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Wednesday, March 9, 2016

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3149; Directorate Identifier 2015–NM–014–AD; Amendment 39–18394; AD 2016–03–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A330–200, –200 Freighter, and –300 series airplanes, and all Airbus Model A340–200, –300, –500, and –600 series airplanes. This AD was prompted by reports of premature aging of certain chemical oxygen generators in the passenger compartment that resulted in failure of the generators to activate. This AD requires inspecting to determine if certain passenger chemical oxygen generators are installed, and replacement of affected generators. We are issuing this AD to prevent failure of the chemical oxygen generator to activate during an emergency situation, which could result in unavailability of oxygen and possible incapacitation of the occupants.

DATES: This AD becomes effective April 13, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 13, 2016.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-3149;* or in person at the 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.

For Airbus service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.*

For B/E Aerospace service information identified in this final rule, contact B/E Aerospace Inc., 10800 Pflumm Road, Lenexa, KS 66215; telephone 913–338–9800; fax 913–469–8419; Internet *http://beaerospace.com/home/globalsupport.*

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–2015–3149.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and all Airbus Model A340–200, –300, –500, and –600 series airplanes. The NPRM published in the **Federal Register** on August 31, 2015 (80 FR 52419).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0119, dated June 24, 2015, correction January 12, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. The MCAI states:

> Reports have been received indicating premature ageing of certain passenger chemical oxygen generators, Part Number (P/N) 117042–XX (XX representing any numerical value), manufactured by B/E Aerospace. Some operators reported that when they tried to activate generators, some older units failed to activate. Given the number of failed units reported, all the generators manufactured in 1999, 2000, and 2001 were considered unreliable.
>
> This condition, if not corrected, could lead to failure of the generator to activate and consequently not deliver oxygen during an emergency, possibly resulting in injury to aeroplane occupants.
>
> To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A35L007–14, making reference to B/E Aerospace Service Information Letter (SIL) D1019–01 (currently at Revision 1) and B/E Aerospace Service Bulletin (SB) 117042–35–001. Consequently, EASA issued AD 2014–0277 to require identification and replacement of the affected oxygen generators.
>
> Since EASA AD 2014–0277 was issued, and following new investigation results, EASA has decided to introduce a life limitation concerning all P/N 117042–XX chemical oxygen generators, manufactured by B/E Aerospace.
>
> For the reason described above, this EASA AD retains the requirements of EASA AD 2014–0277, which is superseded, expands the scope of the AD to include chemical oxygen generators manufactured after 2001, and requires their removal from service before exceeding 10 years since date of manufacture.
>
> This [EASA] AD was republished to correct a typographical error in the applicability.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-3149-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (80 FR 52419, August 31, 2015) and the FAA's response.

Request To Remove Operator Identification

Airbus asked that we remove the operator identification from the chemical oxygen generator pictured in Figure 2 to paragraph (g) of the proposed AD (80 FR 52419, August 31, 2015). Airbus stated that Figure 2 to paragraph (g) should replicate Figure 2

in EASA AD 2015–0119, dated June 24, 2015, which was published with no signs or references to an operator.

We agree with the commenter for the reason provided. We have changed the oxygen generator picture in Figure 2 to paragraph (g) of this AD accordingly.

Clarification of Oxygen Generators for Replacement

We have revised paragraph (i) in this AD to clarify the identity of the oxygen generators to be replaced.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (80 FR 52419, August 31, 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 52419, August 31, 2015).

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A35L007–14, Revision 01, June 17, 2015; including Appendix A, Revision 01, dated June 17, 2015. B/E Aerospace has issued Service Bulletin 117042–35–001, dated December 10, 2014. The service information describes procedures for inspecting to determine if certain passenger chemical oxygen generators are installed, and replacing affected generators. 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 91 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
Inspection	1 work-hour × $85 per hour = $85.	$0	$85	$7,735.
Replacement	1 work hour × $85 per hour = $85.	$1,000 per oxygen generator	$1,085 per oxygen generator	$98,735 for one oxygen generator.

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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-3149*; 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 street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

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 adding the following new airworthiness directive (AD):

2016–03–07 Airbus: Amendment 39–18394. Docket No. FAA–2015–3149; Directorate Identifier 2015–NM–014–AD.

(a) Effective Date

This AD becomes effective April 13, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD, all manufacturer serial numbers; except those on which a gaseous system for all oxygen generators is installed.

(1) Airbus Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports of premature aging of certain chemical oxygen

generators in the passenger compartment that resulted in failure of the generators to activate. We are issuing this AD to prevent failure of the chemical oxygen generator to activate during an emergency situation, which could result in unavailability of oxygen and possible incapacitation of the occupants.

(f) Compliance

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

(g) Inspection

Within 30 days after the effective date of this AD: Inspect each passenger chemical oxygen generator to identify the date of manufacture (refer to figures 1 and 2 to paragraph (g) of this AD for the location of the date) of each passenger chemical oxygen generator having any part number (P/N) listed in paragraphs (g)(1) through (g)(6) of this AD, in accordance with the Instructions of Airbus Alert Operators Transmission (AOT) A35L007–14, Revision 01, June 17, 2015, including Appendix A, Revision 01, dated June 17, 2015. A review of airplane maintenance records is acceptable in lieu of this inspection if the date of manufacture of the generator can be conclusively determined from that review.

(1) 117042–02 (15 minutes (min)—2 masks).

(2) 117042–03 (15 min—3 masks).

(3) 117042–04 (15 min—4 masks).

(4) 117042–22 (22 min—2 masks).

(5) 117042–23 (22 min—3 masks).

(6) 117042–24 (22 min—4 masks).

Figure 1 to paragraph (g) of this AD - Location of date (MM-YY)

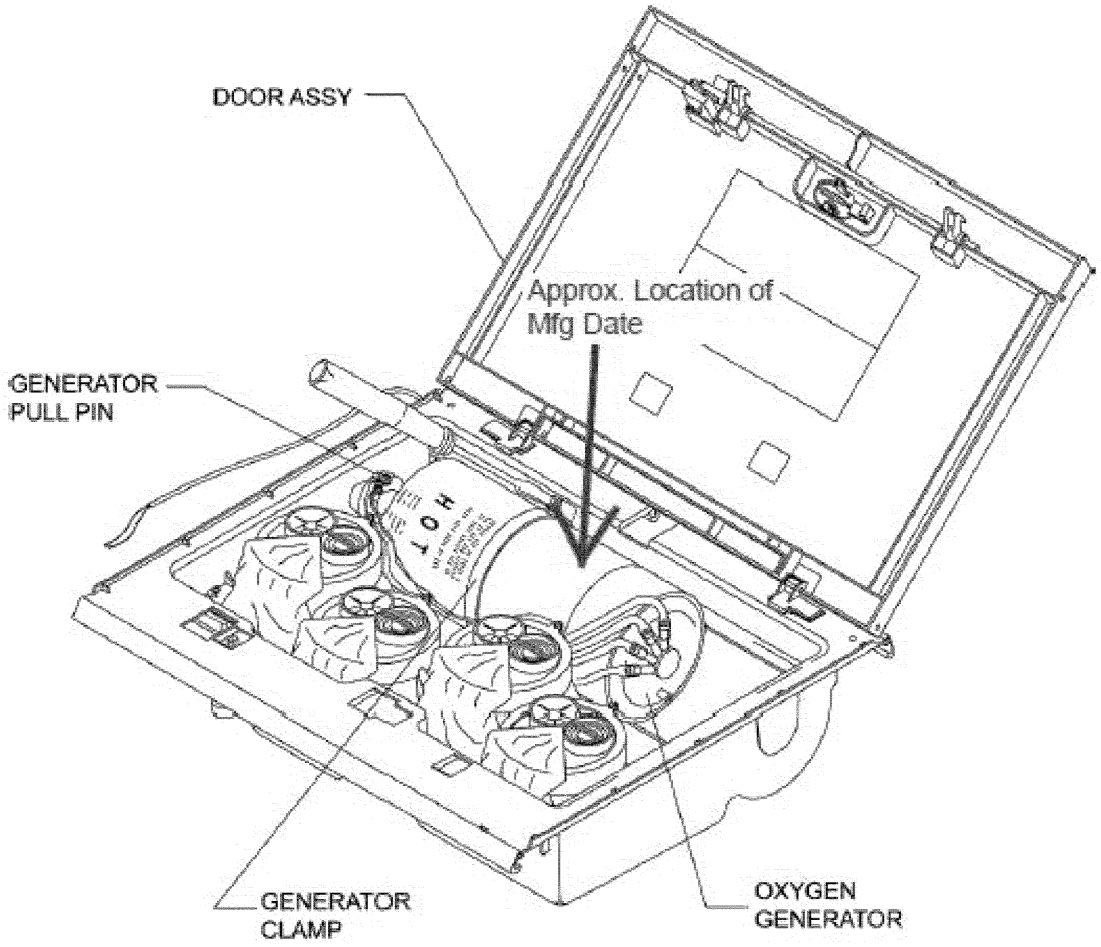

Figure 2 to paragraph (g) of this AD – Manufacturing (MFG.) date (05-02 = May 2002) example

(h) Replacement of Pre-2002 Passenger Oxygen Generators

If, during any inspection required by paragraph (g) of this AD, any passenger chemical oxygen generator having a date of manufacture of 1999, 2000, or 2001 is found: At the time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, as applicable, replace the affected passenger chemical oxygen generator, in accordance with the Instructions of Airbus AOT A35L007–14, Revision 01, June 17, 2015; including Appendix A, Revision 01, dated June 17, 2015 (for 15- and 22-minute passenger chemical oxygen generators); or in accordance with the Accomplishment Instructions of B/E Aerospace Service Bulletin 117042–35–001, dated December 10, 2014 (for 15-minute passenger chemical oxygen generators).

(1) For units manufactured in 1999: Within 30 days after the effective date of this AD.

(2) For units manufactured in 2000: Within 6 months after the effective date of this AD.

(3) For units manufactured in 2001: Within 12 months after the effective date of this AD.

(i) Replacement of 2002 or Later Passenger Oxygen Generators

If, during any inspection required by paragraph (g) of this AD, any passenger chemical oxygen generator having a date of manufacture of 2002 or later is found: At the time specified in paragraph (i)(1), (i)(2), (i)(3), (i)(4), (i)(5), (i)(6), (i)(7), or (i)(8) of this AD, as applicable, replace the affected passenger chemical oxygen generator with a serviceable unit, in accordance with the Instructions of Airbus AOT A35L007–14, Revision 01, June 17, 2015; including Appendix A, Revision 01, dated June 17, 2015 (for 15- and 22-minute passenger chemical oxygen generators); or in accordance with the Accomplishment Instructions of B/E Aerospace Service Bulletin 117042–35–001, dated December 10, 2014 (for 15-minute passenger chemical oxygen generators).

(1) For units manufactured in 2002: Within 12 months after the effective date of this AD.

(2) For units manufactured in 2003: Within 16 months after the effective date of this AD.

(3) For units manufactured in 2004: Within 20 months after the effective date of this AD.

(4) For units manufactured in 2005: Within 24 months after the effective date of this AD.

(5) For units manufactured in 2006: Within 28 months after the effective date of this AD.

(6) For units manufactured in 2007: Within 32 months after the effective date of this AD.

(7) For units manufactured in 2008: Within 36 months after the effective date of this AD.

(8) For units manufactured in 2009 or later: Before the accumulation of 10 years since date of manufacture.

(j) Definition of a Serviceable Unit

A serviceable unit is an oxygen generator having P/N 117042–XX, with a manufacturing date not older than 10 years, or any other FAA-approved part number, provided that the generator has not exceeded

the life limit established by the manufacturer for that generator.

(k) Credit for Previous Actions

This paragraph provides credit for the applicable actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using Airbus AOT A35L007–14, dated December 18, 2014.

(l) Parts Installation Limitation

As of the effective date of this AD, no person may install a passenger chemical oxygen generator on any airplane, unless the passenger chemical oxygen generator is determined to be a serviceable unit, as defined in paragraph (j) of this AD.

(m) 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *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.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0119, dated June 24, 2015, correction January 12, 2016, 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–2015–3149.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(3) and (o)(5) of this AD.

(o) 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 this AD specifies otherwise.

(i) Airbus Alert Operators Transmission (AOT) A35L007–14, Revision 01, June 17, 2015; including Appendix A, Revision 01, dated June 17, 2015. The revision date is not shown on Appendix A.

(ii) B/E Aerospace Service Bulletin 117042–35–001, dated December 10, 2014.

(3) For Airbus service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

(4) For B/E Aerospace service information identified in this AD, contact B/E Aerospace Inc., 10800 Pflumm Road, Lenexa, KS 66215; telephone 913–338–9800; fax 913–469–8419; Internet *http://beaerospace.com/home/global support.*

(5) 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.

(6) 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 February 19, 2016.

Dorr M. Anderson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–04538 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0243; Directorate Identifier 2014–NM–114–AD; Amendment 39–18423; AD 2016–05–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This AD was prompted by reports of cracked aluminum support struts of the trimmable horizontal stabilizer (THS) caused by stress corrosion. This AD requires inspections to identify the part number of each support strut, repetitive inspections for cracking of the THS support strut ends, installation of reinforcing clamps on strut ends, and replacement of support struts, if necessary. We are issuing this AD to detect and correct cracked THS support struts, which could lead to the rupture of all four support struts making the remaining structure unable to carry limit loads, which could result in loss of the THS and reduced control of the airplane.

DATES: This AD becomes effective April 13, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 13, 2016.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0243* or in person at the 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.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 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;* 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0243.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 series

airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The NPRM published in the **Federal Register** on February 18, 2015 (80 FR 8571).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0164, dated July 11, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

During scheduled maintenance, several Trimmable Horizontal Stabilizer (THS) support struts were found cracked at the strut ends. The THS is supported and articulated at frame (FR) 91 in the tail cone. Lateral movement is prevented by four diagonal support struts.

Investigations revealed that the cracks were caused by stress corrosion and propagated from the inside to the outside of the strut.

This condition, if not detected and corrected, could lead to the rupture of all four THS support struts at FR91, which would make the remaining structure unable to carry limit loads, potentially resulting in loss of the Horizontal Tail Plane.

To address this unsafe condition, EASA issued AD 2014–0121 [*http://ad.easa.europa.eu/ad/2014-0121*] to require repetitive High Frequency Eddy Current (HFEC) inspections of the THS support strut ends, installation of reinforcing clamps on strut ends and, depending on findings, replacement of damaged support struts. Installation of reinforcing clamps on strut ends is considered a temporary solution pending introduction of a re-designed support strut.

Since that [EASA] AD was issued, it was discovered that the [EASA] AD appeared to also require HFEC inspections of steel struts, which are not prone to cracking. The unsafe condition exists only on support struts made of aluminum, which were introduced through Airbus modification (mod) 06101, but may also have been installed in service as replacement parts on aeroplanes in pre-mod 06101 configuration.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0121, which is superseded, and clarifies the need for an initial identification of the support struts installed on aeroplanes in pre-mod 06101 configuration. The related Airbus Service Bulletins (SB) remain unchanged.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0243-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received. The following presents the comments received on the NPRM (80 FR 8571, February 18, 2015) (''the NPRM'') and the FAA's response to each comment.

Request To Remove Repetitive Inspections From the NPRM

FedEx stated that Airbus Service Bulletin A300–53–6172, dated February 14, 2014 and Airbus Service Bulletin A310–53–2136, dated February 14, 2014, require an application of sealant and installation of a clamp over the affected area. FedEx stated periodic re-inspections for cracking of the THS support strut ends would induce further damage since it requires removal of the reinforcing clamps and sealant before accomplishing the HFEC inspection.

We infer from the commenter's statement that FedEx requests removal of the repetitive inspection requirement from the proposed AD. We disagree because if operators follow established procedures, removal of the sealant should not introduce damage to the support struts installed on the THS. We have not changed this final rule in this regard.

Request To Remove Installation Requirement From the NPRM

FedEx and United Parcel Service (UPS) stated they disagree with the requirement to install the clamping. Both commenters claimed that installing reinforcing clamps will not resolve any stress mitigation and crack progression. UPS stated that the NPRM proposed to require repair prior to further flight, if cracking is identified. FedEx and UPS stated that repetitive inspections provide a sufficient level of safety on the struts and that the installation of reinforcement clamps does not enhance the support strut installation, but adds an additional cost without a corresponding safety benefit. FedEx and UPS requested removal of the clamp installation requirement specified by paragraphs (i) and (j) of the proposed AD.

We disagree to remove the requirement to install clamping from paragraphs (i) and (j) of this AD. The clamping reduces the circumferential stresses in the rod-ends and supports the circular shape of the rod ends. As a result, stress corrosion of the rod is stopped, or partially reduced, due to the lower circumferential stresses. We have not changed this final rule in this regard.

Request To Remove Certain References From Paragraph (l) of the NPRM

UPS requested that we remove reference to paragraphs (i)(1) through (i)(3) of the proposed AD from paragraph (l) of the proposed AD. UPS stated the service bulletins identified in paragraphs (i)(1) through (i)(3) of the proposed AD do not include an inspection form or inspection requirements within the accomplishment instructions of the service information and therefore these documents should not be referenced in paragraph (l) of the proposed AD, which specifies reporting inspection results.

We agree with the request because paragraph (l) of this AD only requires the reporting of certain inspections results. Paragraph (i) of this AD requires an installation of reinforcing clamps. We have revised paragraph (l) of this AD to remove the reference to paragraphs (i)(1) through (i)(3) of this AD.

We have also revised paragraph (l) of this AD by removing a reference to paragraph (h) of this AD in order to match the reporting requirement specified in the MCAI. Paragraph (l) of the proposed AD refers to inspections required by both paragraphs (g) and (h) of the proposed AD. However, reporting is only required for inspections required by paragraph (g) of this AD.

Request To Revise Costs of Compliance

FedEx requested that we revise the Costs of Compliance paragraph of the proposed AD to accurately reflect the cost of replacing cracked struts. FedEx stated it agrees that struts that are determined to be cracked should be replaced but finds that this adds an additional financial burden to the airlines. FedEx stated there are no warranty provisions stated in the manufacturer's service information to mitigate the additional expense of replacing struts, nor is it accounted for in the NPRM.

We disagree because the conditional cost of replacing the struts was accounted for in the NPRM by using the standard part cost for non-avionics parts of $10,000 and an estimate that any necessary follow-on actions would take about 15 work-hours. Further, we do not control warranty coverage for affected individuals. We have not changed this final rule in this regard.

Request To Include Installation of Steel Struts as Terminating Action

FedEx requested that we revise the NPRM to state that the installation of steel struts constitutes a terminating

action for the repetitive inspections specified by paragraph (h) of the proposed AD. FedEx noted that Airbus may be developing a solution that would terminate the repetitive inspections, but as of yet, Airbus has not published any service information that would eliminate the need for the repetitive inspections specified by paragraph (h) of the proposed AD.

We disagree to change this final rule because terminating action is not available at this time. When terminating action becomes available, the FAA may consider installation of the new design struts as an alternative method of compliance (AMOC) to this AD once the manufacturer's design solution is released. We have not changed this final rule in this regard.

Request To Extend the Repetitive Inspection Interval

UPS requested that we extend the repetitive inspection interval required by paragraph (h) of the proposed AD. UPS stated that a manufacturer's investigation identified the cracking to be the result of inter-granular stress corrosion and that for cracking to develop, three factors need to be present: a material flaw at the granular level, an environmental condition for corrosion to develop, and a tensile load to induce damage development/propagation at the material flaw. UPS added that the area is already protected with anti-corrosion materials. UPS stated that based on the low occurrence of cracking, the propagation properties of cracking due to stress corrosion, and the age of the fleet, fleet airworthiness can be maintained using all three operational parameters—flight hours, flight cycles, and calendar time. UPS requested that we revise the repetitive inspection interval from 24 months to 5,000 flight hours, 2,500 flight cycles, or 36 months, whichever occurs first.

We do not agree with the request to extend the repetitive inspection required by paragraph (h) of this AD because the UPS proposal is not supported by analysis or data. In developing an appropriate compliance time for the actions specified in paragraph (h) of this AD, we considered the safety implications and normal maintenance schedules for the timely accomplishment of the specified actions. We have determined that the proposed interval will ensure an acceptable level of safety and allow the actions to be done during scheduled maintenance intervals for most affected operators. However, affected operators may request an AMOC to request an extension of the repetitive inspection interval under the provisions of paragraph (m)(1) of this AD by submitting data and analysis substantiating that the change would provide an acceptable level of safety. We have not changed this final rule in this regard.

Request To Delay Rule Due to Pending Release of New Design of Support Strut and Service Information

FedEx and UPS requested that the release date of the NPRM be suspended pending Airbus's release of a newly designed support strut that, if installed, would be terminating action for the repetitive inspections proposed by the NPRM. FedEx stated the manufacturer is working on service information that contains a terminating action for the repetitive inspections proposed in the NPRM, but as of yet, has not been published. UPS stated that suspending the release of the NPRM would prevent extra work for the FAA and operators.

We disagree with delaying issuance of this final rule until new service information or a new design becomes available. We consider that to delay this AD action would be inappropriate, in light of the identified unsafe condition. When new service information or a new design becomes available, we may consider additional rulemaking. We may also consider new service information and/or installation of the new design struts as an AMOC to this AD. Operators may apply for an AMOC in accordance with the provisions of paragraph (m)(1) of this AD. We have not changed this final rule in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Airbus Service Bulletin A300–53–0394, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300 series airplanes.
- Airbus Service Bulletin A300–53–0395, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300 series airplanes.
- Airbus Service Bulletin A300–53–6172, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300–600 series airplanes.
- Airbus Service Bulletin A300–53–6174, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300–600 series airplanes.
- Airbus Service Bulletin A310–53–2136, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A310 series airplanes.
- Airbus Service Bulletin A310–53–2137, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A310 series airplanes.

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 174 airplanes of U.S. registry.

We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD, and 1 work-hour per product for reporting. The average labor rate is $85 per work-hour. Required parts will cost about $2,100 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $454,140, or $2,610 per product.

In addition, we estimate that any necessary follow-on actions will take about 15 work-hours and require parts costing $10,000, for a cost of $11,275 per product. We have no way of determining the number of aircraft that might need these actions.

