Centers were forced to wait until the list of Pilot Securities is determined as specified under the Plan. Therefore, BATS proposal to establish a slightly broader universe of securities that likely will be subject to the Tick Size Pilot is reasonable for purposes of collecting data during the Pre-Pilot Period. The Commission believes the proposal should help to ensure that there is a complete data set for Pilot Securities when the Pilot Period commences and should help to reduce the cost and complexity of implementing the data collection requirements.

Proposed Interpretation and Policy .11 specifies that the rule's effectiveness shall be contemporaneous with the pilot

period. Accordingly, the rule will become effective once the Pre-Pilot Period begins.<sup>73</sup> The Commission believes that this proposed rule is consistent with the Act and reinforces and clarifies important dates and obligations under the Plan.

The Commission finds that BATS proposed rules to implement the Tick Size Pilot data collection requirements, including the Interpretations and Policies, are consistent with the Act. The proposal clarifies and implements the data collection requirements set forth in the Plan.

## V. Solicitation of Comments of Partial Amendment No. 2

Interested persons are invited to submit written data, views, and arguments concerning Partial Amendment No. 2, including whether the proposed rule change, as modified by Partial Amendment No. 2, 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](mailto:rule-comments@sec.gov). Please include File Number SR-BATS-2015-102 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-BATS-2015-102. 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

<sup>65</sup> See FIF Letter at 5-6, *supra* note 5.

<sup>66</sup> See BATS Letter at 5, *supra* note 5, *see also* Exemption Request, *supra* note 17.

<sup>67</sup> See BATS Letter at 5, *supra* note 5.

<sup>68</sup> 17 CFR 242.608(e).

<sup>69</sup> See SEC Exemption Letter, *supra* note 17.

<sup>70</sup> The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. See SEC Exemption Letter, *supra* note 17.

<sup>71</sup> See FIF Letter at 2-3, *supra* note 5.

<sup>72</sup> See BATS Response Letter at 4, *supra* note 5.

<sup>73</sup> See also BATS Rule 11.29.08.

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-BATS-2015-102 and should be submitted on or before March 9, 2016.

#### VI. Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 2

The Commission finds good cause, pursuant to section 19(b)(2) of the Act, to approve the proposed rule change, as modified by Partial Amendment No. 2, prior to the 30th day after the date of publication of Partial Amendment No. 2 in the **Federal Register**. Partial Amendment No. 2 amends (1) proposed Rule 11.24(b)(4)(A) by deleting an erroneous cross-reference and replacing the phrase “pipe-delineated” with the phrase “required by their DEA” and (2) proposed Rule 11.27.03 by replacing the phrase “dually listed securities” to “securities that trade in a foreign market”.

The change to proposed Rule 11.24(b)(4)(A) is of a clarifying, technical nature. The change to proposed Interpretation and Policy .03 clarifies that foreign routing information will only be required for securities that trade in a foreign market. The Commission believes that these changes provide greater clarity on the application of the proposal. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Partial Amendment No. 2, on an accelerated basis, pursuant to section 19(b)(2) of the Act.

#### IV. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act<sup>74</sup> that the proposed rule change, as modified by Partial Amendment No. 2 (SR-BATS-2015-102) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>75</sup>

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2016-03128 Filed 2-16-16; 8:45 am]

BILLING CODE 8011-01-P

<sup>74</sup> 15 U.S.C. 78s(b)(2).

<sup>75</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

#### Extension:

Rule 607, SEC File No. 270-561, OMB Control No. 3235-0634, Request for a New OMB Control No.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the “Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation E (17 CFR 230.601 to 230.610a) exempts from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (“Securities Act”) securities issued by a small business investment company (“SBIC”) which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (“Investment Company Act”) or a closed-end investment company that has elected to be regulated as a business development company (“BDC”) under the Investment Company Act, so long as the aggregate offering price of all securities of the issuer that may be sold within a 12-month period does not exceed \$5,000,000 and certain other conditions are met. Rule 607 under Regulation E (17 CFR 230.607) entitled, “Sales material to be filed,” requires sales material used in connection with securities offerings under Regulation E to be filed with the Commission at least five days (excluding weekends and holidays) prior to its use.<sup>1</sup> Commission staff reviews sales material filed under rule 607 for materially misleading statements and omissions. The requirements of rule 607 are designed to protect investors from the use of false or misleading sales material in connection with Regulation E offerings.

Respondents to this collection of information include SBICs and BDCs making an offering of securities under Regulation E. Each respondent’s

<sup>1</sup> Sales material includes advertisements, articles or other communications to be published in newspapers, magazines, or other periodicals; radio and television scripts; and letters, circulars or other written communications proposed to be sent given or otherwise communicated to more than ten persons.

reporting burden under rule 607 relates to the burden associated with filing its sales material electronically. The burden of filing electronically, however, is negligible and there have been no filings made under this rule, so this collection of information does not impose any burden on the industry. However, we are requesting one annual response and an annual burden of one hour for administrative purposes. The estimate of average burden hours is made solely for purposes of the Paperwork Reduction Act and is not derived from a quantitative, comprehensive, or even representative survey or study of the burdens associated with Commission rules and forms.

The requirements of this collection of information are mandatory. Responses will not be kept confidential. 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 control number.

Written 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 will 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 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 in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: February 10, 2016.

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2016-03114 Filed 2-16-16; 8:45 am]

BILLING CODE 8011-01-P

## SMALL BUSINESS ADMINISTRATION

### National Small Business Development Center Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

**ACTION:** Notice of open Federal Advisory Committee meetings.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time and agenda for the April 19, 2016 meeting of the National Small Business Development Center (SBDC) Advisory Board.

**DATES:** The meetings for April 2016 will be held on the following date: Tuesday, April 19, 2016 at 1:00 p.m. EST.

**ADDRESSES:** These meetings will be held via conference call.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of these meetings is to discuss following issues pertaining to the SBDC Advisory Board: SBA Update, Annual Meetings, Board Assignments, Member Roundtable.