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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0243;* 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 street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

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 adding the following new airworthiness directive (AD):

2016–05–05 Airbus: Amendment 39–18423. Docket No. FAA–2015–0243; Directorate Identifier 2014–NM–114–AD.

(a) Effective Date

This AD becomes effective April 13, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1) through (c)(6) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Airbus Model A300 B4–605R and B4–622R airplanes.

(4) Airbus Model A300 F4–605R and F4–622R airplanes.

(5) Airbus Model A300 C4–605R Variant F airplanes.

(6) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of cracked aluminum support struts of the trimmable horizontal stabilizer (THS) caused by stress corrosion. We are issuing this AD to detect and correct cracked THS support struts, which could lead to the rupture of all four support struts making the remaining structure unable to carry limit loads, which could result in loss of the THS and reduced control of the airplane.

(f) Compliance

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

(g) Inspection for Part Number

For airplanes in pre-modification 06101 configuration: Within 12 months after the effective date of this AD, do an inspection to identify the part number of each support strut installed on the THS at frame (FR) 91, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection, provided those records can be relied upon for that purpose and the part number can be positively identified from that review. If no aluminum strut(s) having part number (P/N) R21449, R21449D, R21449G, or R21449H is found during any inspection required by this paragraph, no further action is required by this AD for that horizontal stabilizer, except for paragraph (l) of this AD.

(1) For Airbus Model A300 series airplanes: Airbus Service Bulletin A300–53–0395, dated February 14, 2014.

(2) For Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Airbus Service Bulletin A300–53–6174, dated February 14, 2014.

(3) For Airbus Model A310 series airplanes: Airbus Service Bulletin A310–53–2137, dated February 14, 2014.

(h) Repetitive High Frequency Eddy Current (HFEC) Inspections

For airplanes in post-modification 06101 configuration; and for airplanes in pre-modification 06101 configuration on which any aluminum support strut(s) having P/N R21449, P/N R21449D, P/N R21449G, or P/N R21449H is found: Within the applicable compliance times specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, do an HFEC inspection for cracking of the aluminum THS support strut ends at FR 91, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD. Reinforcing clamps already installed on strut ends must be removed before accomplishing the HFEC inspection and re-installed after the inspection, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraphs (g)(1) through (g)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed 24 months.

(1) For airplanes having manufacturer serial number (MSN) 0499 through MSN 0747 inclusive (post-mod 06101): Within 12 months after the effective date of this AD.

(2) For airplanes having MSN 0748 through MSN 0878 inclusive (post-mod 06101): Within 18 months after the effective date of this AD.

(3) For airplanes having MSN 0001 through MSN 0498 inclusive (pre-mod 06101) having one or more aluminum struts: Within 24 months after the effective date of this AD.

(i) Installation of Reinforcing Clamps

Concurrently with the initial HFEC inspection required by paragraph (h) of this AD, identify struts having P/N R21449, P/N R21449D, P/N R21449G, or P/N R21449H with no reinforcing clamps previously installed, and before next flight, install reinforcing clamps on each strut end, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraphs (i)(1) through (i)(3) of this AD.

(1) For Airbus Model A300 series airplanes: Airbus Service Bulletin A300–53–0394, dated February 14, 2014.

(2) For Airbus Model A300 B4–600, B4600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Airbus Service Bulletin A300–53–6172, dated February 14, 2014.

(3) For Airbus Model A310 series airplanes: Airbus Service Bulletin A310–53–2136, dated February 14, 2014.

(j) Corrective Actions

If, during any inspection required by paragraph (h) of this AD, any cracking is found, before further flight, replace the affected THS support strut(s) with serviceable struts and install clamps on each strut end, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD.

(k) Clarification

Installation of reinforcing clamps as required by paragraph (i) of this AD, and the replacement of support struts and/or the installation of clamps as required by paragraph (j) of this AD, do not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(l) Reporting

At the applicable time specified in paragraphs (l)(1) and (l)(2) of this AD: After accomplishment of any inspection required by paragraph (g) of this AD, report all inspection results to Airbus, including no findings, in accordance with the Accomplishment Instructions of the applicable service bulletins specified in paragraphs (g)(1) through (g)(3) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(m) 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *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.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(n) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0164, dated July 11, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0243-0002.*

(o) 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 this AD specifies otherwise.

(i) Airbus Service Bulletin A300–53–0394, dated February 14, 2014.

(ii) Airbus Service Bulletin A300–53–0395, dated February 14, 2014.

(iii) Airbus Service Bulletin A300–53–6172, dated February 14, 2014.

(iv) Airbus Service Bulletin A300–53–6174, dated February 14, 2014.

(v) Airbus Service Bulletin A310–53–2136, dated February 14, 2014.

(vi) Airbus Service Bulletin A310–53–2137, dated February 14, 2014.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 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;* Internet *http://www.airbus.com.*

(4) 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.

(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 February 23, 2016.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–04545 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0529; Directorate Identifier 2013–NM–260–AD; Amendment 39–18420; AD 2016–05–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–13–11 and AD 2013–16–09 for all Airbus Model A318, A319, A320, and A321 series airplanes. AD 2011–13–11 required an amendment of the airplane flight manual (AFM), repetitive checks of specific centralized fault display system (CFDS) messages, an inspection of the opening sequence of the main landing gear (MLG) door for discrepancies if certain messages are found, and corrective actions if necessary. AD 2013–16–09 required an inspection to determine airplane configuration and part numbers of the landing gear control interface unit and MLG door actuators; and, for affected airplanes, repetitive inspections of the opening sequence of the MLG door, and replacement of the MLG door actuator if necessary. AD 2013–16–09 also provided optional terminating action for the repetitive inspections. This new AD reduces the interval of the MLG door opening sequence inspection, requires replacing or modifying certain MLG door actuators, and also requires a flushing procedure to be performed when installing a new MLG door actuator. This AD was prompted by a determination that the interval of the MLG door opening sequence inspection must be reduced. We are issuing this AD to detect and correct deterioration of the damping ring and associated retaining ring of the MLG door actuator, which can sufficiently increase the friction inside the actuator to restrict opening of

the MLG door by gravity, during operation of the landing gear alternate (free-fall) extension system. This condition could prevent the full extension and/or down-locking of the MLG, possibly resulting in MLG collapse during landing and consequent damage to the airplane and injury to occupants.

DATES: This AD becomes effective April 13, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 13, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 23, 2013 (78 FR 48286, August 8, 2013).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of July 12, 2011 (76 FR 37241, June 27, 2011).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of April 27, 2007 (72 FR 13681, March 23, 2007).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0529;* or in person at the 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.

For Airbus service information identified in this final rule, 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;* Internet *http://www.airbus.com.* For General Elec tric service information identified in this final rule, contact GE Aviation, Customer Support Center, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *cs.techpubs@ge.com;* Internet: *http://www.geaviation.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–2014–0529.

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:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09''). AD 2011–13–11 and AD 2013–16–09 applied to all Airbus Model A318, A319, A320, and A321 series airplanes. The SNPRM published in the **Federal Register** on September 22, 2015 (80 FR 57122). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on August 13, 2014 (79 FR 47395; corrected August 27, 2014 (79 FR 51117)) (''the NPRM''). The NPRM was prompted by a determination that the interval of the MLG door opening sequence inspection must be reduced. The NPRM proposed to continue to require an amendment of the AFM; repetitive checks of specific CFDS messages; an inspection of the opening sequence of the MLG door for discrepancies if certain messages are found, and corrective actions if necessary; an inspection to determine airplane configuration and part numbers of the landing gear control interface unit and MLG door actuators; and, for affected airplanes, repetitive inspections of the opening sequence of the MLG door, and replacement of the MLG door actuator if necessary; and optional terminating action for the repetitive inspections. The SNPRM proposed to require a flushing procedure to be performed when installing a new MLG door actuator. We are issuing this AD to detect and correct deterioration of the damping ring and associated retaining ring of the MLG door actuator, which can sufficiently increase the friction inside the actuator to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (free-fall) extension system. This condition could prevent the full extension and/or down-locking of the MLG and consequent MLG collapse during landing and damage to the airplane and injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0221, dated September 30, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

Some operators reported slow operation of the main landing gear (MLG) door opening/closing sequence, leading to the generation of [electronic centralized aircraft monitor] ECAM warnings during the landing gear retraction or extension sequence.

Investigations showed that the damping ring and associated retaining ring of the MLG door actuator may deteriorate. The resultant debris increases the friction inside the actuator which can be sufficiently high to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (freefall) extension system.

This condition, if not corrected, could prevent the full extension and/or down locking of the MLG, possibly resulting in MLG collapse during landing or rollout and consequent damage to the aeroplane and injury to occupants.

[An EASA AD] was issued [and later revised] to require repetitive inspections of the opening sequence of the MLG door in order to identify the affected actuators, and to introduce as an optional terminating action Airbus production Modification (mod) 38274 and associated [Airbus] Service Bulletin (SB) A320–32–1338, which incorporate an improved retaining ring, located on the piston rod's extension end, and a new piston rod with machined shoulder to accommodate the thicker section of the modified retaining ring.

After in-service introduction of the new MLG door actuator, Part Number (P/N) 114122012 (Post-mod 38274—SB A320–32–1338), several operators reported failures of internal parts of the MLG door actuator. Investigations confirmed that these failures could result in slow extension of the actuator rod, delaying the MLG door operation, or possibly stopping just before the end of the stroke, preventing the door to reach the fully open position.

[An EASA AD], which superseded EASA AD 2006–0112R1 [*http://ad.easa.europa.eu/blob/easa_ad_2006_0112_R1_superseded.pdf/AD_2006–0112R1_1*], was issued [and later revised] to require amendment of the applicable Airplane Flight Manual (AFM), repetitive checks of specific Centralized Fault Display System (CFDS) messages, repetitive inspections of the opening sequence of the MLG door actuator and, depending on findings, corrective action(s).

Since EASA AD 2011–0069R1 [*http://ad.easa.europa.eu/blob/easa_ad_2011_0069_R1_superseded.pdf/AD_2011-0069R1_1*] was issued, Airbus introduced a reinforced MLG door actuator P/N 114122014 (mod 153655). Airbus issued SB A320–32–1407 containing instructions for in-service replacement of the affected MLG door actuators, or modification of the actuators to the new standard.

In addition, following a recent occurrence with a gear extension problem, the result of additional analyses by Airbus revealed that the CFDS expected specific messages may

not be generated and as a result, repetitive checks of messages are not effective for aeroplanes fitted with landing gear control interface unit (LGCIU) interlink communication ARINC 429 (applied in production through Airbus mod 39303, or in service through Airbus SB A320–32–1409), in combination with LGCIUs 80–178–02–88012 or 80–178–03–88013 in both positions and at least one MLG door actuator pre-mod 153655 (pre-Airbus SB A320–32–1407—pre-GE SB 114122–32–105) installed.

Prompted by these findings, EASA issued Emergency AD 2013–0132–E [*http://ad.easa.europa.eu/blob/easa_ad_2013_0132_E_superseded.pdf/EAD_2013-0132-E_1*] [which corresponds to FAA AD 2013–16–09] to require identification of the affected aeroplanes to establish the configuration and, for those aeroplanes, repetitive inspections of the opening sequence of the MLG door actuator and, depending on findings, replacement of the MLG door actuator. That [EASA] AD also provided an optional terminating action by disconnection of the interlink for certain LGCIUs, or in-service modification of the aeroplane through Airbus SB A320–32–1407 (equivalent to Airbus production mod 153655).

Since those ADs (EASA AD 2011–0069R1 and EASA AD 2013–0132–E) were issued, analyses performed by Airbus have revealed that the MLG door opening sequence inspection interval needed to be reduced, and that the (previously optional) terminating action needed to be made mandatory.

Prompted by these findings, EASA issued AD 2013–0288 [*http://ad.easa.europa.eu/blob/easa_ad_2013_0288_superseded.pdf/AD_2013-0288_1*], retaining the requirements of EASA AD 2011–0069R1 and EASA AD 2013–0132–E, which were superseded, but with reduced inspection intervals, and to require replacement or modification, as applicable, of the affected MLG door actuators as terminating action to the monitoring and repetitive checks and inspections.

Following introduction of post-mod 153655 MLG door actuators on in-service aeroplanes, it has been observed that, in case the removed pre-mod MLG door actuator has internal damage, contamination of the hydraulic system could have occurred.

This condition, if not detected and corrected, could result in performance degradation (damping degradation) of the post-mod MLG door actuator. Testing performed with a new actuator tested in heavily contaminated hydraulic system did not show abnormal hydraulic restriction/blockage. It is thus not requested to perform this ''flushing procedure'' on aircraft already retrofitted with std-14 actuators.

In addition, since EASA AD 2013–0288 was issued, the applicable AFM was revised and repetitive checks of specific CFDS messages are no longer considered to be required, due to the reduced intervals required by EASA AD 2013–0288.

For the reasons described above, this [EASA] AD partially retains the requirements of EASA AD 2013–0288, which is superseded, introduces improved wording for clarification and requires, in addition to the revised operational (AFM) procedure, hydraulic flushing prior to any installation of a post-mod MLG door actuator.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0529-0003.*

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received on the SNPRM. The Air Line Pilots Association International submitted two comments which supported the SNPRM.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletins A320–32–1390, Revision 03, dated July 3, 2014; and A320–32–1407, Revision 01, dated July 3, 2014. Airbus has also issued A318/A319/A320/A321 Temporary Revision (TR) TR437, L/G—GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014, to the Airbus A318/A319/A320/A321 AFM.

Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, describes procedures for inspecting the operation of the MLG door opening sequence to determine if an actuator is defective, flushing contamination from the landing gear extension and retraction system (LGERS), and replacing the door actuator if necessary.

Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, describes procedures for flushing contamination from the LGERS and installing new MLG door actuators.

Airbus A318/A319/A320/A321 TR TR437, L/G—GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014, to the AFM updates the procedure used for incomplete landing gear extension during approach.

General Electric has issued Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, which describes procedures for conversion of a MLG door actuator and removal of unwanted material from the hydraulic fluid route.

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 953 airplanes of U.S. registry.

The actions required by AD 2011–13–11, and retained in this AD, take about 7 work-hours per product, per inspection cycle, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2011–13–11 is $595 per product, per inspection cycle.

The actions required by AD 2013–16–09, and retained in this AD, take about 3 work-hours per product, per inspection cycle, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2013–16–09 is $255 per product, per inspection cycle.

We also estimate that it will take about 19 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $17,140 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $17,873,515, or $18,755 per product.

In addition, we estimate that any necessary follow-on actions will take about 3 work-hours, for a cost of $255 per product. We have no way of determining the number of aircraft that might need these actions.

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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0529;* 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 street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

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:

■ a. Removing Airworthiness Directive (AD) 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09''); and

■ b. Adding the following new AD:

2016–05–02 Airbus: Amendment 39–18420. Docket No. FAA–2014–0529; Directorate Identifier 2013–NM–260–AD.

(a) Effective Date

This AD becomes effective April 13, 2016.

(b) Affected ADs

This AD replaces AD 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09'').

(c) Applicability

This AD applies to the 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 32, Landing Gear.

(e) Reason

This AD was prompted by a determination that the inspection interval of the main landing gear (MLG) door opening sequence must be reduced. We are issuing this AD to detect and correct deterioration of the damping ring and associated retaining ring of the MLG door actuator, which can sufficiently increase the friction inside the actuator to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (free-fall) extension system. This condition could prevent the full extension and/or down-locking of the MLG, possibly resulting in MLG collapse during landing and consequent damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Retained Repetitive Inspections/Replacement, With a Formatting Change

This paragraph restates the requirements of paragraph (g) of AD 2011–13–11, with a formatting change. At the time specified in paragraph (g)(1) or (g)(2) of this AD, as applicable: Do a general visual inspection of the operation of the MLG door opening sequence to determine if a defective actuator is installed by doing all the applicable actions, including replacing the door actuator, as applicable, specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1309, Revision 01, dated June 19, 2006. Do all applicable replacements before further flight. Repeat the inspection thereafter at intervals not to exceed 900 flight cycles. Doing the inspection required by paragraph (l) of this AD terminates the requirements of this paragraph.

(1) For airplanes on which a record of the total number of flight cycles on the MLG door actuator is available: Before the accumulation of 3,000 total flight cycles on the MLG door actuator, or within 800 flight cycles after April 27, 2007 (the effective date of AD 2007–06–18, Amendment 39–14999 (72 FR 13681, March 23, 2007)), whichever is later.

(2) For airplanes on which a record of the total number of flight cycles on the MLG door actuator is not available: Within 800 flight cycles after April 27, 2007 (the effective date of AD 2007–06–18, Amendment 39–14999 (72 FR 13681, March 23, 2007)).

(3) For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(h) Retained Provision Regarding Reporting/Parts Return, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2011–13–11, with no changes. Although the Accomplishment Instructions of Airbus Service Bulletin A320–32–1309, Revision 01, dated June 19, 2006, specify submitting certain information to the manufacturer and sending defective actuators back to the component manufacturer for investigation, this AD does not include those requirements.

(i) Retained Revision of the Airplane Flight Manual (AFM), With Formatting Changes

This paragraph restates the requirements of paragraph (i) of AD 2011–13–11, with formatting changes. Within 14 days after July 12, 2011 (the effective date of AD 2011–13–11), revise the Emergency Procedure Section of the AFM to incorporate the information in figure 1 to paragraph (i) of this AD. This may be done by inserting a copy of this AD into the AFM. When a statement identical to that in figure 1 to paragraph (i) of this AD has been included in the Emergency Procedure Section of the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM. Doing the actions required by paragraph (t) of this AD terminates the requirements of this paragraph.

FIGURE 1 TO PARAGRAPH (i) OF THIS AD—AFM REVISION

- If ECAM triggers the ''L/G GEAR NOT DOWNLOCKED'' warning, apply the following procedure:
  Recycle landing gear.
- If unsuccessful after 2 min:
  Extend landing gear by gravity. Refer to ABN–32 L/G GRAVITY EXTENSION.

(j) Retained Repetitive Checks, With New Optional Actions and New Service Information

This paragraph restates the requirements of paragraph (j) of AD 2011–13–11, with new optional actions and new service information. Within 14 days after July 12, 2011 (the effective date of AD 2011–13–11), or before the accumulation of 800 total flight cycles, whichever occurs later, check the post flight report (PFR) for centralized fault display system (CFDS) messages triggered within the last 8 days, in accordance with paragraph 4.2.1 of Airbus All Operators Telex (AOT) A320–32A1390, dated February 10, 2011. Repeat the check thereafter at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later. If done in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, the use of an alternative method to check the PFR for CFDS messages (*e.g.,* AIRMAN) is acceptable in lieu of this check if the messages can be conclusively determined from that method. Repetitive inspections of the door opening sequence of the left-hand (LH) and right-hand (RH) doors of the MLG, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, are an acceptable method of compliance for the actions required by this paragraph. Repetitive inspections of the door opening sequence of the LH and RH doors of the MLG of an airplane, as required by paragraph (p) of this AD, is an acceptable method to comply with the requirements of this paragraph.

(k) Retained On-Condition Inspection, With New Service Information and Revised Language for an Acronym

This paragraph restates the requirements of paragraph (k) of AD 2011–13–11, with new service information and revised langue for an acronym. If, during any check required by paragraph (j) of this AD, a pair of specific CFDS messages specified in paragraph 4.2.1 of Airbus AOT A320–32A1390, dated February 10, 2011, has been triggered by both landing gear control and interface units (LGCIU) for the same flight, before further flight, inspect the door opening sequence of the affected doors of the MLG for discrepancies (*i.e.,* if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014). Do the inspection in accordance with paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011; or the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, for the actions required by this paragraph.

(l) Retained Repetitive Inspections, With New Service Information, New Optional Actions, and Reduced Compliance Times

This paragraph restates the requirements of paragraph (l) of AD 2011–13–11, with new service information, new optional actions, and reduced compliance times. At the applicable time specified in paragraph (l)(1) or (l)(2) of this AD: Inspect the door opening sequence of the LH and RH doors of the MLG for discrepancies (*i.e.,* if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014). Do the inspection in accordance with the instructions of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011; or the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, for the actions required by this paragraph. Repeat the inspection within 8 days or 5 flight cycles after the effective date of this AD, whichever occurs later, without exceeding 425 flight cycles since the most recent inspection; and thereafter repeat the inspection at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later. In addition, whenever any airplane is not operated for a period longer than 8 days, do the inspection before further flight. Doing this inspection terminates the requirements of paragraph (g) of this AD. Repetitive inspections of the door opening sequence of the LH and RH doors of the MLG of an airplane, as required by paragraph (p) of this AD, is an acceptable method to comply with the requirements of this paragraph.

(1) For airplanes on which an inspection required by paragraph (g) of this AD has been done as of July 12, 2011 (the effective date of AD 2011–13–11): Within 800 flight cycles after doing the most recent inspection required by paragraph (g) of this AD, or within 100 flight cycles after July 12, 2011, whichever occurs later.

(2) For airplanes on which an inspection required by paragraph (g) of this AD has not been done as of July 12, 2011 (the effective date of AD 2011–13–11): Within 800 flight cycles after July 12, 2011.

(m) Retained Replacement, With New Service Information

This paragraph restates the requirements of paragraph (m) of AD 2011–13–11, with new service information. If any discrepancy (*i.e.,* if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014) is found during any inspection required by paragraph (k) or (l) of this AD, before further flight, replace the affected MLG door actuator with a new MLG door actuator, in accordance with the instructions of Airbus AOT A320–32A1390, dated February 10, 2011; or Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, to do the actions required by this paragraph.

(n) Retained Statement of No Terminating Action for Certain Requirements, With No Changes

This paragraph restates the statement of paragraph (n) of AD 2011–13–11, with no changes. Replacement of the MLG door actuator as required by paragraph (m) of this AD is not a terminating action for the repetitive actions required by paragraphs (j) and (l) of this AD.

(o) Retained Configuration and Part Number Determination, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2013–16–09, with no changes. At the later of the compliance times specified in paragraphs (o)(1) and (o)(2) of this AD: Do an inspection to determine the configuration (modification status) of the airplane and identify the part number of the LH and RH LGCIU and MLG door actuators. A review of the airplane delivery or maintenance records is acceptable for compliance with the requirements of this paragraph provided the airplane configuration and installed components can be conclusively determined from that review.