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Alanna Falcone by fax or email. Her contact information is Alanna Falcone, Financial Program Analyst, 409 Third Street SW., Washington, DC 20416, Phone, 202-619-1612, Fax 202-481-0134, email, [Alanna.falcone@sba.gov](mailto:Alanna.falcone@sba.gov).

Additionally, if you need accommodations because of a disability or require additional information, please contact Alanna Falcone at the information above.

Miguel L'Heureux,  
White House Liaison.

[FR Doc. 2016-03177 Filed 2-16-16; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

### National Small Business Development Center Advisory Board

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice of open Federal Advisory Committee meetings.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time and agenda for the 3rd quarter meetings of the National Small Business Development Center (SBDC) Advisory Board.

**DATES:** The meetings for the 3rd quarter will be held on the following dates:

Tuesday, May 17, 2016 at 1:00 p.m. EST; Tuesday, June 21, 2016 at 1:00 p.m. EST.

**ADDRESSES:** These meetings will be held via conference call.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of these meetings is to discuss following issues pertaining to the SBDC Advisory Board: SBA Update, Annual Meetings Board, Assignments, Member Roundtable.

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Monika Nixon by fax or e-mail. Her contact information is Monika Nixon, Program Specialist, 409 Third Street SW., Washington, DC 20416, Phone, 202-205-7310, Fax 202-481-5624, email, [monika.nixon@sba.gov](mailto:monika.nixon@sba.gov).

Additionally, if you need accommodations because of a disability or require additional information, please contact Monika Nixon at the information above.

Miguel L'Heureux,  
White House Liaison.

[FR Doc. 2016-03175 Filed 2-16-16; 8:45 am]

BILLING CODE P

## DEPARTMENT OF STATE

[Public Notice: 9447]

### Culturally Significant Objects Imported for Exhibition Determinations: "Reigning Men: Fashion in Menswear, 1715-2015" Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition "Reigning Men: Fashion in Menswear, 1715-2015," imported from abroad for temporary exhibition within the United

States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about April 1, 2016, until on or about August 1, 2016, at the Saint Louis Art Museum, St. Louis, Missouri, from on or about May 5, 2017, until on or about September 17, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

Dated: January 10, 2016.

**Mark Taplin,**

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2016-03251 Filed 2-16-16; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice To Rescind Notice of Intent To Prepare Environmental Impact Statement, U.S. 219 Project, Garrett County, Maryland and Somerset County, Pennsylvania

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice to rescind Notice of Intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Federal Highway Administration is issuing this notice to advise the public that FHWA is rescinding its Notice of Intent to prepare an Environmental Impact Statement for the U.S. 219 project in Garrett County, Maryland and Somerset County, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** Joy Liang, Environmental Protection Specialist, Federal Highway Administration, Maryland Division, (410) 779-7148, or email: [joy.liang@dot.gov](mailto:joy.liang@dot.gov); Barbara Shaffer, Planning and Environmental Specialist, Federal Highway Administration, Pennsylvania

Division, (717) 221-3704, or email: [Barbara.shaffer@dot.gov](mailto:Barbara.shaffer@dot.gov); Barry Kiedrowski, MD SHA Project Manager (410) 545-8769, or email: [BKiedrowski@sha.state.md.us](mailto:BKiedrowski@sha.state.md.us); or Greg Illig, P.E., PennDOT Senior Project Manager, (814) 696-7179, or email: [gillig@pa.gov](mailto:gillig@pa.gov).

**SUPPLEMENTARY INFORMATION:** A Notice of Intent to prepare an Environmental Impact Statement for the U.S. 219 project was published in the **Federal Register** in 2003 (68 FR 59840, October 17, 2003). No alternative was selected at that time. A revised Notice of Intent was published in the **Federal Register** in 2014 (79 FR 42868, July 23, 2014). FHWA issued the revised Notice of Intent to advise the public of modifications to the environmental review process for the U.S. 219 project. These modifications included a change in the lead Federal agency from the FHWA Pennsylvania Division Office to the FHWA Maryland Division Office and intent of FHWA to utilize the environmental review provisions afforded under Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and under Section 1319 of the Moving Ahead for the Progress in the 21st Century Act (MAP-21).

The proposed transportation project was along Section 019 of U.S. 219 which extends from the southern terminus of the Meyersdale Bypass in Somerset County, Pennsylvania to I-68 in Garrett County, Maryland. The project was approximately 8 miles with about 2.5 miles in Maryland and 5.5 miles in Pennsylvania.

Due to Federal and State funding constraints, as well as the unlikelihood of adequate funding for all project phases in the foreseeable future, the Notice of Intent is hereby rescinded. A planning study is being undertaken to consider transportation needs in the region.

**Gregory Murrill,**

*Division Administrator, Federal Highway Administration, Baltimore, Maryland.*

[FR Doc. 2016-03247 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2016-0054]

**Electronic Logging Devices Compliance Testing Procedures: Public Listening Session**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Announcement of public listening session.

**SUMMARY:** FMCSA will hold an online public listening session concerning the electronic logging device (ELD) compliance test procedures. This meeting will be a forum for providers of ELDs to give feedback to the Agency on the non-binding procedures used to determine if an ELD meets the specifications of the ELD rulemaking published on December 16, 2015. This online meeting is open to the public for its entirety.

**DATES: Times and Dates:** The webinar session will be held on February 25, 2016, from 1:00 to 3:00 p.m., Eastern Daylight Time (E.T.). Register at <https://connectdot.connectsolutions.com/ELD-Discussion/event/registration.html>.

**ADDRESSES:** Members of the public may submit written comments on the topics to be considered during the meeting by February 23, 2016, to Federal Docket Management System (FDMC) Docket Number FMCSA-2016-0054 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12-140, Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Routhier, FMCSA MC-RRT Division, [ELDCTP@dot.gov](mailto:ELDCTP@dot.gov).

**Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Brian Routhier, FMCSA MC-RRT Division, [ELDCTP@dot.gov](mailto:ELDCTP@dot.gov), by February 25, 2016.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Motor Carrier Safety Administration (FMCSA) published a final rule, Electronic Logging Devices (ELDs) and Hours of Service Supporting Documents, on December 16, 2015 (80 FR 78292). This rulemaking stated that:

FMCSA will publish compliance test procedures to assist providers in determining whether their products meet the requirements. ELD providers are not required to use FMCSA's compliance test procedures. They may use any test procedures they deem appropriate, but FMCSA will use the compliance test procedures during any investigation and rely upon the results from that testing in making a determination of whether a system satisfies the requirements of [the] rule.

Soon after the publication of the final rule, on January 26, 2016, FMCSA made the compliance test procedures available on the Web site at [www.fmcsa.dot.gov/technology-providers](http://www.fmcsa.dot.gov/technology-providers). The Web site also stated that there would be a listening session in the future in order to get input from ELD providers.

**II. Meeting Participation**

This meeting is open to all members of the public. However, FMCSA particularly requests participation from the ELD provider community. An agenda for the meeting is available at [www.fmcsa.dot.gov/technology-providers](http://www.fmcsa.dot.gov/technology-providers). Comments and input from the ELD providers and the public on the compliance test procedures will be accepted throughout the meeting, subject to the discretion of the Agency. The meeting will be live-captioned and recorded and available after the webinar on the ELD Web page in docket FMCSA-2016-0054.

This meeting offers the provider community an opportunity to give input on these voluntary compliance test procedures and share best practices. The discussion will focus solely on the compliance test procedures. As the ELD rule is final, comments about the rule, including the technical specifications, are *not* appropriate during this meeting. The compliance test procedures are to be used only to confirm that the technical specifications in Appendix A to Subpart B of Part 395 have been met; they do not deal with the specifications themselves.

FMCSA plans to take this opportunity to ask those providers participating about their own internal testing procedures, as well as their thoughts on the procedures FMCSA has prepared. FMCSA may revise the compliance test procedures based on information received at this listening session.

### III. Docket Information

FMCSA plans to put a record of this meeting in the docket for this notice. The Agency requests that ELD providers and members of the public who cannot participate in this online listening session submit written comments to the docket as soon as practicable. FMCSA plans to docket any written materials it receives during the meeting.

Issued on: February 5, 2016.

**Kelly Regal,**

*Associate Administrator Office of Research and Information Technology.*

[FR Doc. 2016-03181 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0332]

#### Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Information Technology Services Survey Portal Customer Satisfaction Assessment (formerly COMPASS Portal Consumer Satisfaction Assessment)

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The collection involves an extension to a currently-approved ICR, and includes the assessment of FMCSA's strategic decision to integrate its Information Technology (IT) with its business processes using portal technology to consolidate its systems and databases through the FMCSA Information Technology Services Survey modernization initiative. The information to be collected will be used to assess the satisfaction of Federal, State, and industry customers with the FMCSA Information Technology Services Survey Portal. The name of the "COMPASS Portal Customer Satisfaction Assessment," ICR was previously changed to "Information Technology Services Survey Portal Customer Satisfaction Assessment," to reflect the need for a broader term than "COMPASS" for the portal. On October 27, 2015, FMCSA published a **Federal**

**Register** notice (80 FR 65847) allowing for a 60-day comment period on this ICR. The agency received no comments in response to that notice.

**DATES:** Please send your comments to this notice by March 18, 2016. OMB must receive your comments by this date to act quickly on the ICR.

**ADDRESSES:** All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA-2015-0332. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ms. Katherine Cooper, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-366-3843 email: [katherine.cooper@dot.gov](mailto:katherine.cooper@dot.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Information Technology Services Survey Portal Customer Satisfaction Assessment.

*OMB Control Number:* 2126-0042.

*Type of Request:* Extension of the currently-approved information collection request.

*Respondents:* Federal, State, and industry customers/users.

*Estimated Number of Respondents:* 3,392.

*Estimated Time per Response:* Five (5) minutes.

*Expiration Date:* 05/31/2016.

*Frequency of Response:* 4 times per year.

*Estimated Total Annual Burden:* 283 hours [91 hours (273 industry user respondents × 5 minutes/60 minutes to complete survey × 4 times per year) + 192 hours (575 Federal and State government respondents × 5 minutes/60 minutes to complete survey × 4 times per year) = 283].

#### Background

Title II, section 207 of the E-Government Act of 2002 requires Government agencies to improve the methods by which government information, including information on

the Internet, is organized, preserved, and made accessible to the public. To meet this goal, FMCSA plans to provide a survey on the FMCSA Portal, allowing users to assess its functionality. This functionality includes the capability for Federal, State, and industry users to access the Agency's existing safety IT systems with a single set of credentials and have easy access to safety data about the companies that do business with FMCSA. The Information Technology program will also focus on improving the accuracy of data to help ensure information, such as carrier name and address, is valid and reliable.

FMCSA's legacy information systems are currently operational. However, having many stand-alone systems has led to data quality concerns, a need for excessive IDs and passwords, and significant operational and maintenance costs. Integrating our information technologies with our business processes will, in turn, improve our operations considerably, particularly in terms of data quality, ease of use, and a reduction of maintenance costs.

In early 2007, FMCSA's Information Technology program launched a series of releases of a new FMCSA Portal to its Federal, State and industry customers. Over the coming years, more than 15 releases are planned. These releases will use portal technology to fuse and provide numerous services and functions via a single user interface and provide tailored services that seek to meet the needs of specific constituencies within our customer universe.

The FMCSA Information Technology Services Survey Portal will entail considerable expenditure of Federal Government dollars over the years and will fundamentally impact the nature of the relationship between the Agency and its Federal, State, and industry customers. Consequently, the Agency intends to conduct regular and ongoing assessments of customer satisfaction with the Information Technology Services Survey.