(1) Prior to the accumulation of 800 total flight cycles since first flight of the airplane.

(2) Within 14 days after August 23, 2013 (the effective date of AD 2013–16–09).

(p) Retained MLG Door Opening Sequence Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2013–16–09, with no changes. If, during the determination and identification required by paragraph (o) of this AD, the configuration of the airplane is determined to be post-Airbus Modification 39303 or post-Airbus Service Bulletin A320–32–1409 (Interlink Communication ARINC 429 installed), and both an LGCIU and a MLG door actuator are installed with a part number listed in figure 2 to paragraph (p) of this AD: Except as provided by paragraph (s) of this AD, at the later of the compliance times specified in paragraphs (o)(1) and (o)(2) of this AD, and thereafter at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later, do an inspection of the door opening sequence of the LH and RH MLG doors, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A32N001–13, dated June 24, 2013.

FIGURE 2 TO PARAGRAPH (p) OF THIS AD—AFFECTED PART NUMBERS

Component name	Part No.
LGCIU (LH and RH)	80–178–02–88012
	80–178–03–88013
MLG door actuator	114122006
	114122007
	114122009
	114122010
	114122011
	114122012

(q) Retained MLG Door Opening Sequence Corrective Action, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2013–16–09, with no changes. If a slow door operation or restricted extension is found during any inspection required by paragraph (p) of this AD: Before further flight, replace the affected MLG door actuator with a new or serviceable actuator, in accordance with the instructions of Airbus AOT A32N001–13, dated June 24, 2013.

(r) Retained Terminating Action Limitation for Certain Actions, With New Service Information

This paragraph restates the requirements of paragraph (j) of AD 2013–16–09, with new service information. Replacement of a MLG door actuator, as required by paragraph (q) of this AD, does not constitute terminating action for the repetitive inspections required by paragraph (p) of this AD, unless MLG door actuators having P/N 114122014 are installed on both LH and RH sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, dated May 14, 2013; or Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, for the actions required by this paragraph.

(s) Retained Repetitive Inspection Exception, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2013–16–09, with no changes. Airplanes on which the LGCIU interlink is disconnected (Airbus Modification 155522 applied in production, or modified in-service in accordance with the instructions of Airbus AOT A32N001–13, dated June 24, 2013), or on which MLG door actuators having P/N 114122014 are installed on both LH and RH sides (Airbus Modification 153655 applied in production, or modified in-service as described in Airbus Service Bulletin A320–32–1407), are not required to do the actions required by paragraph (p) of this AD, provided that the airplane is not modified to a configuration as defined in paragraph (p) of this AD.

(t) New Revision of the AFM

Within 14 days after the effective date of this AD, revise the Emergency Procedure Section of the AFM to incorporate Airbus A318/A319/A320/A321 Temporary Revision (TR) TR437, L/G—GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014. When this TR has been included in general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in this TR, and the copy of this TR may be removed from the AFM. Doing the action required by this paragraph terminates the actions required by paragraph (i) of this AD.

(u) New Replacement of MLG Door Actuator Having P/N 114122012

Within 12 months after the effective date of this AD: Replace each MLG door actuator having P/N 114122012 with a MLG door actuator having P/N 114122014, and flush the affected hydraulic system, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; or modify each actuator, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014; except where General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, specifies to contact the manufacturer, before further flight, repair 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).

(v) New Replacement of Certain Other MLG Door Actuators

Within 24 months after the effective date of this AD: Replace each MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD, except P/N 114122012, with a MLG door actuator having P/N 114122014, and flush the affected hydraulic system, in accordance with Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; or modify each actuator, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014; except where General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, specifies to contact the manufacturer, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

FIGURE 3 TO PARAGRAPH (v) OF THIS AD—AFFECTED PART NUMBERS

Component name	Part No.
MLG door actuator	114122006 114122007 114122009 114122010 114122011 114122012

(w) New Terminating Action

Modification of an airplane as required by paragraphs (u) and (v) of this AD, as applicable, constitutes terminating action for all repetitive actions (PFR monitoring checks and inspections) required by this AD for that airplane.

(x) New Conditional Terminating Action

Replacement of a MLG door actuator as required by paragraphs (m) and (q) of this AD; or corrective actions as specified in Airbus AOT A320–32A1390, dated February 10, 2011; or replacement of a MLG door actuator as specified in Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014; does not constitute terminating action for the repetitive inspections required by paragraphs (j), (l), and (p) of this AD, unless MLG door actuators having P/N 114122014 are installed on both LH and RH sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014.

(y) New Exception to AD Requirements

(1) An airplane on which MLG door actuators having P/N 114122014 are installed on both LH and RH sides (Airbus Modification 153655 applied in production, or modified in service as specified in Airbus Service Bulletin A320–32–1407, dated May 14, 2013; Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; General Electric Service Bulletin 114122–32–105, dated January 17, 2013; or General Electric Service Bulletin 114122–32–105, Revision 1, dated March 26, 2013; or General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014); is not affected by the requirements of paragraphs (j) through (v) of this AD, provided that no MLG door actuator with a part number in figure 3 to paragraph (v) of this AD has been installed on that airplane since first flight, or since modification, as applicable.

(2) An airplane in the configuration specified in paragraph (y)(1) of this AD, and with flight warning computers having P/N 350E053021212 (H2F7) installed (Airbus Modification 153741 applied in production, or modified in service as specified in Airbus Service Bulletin A320–31–1414), is not affected by the requirement of paragraph (t) of this AD and, following modification, Airbus A318/A319/A320/A321 TR TR437, L/G GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014 (if inserted), may be removed from the AFM of that airplane.

(z) New Parts Installation Prohibitions

(1) Except as specified in paragraph (z)(2) of this AD, as of the effective date of this AD, do not install on any airplane a MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD.

(2) For an airplane subject to the requirements of paragraphs (u) and (v) of this AD, as applicable, do not install a MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD after modification of the airplane.

(3) Except as specified in paragraph (z)(4) of this AD, as of the effective date of this AD, do not install on any airplane a flight warning computer (FWC) having a part number listed in figure 4 to paragraph (z) of this AD.

(4) For an airplane subject to the requirements of paragraphs (u) and (v) of this AD, as applicable, do not install a FWC having a part number listed in figure 4 to paragraph (z) of this AD after modification of the airplane.

FIGURE 4 TO PARAGRAPH (z) OF THIS AD—AFFECTED PART NUMBERS

Component name	Part No.
Flight warning computer.	350E016187171 (C5) 350E017238484 (H1D1) 350E017248685 (H1D2)

FIGURE 4 TO PARAGRAPH (z) OF THIS AD—AFFECTED PART NUMBERS—Continued

Component name	Part No.
	350E017251414 (H1E1) 350E017271616 (H1E2) 350E018291818 (H1E3CJ) 350E018301919 (H1E3P) 350E018312020 (H1E3Q) 350E053020202 (H2E2) 350E053020303 (H2E3) 350E053020404 (H2E4) 350E053020606 (H2F2) 350E053020707 (H2F3) 350E053021010 (H2F3P) 350E053020808 (H2F4) 350E053020909 (H2F5) 350E053021111 (H2F6)

(aa) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before April 27, 2007 (the effective date of AD 2007–06–18), using Airbus Service Bulletin A320–32–1309, dated March 7, 2006. This service information is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraphs (k), (l), and (m) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–32–1390, Revision 01, dated September 21, 2011; or Airbus Service Bulletin A320–32–1390, Revision 02, dated October 23, 2013. This service information is not incorporated by reference in this AD.

(3) This paragraph provides credit for actions required by paragraphs (u) and (v) of this AD, if those actions were performed before the effective date of this AD using General Electric Service Bulletin 114122–32–105, dated January 17, 2013; or General Electric Service Bulletin 114122–32–105, Revision 1, dated March 26, 2013. This service information is not incorporated by reference in this AD.

(bb) 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*. 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) *Required for Compliance (RC):* If any Airbus service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(3) *Contacting the Manufacturer:* As of the effective date of this AD, except as specified in paragraph (j) of this AD for the use of an alternative method to check the PFR for CFDS messages, 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(4) *Previously Approved AMOCs:* AMOCs approved previously for AD 2011–13–11 and AD 2013–16–09 are approved as AMOCs for the corresponding provisions of this AD.

(cc) Special Flight Permits

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), provided the MLG remains extended and locked, and that no MLG recycle is done.

(dd) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0221, dated September 30, 2014, 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–2014–0529.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (ee)(7), (ee)(8), and (ee)(9) of this AD.

(ee) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on April 13, 2016.

(i) Airbus A318/A319/A320/A321 Temporary Revision TR437, L/G—GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014, to the Airbus A318/A319/A320/A321 Airplane Flight Manual.

(ii) Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014.

(iii) Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014.

(iv) General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014.

(4) The following service information was approved for IBR on August 23, 2013 (78 FR 48286, August 8, 2013).

(i) Airbus Alert Operators Transmission A32N001–13, dated June 24, 2013.

(ii) Reserved.

(5) The following service information was approved for IBR on July 12, 2011 (76 FR 37241, June 27, 2011).

(i) Airbus All Operators Telex A320–32A1390, dated February 10, 2011.

(ii) Reserved.

(6) The following service information was approved for IBR on April 27, 2007 (72 FR 13681, March 23, 2007).

(i) Airbus Service Bulletin A320–32–1309, Revision 01, dated June 19, 2006.

(ii) Reserved.

(7) For Airbus 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;* Internet *http://www.airbus.com.*

(8) For General Electric service information identified in this AD contact GE Aviation, Customer Support Center, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *cs.techpubs@ge.com;* Internet: *http://www.geaviation.com.*

(9) 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.

(10) 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 February 18, 2016.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–04577 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1809 and 1852

RIN 2700–AE26

NASA FAR Supplement: NASA Suspending and Debarring Official

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: National Aeronautics and Space Administration (NASA) is issuing a final rule to amend the NASA FAR Supplement (NFS) to change the role of NASA suspending and debarring official from the Assistant Administrator for Procurement to the Deputy General Counsel and to make other editorial changes.

DATES: *Effective:* April 8, 2016.

FOR FURTHER INFORMATION CONTACT: Manuel Quinones, NASA, Office of Procurement, telephone (202) 358–2143.

SUPPLEMENTARY INFORMATION:

I. Background

NASA has not published a proposed rule in the **Federal Register** to reassign the role of NASA Suspending and Debarring Official (SDO) from the NASA Assistant Administrator for Procurement to the NASA Deputy General Counsel at NFS 1809.403, because this change affects only the internal operating procedures of the Government and has no significant cost or administrative or cost impact on contractors or offerors.

Additionally, section 1852.223–73 is revised to correct a typographical error by redesignating paragraph (d) as (c). No other changes to the clause are made.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

Publication of proposed regulations, 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the revision to section 1809.403 merely reassigns the role of NASA suspending and debarring official from the Assistant Administrator for Procurement to the Deputy General Counsel. This change affects only the internal operating procedures of the Government.

III. 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 not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant NFS revision within the meaning of FAR 1.501–1 and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR 1809 and 1852

Government procurement.

Manuel Quinones,

NASA FAR Supplement Manager.

Accordingly, 48 CFR parts 1809 and 1852 are amended as follows:

PART 1809—CONTRACTOR QUALIFICATIONS

■ 1. The authority citation for part 1809 is revised to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

■ 2. Revise section 1809.403 to read as follows:

1809.403 Definitions.

For purposes of FAR subpart 9.4 and this subpart, the Deputy General Counsel is the ''debarring official,'' the ''suspending official,'' and the agency head's ''designee.''

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1852 is revised to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

1852.223–73 [Amended]

■ 4. Amend section 1852.223–73 by redesignating paragraph (d) as (c).

[FR Doc. 2016–05231 Filed 3–8–16; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151223999–6135–01]

RIN 0648–XE379

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2016 Annual Catch Limits

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

ACTION: Temporary final rule; adjustment of specifications.

SUMMARY: This action adjusts initial 2016 annual catch limits for the Atlantic herring fishery to account for the under-harvest and overages of fishing year 2014 sub-annual catch limits. The 2015 specifications will remain in place after December 31, 2015, until NMFS sets new specifications through a 2016–2018 fishery specifications final rule, which NMFS expects to publish in the spring of 2016. In accordance with the regulations implementing the Atlantic Herring Fishery Management Plan, this action uses final herring catch data from 2014 for determining what under-harvest and overages occurred in fishing year 2014, and adjusts the initial 2016 annual catch limits for the four management areas (Areas 1A, 1B, 2, and 3). In addition, this action adjusts the initial 2016 stock-wide annual catch limit to account for any management area overages incurred in 2014. In order to ensure that carryover pounds do not cause overfishing of the herring resource, area-specific carryover does not increase the initial stock-wide catch

allocation. This action is necessary to ensure that NMFS accounts for herring catch consistent with the requirements of the Atlantic Herring Fishery Management Plan.

DATES: Effective March 9, 2016, through December 31, 2016.

ADDRESSES: Copies of supporting documents, including the 2013–2015 Specifications/Framework 2 to the Atlantic Herring Fishery Management Plan (FMP), are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9315, or online at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/atlherring/index.html*

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, 978–281–9244, fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic herring harvest in the United States is managed under the FMP developed by the New England Fishery Management Council (Council). The FMP divides the stock-wide herring annual catch limit (ACL) among three management areas, one of which has two sub-areas. It divides Area 1 (located in the Gulf of Maine (GOM)) into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on Georges Bank (GB). The FMP considers the herring stock complex to be a single stock, but there are inshore (GOM) and offshore (GB) stock components. The GOM and GB stock components segregate during spawning and mix during feeding and migration. Each management area has its own sub-ACL to allow greater control of the fishing mortality on each stock component.

NMFS issued a final rule that implemented Amendment 4 to the FMP (76 FR 11373, March 2, 2011) to address ACL and accountability measure (AM) requirements. As a way to account for ACL overages in the herring fishery, Amendment 4 established an AM that provided if the catch of herring exceeds any ACL or sub-ACL, NMFS subsequently deducts the overage from the corresponding ACL/sub-ACL in the year following the catch overage determination. Amendment 4 also specified that NMFS will announce overage deductions in the **Federal Register** prior to the start of the fishing year, if possible.

We also published a final rule implementing Framework 2 to the FMP and the 2013–15 specifications for the herring fishery on October 4, 2013 (78 FR 61828). Among other measures, Framework 2 allows for the carryover of unharvested catch in the year immediately following the catch determination. Up to 10 percent of each sub-ACL may be carried over, provided the stock-wide catch did not exceed the stock-wide ACL. The carryover provision allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the stock-wide ACL.

NMFS was unable to set final 2016 catch limits for the herring fishery by the January 1, 2016, start of the fishing year. As a result, the 2015 specifications will remain in place until NMFS implements specifications for the 2016–2018 herring fishing years, likely the spring of 2016. Table 1 outlines the 2015 herring catch allocations, including deductions for research set-aside, which are currently in place for the 2016 fishing year.

TABLE 1—2015 HERRING SUB-ACLS (mt) EFFECTIVE AT THE START OF 2016

	2015 sub-ACLs	Research set-aside (3 percent of sub-ACLs)	2015 adjusted sub-ACL
Area 1A	31,200	936	30,264
Area 1B	4,600	138	4,462
Area 2	30,000	900	29,100
Area 3	42,000	1,260	40,740
Stock-wide	107,800	3,234 (total of all sub-ACL set-asides)	104,566

Provisions Implemented Through This Final Rule

After completing the 2014 catch determination in December 2015, NMFS determined that in 2014 the herring fishery overharvested the sub-ACL in herring management Area 1B, but caught less than its allocated catch in the three remaining herring management areas (Areas 1A, 2, and 3). As a result, this action deducts the overage amount from the 2016 herring catch limit in herring management Area 1B and adds unharvested 2014 catch to the 2016 herring catch limits for the remaining three areas. This carryover equals to the amount of each area's underages (or up to ten percent of the allocated 2014 sub-annual catch limit, whichever is less) for herring management Areas 1A, 2, and 3. Table 2 provides the harvest details for 2014 and initial adjustments for 2016 herring catch limits.

TABLE 2—HERRING SUB-ACLS, CATCH, AND CARRYOVER (mt)

	2014 sub-ACLs	2014 catch	Underage or overage	Carryover (max 10 percent of 2014 sub-ACLs *) or overage deduction	2015 adjusted sub-ACLs (from Table 1)	Initial 2016 sub-ACLs adjusted for carryover or overage
Area 1A	33,031	32,898	133	133	30,264	30,397
Area 1B	2,878	4,399	−1,521	−1,521	4,462	2,941
Area 2	28,764	19,626	9,138	3,000	29,100	32,100
Area 3	39,415	36,323	3,092	3,092	40,740	43,832
Stock-wide	104,088	93,247	10,841	NA	104,566	** 103,045

* Maximum carryover, where applicable, is based on 10 percent of initial 2014 ACLs: Area 1A, 31,200 mt; Area 1B, 4,600 mt; Area 2, 30,000 mt; and Area 3, 42,000 mt.

** Although the initial 2016 stock-wide ACL cannot be increased by carryover, it is deducted by the amount of overage in Area 1B.

NMFS calculated the amount of herring landings in 2014 based on dealer reports (Federal and state) of herring purchases, supplemented by vessel trip reports (VTRs) and vessel monitoring system (VMS) reports (Federal and State of Maine) of herring landings. We generally use dealer reports to estimate landings; however, if the amount of herring reported via VTR exceeded the amount of herring reported by the dealer by 10 percent or more, we assumed that the dealer report for that trip was in error, and used the VTR report instead. Landings were assigned to individual herring management areas using VMS reports, or latitude and longitude coordinates from VTR reports when a VMS report was not available. We used recent fishing activity to infer herring management areas for records without a corresponding VTR or VMS catch report.

Herring discards were estimated by extrapolating discards from herring trips observed by the Northeast Fisheries Observer Program to all herring trips (observed and unobserved) according to gear and herring management area. Research Set-Aside herring catch was deducted from total herring catch and not counted towards the commercial herring quota.

Classification

Pursuant to section 304 (b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the MSA, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action. Notice and comment are impracticable and contrary to the public interest because a delay would potentially impair achievement of the management plan's objectives of preventing overfishing and achieving optimum yield due to vessels' ability to harvest available catch allocations. Further, this is a nondiscretionary action required by provisions of Amendment 4 and Framework 2, which were previously subject to public comment. This action simply effectuates this mandatory calculation. The proposed and final rules for Framework 2 and Amendment 4 explained the need and likelihood for adjustments to the sub-ACLs based on final catch numbers. Framework 2, specifically, provided prior notice of the need to distribute carryover catch. These actions provided a full opportunity for the public to comment on the substance and process of this action.

Allowing for prior notice and public comment on this adjustment is also impracticable because the herring fishing year already began on January 1, 2016. To prevent confusion and potential overharvests, it will be in the best interest of the fleet and the herring resource to set the adjusted sub-ACLs as soon as possible. Three areas are currently closed and will open on either May 1 (*i.e.,* Management Areas 1B and 3) or June 1 (*i.e.,* Management Area 1A). Management Area 2 is already open and subject to a lower catch limit until this action is implemented. Putting in place the adjusted initial sub-ACLs as soon as possible will provide the fleet with this opportunity to develop their business plans in sufficient time to facilitate their harvest of available catch.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make the rule effective upon publication in the **Federal Register**. The 2016 herring fishing year began on January 1, 2016. To prevent confusion and potential overharvests, it will be in the best interest of the fleet and the herring resource to have the adjusted sub-ACLs in place as soon as possible. Due to seasonal closures of Area 1A and 1B, and closure of most of Area 3 because of haddock catch, only Area 2 is open and it is subject to a lower catch limit until this action is implemented. Putting in place the adjusted initial sub-ACLs as soon as possible will provide the fleet with this opportunity to develop their business plans in sufficient time to facilitate their harvest of available catch. Accordingly, any delay in the rule's effectiveness would be contrary to the conservation objectives of the MSA and the FMP.

This action is required by 50 CFR part 648 subpart K and is exempt from review under Executive Order 12866.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

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

Dated: March 2, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2016–05250 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 46
Wednesday, March 9, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number: 151222999–6020–01]

RIN 0607–AA55

Foreign Trade Regulations: Clarification on Filing Requirements

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of the Census (Census Bureau) is proposing to amend its regulations to reflect new export reporting requirements related to the implementation of the International Trade Data System (ITDS), in accordance with the Executive Order 13659, Streamlining the Export/Import Process for American Businesses. The ITDS was established by the Security and Accountability for Every (SAFE) Port Act of 2006. The proposed changes also include the addition of two new data elements in the Automated Export System (AES); the original Internal Transaction Number (ITN) field and the used electronics indicator. Lastly, the Census Bureau proposes to make changes to provide clarity on existing reporting requirements. These changes are discussed in detail in the **SUPPLEMENTARY INFORMATION** section.

DATES: Submit written comments on or before May 9, 2016.

ADDRESSES: Please direct all written comments on this notice of proposed rulemaking to the Chief, International Trade Management Division, U.S. Census Bureau, Washington, DC 20233–6010. You may also submit comments, identified by RIN number 0607–AA55, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personal Identifying Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. The Census Bureau will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Dale C. Kelly, Chief, International Trade Management Division, U.S. Census Bureau, Washington, DC 20233–6010, by phone: (301) 763–6937, by fax: (301) 763–8835, or by email: *dale.c.kelly@census.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau is responsible for collecting, compiling, and publishing trade statistics for the United States under the provisions of title 13 of the United States Code (U.S.C.), chapter 9, section 301. The International Trade Data System (ITDS), the interagency program for collecting trade related information was established by section 405 of the Security and Accountability for Every (SAFE) Port Act of 2006 (Pub. L. 109–347, 120 Stat. 1884) to eliminate redundant information collection and for the collection and distribution of standard electronic import and export data required by all participating federal agencies. The ITDS also seeks to efficiently regulate the flow of commerce and to effectively enforce laws and regulations relating to international trade by establishing a single portal system, or ''single window.''

The Automated Export System (AES), or any successor system, is the mechanism by which Census Bureau collects Electronic Export Information (EEI)—the electronic equivalent of the export data formerly collected on the Shipper's Export Declaration, reported pursuant to title 15 of the Code of Federal Regulations (CFR), part 30. In order to achieve the goals of the ITDS, the AES has been incorporated into Automated Commercial Environment (ACE), the ''single window,'' which is operated and maintained by U.S. Customs and Border Protection (CBP) for the submission and processing of trade information. The AES will additionally include export information collected under other federal agencies' authority, which is subject to those agencies' disclosure mandates.