The primary purposes of this assessment are to:

- Determine the extent to which the FMCSA Portal functionality continues to meet the needs of Agency customers;
- Identify and prioritize additional modifications; and
- Determine the extent that the FMCSA Portal has impacted FMCSA's relationships with its main customer groups.

The assessment will address:

- Overall customer satisfaction;
- Customer satisfaction against specific items;

- Performance of systems integrator against agreed-upon objectives;
- Desired adjustments and modifications to systems;
- Demonstrated value of investment to FMCSA and DOT;
- Items about the FMCSA Portal that customers like best; and
- Customer ideas for making the FMCSA Portal better.

*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 agency to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87 on: February 5, 2016.

**G. Kelly Regal,**

*Associate Administrator for Office of Research and Information Technology.*

[FR Doc. 2016-03180 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2015-0508]

#### Agency Information Collection Activities; Extension of a Currently Approved Collection: Driver Qualification Files

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval, and invites public comment. The Agency's regulations pertaining to the qualification of operators of commercial motor vehicles (CMVs) are unchanged and impose no increased information-collection (IC) burden on individual drivers and motor carriers. However, the Agency increases its estimate of the total IC burden of these regulations because both the number of CMV drivers and the frequency of their hiring have increased since the Agency's 2012 estimate of this burden.

**DATES:** We must receive your comments on or before April 18, 2016.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2015-0508 using any of the following methods:

- *Federal eRulemaking Portal:* <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, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

• *Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

• *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

• *Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

• *Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, FMCSA Driver and

Carrier Operations Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC, 20590. Telephone: 202-366-4325. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Motor Carrier Safety Act of 1984 [Pub.L. 98-554, Title II, 98 Stat. 2834 (October 30, 1984)] requires the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle (CMV) safety. These regulations are also issued under the authority provided by 49 U.S.C. 504, 31133, 31136, and 31502. Part 391 of volume 49 of the Code of Federal Regulations contains the minimum qualifications of drivers of CMVs in interstate commerce.

Motor carriers may not require or permit an unqualified driver to operate a CMV. The foremost proof of driver qualification is the information that part 391 requires be collected and maintained in the driver qualification file (DQ file). Motor carriers must obtain this information from sources specified in the regulations (49 CFR 391.51). These include the driver, previous employers of the driver, and officials of the State of driver licensure.

Motor carriers are not required to forward driver qualification information to FMCSA, but must maintain the information in a DQ file. The DQ file of each driver must be made available to State and Federal safety investigators on demand.

The Agency is asking OMB to approve FMCSA's revised estimate of the paperwork burden imposed by its DQ file regulations. The regulations have not been amended; the information-collection (IC) burden imposed on individual drivers and motor carriers by the regulations is unchanged. However, the Agency has increased its estimate of the total IC burden of the DQ-file regulations because both the number of CMV drivers and the turnover rate in their hiring have increased since the Agency's 2012 estimate of this burden. The increase in the number of CMV drivers is partly the result of the Agency being directed by OMB to include intrastate as well as interstate drivers in the population of drivers incurring an IC burden under the DQ file regulations. The Agency had excluded intrastate drivers from its previous estimate, approved by OMB on July 8, 2013, on the ground that drivers who operate exclusively in intrastate commerce were maintaining DQ files pursuant to State, not Federal, law.

*Title:* Driver Qualification Files.

OMB Control Number: 2126-0004.

Type of Request: Extension of a currently approved ICR.

Respondents: Motor carriers and drivers of commercial motor vehicles.

Estimated Number of Respondents: 6.2 million (5.7 million drivers and .5 million motor carriers).

Estimated Time per Response: 28 minutes (average).

Expiration Date: July 31, 2016.

Frequency of Response: Responses to some regulatory requirements of the driver qualification rules occur on a random basis. Other responses occur more predictably. Some responses recur; others do not. For example, motor carriers are required to obtain and review the motor vehicle driving record of their drivers from the State of licensure. They must complete this task at the time of hiring and every year thereafter. The time-of-hiring requirement results in a random frequency of response, but, thereafter, the annual requirement results in a fixed frequency of response.

Estimated Total Annual Burden: 9.8 million hours.

#### Definitions

(1) "Federal Motor Carrier Safety Regulations" (FMCSRs) are parts 350-399 of Title 49 of the Code of Federal Regulations.

(2) "Commercial Motor Vehicle" (CMV) is "a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of at least 10,001 pounds, whichever is greater;

(B) is designed or used to transport more than 8 passengers (including the driver) for compensation;

(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103."

#### Public Comments Invited

FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions, (2) the accuracy of the estimated burden, (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize

or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on February 5, 2016.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2016-03183 Filed 2-16-16; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2016 0009]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TEMOANANUIAKIVA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 23, 2016.

ADDRESSES: Comments should refer to docket number MARAD-2016-0009. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-465, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel

TEMOANANUIAKIVA is:

INTENDED COMMERCIAL USE OF VESSEL: "Snorkel and sailing day use"  
GEOGRAPHIC REGION: "Hawaii"

The complete application is given in DOT docket MARAD-2016-0009 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.

Dated: February 4, 2016.

Gabriel Chavez,

Acting Secretary, Maritime Administration.

[FR Doc. 2016-03001 Filed 2-16-16; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2015-0127; Notice 1]

#### Graco Children's Products, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: Graco Children's Products, Inc. (Graco), has determined that certain Graco Milestone child restraints

manufactured between July 9, 2015 and October 6, 2015, do not fully comply with paragraph S5.5.2(g)(1)(ii) of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems*. Graco filed a report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Graco then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

**DATES:** The closing date for comments on the petition is March 18, 2016.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- Mail: Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- Hand Deliver: Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

- Electronically: Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to [http://www.regulations.gov](http://www.regulations.gov/), including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at [http://www.regulations.gov](http://www.regulations.gov/) by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the

**Federal Register** published on April 11, 2000, (65 FR 19477-78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated above will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

**SUPPLEMENTARY INFORMATION:**

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

This notice of receipt of Graco's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*II. Child Restraints Involved:* Affected are approximately 8,240 Graco Milestone child restraints manufactured between July 9, 2015 and October 2, 2015.