The Census Bureau is also proposing to add two new data elements, ''Original ITN'' and a ''Used electronics indicator.'' The ''Original ITN'' may be utilized if a previously filed shipment is replaced or divided and for which additional shipment(s) must be filed. Adding the ''Original ITN'' will assist the export trade community and enforcement agencies in identifying that a filer completed the mandatory filing requirements for the original shipment and any additional shipment(s). The ''Used electronics indicator'' is being added to improve information on trade flows on used electronics in order to effectuate the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. 6901 *et seq.;* Executive Order 13693, Planning for Federal Sustainability in the Next Decade; and the National Strategy for Electronics Stewardship. The goal of these directives is to improve the availability and quality of data on the trade and handling of used electronics in order to develop and encourage the employment of environmentally sound practices with respect to disposal of all excess or surplus electronic products in order to reduce the likelihood of negative impacts to the health and environment in developing countries.

The revised timeframes for split shipments that were addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments, have been incorporated into the proposed text.

Finally, the proposed revisions to the FTR have received concurrence from the Department of Homeland Security and the U.S. Department of State as required by title 13, United States Code, section 303, and Public Law 107–228, div. B, title XIV, section 1404.

Program Requirements

The Census Bureau is proposing to amend the following sections of 15 CFR part 30:

- In § 30.1(c), revise the definition of ''AES applicant'' to remove the text ''applies to the Census Bureau for authorization'' and ''or its related applications'' because the registration will no longer go through the Census Bureau. Rather, the registration will be submitted to CBP through its Web site

or through ACE and will be processed by CBP. Also, related applications will be eliminated.

• In § 30.1(c), revise the definition of ''AES*Direct''* to clarify the appropriate parties that can transmit Electronic Export Information (EEI) through the AES, clarify that all regulatory requirements pertaining to AES also apply to AES*Direct,* and eliminate the URL.

• In § 30.1(c), revise the definition of ''AES downtime filing citation'' to allow for an electronic process and to clarify that the citation cannot be used for shipments subject to the International Traffic in Arms Regulations (ITAR).

• In § 30.1(c), remove the definition of ''AES participant application (APA)'' because the APA is no longer used for filers to obtain access to the AES.

• In § 30.1(c), revise the definition of ''Annotation'' to remove the word ''placed'' to eliminate the implication of a manual process and add ''or electronic equivalent'' to allow for an electronic process.

• In § 30.1(c), add the definition of ''Automated Commercial Environment (ACE)'' to identify the system through which the trade community reports data.

• In § 30.1(c), revise the definition of ''Automated Export System (AES)'' to reduce redundancy.

• In § 30.1(c), revise the definition of ''Bill of lading (BL)'' to distinguish between the responsibilities of the carrier and the authorized agent.

• In § 30.1(c), revise the definition of ''Container'' to make the language consistent with Article 1 of the Customs Convention on Containers.

• In § 30.1(c), remove the definition of ''Domestic exports'' because this term is not used in the FTR and add the definition of ''Domestic goods.''

• In § 30.1(c), revise the definition ''Fatal error message'' by removing the language ''the problem, correct the data'' to reduce redundancy.

• In § 30.1(c), revise the term ''Filers'' to ''Filer'' and revise the definition to reduce redundancy.

• In § 30.1(c), remove the definition of ''Foreign exports'' because this term is not used in the FTR and add the definition of ''Foreign goods.''

• In § 30.1(c), remove the definition for ''Non Vessel Operating Common Carrier (NVOCC)'' because the term is not referenced in the FTR.

• In § 30.1(c), revise the definition of ''Proof of filing citation'' by removing the word ''placed'' to eliminate the implication of a manual process and allow for an electronic process.

• In § 30.1(c), remove the definition of ''Reexport'' because the term is not used for statistical purposes in the FTR.

• In § 30.1(c), revise the definition of ''Service center'' to clarify the role of a service center as it pertains to the FTR.

• In § 30.1(c), revise the term ''Shipment reference number'' to read as ''Shipment Reference Number (SRN).''

• In § 30.1(c), revise the definition of ''Split shipment'' to incorporate the revised timeframes addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments.

• In § 30.1(c), revise the term ''Transportation reference number'' to read as ''Transportation Reference Number (TRN).''

• In § 30.1(c), add the term ''Used electronics'' to clarify the new conditional data element that will be collected.

• Revise § 30.2(a)(1)(iv)(A) to ensure consistency with the Department of Commerce, Bureau of Industry and Security regulations.

• Revise § 30.2(a)(1)(iv)(C) to add language which notes that the filer must reference the Department of State regulations for exceptions to the filing requirements for goods subject to the ITAR.

• Revise § 30.2(b)(3) to remove the reference to ''30.4(b)(3)'' and add ''30.4(b)(4)'' in its place.

• Revise § 30.2(c) to clarify the ACE Exporter Account Application and Certification Process.

• Revise § 30.3(e)(2) to add language requiring the date of export and Internal Transaction Number (ITN) to be provided to the U.S. Principal Party in Interest (USPPI) upon request.

• Revise § 30.3(e)(2) to add paragraph (xv) ''Ultimate consignee type'' to clarify that the authorized agent is responsible for reporting the ultimate consignee type in a routed export transaction.

• Revise § 30.4(b)(2)(v) to reference only mail shipments by removing the words ''and cargo shipped by other modes, except pipelines'' because all other modes are covered in paragraph (vi). In addition, revise language to replace ''exporting carrier'' with ''U.S. Postal Service'' and remove the reference to § 30.46 because pipeline language has been added to § 30.4(c)(2).

• Revise § 30.4(b)(3) to indicate that the USPPI or authorized agent must provide the proof of filing citation, postdeparture filing citation, AES downtime citation, exemption or exclusion legend to the carrier.

• Revise § 30.4(c) to read ''EEI transmitted postdeparture.''

• Revise § 30.4 by adding paragraphs (c)(1) to address current postdeparture filing procedures and (c)(2) to address pipeline filing procedures.

• Revise the title of § 30.5 to be ''Electronic Export Information filing processes and standards'' to accurately reflect the information that remains in this section since the AES application and certification process are removed.

• Revise § 30.5 to remove the introduction paragraph and remove and reserve paragraphs (a) and (b) because the certification process is now addressed in § 30.2(c).

• Remove § 30.5(d)(3) to remove outdated requirements.

• Revise § 30.5(f) to amend outdated information.

• Revise § 30.6 introductory paragraph to add language indicating that additional elements collected in ITDS are mandated by the regulations of other federal government agencies.

• Revise § 30.6(a)(1) to include the definition of the USPPI for consistency with the format for other data elements.

• Revise § 30.6(a)(1)(iii) to clarify the use of an Employer Identification Number (EIN) and include the Data Universal Numbering System (DUNS) number as an acceptable USPPI ID number.

• Revise § 30.6(a)(1)(iv) to clarify whose contact information should be provided in the AES for the USPPI.

• Revise § 30.6(a)(5)(i) to clarify the country of ultimate destination to be reported with respect to shipments under BIS and State Department export licenses.

• Revise § 30.6(a)(5)(ii) and add paragraphs (A) through (C) to clarify the country of ultimate destination to be reported with respect to shipments not moving under an export license.

• Revise § 30.6(a)(11) by removing paragraphs (i) and (ii) as domestic goods and foreign goods are now included in § 30.1(c) as definitions.

• Revise § 30.6(a)(19) to conform with the revised term ''Shipment reference number (SRN).''

• Revise the title of § 30.6(b)(14) to conform with the revised term ''Transportation Reference Number (TRN).''

• Revise § 30.6(b) to add paragraph (18) to include the used electronics indicator to improve information on trade flows and the disposal of used electronics to ensure compliance with the Resource Conservation and Recovery Act (RCRA) 42 U.S.C 6901 *et seq.* and Executive Order 13693, *Planning for Sustainability in the Next Decade.*

• Revise § 30.6(c) to add paragraph (3) to include the original ITN field. Adding the original ITN field will assist the export trade community and

enforcement agencies in identifying that a filer completed the mandatory filing requirements for the original shipment and any additional shipment(s).

• Remove § 30.10(a)(1) and (2) because the electronic certification notice is no longer provided.

• Revise § 30.28 introductory paragraph to incorporate the revised timeframes addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments.

• Revise § 30.28(a) to allow for an electronic process and incorporate the revised timeframes.

• Revise § 30.28 by removing paragraph (c) to eliminate redundancy.

• Revise § 30.29(a)(1), (a)(2) and (b)(2) to remove the terms ''Non-USML'' and ''USML'' and add the phrases ''goods not licensed by a U.S. Government agency'' and ''goods licensed by a U.S. Government agency or controlled by the ITAR'' to clarify that EEI shall be filed as stated on the export license, if applicable.

• Revise § 30.36(b)(4) to ensure consistency with the Export Administration Regulations.

• Revise the title to subpart E and § 30.45, revise § 30.45(a), (a)(1) and (b), remove and reserve § 30.45(a)(2), and remove § 30.45(c) through (f) to ensure consistency with the CBP regulations.

• Revise §§ 30.46 and 30.47 by removing and reserving these sections.

• Revise § 30.50 introductory paragraph to remove Automated Broker Interface (ABI) and insert the reference to ACE.

• Revise § 30.53 introductory paragraph to provide more detail for classifying goods temporarily imported for repair and remove § 30.53(a) and (b).

• Revise § 30.74(c)(5) to indicate the new division name and revise the address.

Appendix B

• Revise appendix B, part III, to include the new BIS License Exception C60 DY6—.y ''600 series'' items.

• Revise appendix B, part III, to include the new BIS License Exception C62 SCP—Support for the Cuban People.

Appendix D

• Revise the title in appendix D to read ''Appendix D to Part 30—AES Filing Citation, Exemption and Exclusion Legends.''

• Revise appendix D numbers III and IV to clarify the dates listed in the examples are the dates of export.

• Revise appendix D to remove ''XII. Proof of filing citations by pipeline.''

Appendix E

• Remove appendix E as the references between the Foreign Trade Statistics Regulations (FTSR) and FTR are no longer necessary because the FTSR became obsolete on June 2, 2008.

Rulemaking Requirements

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule will not have a significant impact on a substantial number of small entities.

This action requires that U.S. Principal Parties in Interest (USPPIs) or authorized agents in the United States file export information to the AES for all shipments where an Electronic Export Information (EEI) record is required under the FTR. The SBA's table of size standards indicates that businesses that are the USPPI or authorized agent and file export information are considered small businesses if they employ less than 500 people. Based on Exhibit 7a of the 2013 *Profile of U.S. Exporting Companies,* the Census Bureau estimates that there are 297,000 USPPIs that are considered small business entities under the Small Business Act definition. And more than 90 percent of these USPPIs use an authorized agent to file export information. An estimate of the number of authorized agents is not known and unable to be determined.

The Census Bureau anticipates that the new requirements will not significantly affect the small businesses that file through the AES. While this regulation would likely affect a substantial number of agents that are small entities, it is not likely that the effect will be significant. The majority of agents require use of a computer to perform routine tasks, such as filing through the AES. These agents are unlikely to be significantly affected by these new requirements, as they already possess the necessary technology and equipment to submit the information through the AES. In addition, it is not necessary for small businesses to purchase software for this task because a free Internet-based system is provided, AES*Direct,* especially for small businesses to submit their export information electronically. The proposed new requirements will have minimal impact on response burden. For these reasons, this proposed rule will not have a significant economic impact on a substantial number of small entities.

Executive Orders

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. It has been determined that this proposed rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current and valid Office of Management and Budget (OMB) control number. This proposed rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*) and has been approved under OMB control number 0607–0152.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau is proposing to amend 15 CFR part 30 as follows:

PART 30—FOREIGN TRADE REGUALTIONS

Subpart A—General Requirements

■ 1. The authority citation for part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization plan No. 5 of 1990 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended; Pub. L. 107–228, 116 Stat. 1350.

■ 2. Amend § 30.1(c) by:
■ a. Revising the definitions for ''AES applicant'', ''AES*Direct''*, and ''AES downtime filing citation'';
■ b. Removing the definition for ''AES participant application (APA)'';
■ c. Revising the definition for ''Annotation'';
■ d. Adding in alphabetical order the definition for ''Automated Commercial Environment (ACE)'';
■ e. Revising the definitions for ''Automated Export System (AES)'', ''Bill of lading (BL)'', and ''Container'';
■ f. Removing the definition for ''Domestic exports'';
■ g. Adding in alphabetical order the definition for ''Domestic goods'';
■ h. Revising the definition for ''Fatal error message'';

■ i. Remove the definition for ''Filers'' and add in its place a definition for ''Filer'';
■ j. Removing the definition for ''Foreign exports'';
■ k. Adding in alphabetical order the definition for ''Foreign goods'';
■ l. Removing the definition for ''Non Vessel Operating Common Carrier'';
■ m. Revising the definition for ''Proof of filing citation'';
■ n. Removing the definition for ''Reexport'';
■ o. Revising the definitions for ''Service center'', ''Shipment reference number'', ''Split shipment'', and ''Transportation reference number''; and
■ p. Adding in alphabetical order the definition for ''Used electronics''.

The revisions and additions read as follows:

§ 30.1 Purpose and definitions.

* * * * *

(c) * * *

AES applicant. The USPPI or authorized agent who registers through ACE to report export information electronically to the AES, or through AES*Direct*.

AESDirect. A free Internet application that allows USPPIs and authorized agents to transmit EEI to the AES via the Internet. All regulatory requirements pertaining to AES also apply to AES*Direct*.

AES downtime filing citation. A statement used in place of a proof of filing citation when the AES or AES*Direct* are inoperable. The citation must appear on the bill of lading, air waybill, export shipping instructions, other commercial loading documents or electronic equivalent. The downtime filing citation is not to be used when the filer's system is down, experiencing delays or for shipments subject to the International Traffic in Arms Regulations (ITAR).

* * * * *

Annotation. An explanatory note (*e.g.,* proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend) on the bill of lading, air waybill, export shipping instructions, other commercial loading documents or electronic equivalent.

* * * * *

Automated Commercial Environment (ACE). A CBP authorized electronic data interchange system for processing import and export data.

Automated Export System (AES). The system, including AES*Direct,* for collecting EEI (or any successor document) from persons exporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands; between Puerto Rico and the United States; and to the U.S. Virgin Islands from the United States or Puerto Rico.

Bill of Lading (BL). A document that establishes the terms of a contract under which freight is to be moved between specified points for a specified charge. It is issued by the carrier based on instructions provided by the shipper or its authorized agent. It may serve as a document of title, a contract of carriage, and a receipt for goods.

* * * * *

Container. (1) The term container shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

(i) Fully or partially enclosed to constitute a compartment intended for containing goods;

(ii) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(iii) Specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

(iv) Designed for ready handling, particularly when being transferred from one mode of transport to another;

(v) Designed to be easy to fill and to empty; and

(vi) Having an internal volume of one cubic metre or more;

(2) The term *container* shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and equipment are carried with the container. The term *container* shall not include vehicles, accessories or spare parts of vehicles, or packaging. Demountable bodies are to be treated as containers.

* * * * *

Domestic goods. Goods that are grown, produced, or manufactured in the United States, or previously imported goods that have undergone substantial transformation in the United States, including changes made in a U.S. FTZ, from the form in which they were imported, or that have been enhanced in value or improved in condition by further processing or manufacturing in the United States.

* * * * *

Fatal error message. An electronic response sent to the filer by the AES when invalid or missing data has been encountered, the EEI has been rejected, and the information is not on file in the AES. The filer is required to immediately correct and retransmit the EEI.

Filer. The USPPI or authorized agent (of either the USPPI or FPPI) who has been approved to file EEI.

* * * * *

Foreign goods. Goods that were originally grown, produced, or manufactured in a foreign country, then subsequently entered into the United States, admitted to a U.S. FTZ, or entered into a CBP bonded warehouse, but not substantially transformed in form or condition by further processing or manufacturing in the United States, U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands.

* * * * *

Proof of filing citation. A notation on the bill of lading, air waybill, export shipping instructions, other commercial loading document or electronic equivalent, usually for carrier use, that provides evidence that the EEI has been filed and accepted in the AES.

* * * * *

Service center. A company, entity, or organization that has been certified and approved to facilitate the transmission of EEI to the AES.

* * * * *

Shipment reference number (SRN). A unique identification number assigned to the shipment by the filer for reference purposes. The reuse of the SRN is prohibited.

* * * * *

Split shipment. A shipment covered by a single EEI record booked for export on one conveyance, that is divided by the exporting carrier prior to export where the cargo is sent on two or more of the same conveyances of the same carrier leaving from the same port of export within 24 hours by vessel or 7 days by air, truck or rail.

* * * * *

Transportation reference number (TRN). A reservation number assigned by the carrier to hold space on the carrier for cargo being shipped. It is the booking number for vessel shipments and the master air waybill number for air shipments, the bill of lading number for rail shipments, and the freight or pro bill for truck shipments.

* * * * *

Used electronics. Various electronic equipment, products and associated accessories including consumer electronics and information technology equipment that are no longer in new packaging and have been given away or sold to be recycled, resold, reused, refurbished, repaired or disposed.

* * * * *

■ 3. Amend § 30.2 by revising paragraphs (a)(1)(iv)(A) and (C), (b)(3), and (c) to read as follows:

§ 30.2 General requirements for filing Electronic Export Information (EEI).

(a) * * *

(1) * * *

(iv) * * *

(A) Requiring a Department of Commerce, Bureau of Industry and Security (BIS) license or requiring reporting under the Export Administration Regulations (15 CFR 758.1(b)).

* * * * *

(C) Subject to the ITAR, but exempt from license requirements, except as noted by the Department of State regulations.

* * * * *

(b) * * *

(3) The AES downtime procedures provide uniform instructions for processing export transactions when the government's AES or AES*Direct* is unavailable for transmission. (See § 30.4(b)(1) and (4)).

* * * * *

(c) *Certification and filing requirements.* Approval is required to file EEI or develop AES software.

(1) *ACE Exporter Account Application.* USPPIs or authorized agents who choose to file via the AES*Direct* shall complete an online ACE Exporter Account Application. No certification is required to file via AES*Direct.*

(2) *Letter of intent.* The following parties shall complete an online letter of intent:

(i) USPPIs or authorized agents who choose to file in a means other than AES*Direct;*

(ii) Self-programming USPPIs or authorized agents;

(iii) Service centers; and

(iv) Software vendors who develop AES software.

(3) *Certification.* The certification process is a two-part communication test to ascertain whether the system is capable of both transmitting data to and receiving responses from the AES. CBP client representatives make the sole determination as to whether or not the system of the self-programming filer, service center, or software vendor qualifies for certification. The following parties must complete the certification process:

(i) Self-programming USPPIs or authorized agents,

(ii) Service centers, and

(iii) Software vendors who develop AES software.

* * * * *

■ 4. Amend § 30.3 by revising the introductory text of paragraph (e)(2) and adding paragraph (e)(2)(xv) to read as follows:

§ 30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.

* * * * *

(e) * * *

(2) *Authorized agent responsibilities.* In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and prepare and file the EEI based on information obtained from the USPPI or other parties involved in the transaction. The authorized agent shall be responsible for filing EEI accurate and timely in accordance with the FTR. Upon request, the authorized agent will provide the USPPI with a copy of the power of attorney or written authorization from the FPPI. The authorized agent shall also retain documentation to support the EEI reported through the AES. The authorized agent shall upon request, provide the USPPI with the data elements in paragraphs (e)(1)(i) through (xii) of this section, the date of export as submitted through the AES, and the ITN. The authorized agent shall provide the following information through the AES:

* * * * *

(xv) Ultimate consignee type.

* * * * *

■ 5. Amend § 30.4 by revising paragraphs (b)(2)(v), (b)(3) and (c) to read as follows:

§ 30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

* * * * *

(b) * * *

(2) * * *

(v) For mail cargo, the USPPI or the authorized agent shall file the EEI required by § 30.6 and provide the filing citation or exemption legend to the U.S. Postal Service no later than two (2) hours prior to exportation.

* * * * *

(3) For shipments between the United States and Puerto Rico, the USPPI or authorized agent shall provide the AES proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend to the exporting carrier by the time the shipment arrives at the port of unloading.

* * * * *

(c) *EEI transmitted postdeparture*—(1) *Postdeparture filing procedures.* Postdeparture filing is only available for approved USPPIs. For all methods of transportation other than pipeline, approved USPPIs or their authorized agent may file data elements required by § 30.6 no later than five (5) calendar days after the date of exportation, except for shipments where predeparture filing is specifically required.

(2) *Pipeline filing procedures.* USPPIs or authorized agents may file data elements required by § 30.6 no later than four (4) calendar days following the end of the month. The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citation, exemption, or exclusion legend, on the condition that within four (4) calendar days following the end of each calendar month the operator will deliver to the CBP Port Director the proof of filing citation, exemption, or exclusion legend covering all exports through the pipeline to each consignee during the month.

* * * * *

■ 6. Amend § 30.5 by revising the section heading, removing the introductory text, removing and reserving paragraphs (a) and (b), removing paragraph (d)(3), and revising paragraph (f) to read as follows:

§ 30.5 Electronic Export Information filing processes and standards.

(a) [Reserved].

(b) [Reserved].

* * * * *

(f) *Support.* The Census Bureau provides online services that allow the USPPI and the authorized agent to seek assistance pertaining to AES and this part. For AES assistance, filers may send an email to *ASKAES@census.gov.* For FTR assistance, filers may send an email to *itmd.askregs@census.gov.*

■ 7. Amend § 30.6 by revising the introductory text, paragraphs (a)(1), (a)(1) and (iv), (a)(5)(i) and (ii), (a)(11), (a)(19), and (b)(14), and adding paragraphs (b)(18) and (c)(3) to read as follows:

§ 30.6 Electronic Export Information data elements.

The information specified in this section is required for EEI transmitted to the AES. The data elements identified as ''mandatory'' shall be reported for each transaction. The data elements identified as ''conditional'' shall be reported if they are required for or apply to the specific shipment. The data elements identified as ''optional'' may be reported at the discretion of the USPPI or the authorized agent. Additional data elements may be required to be reported in the AES by other federal agencies' regulations. Refer to the other agencies' regulations for reporting requirements.

(a) * * *

(1) *USPPI.* The person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. Generally, that person or entity is the U.S. seller, manufacturer, or order party, or the foreign entity while in the United States when purchasing or obtaining the goods for export. The name, address, identification number, and contact information of the USPPI shall be reported to the AES as follows:

* * * * *

(iii) *USPPI identification number.* Report the EIN or DUNS number of the USPPI. If the USPPI has only one EIN, report that EIN. If the USPPI has more than one EIN, report an EIN that the USPPI only uses to report employee wages and withholdings, not an EIN used to report only company earnings or receipts. Use of another company's EIN is prohibited. The appropriate Party ID Type code shall be reported to the AES. If a foreign entity is in the United States at the time goods are purchased or obtained for export, the foreign entity is the USPPI. In such situations, when the foreign entity does not have an EIN, the authorized agent shall report a border crossing number, passport number, or any number assigned by CBP on behalf of the foreign entity.

(iv) *USPPI contact information.* The person who has the most knowledge regarding the specific shipment or related export controls.

* * * * *

(5) * * *

(i) *Shipments under an export license.* For shipments under an export license issued by the Department of State, Directorate of Defense Trade Controls (DDTC), or the Department of Commerce, Bureau of Industry and Security (BIS), the country of ultimate destination shall conform to the country of ultimate destination as shown on the license. In the case of a DDTC or BIS license, the country of ultimate destination is the country specified with respect to the end user. However, in the case of a BIS license, if no end user is listed, report the country of ultimate destination with respect to the ultimate consignee on the license. For goods licensed by other government agencies, refer to the agencies' specific requirements for providing country of destination information.

(ii) *Shipments not moving under an export license.* The country of ultimate destination is the country known to the USPPI or U.S. authorized agent at the time of exportation. The country to which the goods are being shipped is not the country of ultimate destination if the USPPI or U.S. authorized agent has knowledge, at the time the goods leave the United States, that they are intended for reexport or transshipment in the form received to another known country. For goods shipped to Canada, Mexico, Panama, Hong Kong, Belgium, United Arab Emirates, The Netherlands, or Singapore, special care should be exercised before reporting these countries as the ultimate destinations because these are countries through which goods from the United States are frequently transshipped. If the USPPI or U.S. authorized agent does not know the ultimate destination of the goods, the country of destination to be shown is the last country, as known to the USPPI or U.S. authorized agent at the time the goods leave the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of ultimate destination for vessels sold or transferred from the United States to foreign ownership, see § 30.26). In addition, the following types of shipments must be reported as follows:

(A) *Department of State, DDTC, license exemption.* The country of ultimate destination is the country specified with respect to the end user.

(B) *Department of Commerce, BIS, license exception.* The country of ultimate destination is the country of the end user as defined in 15 CFR 772.1 of the Export Administration Regulations (EAR).

(C) *For shipments to international waters.* The country of ultimate destination is the nationality of the person(s) or entity assuming control of the item(s) that are being exported.

* * * * *

(11) *Domestic or foreign indicator.* Indicates if the goods exported are of domestic or foreign origin. Report foreign goods as a separate line item from domestic goods even if the commodity classification is the same.

* * * * *

(19) *Shipment reference number (SRN).* A unique identification number assigned by the filer that allows for the identification of the shipment in the filer's system. The reuse of the SRN is prohibited.

* * * * *

(b) * * *

(14) *Transportation Reference Number (TRN).* The TRN is as follows:

* * * * *

(18) *Used electronics indicator.* An indicator that identifies whether the commodity is a used electronic. Used electronics are various electronic equipment, products and associated accessories including consumer electronics and information technology equipment that are no longer in new packaging and have been given away or sold to be recycled, resold, reused, refurbished, repaired or disposed.

(c) * * *

(3) *Original ITN.* The ITN associated with a previously filed shipment that is replaced or divided and for which additional shipment(s) must be filed. The original ITN field can be used in certain scenarios, such as, but not limited to, shipments sold en route or cargo split by the carrier where the succeeding parts of the shipment are not exported within the timeframes specified in § 30.28.

§ 30.10 [Amended]

■ 8. Amend § 30.10 by removing paragraphs (a)(1) and (2).

■ 9. Amend § 30.28 by revising the introductory text and paragraph (a), and removing paragraph (c) to read as follows:

§ 30.28 Split shipments.

A split shipment is a shipment covered by a single EEI record booked for export on one conveyance that is divided for shipment on more than one conveyance by the exporting carrier prior to export. The exporting carrier must file the manifest in accordance with CBP regulations indicating that the cargo was sent on two or more of the same type of conveyance of the same carrier leaving from the same port of export within 24 hours by vessel or 7 days by air, truck, or rail. For the succeeding parts of the shipment that are not exported within time frame specified above, a new EEI record must be filed and amendments must be made to the original EEI record. If a new EEI record is required, the original ITN data element may be used. The following procedures apply for split shipments:

(a) The carrier shall submit the manifest to the CBP Port Director with the manifest covering the conveyance on which the first part of the split shipment is exported and shall make no changes to the EEI. However, the manifest shall show in the ''number of packages'' column the actual portion of the declared total quantity being carried and shall carry a notation to indicate ''Split Shipment'' *e.g.,* ''3 of 10—Split Shipment.'' All associated manifests with the notation ''Split Shipment'' will have identical ITNs if exported within 24 hours by vessel or 7 days by air, truck, or rail.

* * * * *

■ 10. Amend § 30.29 by revising paragraphs (a)(1) and (2) and (b)(2) to read as follows:

§ 30.29 Reporting of repairs and replacements.

* * * * *

(a) * * *

(1) The return of goods not licensed by a U.S. Government agency and not subject to the ITAR, temporarily imported for repair and alternation, and declared as such on importation shall have Schedule B number 9801.10.0000. The value shall only include parts and labor. The value of the original product shall not be included. If the value of the parts and labor is over $2,500, then EEI must be filed.

(2) The return of goods licensed by a U.S. Government agency or subject to the ITAR, temporarily imported for repair or alternation, and declared as such on importation shall have Schedule B number 9801.10.0000. In the value field, report the value of the parts and labor. In the license value field, report the value designated on the export license that corresponds to the commodity being exported if required by the U.S. Government agency. EEI must be filed regardless of value.

(b) * * *

(2) Goods that are replaced under warranty at no charge to the customer shall include the statement, ''Product replaced under warranty, value for EEI purposes'' on the bill of lading, air waybill, or other commercial loading documents. Place the notation below the proof of filing citation or exemption legend on the commercial document. Report the Schedule B number or Harmonized Tariff Schedule of the United States Annotated (HTSUSA) commodity classification number of the replacement parts. For goods not licensed by a U.S. Government agency, report the value of the replacement parts in accordance with § 30.6(a)(17). For items licensed by a U.S. Government agency, report the value and license value in accordance with § 30.6(a)(17) and § 30.6(b)(15) respectively.

■ 11. Amend § 30.36 by revising paragraph (b)(4) to read as follows:

§ 30.36 Exemption for shipments destined to Canada.

* * * * *

(b) * * *

(4) Requiring a Department of Commerce, Bureau of Industry and Security, license or requiring reporting under the Export Administration Regulations (15 CFR 758.1(b)).

* * * * *

■ 12. Amend subpart E by revising the heading to read as follows:

Subpart E—Manifest Requirements

■ 13. Amend § 30.45 by revising the section heading, paragraphs (a) introductory text and (a)(1), removing and reserving paragraph (a)(2); revising paragraph (b); and removing paragraphs (c) through (f); to read as follows:

§ 30.45 Manifest requirements.

(a) File the manifest in accordance with Customs and Border Protections (CBP) regulations.

(1) *Vessels.* Vessels transporting goods as specified shall file a complete manifest, or electronic equivalent.

* * * * *

(b) *Exempt items.* For any item for which EEI is not required by the regulations in this part, a notation on the manifest shall be made by the carrier as to the basis for the exemption. In cases where a manifest is not required and EEI is not required, an oral declaration to the CBP Port Director shall be made as the basis for the exemption.

§§ 30.46 and 30.47 [Removed and reserved]

■ 14. Remove and reserve §§ 30.46 and 30.47.

■ 15. Amend § 30.50 by revising the introductory text to read as follows:

§ 30.50 General requirements for filing import entries.

Electronic entry summary filing through the Automated Commercial Environment (ACE), paper import entry summaries (CBP–7501), or paper record of vessel foreign repair or equipment purchase (CBP–226) shall be completed by the importer or its licensed import broker and filed directly with CBP in accordance with 19 CFR parts 1 through 199. Information on all mail and informal entries required for statistical and CBP purposes shall be reported, including value not subject to duty. Upon request, the importer or importer broker shall provide the Census Bureau with information or documentation necessary to verify the accuracy of the reported information, or to resolve problems regarding the reported import transaction received by the Census Bureau.

* * * * *

■ 16. Revise § 30.53 to read as follows:

§ 30.53 Import of goods returned for repair.

Import entries covering U.S. goods imported temporarily to be repaired, altered, or processed under HTSUSA commodity classification code 9801.00.1012, and foreign goods imported temporarily to be repaired or altered under the HTSUSA commodity classification code 9813.00.0540 are required to show the following statement: ''Imported for Repair and Reexport'' on CBP Form 7501 or its electronic equivalent. When the goods are subsequently exported, file according to the instructions provided in § 30.29.

■ 17. Amend § 30.74 by revising paragraph (c)(5) to read as follows:

§ 30.74 Voluntary self-disclosure.

* * * * *

(c) * * *

(5) *Where to make voluntary self-disclosures.* With the exception of voluntary disclosures of manifest violations under § 30.74(c), the information constituting a Voluntary Self-Disclosure or any other correspondence pertaining to a Voluntary Self-Disclosure may be submitted to: Chief, International Trade Management Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233. Additional instructions are found at *www.census.gov/trade.*

* * * * *

■ 18. Amend Appendix B by adding in alpha-numeric order license code entries for ''C60'' and ''C62'' to Part III, under the undesignated center heading Department of Commerce, Bureau of Industry and Security (BIS) to read as follows:

Appendix B to Part 30—AES Filing Codes

* * * * *

Part III—License Codes

Department of Commerce, Bureau of Industry and Security (BIS), Licenses

* * * * *

C60 DY6—.y ''600 series'' items

C62 SCP—Support for the Cuban People

* * * * *

■ 19. Amend Appendix D by revising the heading and entries III and IV, and removing entry XII.

The revisions read as follows:

Appendix D to Part 30—AES Filing Citation, Exemption and Exclusion Legends

*	*	*	*	*	*	*
III. AES Postdeparture Citation—USPPI USPPI is filing the EEI				AESPOST USPPI EIN Date of Export (mm/dd/yyyy) Example: AESPOST 12345678912 01/01/2016.		
IV. Postdeparture Citation—Agent Agent is filing the EEI				AESPOST USPPI EIN—Filer ID Date of Export (mm/dd/yyyy) Example: AESPOST 12345678912—987654321 01/01/2016.		
*	*	*	*	*	*	*

Dated: March 1, 2016.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2016–05047 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 15

[Docket No. FDA–2013–N–0402]

Generic Drug User Fee Amendments of 2012; Regulatory Science Initiatives; Public Hearing; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public hearing; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a public hearing that will provide an overview of the current status of regulatory science initiatives for generic drugs and an opportunity for public input on research priorities in this area. FDA is seeking this input from a variety of stakeholders—industry, academia, patient advocates, professional societies, and other interested parties—as it fulfills its commitment under the Generic Drug User Fee Amendments of 2012 (GDUFA) to develop an annual list of regulatory science initiatives specific to generic drugs. FDA will take the information it obtains from the public hearing into account in developing the fiscal year (FY) 2017 Regulatory Science Plan.

DATES: The public hearing will be held on May 20, 2016, from 9 a.m. to 5 p.m. The public hearing may be extended or may end early depending on the level of public participation.

ADDRESSES: The public hearing will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public hearing 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.*

Comments: 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–2013–N–0402 for ''Generic Drug User Fee Amendments of 2012; Regulatory Science Initiatives; Public Hearing; Request for Comments.'' 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.

FOR FURTHER INFORMATION CONTACT: Thushi Amini, Center for Drug Evaluation and Research, Food and

Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4728, Silver Spring, MD 20993, 240–402–7958, email: *Thushi.Amini@fda.hhs.gov*; or Robert Lionberger, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4722, Silver Spring, MD 20993, 240–402–7957, email: *Robert.Lionberger@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In July 2012, Congress passed GDUFA (Title III of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144)). GDUFA is designed to enhance public access to safe, high-quality generic drugs and modernize the generic drug program. To support this goal, FDA agreed in the GDUFA commitment letter to work with industry and interested stakeholders on identifying regulatory science research priorities specific to generic drugs for each fiscal year covered by GDUFA. The commitment letter outlines FDA's performance goals and procedures under the GDUFA program for the years 2012–2017. The commitment letter can be found at *http://www.fda.gov/downloads/ForIndustry/UserFees/GenericDrugUserFees/UCM282505.pdf*.

II. Purpose and Scope of the Public Hearing

The purpose of the May public hearing is to obtain input from industry and other interested stakeholders on the identification of regulatory science priorities for FY 2017. To help fulfill FDA's mission, FDA is particularly interested in receiving input on the following topics:

1. Opportunities for scientific or technical advancements that would help to overcome specific barriers for industry that currently limit the availability of generic drug products.

2. Innovative approaches to pre-approval development of generic drugs, including new methodologies for product design and manufacturing, and design and conduct of in vitro, ex vivo, and clinical studies and identification of scientifically robust strategies for demonstration of bioequivalence for various product classes.

3. Innovation in scientific approaches to evaluating the therapeutic equivalence of generic drug products throughout their lifecycle.

4. Identification of high-impact public health issues involving generic drugs that can be addressed by the prioritized allocation of FY 2017 funding for regulatory science research.

5. Identification of specific issues related to generic drug products where scientific recommendations and/or clarifications are needed in developing and/or revising FDA's guidance for industry.

6. Strategies for enhancing quality and equivalence risk management during generic drug product development, during regulatory review, and/or throughout the drug product's lifecycle.

FDA will consider all comments made at this hearing or received through the docket (see **ADDRESSES**) as it develops its FY 2017 GDUFA Regulatory Science Plan. Additional information concerning GDUFA, including the text of the law and the commitment letter, can be found at *http://www.fda.gov/gdufa*.

Registration and Requests for Oral Presentations: The FDA Conference Center at the White Oak location is a Federal facility with security procedures and limited seating. Attendance will be free and on a first-come, first-served basis. If you wish to attend (either in person or by Webcast (see *Streaming Webcast of the Public Hearing*)) and/or present at the hearing, please register for the hearing and/or make a request for oral presentations or comments by email to *GDUFARegulatoryScience@fda.hhs.gov* by April 29, 2016. The email should contain complete contact information for each attendee (*i.e.*, name, title, affiliation, address, email address, and telephone number). Those without email access can register by contacting Thushi Amini by April 29, 2016 (*see* **FOR FURTHER INFORMATION CONTACT**).

FDA will try to accommodate all persons who wish to make a presentation. Individuals wishing to present should identify the number of the topic, or topics, they wish to address. This will help FDA organize the presentations. FDA will notify registered presenters of their scheduled presentation times. The time allotted for each presentation will depend on the number of individuals who wish to speak. Once FDA notifies registered presenters of their scheduled times, they are encouraged to submit an electronic copy of their presentation to *GDUFARegulatoryScience@fda.hhs.gov* on or before May 6, 2016. Persons registered to make an oral presentation are encouraged to arrive at the hearing room early and check in at the onsite registration table to confirm their designated presentation time. An agenda for the hearing and other background materials will be made available 5 days before the hearing at *http://www.fda.gov/GDUFARegScience*.

If you need special accommodations because of a disability, please contact Thushi Amini (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the hearing.

Streaming Webcast of the Public Hearing: For those unable to attend in person, FDA will provide a live Webcast of the hearing. To join the hearing via the Webcast, please go to *https://collaboration.fda.gov/r7qyz2eds95*.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov* or at *http://www.fda.gov/GDUFARegScience*. It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hard copy 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*.

III. Notice of Hearing Under 21 CFR Part 15

The Commissioner of Food and Drugs is announcing that the public hearing will be held in accordance with 21 CFR part 15. The hearing will be conducted by a presiding officer, who will be accompanied by FDA senior management from the Office of the Commissioner and the Center for Drug Evaluation and Research. Under § 15.30(f), the hearing is informal and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may pose questions; they may question any person during or at the conclusion of each presentation. Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C). Under § 10.205, representatives of the media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. The hearing will be transcribed as stipulated in § 15.30(b) (see *Transcripts*). To the extent that the conditions for the hearing, as described in this notice, conflict with any provisions set out in part 15, this notice acts as a waiver of those provisions as specified in § 15.30(h).

Dated: March 3, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05221 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1223, 1224, 1227, 1229, 1232, 1233, and 1239

[FDMS No. NARA–16–0001; NARA–2016–014]

RIN 3095–AB74

Records Management

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rules.

SUMMARY: NARA proposes to revise its records management regulations to reflect changes in technology, practice, and organizational structure. This is phase I of the revisions and includes changes to provisions in regulations on managing vital records, records disposition programs, general records schedules, emergency authorization to destroy records, transfer of records to records storage facilities, transfer, use, and disposition of records in a NARA Federal Records Center, and program assistance and inspections.

DATES: Submit comments on or before May 9, 2016.

ADDRESSES: You may submit comments, identified by RIN 3095–AB74, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Regulation_comments@nara.gov.* Include RIN 3095–AB74 in the subject line of the message.
- *Fax:* 301–837–0319. Include RIN 3095–AB74 in the subject line of the fax cover sheet.
- *Mail* (for paper, disk, or CD–ROM submissions. Include RIN 3095–AB74 on the submission): Regulations Comment Desk (Strategy & Performance Division (SP)); Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.
- *Hand delivery or courier:* Deliver comments to front desk at the address above.

Instructions: All submissions must include NARA's name and the regulatory information number for this rulemaking (RIN 3095–AB74). We may publish any comments we receive without changes, including any personal information you include.

FOR FURTHER INFORMATION CONTACT: Laura McCarthy, by email at *regulation_comments@nara.gov,* or by telephone at 301–837–3023. You may also find more information about records management at NARA on NARA's Web site at *http://www.archives.gov/records-mgmt/*

SUPPLEMENTARY INFORMATION: The proposed revisions to the Federal records management regulations contained in 36 CFR Chapter XII, Subchapter B, affect Federal agencies' records management programs in the areas of managing essential (formerly referred to as ''vital'') records, records disposition programs, the General Records Schedules, emergency authorizations to destroy records, storage of records in records storage facilities, and NARA assistance and inspection programs. We are making administrative changes, such as updating office names and organizational codes, updating URLs, and adding new links to NARA's records management Web pages. We are removing repetitive definitions sections from each part to a centralized definitions part (to come in part 1220) applying to all parts (streamlining under the Paperwork Reduction Act) and removing repetitive authorities sections from each part because authorities are noted under the table of contents (streamlining under the Paperwork Reduction Act). We are making other minor editorial changes for consistency among parts and revising some language to comply with Plain Language requirements.

We are replacing references to the Standard Form 115 (SF 115), Request for Disposition Authority, with ''records schedule'' because we now use the Electronic Records Archives (ERA) for scheduling records and no longer accept SF 115s, except when special circumstances merit its use. We have made revision to incorporate use of the ERA throughout the records management regulations, including revising references to the SF 115.

Discussion of Proposed Rule Revisions

Proposed Part 1223, Managing Vital Records

This part sets out the necessary actions that each agency must take to ensure proper and adequate documentation of continuing agency operations in the event of activation of an agency continuity plan. We have also changed the term ''vital'' records to ''essential'' records to mirror the term FEMA used in Federal Continuity Directive 1 (FCD–1, 2012). Certain Federal agencies were using the term ''vital records'' in another context with a different meaning, so we decided to change to ''essential records'' both to be parallel with FCD–1 and to reduce confusion among agencies.

Proposed Part 1224, Records Disposition Programs

This part specifies the elements of a records disposition program and the integration of records management into an agency's business processes. Details for the program functions, such as scheduling, retention, and disposition of records are found in parts 1225, 1226, 1227, 1235, and 1236. We added records disposition provisions to part 1224 for circumstances where multiple agencies collaborate on a project or initiative.

Proposed Part 1227, General Records Schedules

This part explains General Records Schedules (GRS) and when the GRS must be used by agencies. We added the section for application of the GRS to records that have been transferred into the National Archives of the United States and subject to the provisions in 36 CFR 1235.34.

Proposed Part 1229, Emergency Authorization To Destroy Records

This part outlines the steps agencies must take when they discover records are a continuing menace to human health or life, or to property, or when destruction of records is necessary during a state of war or threatened war outside of the continental United States. We have added the requirement in § 1229.12(b) that if records are destroyed during a state of war or threatened war that agencies must provide NARA with a list of the destroyed records that can and will be reconstructed, the records used to reconstruct the destroyed records, and assurance that these records will be retained until after reconstruction.

Proposed Part 1232, Transfer of Records to Records Storage Facilities

This part provides procedures of the transfer of records to a NARA, agency-operated, or commercial records storage facility. There are no substantive changes from the existing part.

Proposed Part 1233, Transfer, Use and Disposition of Records in NARA Records Center

This part provide procedures that apply to the use of NARA's Federal Records Center Program. There are no substantive changes from the existing part.

Proposed Part 1239, Program Assistance and Inspections

The material in proposed part 1239 relating to program assistance NARA provides to agencies is drawn from the existing part 1239 with no substantive changes. We have proposed changes to

material relating to inspections of records management programs has been changed to add two circumstances or conditions when NARA may inspect an agency: NARA may inspect to assess an agency's compliance with records management statutes and regulations, and may also inspect an agency's implementation of records management policies, guidance, and principles. Timeframes for both NARA and agency actions have been changed to business days and NARA clarifies that agencies must report on their follow-up obligations no less frequently than semi-annually.