*III. Noncompliance:* Graco explains that the noncompliance is due to a labeling issue. The labels on the subject child restraints do not contain the phrase "Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt" as required by paragraph S5.5.2(g)(1)(ii) of FMVSS No. 213.

*IV. Rule Text:* Paragraph S5.5.2(g)(1)(ii) of FMVSS No. 213 requires in pertinent part:

S5.5.2 The information specified in paragraphs (a) through (m) of this section shall be stated in the English language and lettered in letters and numbers that are not smaller than 10 point type. Unless otherwise specified, the information shall be labeled on a white background with black text. Unless written in all capitals, the information shall be stated in sentence capitalization. . . .

(g) The statements specified in paragraphs (1) and (2):

(1) A heading as specified in S5.5.2(k)(3)(i), with the statement "WARNING! DEATH or SERIOUS INJURY can occur," capitalized as written and followed by bulleted statements in the following order: . . .

(ii) Secure this child restraint with the vehicle's child restraint anchorage system if available or with a vehicle belt. [For car beds, harnesses, and belt positioning boosters, the first part of the statement regarding attachment by the child restraint attachment by the child restraint anchorage system is optional]. . . .

*V. Summary of Graco's Analyses:* Graco stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) Graco stated that the noncompliant label provides visual pictograms showing the rear-facing child restraint being secured using the child restraint anchorage system and using a vehicle belt (both with a lap only seat belt and lap/shoulder seat belt). This pictogram is located on the same label just below where the omitted phrase is required to be, and provides the same substance as the language required by FMVSS No. 213.

(2) Graco also stated that in addition to the pictograms that describe how to secure the child restraint in the vehicle using the child restraint anchorage system and the vehicle belt, the printed instruction manual provided with the subject child restraints includes written step-by-step installation procedures. The manual also describes why and how to secure the child restraint in rear-facing and forward-facing modes using the child restraint anchorage system as well as the vehicle seat belt systems. The instruction manual additionally includes multiple prominently placed safety warning regarding the need to secure the child restraint with the child restraint anchorage system or the vehicle seat belt.

(3) Graco stated its belief that the consumers generally understanding that child restraints must be installed/secured a vehicle's seat to be effective. Graco also stated its belief that with respect to labels and instructions, consumers are often drawn first to illustrations and pictograms.

(4) Graco also stated its belief that the absence of the omitted phrase from the label does not affect the crashworthiness of the child restraint system.

Graco has additionally informed NHTSA that it has corrected the noncompliance so that future production of the subject child restraints will comply with all applicable labeling requirements of FMVSS No. 213.

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

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of



inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject child restraints that Graco no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant child restraints under their control after Graco notified them that the subject noncompliance existed.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

**Jeffrey M. Giuseppe,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2016-03202 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0004; Notice 1]

#### Aston Martin Lagonda Limited, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Aston Martin Lagonda Limited (AML), has determined that certain model year (MY) 2009–2015 Aston Martin DB9 two-door and four-door passenger cars do not fully comply with paragraph S4.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door locks and door retention components*. Aston Martin Lagonda of North America, Inc., filed a report dated December 16, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* for AML. AML then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

**DATES:** The closing date for comments on the petition is March 18, 2016.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this

notice and submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Deliver:** Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

- **Electronically:** Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to [http://www.regulations.gov](http://www.regulations.gov/), including any personal information provided.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All documents submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at [http://www.regulations.gov](http://www.regulations.gov/) by following the online instructions for accessing the dockets. The docket ID number for this petition is shown at the heading of this notice.

DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477-78).

**SUPPLEMENTARY INFORMATION:**

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

This notice of receipt of AML's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*II. Vehicles Involved:* Affected are approximately 5,516 MY 2009–2015 Aston Martin DB9 two-door and four-door passenger cars that were manufactured between September 1, 2009 and December 9, 2015.

*III. Noncompliance:* AML explains that the noncompliance occurs when the door locking system in the subject vehicles is double-locked causing the interior operating means for unlocking the door locking mechanism to become disengaged and therefore does not meet the requirements as specified in paragraph S4.3 of FMVSS No. 206.

*IV. Rule Text:* Paragraph S4.3 of FMVSS No. 206 requires in pertinent part:

S4.3 Door Locks. Each door shall be equipped with at least one locking device which, when engaged, shall prevent operation of the exterior door handle or other exterior latch release control and which has an operating means and a lock release/engagement device located within the interior of the vehicle.

S4.3.1 Rear side doors. Each rear side door shall be equipped with at least one locking device which has a lock release/engagement mechanism located within the interior of the vehicle and readily accessible to the driver of the vehicle or an occupant seated adjacent to the door, and which, when engaged, prevents operation of the interior door handle or other interior latch release control and requires separate actions to unlock the door and operate the interior door handle or other interior latch release control.

S4.3.2 Back doors. Each back door equipped with an interior door handle or other interior latch release control, shall be equipped with at least one locking device that meets the requirements of S4.3.1. . . .

*V. Summary of AML's Petition:* AML described the subject noncompliance and stated its belief that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

(a) AML stated that the subject vehicles can only be double-locked by using the key fob (which also serves as the ignition key) and that if the vehicle is double-locked from the inside, the driver and or passenger will be able to

disengage the double-lock by using the key fob. AML believes that as a result, the double-locking mechanism could not cause a situation in which a vehicle is double-locked from the inside by the driver and a crash disables the driver, leaving the passenger(s) locked inside.

(b) AML stated that the risks of children being locked in the vehicle by means of the double-locking mechanism, does not pose an unacceptable risk to motor vehicle safety. AML believes that compared to other motor vehicles, AML's vehicles are rarely used to transport children. With the exception of the Rapide and Rapide S models, all Aston Martin vehicles are two-door sports cars.