Regulatory Analysis

Review Under Executive Orders 12866 and 13563

Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (September 30, 1993), and Executive Order 13563, Improving Regulation and Regulation Review, 76 FR 23821 (January 18, 2011), 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). This proposed rule is not ''significant'' under section 3(f) of Executive Order 12866 because it applies only to Federal agencies, and is updating the regulations, not establishing new programs. Although the proposed revisions change and add new requirements for agencies, the requirements are necessary to keep the existing regulations up-to-date and to ensure agencies are preserving records for the United States as well as possible. The Office of Management and Budget (OMB) has reviewed this regulation.

Review Under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.)

This review requires an agency to prepare an initial regulatory flexibility analysis and publish it when the agency publishes the proposed rule. This requirement does not apply if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities (5 U.S.C. 603). NARA certifies, after review and analysis, that this proposed rule will not have a significant adverse economic impact on small entities.

Review Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501et seq.)

This proposed rule does not contain any information collection requirements subject to the Paperwork Reduction Act.

Review Under Executive Order 13132, Federalism, 64 FR 43255 (August 4, 1999)

Review under Executive Order 13132 requires that agencies review regulations for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, prepare a Federal assessment to assist senior policy makers. This proposed rule will not have any direct effects on State and local governments within the meaning of the Executive Order. Therefore, no Federalism assessment is required.

List of Subjects in 36 CFR Parts 1223, 1224, 1227, 1229, 1232, 1233, and 1239

Archives, Records, Records management.

For the reasons stated in the preamble, NARA proposes to amend 36 CFR parts 1223, 1224, 1227, 1229, 1232, 1233, and 1239, as follows:

PART 1223—MANAGING ESSENTIAL RECORDS

■ 1. The authority citation for part 1223 is revised to read as follows:

Authority: 44 U.S.C. 3101; E.O. 12656, 53 FR 47491; 3 CFR, 1988 Comp., p. 585; E.O. 13231, 66 FR 53063, 3 CFR, 2001 Comp., p. 805.

■ 2. Revise the part heading to read as set forth above.

■ 3. Revise § 1223.1 to read as follows:

§ 1223.1 What authorities apply to this part?

(a) The authorities for this part, listed above, require the head of each agency to create and preserve records that contain adequate and proper documentation of the organization and to perform national security emergency preparedness functions.

(b) The regulations in this part also conform to guidance in National Security Presidential Directive (NSPD–51), Homeland Security Presidential Directive (HSPD–20), Federal Continuity Directive (FCD) 1, Federal Executive Branch National Continuity Program and Requirements, and FCD 2, Federal Executive Branch Mission Essential Function and Primary Mission Essential Function Identification and Submission Process.

■ 4. Amend § 1223.2 by:

■ a. Removing paragraph (a) and the introductory text of paragraph (b) and adding introductory text to the section in their place.

■ b. Revising the definitions of ''cycle'' and ''emergency operating records.''

■ c. Adding definitions for ''essential records'' and ''essential records program'' in alphabetical order.

■ d. Revising the definitions of ''legal and financial rights records,'' and ''off-site storage.''

■ e. Removing definitions of ''vital records'' and ''vital records program.''

The revisions and additions read as follows:

§ 1223.2 What definitions apply to this part?

In addition to the definitions in part 1220 that apply to all of subchapter B including this part, the following definitions apply only to part 1223:

Cycle means the recurring removal of obsolete copies of essential records and replacing them with current copies of essential records. This may occur daily, weekly, quarterly, annually or at other designated intervals.

* * * * *

Emergency operating records means a category of records essential to the continued functioning or the reconstitution of an organization during and after a continuity activation. Examples of these records are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, and related policy or procedure records.

Essential records means information systems and applications, electronic and hardcopy documents, references, and records needed to support essential functions during a continuity event. The two basic categories of essential records are emergency operating records and legal and financial rights records.

Essential records program means the policies, plans, and procedures the agency develops and implements—and the resources needed—to identify, use, and protect essential records. This is a program element of an agency's emergency management function.

Legal and financial rights records are that category of essential records needed to protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, social security records, payroll records, retirement records, and insurance records. NARA formerly defined these records as ''rights-and-interests'' records.

* * * * *

Off-site storage means a facility other than an agency's normal place of business, including a facility maintained by a third party, where an

agency keeps records until eligible for final disposition. Agencies may keep essential records at off-site storage to ensure that they are not damaged or destroyed should an emergency occur in an agency's normal place of business.

§§ 1223.3 and 1233.4 [Removed]

■ 5. Remove §§ 1223.3 and 1223.4.

■ 6. Revise § 1223.10 to read as follows:

§ 1223.10 What is the purpose of part 1223?

Part 1223 specifies policies and procedures an agency needs to identify, protect, and manage essential records as part of any agency's continuity of operation plan designed to meet emergency management responsibilities.

■ 7. Amend § 1223.12 by:

■ a. Revising the section heading.

■ b. Amending the introductory text to remove ''A vital'' and add in its place the words ''An essential.''

■ c. Amend paragraph (a) by removing ''It provides'' and adding in its place ''To provide'' and removing the word ''to'' before the word ''resume.''

■ d. Amend paragraph (b) by removing ''It enables'' and adding in its place ''To enable'' and removing the word ''persons'' and adding in its place the word ''people.''

The revision reads as follows:

§ 1223.12 What are the objectives of an essential records program?

* * * * *

■ 8. Revise §§ 1223.14, 1223.16, and 1223.18 to read as follows:

§ 1223.14 What elements must agencies include in essential records programs?

(a) To achieve compliance with this section, an agency must include in its essential records program all of the following elements:

(1) Specified agency staff responsibilities;

(2) Methods to appropriately inform all staff about essential records;

(3) Processes to ensure current and complete designation of essential records;

(4) Adequate protections for the essential records;

(5) Procedures to ensure access to and immediate use of the essential records when needed;

(6) Annual review and testing of the program, and training for applicable staff; and

(b) Additional Continuity of Operations guidance for essential records provided in the Federal Continuity Directive (FCD–1) is published by the Federal Emergency Management Agency (FEMA) and available on FEMA's Web site at *http://www.fema.gov/guidance-directives.*

§ 1223.16 How do agencies identify essential records?

Agencies identify essential records in the context of the emergency management function. Essential records are those the agency needs to perform its most critical functions and those the agency needs to protect the legal and financial rights of the Government and the people affected by its actions. Essential records also include emergency plans and related records that specify how an agency will respond to an emergency. The informational content of records series and electronic records systems determines which records are essential. Only the most recent and complete sources of the information are essential records.

§ 1223.18 Must agencies maintain essential records in a particular form or format?

(a) Essential records can be original records or copies of records. Consult NARA records management guidance on essential records at *http://www.archives.gov/records-mgmt/vital-records/index.html* for further information.

(b) Agencies may maintain essential records on a variety of media, including paper, photographic film, microform, and electronic forms. In selecting the media (such as magnetic tape or optical disk), agencies must ensure that the hardware, software, and documentation it needs to access records will be available following an emergency or disaster. The agency may store essential records it maintains electronically in shared data and computing services via the Internet or a Virtual Private Network.

■ 9. Amend § 1223.20 by revising the section heading and the first sentence, to read as follows:

§ 1223.20 What are the requirements for accessing essential records during an emergency?

Agencies must establish procedures for retrieving and accessing essential records. * * *

■ 10. Revise §§ 1223.22 and 1223.24 to read as follows:

§ 1223.22 How must agencies protect essential records?

Agencies must take appropriate measures to ensure they protect and provide access to essential records or copies of essential records in case of an emergency.

(a) *Duplication.* Agencies may choose to duplicate essential records as the primary protection method. Duplication can be to the same medium as the original record or to a different medium. When agencies choose duplication as a protection method, they normally use the copy of the original essential record as the version stored off-site. The agency may store the original records off-site if their protection is necessary, or if the agency does not need to keep the original records at its normal place of business.

(b) *Dispersal.* Once agencies duplicate the records, they must disperse the copies to sites a sufficient distance away to avoid them being subject to the same emergency. Agencies may use other office locations, off-site locations, or storage facilities maintained by a third party as dispersal sites.

(c) *Storage considerations.* Copies of emergency operating records must be readily available for use within 12 hours following the activation of agency continuity plans. Agencies may not need copies of legal and financial rights records as quickly. When deciding where to store essential record copies, agencies must treat records that have the properties of both categories, that is, both emergency operating and legal and financial rights records, as emergency operating records.

(1) Agencies may store copies of legal and financial rights essential records at an off-site agency location or, in accordance with § 1233.12, at a NARA records storage facility.

(2) In accordance with § 1233.12, when using a NARA records storage facility for storing legal and financial essential records that are duplicate copies of original records, the agency must specify on the SF 135, Records Transmittal and Receipt, or equivalent that they are essential records (duplicate copies) and the medium on which they are maintained. The agency must also periodically cycle them by removing obsolete items and replacing them with the most recent versions in accordance with NARA's General Records Schedule (GRS) covering essential records.

§ 1223.24 When can agencies destroy essential records?

NARA-approved records schedules (see part 1225, Scheduling Records, of this subchapter) govern disposition of essential records that are original records. Agencies must not destroy original records that are not scheduled. Agencies may destroy duplicate copies it created and maintained for essential records purposes when they are superseded or obsolete, in accordance with NARA's GRS.

■ 11. Revise part 1224 to read as follows:

PART 1224—RECORDS DISPOSITION PROGRAMS

Sec.

Authority: 44 U.S.C. 2111, 2902, 2904, 3102, and 3301.

§ 1224.10 What must agencies do to implement an effective records disposition program?

Agencies should integrate records management into business processes. As part of this effort, agencies should analyze records management requirements, integrate them into operating plans, and implement, review, and revise records management policies and procedures across the agency on a regular basis. To properly carry out the provisions of part 1220 of this subchapter, agencies must:

(a) Schedule all records in accordance with part 1225 of this subchapter, implement records schedules in accordance with part 1226 of this subchapter, and transfer permanent records to NARA in accordance with part 1235 of this subchapter;

(b) Transfer all permanent electronic records to NARA in electronic form to the greatest extent possible;

(c) Promptly disseminate and implement NARA-approved agency records schedules, additions, and changes to the General Records Schedules (GRS) in accordance with parts 1226 and 1227 of this subchapter;

(d) Regularly review agency-generated records schedules, and, if necessary, update them in accordance with part 1225 of this subchapter;

(e) Incorporate records retention and disposition needs into the design, development, and implementation of new or revised recordkeeping systems. See part 1236 of this subchapter for electronic records management requirements;

(f) Provide training and guidance to all employees on agency records disposition requirements and procedures and other significant aspects of the records disposition program. When NARA approves a new or revised records schedule, provide specific guidance to employees responsible for applying the schedule; and

(g) When two or more Federal agencies collaborate on a common project or initiative, the participants must establish and agree to recordkeeping responsibilities and manage all records. This also applies to multi-agency endeavors that include private organizations, state, local, Tribal, or foreign governments.

■ 12. Revise part 1227 to read as follows:

PART 1227—GENERAL RECORDS SCHEDULES

Authority: 44 U.S.C. 2107(2), 2909, and 3303a.

§ 1227.10 What are General Records Schedules (GRS)?

The Archivist of the United States issues General Records Schedules (GRS) for records common to several or all agencies. The GRS authorizes, after specified periods of time, agencies to destroy temporary records or to transfer permanent records to NARA.

§ 1227.12 When must agencies apply the GRS?

(a) Agencies should apply the disposition instructions in the following table.

When NARA issues a new or revised GRS, and	Then
(1) Your agency does not create or maintain any of the records addressed by that GRS,	No action is required.
(2) The GRS disposition authority states that it must be followed without exception,	Your agency must follow the disposition instructions of the GRS, whether or not your agency has existing records schedules.
(3) Your agency has an existing records schedule for these records AND the GRS permits use of existing agency-specific schedules,	(i) Your agency may follow the disposition instructions in either the GRS or the existing agency records schedule. If your agency chooses to follow its own schedule, then it must notify NARA within 120 calendar days of the issuance of the new or revised GRS. Notifications should be sent to *GRS_Team@nara.gov* or National Archives and Records Administration; Office of the Chief Records Officer (AC); Attention: GRS Team, Room 2100; 8601 Adelphi Road; College Park, Maryland 20740–6001. (ii) After reviewing your agency's notification, NARA may determine that your agency-specific schedule is no longer appropriate because of the passage of time, change in value of the records, or for other reasons. NARA will notify your agency's records officer of the notification's status within 90 calendar days. (iii) Agencies may also submit a new schedule to NARA with a justification for deviating from the GRS.
(4) Your agency does not have an existing records schedule for these records,	Your agency must follow the disposition instructions of the GRS. If your agency's needs require a different retention period, then your agency must submit a records schedule to NARA in accordance with part 1225 of this subchapter, with a justification for the deviation.

(b) Except as provided in the table in paragraph (a) of this section, agencies must disseminate and implement any new or revised GRS within 6 months after NARA has issued a new GRS transmittal.

§ 1227.13 May NARA apply the GRS to records transferred to the National Archives?

NARA may, at its discretion, apply the provisions of the GRS to records in its legal custody, subject to the provisions of part 1235 of this subchapter.

§ 1227.14 How do I obtain copies of the GRS?

The GRS and instructions for its use are available online at *http://www.archives.gov/records-mgmt/grs/*. They are also available by contacting *GRS_Team@nara.gov* or writing to NARA at National Archives and Records Administration, Office of the Chief Records Officer (AC), Attention: GRS Team, Room 2100, 8601 Adelphi Road, College Park, MD 20740–6001.

■ 13. Revise part 1229 to read as follows:

PART 1229—EMERGENCY AUTHORIZATION TO DESTROY RECORDS

Authority: 44 U.S.C. 3310 and 3311.

§ 1229.1 What is the scope of this part?

This part describes certain conditions under which agencies may destroy records without regard to the provisions of part 1226 of this subchapter.

§ 1229.10 What steps must agencies take when records are a continuing menace to health, life, or property?

When an agency identifies records that pose a continuing menace to human health or life, or to property, the records officer or other designee must immediately notify NARA in writing by mail at National Archives and Records Administration, Office of the Chief Records Officer (AC), 8601 Adelphi Road, College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.* The notification must describe the records, their location and quantity, the nature of the menace and, if appropriate, the steps taken to reconstruct the records using other records and sources of information.

(a) If NARA concurs that the records must be destroyed, NARA notifies the agency to immediately destroy them by an appropriate and safe disposal method.

(b) If NARA does not concur that the records must be destroyed, NARA advises the agency of alternative remedial action to address the menace.

§ 1229.12 What are the requirements during a state of war or threatened war?

(a) Destruction of records outside the territorial limits of the continental United States is authorized whenever, during a state of war between the United States and any other nation or when hostile action appears imminent, the head of the agency that has custody of the records determines that their retention would be prejudicial to the interests of the United States, or that they occupy space urgently needed for military purposes and are without sufficient administrative, fiscal, legal, historical, or other value to warrant their continued preservation. When it is not feasible for the head of the agency to make this determination, the agency's most senior official at the location of the records may do so.

(b) Within six months after the destruction of any records under this authorization, the agency official who directed the destruction must submit a written statement by mail to NARA at National Archives and Records Administration, Office of the Chief Records Officer (AC), 8601 Adelphi Road, College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.* The statement must include the following:

(1) An explanation of the reasons for the destruction;

(2) A description of the records destroyed;

(3) How, when, and where the records were destroyed;

(4) A list of destroyed records that can and will be reconstructed using other records and sources of information; and

(5) A list of the records used to reconstruct the destroyed records listed in paragraph (b)(4) of this section and assurance that the agency will retain these until it has reconstructed the records.

■ 14. Revise part 1232 to read as follows:

PART 1232—TRANSFER OF RECORDS TO RECORDS STORAGE FACILITIES

Authority: 44 U.S.C. 2907 and 3103.

§ 1232.10 Where may a Federal agency store records?

Federal agencies may store records in the following types of records storage facilities, so long as the facilities meet the facility standards in part 1234 of this subchapter. Records transferred to a records storage facility remain in the legal custody of the agency.

(a) NARA Federal Records Centers. NARA owns or operates records centers to store, process, and service records for Federal agencies (under authority of 44 U.S.C. 2907). These NARA records centers include a National Personnel Records Center that contains designated records of the Department of Defense, the Office of Personnel Management, and other records on former Federal civilian and military employees. For a list of NARA Federal Records Centers, consult NARA's Web site at *http://www.archives.gov/locations/index.html.*

(b) Records centers operated by or on behalf of one or more Federal agencies other than NARA.

(c) Commercial records storage facilities operated by private entities.

§ 1232.12 Under what conditions may agencies store Federal records in records storage facilities?

The following chart shows what records agencies can store in a records storage facility and the conditions that apply:

Type of record	Conditions
(a) Permanent records	Any storage facility that meets the provisions of part 1234 of this subchapter.
(b) Unscheduled records	(1) Any storage facility that meets the provisions of part 1234 of this subchapter. (2) Also requires prior notification to NARA (see § 1232.14(b)).
(c) Temporary records (excluding Civilian Personnel Records).	Any storage facility that meets the provisions of part 1234 of this subchapter.
(d) Essential records	Any storage facility that meets the provisions of parts 1223 and 1234 of this subchapter.
(e) Civilian Personnel Records	Textual must be transferred to the National Personnel Records Center (NPRC), St. Louis, MO (see part 1233 of this subchapter).

§ 1232.14 What requirements must an agency meet before it transfers records to a records storage facility?

An agency must comply with part 1234 of this subchapter and the following requirements before it transfers records to a records storage facility:

(a) Non-paper-based media (*e.g.,* film, audio tape, electronic media, etc.), especially those that are unscheduled or scheduled for long-term or permanent retention, require more stringent environmental controls (see parts 1236 and 1237 of this subchapter).

(b) Notify NARA in writing prior to transferring unscheduled records to a records storage facility, by mail at National Archives and Records Administration; Office of the Chief

Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.* The notification must identify the records storage facility and include a copy of the information required by § 1232.16(a).

(c) For all records being transferred, create documentation sufficient to identify and locate files. (See § 1232.16.)

(d) Adhere to NARA-approved retention periods and create and maintain records documenting final disposition actions (destruction or transfer to NARA).

§ 1232.16 What must an agency document before transferring records to a records storage facility?

(a) For each individual records series spanning one or more consecutive years, the agency must document the:

(1) Creating office;

(2) Series title;

(3) Description (provide for all transfers, and in the case of permanent or unscheduled records, the description must include a folder title list of the box contents or equivalent detailed records description). For more information on folder title lists, consult NARA's Web site at *http://www.archives.gov/records-mgmt/accessioning/finding-aid.html;*

(4) Date span (provide both the inclusive start and end dates of the records; these indicate the dates on which the records started and stopped being created or accumulated);

(5) Physical form and medium of records (*e.g.,* paper, motion picture film, sound recordings, photographs, digital images);

(6) Volume (assuming a standard-size records box equals approximately one cubic foot, provide the total number of boxes included in the transfer);

(7) Citation to NARA-approved records schedule or agency records disposition manual (unscheduled records must cite the date the agency notified NARA or, if available, the date the agency submitted the records schedule to NARA);

(8) Restrictions on access, if applicable;

(9) Disposition (''permanent,'' ''temporary,'' or ''unscheduled; records schedule pending'');

(10) Date of disposition action (transfer to NARA or destruction);

(11) Physical location, including name and address of facility; and

(12) Control number or identifier used to track the records.

(b) In the case of permanent and unscheduled records, provide copies of the documentation to NARA and advise NARA in writing of the new location whenever the records are moved to a new storage facility. For permanent records, mail the documentation to National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or send via email to *RM.Communications@nara.gov,* no later than 30 days after the agency transfers records to the agency records center or commercial records storage facility.

§ 1232.18 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

Federal agencies must use the following procedures to transfer records to an agency records center or commercial records storage facility:

(a) Incorporate into agreements with the storage facility the standards in part 1234 of this subchapter and allow for inspections by the agency and NARA to ensure compliance. An agency must promptly remove records from a facility if the facility does not correct deficiencies within six months of the inspection report identifying them;

(b) For temporary records, make available to NARA on request the documentation specified in § 1232.16;

(c) Retain temporary records until the expiration of their NARA-approved retention period and no longer, except as provided for in § 1226.18 of this subchapter;

(d) Transfer permanent records that have met their retention period to NARA in accordance with part 1235 of this subchapter;

(e) Ensure that the facility stores and maintains records that are restricted because they are security classified or exempt from disclosure by statute (including the Privacy Act of 1974, 5 U.S.C. 552a, as amended) or regulation in accordance with applicable laws, Executive Orders, or regulations;

(f) Ensure that the agency destroys temporary records, including restricted records (security classified or exempted from disclosure by statute (including the Privacy Act of 1974) or regulation, in accordance with the requirements specified in § 1226.24 of this subchapter;

(g) Ensure that emergency operating records, as defined in part 1223 of this subchapter, that are transferred to an agency records center or commercial records storage facility are available in accordance with § 1223.24 of this subchapter; and

(h) Provide records access to appropriate NARA staff wherever the records are located in order to:

(1) Conduct an inspection in accordance with part 1239 of this subchapter; or

(2) Process a request for records disposition authority.

■ 15. Revise part 1233 to read as follows:

PART 1233—TRANSFER, USE, AND DISPOSITION OF RECORDS IN A NARA FEDERAL RECORDS CENTER

Sec.

Authority: 44 U.S.C. 2907 and 3103.

§ 1233.10 How does an agency transfer records to a NARA Federal Records Center (FRC)?

(a) Agencies must meet the requirements for records storage described in other parts of this subchapter. NARA ensures that its records centers meet the facilities standards in 36 CFR part 1234, so using a NARA FRC meets the agency's obligations in § 1232.12 of this subchapter.

(b) Agencies must use the designated NARA FRC(s) named in their agreement with NARA's Federal Records Centers Program (AF).

(c) Before transferring records to a NARA FRC, an agency must prepare and submit a Standard Form (SF) 135, Records Transmittal and Receipt, or an electronic equivalent. Doing so meets the records description requirements in § 1232.14(c) of this subchapter, except the requirement for a folder title list. Agencies must provide NARA with folder title lists for all permanent and unscheduled records transfers and for records that the agency schedules for sampling or selection after transfer.

(d) Agencies must submit a separate SF 135 or electronic equivalent for each individual records series having the same disposition authority and disposition date.

(e) For further guidance on transferring records to a NARA FRC, consult the NARA Federal Records Centers Program (FRCP) Web site at *http://www.archives.gov/frc/toolkit.html#transfer.* You may also request current NARA publications and

bulletins by writing to NARA at National Archives and Records Administration; Federal Records Center Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by calling (301) 837–2950. Agencies may also contact individual NARA FRCs (see *http://www.archives.gov/frc/locations.html* for contact information).

§ 1233.12 How does an agency transfer essential records to a NARA Federal Records Center (FRC)?

Essential records transfers are governed by the general requirements and procedures in this part and part 1223 of this subchapter. For assistance in selecting a NARA facility that best meets the needs of your agency, write to NARA at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by calling (301) 837–2950.

§ 1233.14 What personnel records must an agency transfer to the National Personnel Records Center (NPRC)?

(a) The GRS specifies which Federal civilian personnel, medical, and pay records agencies must centrally store at the National Personnel Records Center (NPRC) headquartered in St. Louis, MO.

(b) Agencies should transfer the following types of civilian and military medical treatment records to the NPRC:

(1) Inpatient (hospitalization) records created for all categories of patients (active duty military personnel, retirees, and dependents) receiving inpatient treatment and extended ambulatory procedures; and

(2) Outpatient medical treatment records for military retirees, dependents, and other civilians treated at military health care facilities (excludes active duty military personnel at time of military discharge or retirement).

§ 1233.16 How does an agency transfer records to the National Personnel Records Center (NPRC)?

Agencies must use the following procedures to transfer records to the NPRC:

(a) *Civilian personnel files.* (1) Forward the official personnel folder (OPF) and the employee medical folder (EMF) to the NPRC at the same time;

(2) Transfer EMFs and OPFs in separate folders;

(3) Retire individual folders on the basis of the person's date of separation, within 90 to 120 days after the employee separates from Federal service;

(4) For additional guidance, write to the Office of Personnel Management (OPM); 1900 E Street NW., Washington, DC 20415, or call (202) 606–1800. The OPM publication, ''The Guide to Personnel Recordkeeping,'' which includes procedures for transferring OPFs and EMFs, is available online at *http://www.opm.gov/feddata/recguide2008.pdf.*

(b) *Military medical records.* Military health care facilities should contact their facility records managers for guidance on transferring medical records to NPRC. For additional guidance, consult the ''Transactions with the National Personnel Records Center (NPRC), St. Louis, MO'' section of the NARA FRCP Web site at *http://www.archives.gov/frc/toolkit.html#transactions.*

(c) *Other guidance.* For further guidance, consult the NPRC Web site at *http://www.archives.gov/facilities/mo/st_louis.html.*

§ 1233.18 What reference procedures do NARA Federal Records Centers (FRCs) use?

(a) Agency records transferred to a NARA FRC remain in the legal custody of the originating agency. NARA acts as the agency's agent to maintain the records. NARA discloses the record only to the originating agency that retains legal custody, or under rules established by that agency that are consistent with existing laws.

(b) For general reference requests, agencies should use the Federal Records Centers Program (FRCP) electronic system or the Optional Form (OF) 11, Reference Request—Federal Records Centers, or its electronic equivalent. The agency and NARA jointly designate this form.

(c) For civilian personnel records requests, agencies must use the following forms:

(1) Standard Form 127, Request for Official Personnel Folder (Separated Employee), to request transmission of separated employee personnel folders stored at the National Personnel Records Center (NPRC). Additional instructions on requesting OPFs are available online at *http://www.archives.gov/st-louis/civilian-personnel/federal-agencies.html.*

(2) Standard Form 184, Request for Employee Medical Folder (Separated Employee), to request medical folders stored at the NPRC. Additional instructions on requesting EMFs are available online at *http://www.archives.gov/st-louis/civilian-personnel/federal-agencies.html.*

(3) Optional Form 11, Reference Request—Federal Records Center, to request medical records transferred to other NARA FRCs prior to September 1, 1984. The request must include the name and address of the agency's designated medical records manager. The form and additional instructions are available online at *http://www.archives.gov/frc/forms/of-11.pdf.*

(4) National Archives Form 14136, Request Pertaining to Civilian Conservation Corps (CCC) Personnel Records, to request records relating to the CCC. The form, as well as additional instructions, is available online at *http://www.archives.gov/st-louis/archival-programs/civilian-personnel-archival/ccc-holdings-access.html.*

(5) National Archives Form 14137, Request Pertaining to Works Progress Administration (WPA) Personnel Records, to request records relating to the WPA. The form, as well as additional instructions, is available online at *http://www.archives.gov/st-louis/archival-programs/civilian-personnel-archival/wpa-holdings-access.html.*

(d) For military personnel records requests, agencies and other requesters must use the following methods:

(1) Federal agencies must use Standard Form (SF) 180, Request Pertaining to Military Records, to obtain information from military service records in the NPRC (Military Personnel Records). The form is available online at *http://www.archives.gov/veterans/military-service-records/standard-form-180.html#sf,* or by writing to the National Personnel Records Center (Military Personnel Records); 1 Archives Drive; St. Louis, MO 63138. OMB Control Number 3095–0029 covers SF 180.

(2) Authorized agencies requesting the loan of a military personnel record may order records using eMilrecs (electronic equivalent of the SF 180). Access to eMilrecs and additional information is available online at *http://www.archives.gov/st-louis/military-personnel/agencies/ompf-fed-agency.html.*

(3) A military veteran or the next of kin of a deceased veteran may order military personnel records by submitting an SF 180 or an online records request. We may be permitted, under certain circumstances, to provide surviving next of kin greater access to a deceased veteran's records than a member of the general public. Additional information is available online at *http://www.archives.gov/veterans/military-service-records/.*

(4) Members of the public and non-governmental organizations may also request military personnel records by submitting an SF 180. To request information from another person's military personnel records, you must have the release authorization in

Section III of the SF 180 signed by the member or legal guardian. If you cannot obtain the appropriate signature, we can only provide limited information.

(5) For guidance on requesting original medical treatment records, military hospitals and clinics should consult the ''Medical Treatment Records'' Web page at *http://www.archives.gov/st-louis/military-personnel/other-medical-records.html.*

(e) For further guidance on requesting records from a NARA FRC, consult the NARA Federal Records Centers Program Web site at *http://www.archives.gov/frc/toolkit.html#retrieval.* You may also request current NARA publications and bulletins by contacting the FRCP, or individual NARA Federal Records Centers (see *http://www.archives.gov/frc/locations.html* for contact information).

§ 1233.20 How do NARA Federal Records Centers (FRCs) manage records disposal clearances?

(a) The National Personnel Records Center destroys records covered by General Records Schedules (GRS) in accordance with those schedules without further agency clearance.

(b) For records not covered under a GRS, NARA FRCs destroy eligible Federal records only with the written concurrence of the agency having legal custody of the records.

(c) NARA FRCs maintain documentation on the final disposition of records, as required in § 1232.14(d) of this subchapter.

(d) When NARA approves an extension of retention period beyond the time authorized in the records schedule for records stored in NARA FRCs, NARA notifies the affected Federal Records Centers to suspend disposal of the records (see § 1226.18 of this subchapter for more specific guidance on when agencies may temporarily extend retention periods).

(e) For further guidance on records disposition, consult the NARA FRCP Web site at *http://www.archives.gov/frc/toolkit.html#disposition.* You may also request current NARA publications and bulletins by contacting the FRCP or individual NARA Federal Records Centers (see *http://www.archives.gov/frc/locations.html* for contact information).

■ 16. Revise part 1239 to read as follows:

PART 1239—PROGRAM ASSISTANCE AND INSPECTIONS

Sec.

Authority: 44 U.S.C. 2904 and 2906.

Subpart A—General

§ 1239.1 What is the scope of this part?

NARA's statutory authorities include assisting agencies to carry out their records management responsibilities and, when necessary, inspecting agency programs and reporting to Congress on those inspections. Part 1239 identifies the types of records management guidance and program assistance NARA provides to agencies under its 44 U.S.C. chapter 29 mandate; the conditions under which NARA invokes its inspection authority, also under chapter 29; and the requirements for agencies to cooperate fully in such inspections.

§ 1239.3 What definitions apply to this part?

In addition to the definitions in part 1220 that apply to all of Subchapter B including this part, the following definition applies only to part 1239:

Inspection means NARA's formal review and report on an agency's recordkeeping processes, under 44 U.S.C. 2904(c) and 2906(a). NARA's formal review and report focus on those practices that put records meeting one or more of the following criteria at risk:

(1) Have a direct and high impact on legal rights or government accountability;

(2) Are the subject of high profile litigation, Congressional attention, or widespread media coverage;

(3) Have high research potential; or

(4) Are permanent records with a large volume, regardless of format.

Subpart B—Program Assistance

§ 1239.10 What program assistance does NARA provide?

(a) NARA publishes handbooks, conducts workshops and other training sessions, and furnishes information and guidance to agencies on creating, maintaining, using, and disposing of records. NARA may also conduct an assistance project in cooperation with an agency to address a serious records management issue in the agency.

(b) For information on NARA handbooks and guidance, consult NARA's Web site at *http://www.archives.gov/records-mgmt/.*

(c) For information on NARA training, consult NARA's Web site at *http://www.archives.gov/records-mgmt/training/.*

§ 1239.12 Who may agencies contact to request program assistance?

Agencies may write to NARA at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001 for information or assistance related to any area covered by this subchapter.

Subpart C—Inspections

§ 1239.20 When does NARA inspect an agency?

(a) NARA may inspect when it identifies risks through:

(1) An agency failing to address specific records management problems;

(2) Internal or external records management assessments;

(3) Reports in the media;

(4) Congressional inquiries;

(5) Allegations of unauthorized destruction;

(6) Reports issued by the GAO or an agency's Inspector General;

(7) Observations by NARA staff members; or

(8) An agency head, who then can request that NARA conduct an inspection.

(b) NARA may also inspect to assess an agency's compliance with records management statutes and regulations.

(c) NARA may also inspect an agency's implementation of records management policies, guidance, and principles to validate the following:

(1) Reports of unique or innovative methods;

(2) Low risk scores on assessments; or

(3) NARA staff members' observation of sound practices.

(d) NARA reports to Congress and the Office of Management and Budget on inspections in accordance with 44 U.S.C. 2904.

§ 1239.22 How does NARA notify the agency of the inspection?

(a) Once NARA identifies the need for an agency inspection, the Archivist of the United States sends a letter to the head of the agency. If the agency is a component of a cabinet department, the Archivist also sends a copy to the head of the cabinet department. NARA also sends a copy to the agency's records officer. The letter includes:

(1) Notice that NARA intends to conduct an inspection;

(2) Which records management processes or procedures NARA is evaluating, and any specific issues;

(3) A beginning date for the inspection that is no more than 30 business days after the date of the letter; and

(4) A request for an agency point of contact to assist NARA as it conducts the inspection.

(b) If the agency does not respond to NARA's notification letter, NARA reports the matter to the agency's Congressional oversight committee and to the Office of Management and Budget, under its 44 U.S.C. 2904(c)(8) statutory authority.

§ 1239.24 How does NARA conduct an inspection?

(a) The NARA inspection team leader coordinates with the agency point of contact to arrange an initial meeting with the agency. The initial meeting addresses the scope of the inspection, including its parameters, any surveys or other inspection instruments, involved offices, and timing of site visits.

(b) NARA prepares a draft inspection report and transmits it to the agency no later than 45 business days after the last site visit or meeting. The report includes:

(1) An executive summary;

(2) Background and purpose of inspection;

(3) Inspection methodology, including offices visited;

(4) Findings;

(5) Necessary corrective actions and other recommendations; and

(6) Any necessary appendices.

(c) The agency must submit its comments on the draft report no later than 45 business days after receipt.

(d) NARA incorporates any necessary corrections or revisions in the final report and issues the report to the head of the agency within 45 business days.

§ 1239.26 What are an agency's follow-up obligations after it receives an inspection report?

(a) The agency must submit to NARA a plan of corrective action that specifies how the agency will address each inspection report recommendation, including a timeline for completion, and proposed progress reporting dates.

(b) The agency must submit the plan of corrective action to NARA within 60 business days of the date of the final report.

(c) NARA may take up to 60 business days to review and comment on the plan.

(d) Once both NARA and the agency agree that the plan of corrective action is final, the agency must submit progress reports to NARA.

(e) The agency submits the reports on a mutually agreed-upon schedule, but no less frequently than semi-annually, until it completes all actions.

Dated: March 2, 2016.

David S. Ferriero,

Archivist of the United States.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2015–0351; FRL–9943–38–Region 1]

Air Plan Approval; Massachusetts; Decommissioning of Stage II Vapor Recovery Systems

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts Department of Environmental Protection. This revision includes regulatory amendments that allow gasoline dispensing facilities (GDFs) to decommission their Stage II vapor recovery systems as of January 2, 2015, and a demonstration that such removal is consistent with the Clean Air Act and EPA guidance. This revision also includes regulatory amendments that strengthen Massachusetts' requirements for Stage I vapor recovery systems at GDFs. The intended effect of this action is to propose approval of Massachusetts' revised vapor recovery regulations. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before April 8, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2015–0351 at *http://www.regulations.gov,* or via email to *arnold.anne@epa.gov.* For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1660, fax number: (617) 918–0660, email: *garcia.ariel@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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

I. Background and Purpose

On May 5, 2015, the Massachusetts Department of Environmental Protection submitted a revision to its State Implementation Plan (SIP). The SIP revision consists of Massachusetts' revised regulations 310 Code of Massachusetts Regulations (CMR) 7.00, *Air Pollution Control: Definitions* and 310 CMR 7.24, *Organic Material Storage and Distribution.* Specifically, in addition to the new and revised definitions in 310 CMR 7.00, the SIP revision consists of Massachusetts' revised regulation sections:

- 310 CMR 7.24(3), *Distribution of Motor Vehicle Fuel;*
- 310 CMR 7.24(4), *Motor Vehicle Fuel Tank Trucks;* and
- 310 CMR 7.24(6), *Dispensing of Motor Vehicle Fuel.*

These sections of Massachusetts' 310 CMR 7.24 have been revised to allow the decommissioning of Stage II vapor

recovery systems and to strengthen Stage I vapor recovery requirements. The SIP submittal also includes a demonstration that removal of Stage II vapor recovery systems in Massachusetts is consistent with the Clean Air Act and EPA guidance.

Stage II and onboard refueling vapor recovery (ORVR) systems are two types of emission control systems that capture fuel vapors from vehicle gas tanks during refueling. Stage II vapor recovery systems are installed at gasoline dispensing facilities (GDFs) and capture the refueling fuel vapors at the gasoline pump. The system carries the vapors back to the underground storage tank at the GDF to prevent the vapors from escaping to the atmosphere. ORVR systems are carbon canisters installed directly on automobiles to capture the fuel vapors evacuated from the gasoline tank before they reach the nozzle. The fuel vapors captured in the carbon canisters are then combusted in the engine when the automobile is in operation.

Stage II vapor recovery systems and vehicle ORVR systems were initially both required by the 1990 Amendments to the Clean Air Act (CAA). Section 182(b)(3) of the CAA requires moderate and above ozone nonattainment areas to implement Stage II vapor recovery programs. Also, under CAA section 184(b)(2), states in the Ozone Transport Region (OTR) are required to implement Stage II or comparable measures. CAA section 202(a)(6) required EPA to promulgate regulations for ORVR for light-duty vehicles (passenger cars). EPA adopted these requirements in 1994, at which point moderate ozone nonattainment areas were no longer subject to the CAA section 182(b)(3) Stage II vapor recovery requirements. ORVR equipment has been phased in for new passenger vehicles beginning with model year 1998, and starting with model year 2001 for light-duty trucks and most heavy-duty gasoline powered vehicles. ORVR equipment has been installed on nearly all new gasoline-powered light-duty vehicles, light-duty trucks, and heavy-duty vehicles since 2006.

During the phase-in of ORVR controls, Stage II has provided volatile organic compound (VOC) reductions in ozone nonattainment areas and certain attainment areas of the OTR. Congress recognized that ORVR systems and Stage II vapor recovery systems would eventually become largely redundant technologies, and provided authority to EPA to allow states to remove Stage II vapor recovery programs from their SIPs after EPA finds that ORVR is in ''widespread use.'' Effective May 16, 2012, the date the final rule was published in the **Federal Register** (see 77 FR 28772), EPA determined that ORVR systems are in widespread use nationwide for control of gasoline emissions during refueling of vehicles at GDFs. Currently, more than 85 percent of gasoline refueling nationwide occurs with ORVR-equipped vehicles. Thus, Stage II vapor recovery programs have become largely redundant control systems and Stage II vapor recovery systems achieve an ever declining emissions benefit as more ORVR-equipped vehicles continue to enter the on-road motor vehicle fleet.[1] In the May 16, 2012 rulemaking, EPA also exercised its authority under CAA section 202(a)(6) to waive certain federal statutory requirements for Stage II vapor recovery systems at GDFs. This decision exempts all new ozone nonattainment areas classified serious or above from the requirement to adopt Stage II vapor recovery programs. Finally, EPA's May 16, 2012 rulemaking also noted that any state currently implementing Stage II vapor recovery programs may submit SIP revisions that would allow for the phase-out of Stage II vapor recovery systems.

Stage I vapor recovery systems are systems that capture vapors displaced from storage tanks at GDFs during gasoline tank truck deliveries. When gasoline is delivered into an aboveground or underground storage tank, vapors that were taking up space in the storage tank are displaced by the gasoline entering the storage tank. The Stage I vapor recovery systems route these displaced vapors into the delivery truck's tank. Some vapors are vented when the storage tank exceeds a specified pressure threshold, however the Stage I vapor recovery systems greatly reduce the possibility of these displaced vapors being released into the atmosphere.

Stage I vapor recovery systems have been in place since the 1970s. EPA has issued the following guidance regarding Stage I systems: ''Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations'' (November 1975, EPA Online Publication 450R75102), which is regarded as the control techniques guideline (CTG) for the control of VOC emissions from this source category; and the EPA document ''Model Volatile Organic Compound Rules for Reasonably Available Control Technology'' (Staff Working Draft, June 1992) contains a model Stage I regulation.

In more recent years, the California Air Resources Board (CARB) has required Stage I vapor recovery systems capable of achieving vapor control efficiencies higher than those achieved by traditional systems. These systems are commonly referred to as Enhanced Vapor Recovery (EVR) systems.

II. Summary of Massachusetts' SIP Revision

The Massachusetts Stage II vapor recovery program requirements, codified in 310 Code of Massachusetts Regulations (CMR) 7.24(6), *Dispensing of Motor Vehicle Fuel,* were initially approved into the Massachusetts SIP on December 14, 1992 (57 FR 58993). Massachusetts' rule required gasoline dispensing facilities throughout the state to install Stage II vapor recovery systems.

On May 5, 2015, Massachusetts submitted a SIP revision consisting of its revised 310 CMR 7.24(6), *Dispensing of Motor Vehicle Fuel.* This SIP revision includes regulatory amendments that allow GDFs to decommission their Stage II vapor recovery systems as of January 2, 2015 and requires that all GDFs equipped with Stage II vapor recovery systems, decommission their Stage II vapor recovery systems by January 2, 2017.

A Massachusetts GDF equipped with a Stage II vapor recovery system, and having an annual throughput of less than 500,000 gallons, may apply for an extension to decommission its Stage II vapor recovery system based on financial hardship or extenuating circumstances. Massachusetts DEP may grant an owner, lessee, operator or controller of a GDF making such request, an extension of up to two years after January 2, 2017. Any GDF receiving such an extension, is then required to continue to operate and maintain its Stage II vapor recovery systems in accordance with Massachusetts' regulations, until the time when such Stage II vapor recovery system is ever decommissioned.

Massachusetts' May 5, 2015 SIP revision also includes amended regulation 310 CMR 7.24(3), *Distribution of Motor Vehicle Fuel,* which includes requirements for GDFs to upgrade their Stage I vapor recovery systems to CARB-certified Stage I EVR systems or a Stage I vapor recovery system composed of EVR system components (Stage I EVR component systems). As of January 2, 2015, a Stage I EVR system or a Stage

[1] In areas where certain types of vacuum-assist Stage II vapor recovery systems are used, the differences in operational design characteristics between ORVR and some configurations of these Stage II vapor recovery systems result in the reduction of overall control system efficiency compared to what could have been achieved relative to the individual control efficiencies of either ORVR or Stage II emissions from the vehicle fuel tank.

I EVR component system is required upon facility start-up for facilities beginning operation. Also as of January 2, 2015, any component of a pre-existing Stage I vapor recovery system that is replaced, is required to be replaced with a CARB-certified Stage I EVR component. The Massachusetts regulations further require that all Stage I systems be CARB-certified Stage I EVR systems or Stage I EVR component systems by January 2, 2022 (seven years from the effective date of these amended regulations). Furthermore, the revised Stage I regulations require GDFs with a monthly throughput of 100,000 gallons or more to maintain Stage I systems that meet the same management practices required by EPA's National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Category: Gasoline Dispensing Facilities, 40 CFR part 63, subpart CCCCCC.

In addition, Massachusetts' May 5, 2015 SIP revision also includes new and amended definitions in 310 CMR 7.00, *Air Pollution Control,* that relate to Stage I and Stage II vapor recovery systems and includes minor clarifying amendments to 310 CMR 7.24(4), *Motor Vehicle Fuel Tank Trucks.*

The May 5, 2015 SIP revision also includes a narrative demonstration supporting the discontinuation of the Massachusetts Stage II vapor recovery program. This demonstration consists of an analysis that the Stage II vapor recovery controls provide only *de minimis* emission reductions due to the prevalence of ORVR-equipped vehicles.

III. EPA's Evaluation of Massachusetts' SIP Revision

EPA has reviewed Massachusetts revised 310 CMR 7.00, 7.24(3), 7.24(4), and 7.24(6) regulations, as well as the accompanying SIP narrative, and has concluded that Massachusetts' May 5, 2015 SIP revision is consistent with EPA's widespread use rule (77 FR 28772; May 16, 2012) and EPA's ''Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures'' (EPA–457/B–12–001; August 7, 2012), hereafter referred to as EPA's Guidance Document.