Moreover, AML states that the double-locking mechanism in the subject vehicles poses no greater risk to children than the child safety locks expressly found to be permitted by FMVSS No. 206.

(c) AML stated its belief that there is little risk that any adults will be locked in its vehicles.

(d) AML stated that in the event a driver were to inadvertently lock a passenger in one of the subject vehicles, the passenger would be able to sound the horn, which would remain functional, allowing the passenger to alert the driver and passers-by.

(e) AML also stated that many of the subject vehicles have motion sensors that would detect the presence of someone in the vehicle as soon as that person moved, and an alarm would sound, which is audible outside the vehicle. Thus, deterring inadvertent lock-ins of both adults and children and would alert passers-by of any passengers locked in the subject vehicles.

(f) AML stated its belief that if an adult were locked in a vehicle, he or she could alert passers-by and would probably be able to contact the driver via mobile communication devices that, in fact, are ubiquitous today and certainly are very likely to be in the possession of the average AML vehicle passenger.

AML also stated that they have not received any complaints regarding the subject noncompliance.

AML additionally informed NHTSA that they have corrected the noncompliance in vehicles manufactured from production date December 9, 2015 and will correct the noncompliance in any unsold noncompliant vehicles prior to sale.

In summation, AML believes that the described noncompliances are inconsequential to motor vehicle safety, and that its petition, to exempt AML from providing notification of the noncompliances as required by 49

U.S.C. 30118 and remedying the noncompliance as required by 49 U.S.C. 30120 should be granted.

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

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

**Jeffrey M. Giuseppe,**  
*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2016-03176 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Information Collection Renewal; Comment Request; Leveraged Lending

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, 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 continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. chapter 35).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, "Leveraged Lending."

**DATES:** Comments must be received by April 18, 2016.

**ADDRESSES:** Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557-0315, 400 7th Street SW., Suite 3E-218, Mail Stop 9W-11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465-4326 or by electronic mail to [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov). You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

*Title:* Leveraged Lending.

*OMB Control No.:* 1557–0315.

*Description:* On March 22, 2013, the agencies<sup>1</sup> issued guidance stating that they expected financial institutions<sup>2</sup> to properly evaluate and monitor underwritten credit risks in leveraged loans, to understand the effect of changes in borrowers' enterprise values on credit portfolio quality, and to assess the sensitivity of future credit losses to these changes in enterprise values.<sup>3</sup> In underwriting such credits, financial institutions should ensure that borrowers are able to repay credits when due and that borrowers have sustainable capital structures, including bank borrowings and other debt, to support their continued operations through economic cycles. Financial institutions also should be able to demonstrate they understand the risks and the potential impact of stressful events and circumstances on borrowers' financial condition.

The final guidance stated that financial institutions should have: (i) underwriting policies for leveraged lending, including stress-testing procedures for leveraged credits; (ii) risk management policies, including stress-testing procedures for pipeline exposures; and, (iii) policies and procedures for incorporating the results of leveraged credit and pipeline stress tests into the firm's overall stress-testing framework.

Respondents are financial institutions with leveraged lending activities as defined in the guidance.

*Title:* Guidance on Leveraged Lending.

*OMB Control No.:* 1557–0315.

*Frequency of Response:* Annual.

*Affected Public:* Financial institutions with leveraged lending.

*Burden Estimates:*

*Estimated number of respondents:* 29.

*Estimated total annual burden:* 39,162 hours to build; 49,462 hours for ongoing use.

*Total estimated annual burden:* 88,624 hours.

Comments submitted in response to this notice will be summarized and included in the submission to OMB. Comments are requested on:

(a) Whether the information collections are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, 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 collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 11, 2016.

**Mary Hoyle Gottlieb,**

*Regulatory Specialist, Office of the Comptroller of the Currency.*

[FR Doc. 2016–03201 Filed 2–16–16; 8:45 am]

**BILLING CODE 4810–33–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Sanctions Actions Pursuant to Executive Order 13224

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of 3 individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

**DATES:** OFAC's actions described in this notice were effective on February 11, 2016.

**FOR FURTHER INFORMATION CONTACT:** Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

**SUPPLEMENTARY INFORMATION:**

### Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site ([www.treas.gov/ofac](http://www.treas.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

### Notice of OFAC Actions

On February 11, 2016, OFAC blocked the property and interests in property of the following 3 individuals pursuant to E.O. 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism":

#### Individuals

1. JUAYTHINI, Husayn (a.k.a. ALJEITHNI, Hussein Mohammed Hussein; a.k.a. AL-JU'AITNI, Abu Mu'ath; a.k.a. AL-JU'AYTHINI, Husayn Muhammad Husayn; a.k.a. AL-JU'AYTHINI, Husayn Muhammad Husayn; a.k.a. JU'AYTHINI, Husayn Muhammad Husayn); DOB 03 May 1977; POB Al-Nusayirat refugee camp, Gaza; Passport 0363464 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

2. AL-BINALI, Turki Mubarak Abdullah Ahmad (a.k.a. AL BINALI, Turki Mubarak Abdullah; a.k.a. AL-BENALI, Turki; a.k.a. AL-BIN'ALI, Turki; a.k.a. AL-BIN'ALI, Turki Mubarak; a.k.a. "ABU DERGHAM"; a.k.a. "AL-ATHARI, Abu Human"; a.k.a. "AL-ATHARI, Abu Human Bakr ibn 'Abd al-'Aziz"; a.k.a. "AL-ATHARI, Abu-Bakr"; a.k.a. "AL-BAHRAYNI, Abu Hudhayfa"; a.k.a. "AL-MUDARI, Abu Khuzayma"; a.k.a. "AL-SALAFI, Abu Hazm"; a.k.a. "AL-SULAMI, Abu Sufyan"); DOB 03 Sep 1984; POB Al Muharra, Bahrain; nationality Bahrain; Passport 2231616 (Bahrain) issued 02 Jan 2013 expires 02 Jan 2023; alt. Passport 1272611 (Bahrain) issued 01 Apr 2003; Identification Number 840901356 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

3. AL-ZAHRANI, Faysal Ahmad 'Ali (a.k.a. AL ZAHRANI, Faysal Ahmad Bin Ali; a.k.a. ALZAHRANI, Faisal Ahmed Ali; a.k.a. "AL-JAZRAWI, Abu-Sara"; a.k.a. "AL-SAUDI, Abu Sarah"; a.k.a. "AL-ZAHRANI, Abu-Sarah"; a.k.a. "ZAHRANI, Abu Sara"); DOB 19 Jan 1986; alt. DOB 18 Jan 1986; nationality Saudi Arabia; Passport K142736 (Saudi Arabia) issued 14 Jul 2011; alt. Passport G579315 (Saudi Arabia) (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Dated: February 11, 2016.

**John E. Smith,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2016–03162 Filed 2–16–16; 8:45 am]

**BILLING CODE 4810–AL–P**

<sup>1</sup> OCC, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation.

<sup>2</sup> For the OCC, the term "financial institution" or "institution" includes national banks, Federal savings associations, and Federal branches and agencies supervised by the OCC.

<sup>3</sup> 78 FR 17766 (March 22, 2013).

**DEPARTMENT OF THE TREASURY****Submission for OMB Review;  
Comment Request**

February 11, 2016.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before March 18, 2016 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8117, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submissions may be obtained by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622-1295, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

**Departmental Offices**

*OMB Control Number:* 1505-0250.

*Type of Review:* Reinstatement without change of a previously approved collection.

*Title:* Application and Reports for the Direct Component and the Centers of Excellence Research Grants Program of the Gulf RESTORE Program.

*Abstract:* Authorized under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE) (P.L. 112-141), the Department of the Treasury is implementing several provisions of the Act, more specifically the Direct Component and the Centers of Excellence Research Grants Program. These programs require Treasury to make grants from the Gulf Coast Restoration Trust Fund to five States and certain counties and parishes impacted by the Deepwater Horizon Oil Spill. The information collection will be used to identify eligible recipients; determine the appropriate amount of funding; ensure compliance with applicable laws; track grantee progress, and report on the effectiveness of the program.

*Affected Public:* State, local, or tribal governments.

*Estimated Total Annual Burden Hours:* 6,864.

**Brenda Simms,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2016-03209 Filed 2-16-16; 8:45 am]

**BILLING CODE 4810-25-P**

**DEPARTMENT OF VETERANS  
AFFAIRS**

**[OMB Control No. 2900-0781]**

**Proposed Information Collection  
(Disability Benefits Questionnaire  
(Group 4)) Activity: Comment Request**

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

The VA Form 21-0960 series will be used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21-0960C-3, *Cranial Nerve Conditions Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any cranial nerve condition; VAF 21-0960C-6, *Narcolepsy Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of narcolepsy; VAF 21-0960C-7, *Fibromyalgia Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of fibromyalgia; VAF 21-0960C-11, *Seizure Disorders (Epilepsy) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any seizure disorder including epilepsy; VAF 21-0960D-1, *Oral and Dental Conditions Including Mouth, Lips and Tongue (Other than*

*Temporomandibular Joint Conditions) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any oral or dental conditions; VAF 21-0960E-2, *Endocrine Diseases (Other Than Thyroid, Parathyroid, or Diabetes Mellitus) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any endocrine disease including cushings and acromegaly however, excluding diabetes; VAF 21-0960E-3, *Thyroid & Parathyroid Conditions Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any thyroid or parathyroid condition; VAF 21-0960H-1, *Hernias (Including Abdominal, Inguinal, and Femoral Hernias) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of abdominal, inguinal, or femoral hernias; VAF 21-0960I-2, *HIV-Related Illness Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any HIV-related illness; VAF 21-0960I-3, *Infectious Diseases Other Than HIV-Related Illness, Chronic Fatigue Syndrome, and Tuberculosis Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any infectious diseases; VAF 21-0960I-4, *Systemic Lupus Erythematosus (SLE) and Other Autoimmune Diseases Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of lupus or other immune disorders; VAF 21-0960I-5, *Nutritional Deficiencies Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of nutritional deficiencies; VAF 21-0960J-4, *Urinary Tract (including Bladder & Urethra) Conditions (excluding Male Reproductive System) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any urinary tract or bladder condition; VAF 21-0960L-1, *Respiratory Conditions (Other than Tuberculosis & Sleep Apnea) Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of any respiratory condition; VAF 21-0960N-3, *Loss of Sense of Smell and/or Taste Disability Benefits Questionnaire*, will gather information related to the claimant's loss of sense of smell and taste; VAF 21-0960N-4, *Sinusitis/Rhinitis and Other Conditions of the Nose, Throat, Larynx, and Pharynx Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of sinusitis/rhinitis

or other diseases of the nose, throat, larynx, or pharynx; VAF 21–0960Q–1, *Chronic Fatigue Syndrome Disability Benefits Questionnaire*, will gather information related to the claimant's diagnosis of chronic fatigue syndrome.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 18, 2016.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900–0781" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Disability Benefits Questionnaires (Group 4).

*OMB Control Number:* 2900–0781.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* The VA Form 21–0960 series will be used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 53,750.

#### Estimated Average Burden per Respondent

- i. VAF 21–0960C–3—30 minutes
- ii. VAF 21–0960C–6—15 minutes
- iii. VAF 21–0960C–7—15 minutes
- iv. VAF 21–0960C–11—15 minutes
- v. VAF 21–0960D–1—15 minutes
- vi. VAF 21–0960E–2—15 minutes
- vii. VAF 21–0960E–3—15 minutes
- viii. VAF 21–0960H–1—15 minutes
- ix. VAF 21–0960I–2—15 minutes
- x. VAF 21–0960I–3—15 minutes
- xi. VAF 21–0960I–4—30 minutes
- xii. VAF 21–0960I–5—15 minutes
- xiii. VAF 21–0960J–4—15 minutes
- xiv. VAF 21–0960L–1—30 minutes
- xv. VAF 21–0960N–3—15 minutes
- xvi. VAF 21–0960N–4—30 minutes
- xvii. VAF 21–0960Q–1—15 minutes

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 160,000.

By direction of the Secretary.

**Kathleen M. Manwell,**

*Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.*

[FR Doc. 2016–03206 Filed 2–16–16; 8:45 am]

**BILLING CODE 8320–01–P**

#### DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0778]

#### Proposed Information Collection (Disability Benefits Questionnaire (Group 3)); Activity: Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

The VA Form 21–0960 series will be used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The DBQ title will include the name of the specific disability for which it will gather

information. VAF 21–0960C–5, Central Nervous System and Neuromusculo Diseases Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a central nervous system disease; VAF 21–0960C–8, Headaches (Including Migraine Headaches) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of headaches; VAF 21–0960C–9, Multiple Sclerosis (MS) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of multiple sclerosis; VAF 21–0960G–1, Esophageal Disorders (including GERD, Hiatal Hernia, and Other Esophageal Disorders) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any esophageal disorders; VAF 21–0960G–2, Gall Bladder and Pancreas Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any gall bladder and pancreas condition; VAF 21–0960G–3, Intestinal Conditions (Other than Surgical or Infectious) Including Irritable Bowel Syndrome, Crohn's Disease, Ulcerative Colitis, and Diverticulitis Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any intestinal conditions unrelated to surgery or infection; VAF 21–0960G–4, Infectious Intestinal Disorders (including Bacterial and Parasitic Infections) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any infectious intestinal condition; VAF 21–0960G–5, Hepatitis, Cirrhosis and other Liver Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any liver condition; VAF 21–0960G–6, Peritoneal Adhesions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of peritoneal adhesions; VAF 21–0960G–7, Stomach and Duodenum Conditions (Not Including GERD or Esophageal Disorders) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any stomach or duodenum conditions; VAF 21–0960G–8, Intestinal Surgery (Bowel Resection, Colostomy, Ileostomy) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any surgical intestinal condition; VAF 21–0960H–2, Rectum and Anus Conditions (Including Hemorrhoids) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any rectum or

anus condition, which includes hemorrhoids; VAF 21-0960K-1 Breast Conditions and Disorders Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a breast condition or disorder; VAF 21-0960K-2 Gynecological Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a gynecological condition; VAF 21-0960L-2, Sleep Apnea Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of sleep apnea; VAF 21-0960M-11, Osteomyelitis Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of osteomyelitis; VAF 21-0960N-1, Ear Conditions (Including Vestibular and Infectious) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an ear disease.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before April 18, 2016.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900-0778" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 632-8924 or FAX (202) 632-8925.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or

the use of other forms of information technology.

*Title:* Disability Benefits Questionnaires (Group 3).

*OMB Control Number:* 2900-0778.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* The VA Form 21-0960 series will be used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA will gather medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 77,500.

#### Estimated Average Burden per Respondent

- i. VAF 21-0960C-5—30 minutes
- ii. VAF 21-0960C-8—15 minutes
- iii. VAF 21-0960C-9—45 minutes
- iv. VAF 21-0960G-1—15 minutes
- v. VAF 21-0960G-2—15 minutes
- vi. VAF 21-0960G-3—15 minutes
- vii. VAF 21-0960G-4—15 minutes
- viii. VAF 21-0960G-5—30 minutes
- ix. VAF 21-0960G-6—15 minutes
- x. VAF 21-0960G-7—15 minutes
- xi. VAF 21-0960G-8—15 minutes
- xii. VAF 21-0960H-2—15 minutes
- xiii. VAF 21-0960K-1—15 minutes
- xiv. VAF 21-0960K-2—30 minutes
- xv. VAF 21-0960L-2—15 minutes
- xvi. VAF 21-0960M-11—15 minutes
- xvii. VAF 21-0960N-1—15 minutes

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 250,000.

By direction of the Secretary.

**Kathleen M. Manwell,**

*Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.*

[FR Doc. 2016-03207 Filed 2-16-16; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0745]

### Agency Information Collection (Application for Fee or Roster Personnel Designation) Activity Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits

Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before March 18, 2016.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://www.Regulations.gov), or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Please refer to "OMB Control No. 2900-0745" in any correspondence.

#### FOR FURTHER INFORMATION CONTACT:

Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632-7492 or email [crystal.rennie@va.gov](mailto:crystal.rennie@va.gov). Please refer to "OMB Control No. 2900-0745."

#### SUPPLEMENTARY INFORMATION:

*Title:* Request for Certificate of Veteran Status.

*OMB Control Number:* 2900-0745.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Applicants complete VA form 26-8621a to apply for a position as a designate fee appraiser or compliance inspector. VA will use the data collected to determine the applicant's experience in the real estate valuation field.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 80 FR 63879 on October 21, 2015.

*Title:* Request for Certificate of Veteran Status.

*OMB Control Number:* 2900-0745.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Applicants complete VA form 26-8621a to apply for a position as a designate fee appraiser or compliance inspector. VA will use the data collected to determine the applicant's experience in the real estate valuation field.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 4 hours.

*Estimated Average Burden per*

*Respondent:* 10 minutes.

*Frequency of Response:* One-time.

*Estimated Number of Respondents:* 25  
or less.

By direction of the Secretary.

**Kathleen M. Manwell,**  
*Program Analyst, VA Privacy Service, Office  
of Privacy and Records Management,  
Department of Veterans Affairs.*

[FR Doc. 2016-03208 Filed 2-16-16; 8:45 am]

**BILLING CODE 8320-01-P**

# Reader Aids

Federal Register

Vol. 81, No. 31

Wednesday, February 17, 2016

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