Massachusetts' May 5, 2015 SIP revision includes a CAA section 184(b)(2) ''comparable measures'' demonstration and a CAA section 110(l) anti-back sliding demonstration based on equations in EPA's Guidance Document. According to these calculations, the potential loss of refueling emission reductions from removing Stage II vapor recovery systems in 2013 is 5.12 percent, thus meeting the 10 percent *de minimis* recommendation in EPA's Guidance Document. The fact that the Massachusetts' demonstration is based on 2013, while the regulation allows decommissioning of Stage II systems beginning in 2015, represents a conservative estimate as the potential loss of emission reductions decreases over time as more and more ORVR systems are phased-in.

In addition, Massachusetts' May 5, 2015 SIP revision also includes calculations illustrating that the overall emissions effect of removing the Stage II vapor recovery program would be an increase of about 463 tons of VOC in 2013. EPA's 2011 National Emissions Inventory database, Version 2, illustrates that Massachusetts' statewide anthropogenic VOC emissions were about 147,213 tons (see *www.epa.gov/ttn/chief/net/2011inventory.html*). Therefore the 463 annual tons of VOC emissions increase calculated by Massachusetts are only about 0.3 percent of the total anthropogenic VOC emissions in Massachusetts. Also, as noted above, these foregone emissions reductions in the near term continue to diminish rapidly over time as ORVR phase-in continues. Thus, EPA believes that the resulting temporary increases in VOC emissions will not interfere with attainment or maintenance of the ozone National Ambient Air Quality Standards (NAAQS).

Furthermore, Appendix Table A–1 of EPA's Guidance Document illustrates that by the end of 2016 (Massachusetts' requires that all GDFs decommission their Stage II vapor recovery systems by January 2, 2017), about 85% of the vehicles in the national motor vehicle fleet will be equipped with ORVR. The number of ORVR-equipped vehicles in Massachusetts will likely be even higher due to Massachusetts having a more accelerated motor vehicle fleet turnover when compared to the national motor vehicle fleet.[2] Appendix Table A–1 of EPA's Guidance Document also illustrates that by the end of 2016, almost 89% of gasoline dispensed nationally will be to ORVR-equipped vehicles, which is also likely to be higher in Massachusetts due to a newer motor vehicle fleet.[3] At that point in time, since a vast majority of Massachusetts vehicles being refueled at gasoline dispensing facilities will be equipped with ORVR systems, the ORVR systems will be controlling the VOC emissions, making Stage II vapor recovery systems a redundant, and potentially incompatible, emissions control technology in Massachusetts. Therefore, removing the Stage II systems is not expected to result in a significant emissions increase, but is expected to avoid emissions increases resulting from the incompatibility of some Stage II systems with ORVR controls.

With respect to Stage I vapor recovery requirements, Massachusetts' revised regulation 310 CMR 7.24(3) is more stringent than the previously approved version of the rule,[4] thus meeting the CAA section 110(l) anti-back sliding requirements. As noted above, the revised rule requires upgrades to a CARB-certified EVR Stage I system or a Stage I system made up of EVR components by January 2, 2022, with an earlier January 2, 2015 compliance date in the case of a new facility or when system components are being replaced. CARB-certified Stage I EVR systems have been certified to achieve a 98 percent reduction in VOC emissions, as compared to 95 percent for pre-EVR Stage I systems. Thus, when pre-EVR Stage I systems in Massachusetts are replaced with CARB-certified Stage I EVR systems, a greater emission reduction will be achieved. Also, when a component of a pre-EVR Stage I systems is replaced with a CARB-certified Stage I EVR component, a somewhat greater reduction is expected to be achieved. These additional reductions will further mitigate any temporary declining emissions increases, which are already *de minimis,* resulting from removal of Stage II vapor recovery systems.

Finally, we note that the Massachusetts regulation contains the following language: ''The provisions and requirements of 310 CMR 7.24(3)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.'' EPA notes that this language, which also appears in other parts of the State's regulation with respect to enforcement of other specific regulatory provisions, and which EPA is proposing to approve into the Massachusetts SIP, is not

[2] *Air Program Support for Stage I and Stage II Programs in Massachusetts Final Report,* Eastern Research Group, Inc. and de la Torre-Klausmeier Consulting, December 12, 2012, includes an analysis of vehicle registration data, from the Massachusetts motor vehicle inspection and maintenance program database, illustrating that 76% of motor vehicles inspected in 2011 throughout Massachusetts had ORVR controls. This is much more accelerated than EPA's end of 2011 calendar year national estimate of 67.1% of vehicles in the national motor vehicle fleet are equipped with ORVR.

[3] Ibid. In 2013, 84.9% of gasoline dispensed in Massachusetts was dispensed to ORVR-equipped vehicles. This is slightly more accelerated than EPA's end of 2013 calendar year national estimate of 81.0% of fuel dispensed to ORVR-equipped vehicles.

[4] EPA's most recent approval of 310 CMR 7.24(3) was on September 3, 1999 (see 64 FR 48297).

intended to, and does not as a matter of law, preclude enforcement of the SIP provisions in question through any other means authorized by federal law, including, but not limited to, the CAA.

IV. Proposed Action

EPA is proposing to approve Massachusetts' May 5, 2015 SIP revision. Specifically, EPA is proposing to approve Massachusetts revised regulations 310 CMR 7.24(3), *Distribution of Motor Vehicle Fuel,* 310 CMR 7.24(4), *Motor Vehicle Fuel Tank Trucks,* and 310 CMR 7.24(6), *Dispensing of Motor Vehicle Fuel,* as well as new and revised definitions, in 310 CMR 7.00, *Air Pollution Control,* that relate to Stage I and Stage II vapor recovery systems, and incorporate these regulations into the Massachusetts SIP. EPA is proposing to approve this SIP revision because it meets all applicable requirements of the CAA and EPA guidance, and it will not interfere with any applicable requirement concerning NAAQS attainment and reasonable further progress or with any other applicable requirement of the Clean Air Act.

Massachusetts' May 5, 2015 SIP revision satisfies the ''comparable measures'' requirement of CAA section 184(b)(2), because as stated in EPA's Guidance Document, ''the comparable measures requirement is satisfied if phasing out a Stage II control program in a particular area is estimated to have no, or a *de minimis,* incremental loss of area-wide emissions control.'' As noted above, Massachusetts' SIP revision met *de minimis* criteria outlined in EPA's Guidance Document. In addition, since the resulting temporary emissions increase from the removal of Stage II controls are *de minimis,* the anti-back sliding requirements of CAA section 110(l) have also been satisfied.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Massachusetts' 310 CMR 7.00, Air Pollution Control: Definitions; 310 CMR 7.24(3), Distribution of Motor Vehicle Fuel; 310 CMR 7.24(4), Motor Vehicle Fuel Tank Trucks; and 310 CMR 7.24(6) Dispensing of Motor Vehicle Fuel. The EPA has made, and will continue to make, these documents generally available electronically through *http://www.regulations.gov* and at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. Accordingly, this proposed 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 proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 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 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 and 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 19, 2016.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2016–05027 Filed 3–8–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2015–0489]

Commercial Driver's License Standards: Application for Exemption; State of Idaho, Idaho Transportation Department (ITD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the Division of Motor Vehicles, Idaho Transportation Department (ITD), has applied for an exemption from provisions of 49 CFR 383.75(a)(8)(v) that require third-party commercial driver license (CDL) testers to initiate and maintain a bond in an amount determined by the State to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of CDL applicants. FMCSA requests public comment on IDT's application for exemption.

DATES: Comments must be received on or before April 8, 2016.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2015–0489 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

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,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials regarding this application for exemption. Comments should address the safety assessment provided by the applicant.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2015–0489), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2015–0489'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. An option to upload a file is provided. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations, including the CDL regulations in 49 CFR part 383. See also 49 CFR 381.300(c)(2), FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 U.S.C. 31315(b)(1) and 49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The Idaho Transportation Department (ITD) is the State of Idaho governmental organization responsible for state transportation infrastructure. The Agency is responsible for overseeing the disbursement of Federal, State, and grant funding for the transportation programs of the State. IDT's CDL program is designed to improve safety on the highways while meeting Federal requirements for the testing and licensing of commercial drivers.

Idaho is a geographically large state with a relatively small population. To adequately serve their constituents, the ITD oversees a third-party tester program consisting of approximately 60 CDL examiners. ITD utilizes contractors as the third-party examiners, so these examiners are not considered government employees, who would not need to be bonded.

The IDT has applied for an exemption from the regulations in 49 CFR 383.75(a)(8)(v) that require third-party testers to initiate and maintain a bond in an amount determined by the State to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of CDL applicants. The ITD requests the exemption because this regulation creates a financial hardship for testing examiners who must be bonded but conduct only a few tests monthly and the State of Idaho has had no instances of fraud in their third-party testing organizations. IDT believes that the exemption, if granted, would achieve a level of safety that is equivalent to or greater than the level of safety provided by complying with the regulation.

According to IDT, most of their examiners work in small cities and towns scattered throughout the State of Idaho. Many of these examiners only conduct one or two CDL tests per month. The cost of requiring these examiners to be bonded creates a financial hardship for the examiners who earn just $60 per test. This regulation results in some badly-needed examiners potentially dropping out of

the CDL testing arena. The State of Idaho is self-insured, in that Idaho state employee staff members are qualified and available to re-test any applicants who may be found to have given a CDL ''tainted'' by some type of fraud. This would be done at no cost to the applicants.

In support of their request, the ITD indicates that it uses, and has used for over a year now, the Commercial Skills Test Information Management System (CSTIMS) to monitor CDL skills test examiners and to improve safety. This Internet-based tool provides a consistent way to track the scheduling and entry of test results for CDL skills tests by jurisdiction and third-party examiners. CSTIMS enforces jurisdiction-defined rules to manage CDL skills testing and will alert jurisdictions when circumstances are encountered that may require investigation to determine if fraud may have occurred. CSTIMS also produces reports that can be reviewed for patterns of potential fraud, and surveys are also sent to all individuals tested to help monitor Idaho's testing program and detect fraud.

IV. Method To Ensure an Equivalent or Greater Level of Safety

ITD states that granting this exemption will result in a level of safety that is equal to or greater than the level of safety of the rule without the exemption. According to the application for exemption, Idaho has had no instances of fraud in its third-party testing organizations. ITD requests, therefore, that FMCSA approve this request based on the alternate measures they have put in place supporting the spirit and purpose of 49 CFR 383.75(a)(8)(v) and, in its view, provide an equivalent or greater level of safety.

A copy of ITD's application for exemption is available for review in the docket for this notice.

Issued on: February 26, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–05243 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 81, No. 46
Wednesday, March 9, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette National Forest, Detroit Ranger District, Oregon; Hwy 46 Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Hwy 46 Project is proposed to improve stand growth, diversity and structure; move stand structure from an overabundance of mid seral stands to increase both early and late seral stand structure within the watershed; reduce hazardous fuels; restore sugar pine and encourage sugar pine regeneration; treat powerline visuals; restore riparian and meadow habitats; and restore hydrologic processes in the Short Lake area. This project would also provide a sustainable yield of timber for commercial products to local and regional economies. Treatments would occur on about 4054 acres. Commercial harvest activities on approximately 3576 acres include commercial thinning, sugar pine restoration, and early seral creation through gaps and variable retention regeneration harvest. Fuels reduction activities, understory habitat enhancement treatments and meadow restoration are proposed on approximately 480 acres. Road work would be part of the actions associated with the proposed activities and would include road maintenance/reconstruction on 119 miles, approximately 9.3 miles of temporary roads, and the rerouting of FS Rd 46–059.

DATES: Comments concerning the scope of the analysis must be received by April 25, 2016. The draft environmental impact statement is expected June 2017 and the final environmental impact statement is expected December 2017.

ADDRESSES: Scoping comments can be submitted electronically through *https://cara.ecosystem-management.org/Public/Commentinput?project=47109.* Send written comments to HC 73, Box 320, Mill City, OR 97360, or via facsimile to 503–854–4239.

FOR FURTHER INFORMATION CONTACT: Lyn Medley (Project Team Leader) at the Detroit Ranger District, (503) 854–4228, *lmedley@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The Hwy 46 project area is approximately 31,295 acres, located in the Breitenbush Watershed. Forest Road 46 (Hwy 46), the Breitenbush River and a powerline bisect the project area. Within the project area trees are competing for sunlight, water and nutrients causing reduced tree growth and vigor. There is an oversupply of mid-seral stands, moving the seral distribution away from historic levels and limiting stand structure and species diversity across the landscape. This is the northern most extent of Sugar pine, past management and the exclusion of fire on the landscape has threatened this population of Sugar pine. The Breitenbush community is located within the project area, and the watershed is popular with recreationists.

The purpose of this project is to improve stand growth, diversity and structure and move stand structure from an overabundance of mid seral stands to increase early and late seral stand structure in the watershed, and to diversify wildlife habitat in the watershed; strategically reduce hazardous fuels; restore sugar pine stands to encourage sugar pine regeneration; treat powerline visuals; restore riparian habitats, meadows, and hydrologic processes in the project area; and provide forest products to the local economy.

Proposed Action

The Hwy 46 project proposes the following activities:

1. Commercially harvest about 3576 acres of second growth forests (managed and fire regenerated stands). This includes: 3328 acres of commercial thinning, approximately 132 acres of gaps (0.5–3 acres in size), approximately 65 acres of dominate tree release gaps (0.5 acres or less), and 51 acres of variable retention regeneration harvest. Included in these acres are approximately 430 acres of sugar pine restoration and 117 acres of visual treatments along the powerline. The 51 acres of variable retention regeneration harvest will be replanted with an appropriate mix of seedlings following harvest. Sugar pine seedlings will be planted in the sugar pine restoration units. The gaps will be replanted as needed with appropriate conifer seedlings.

2. Construction of approximately 5.1 miles of temporary spur roads, and reconstruction of approximately 4.2 miles of spur roads to access timber harvest units. The spur roads would be decommissioned by ripping, water-barring, and re-establishing drainage, and then seeded after harvest activities to minimize soil erosion and maintain water quality.

3. Road maintenance and reconstruction activities on about 119 miles of existing forest system roads within the planning area. Maintenance and reconstruction needs vary by road, but include brushing, reconditioning of roadways and ditches, replacing culverts, and cut slope repair. Road work will help provide for user and public safety and meet Forest Plan objectives.

4. Reroute FS Rd 46–059 road to restore hydrologic processes in the Short Lake area. The existing road would be decommissioned.

5. Hazardous fuel reduction treatments to reduce both existing fuel loadings and logging slash as a result of harvest will be planned to bring stands to levels within Forest Plan standards and guidelines. Proposed treatments include broadcast burning, machine piling, burning of landings, hand piling and chipping. This includes fuel reduction treatments on approximately 223 acres to reduce wildfire risks to the Breitenbush Community and roadside areas.

6. Understory habitat enhancements to increase species and structural diversity on approximately 222 acres.

These treatments include meadow restoration and enhancement; noncommercial thinning of trees and shrubs less than 7 inches diameter at breast height (DBH), pruning and planting.

7. Recreation related activities include visual treatment of the powerline corridor, enhancement of Short Lake area and around Fox Creek Campground.

8. Thinning and fuels treatments will occur on approximately 802 acres of Riparian Reserves outside of riparian buffers to accelerate and/or improve Aquatic Conservation Strategy Objectives (ACSOs). Additional Riparian Reserve treatments could occur on up to 50 acres within buffers, including diversity thinning in plantations, wood placement in creeks and cutting and leaving conifers in areas of hardwoods to encourage hardwood growth. All treatments will be designed to accelerate and/or improve ACSOs.

Responsible Official

Detroit District Ranger.

Nature of Decision To Be Made

Given the purpose and need, the scope of the decision to be made by the responsible official will be as follows:

- Do the proposed actions comply with all applicable laws governing Forest Service actions?
- Do the proposed actions comply with the applicable standards and guidelines found in the Willamette Land and Resource Management Plan (LRMP)?
- Does the Environmental Impact Statement have sufficient site-specific environmental analysis to make an informed decision?
- Do the proposed actions meet the purpose and need for action?

With these assurances the responsible official must decide:

- Whether or not to select the proposed action or one of any other potential alternatives that may be developed, and what, if any, additional actions should be required.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the scoping comment period and should clearly articulate the reviewer's concerns and contentions.

We are interested in your comments on the following questions:

- Are there alternative ways to meet the purpose of the project other than the proposed action we offer, which you would like the Forest Service to consider and analyze?
- Is there any information about the project area, which you believe is important in the context of the proposed activities that you would like the Forest Service to consider?
- What specifically are the potential effects of this proposal that you are particularly concerned about? For example, rather than simply stating that you would like a change in a proposed activity or that you would not like an activity to take place, it is most helpful to understand why you desire this. What are your underlying concerns with an activity or action; what are the effects from the activity that concern you?

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, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Dated: February 29, 2016.

Grady McMahan,

District Ranger.

[FR Doc. 2016–05257 Filed 3–8–16; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AD15

Final Directives on American Indian and Alaska Native Relations Forest Service Manual 1500, Chapter 1560, and Forest Service Handbook 1509.13, Chapter 10

AGENCY: Forest Service, USDA.

ACTION: Notice of final directives.

SUMMARY: The Forest Service has revised its internal Agency directives for American Indian and Alaska Native Relations to update existing direction for the Agency to work effectively with Indian tribes. The directives were last revised in 2004, with an Interim Directive issued in 2012. The final issuance of these directives, effective upon publication, will provide consistent overall internal Forest Service policy to: Explain the methods used to engage with tribes on a government-to-government basis, describe the authorities for working with tribes, delineate meaningful consultation procedures, and outline dispute resolution options. The tribal and public comment period closed concurrently on September 22, 2015. The Agency considered all comments in developing these final directives.

DATES: These directives are issued March 9, 2016.

ADDRESSES: The Forest Service Manual and Handbook are available online at *http://www.fs.fed.us/spf/tribalrelations/.* Single paper copies are available by request to the Office of Tribal Relations, U.S. Forest Service, at *OTR@fs.fed.us.* Additional information of how the Agency considered public comment can be requested in writing to Office of Tribal Relations, U.S. Forest Service, Sidney R. Yates Building, 201 14th Street SW., Washington, DC 20250–0003.

FOR FURTHER INFORMATION CONTACT: Fred Clark, Director, Office of Tribal Relations, U.S. Forest Service, 202–205–1514. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

1. Background and Need for the Final Directive

On January 18, 2013, the U.S. Department of Agriculture (USDA) adopted Departmental Regulation No. 1350–002 on tribal consultation, coordination, and collaboration. Departmental Regulations institutionalize the broad programmatic direction for all USDA agencies to develop and implement processes for tribal consultation, coordination, and collaboration. This Departmental Regulation explicitly holds the head of each USDA agency accountable for the implementation of this policy. In March 2013, the Forest Service (Agency) Office of Tribal Relations (OTR) began to review the Forest Service manual and handbook to ensure it was consistent with the Departmental Regulation as well as the 2012 Report to the Secretary, USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites, and legislation (specifically the Culture and Heritage Cooperation Authority provisions of the Food, Conservation, and Energy Act of 2008 [Pub. L. 110–246; the Farm Bill]).

Upon reviewing these documents, it was necessary to amend the Agency manual and handbook, and OTR began

to draft proposed directives which included tribal implications as defined by Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' OTR began an initial 120-day consultation with tribes on June 6, 2013, but extended the consultation period for almost two years to thoroughly discuss the proposed directives in various locations throughout the U.S. On July 24, 2015, the Forest Service published the notice of proposed directives and request for comment (80 FR 44019), and the comment period ended on September 22, 2015.

2. Content of Final Directives

The following is an overview of the content of the directives.

a. Forest Service Manual 1560

1563—Tribal Relations. This Forest Service Manual section outlines the Forest Service Tribal Relations policy generally. It sets forth direction beyond consultation to include coordination and collaboration, recognizing the value of collaboration. The section encourages engagement with Alaska Native Corporations, non-federally recognized tribes, Native Hawaiians, along with American Indian and Alaska Native individuals, communities, intertribal organizations, enterprises, and institutions.

1563.01—Authorities. This section provides information on Constitutional Articles corresponding to Indian tribes, statutes (*e.g.,* Tribal Forest Protection Act of 2004 [25 U.S.C. 3115a]), executive orders, policies, Indian treaty rights, and provides context for the Federal trust responsibility to tribes.

1563.02—Objectives. This section expands the objectives of the Forest Service in meeting its trust responsibility and adds support for the UN Declaration on the Rights of Indigenous Peoples.

1563.03—Policy. This section expands Agency policy to consult with tribes in a meaningful way, document all consultation processes, and keep confidential any information that is tribally sensitive or proprietary.

1563.04—Responsibilities. This section outlines the responsibilities in fulfilling the trust responsibility and consultation mandate to the following Agency personnel: Chief, Deputy Chiefs, Director of the Washington Office of Tribal Relations, Regional Tribal Relations Program Managers, Forest/Grasslands Supervisors, District Rangers, and all Tribal Liaisons within the Forest/Grassland, Research and Development, and State and Private Forestry divisions.

1563.05—Definitions. This section provides definitions of the terms commonly used to describe the Federal-Tribal relationship.

1563.10—Consultation with Indian Tribes and Alaska Native Corporations. This section outlines the steps in the consultation process generally, including subsections outlining the roles for consulting officials, associated timelines, evaluations, and additional considerations.

1563.2—Dispute Resolution. This section expands on dispute resolution and appeal procedures for Indian tribes.

1563.3—Reburial of American Indian and Alaska Native Ancestral Remains and Cultural Items. This section expands guidance on repatriation and reburials, including general considerations as well as reviews.

1563.4—Closures for Traditional and Cultural Purposes. This section describes closures for temporary and cultural purposes per 25 U.S.C. 32A § 3054.

1563.6—Prohibition on Disclosure. This section covers prohibition against disclosure per 25 U.S.C. 32A § 3056.

1563.7—Information and Technology Sharing. This section describes working with tribes to incorporate traditional ecological knowledge as well as traditional tribal practices and locations that should be considered in Forest Service land management planning and research activities.

1563.8—References. This section elaborates in the authorities identified in section 1563.01.

b. Forest Service Handbook 1509.13

10.01—Authorities. This section includes statutes, Executive Orders, and regulations that govern Federal agencies' relationship with tribes.

11—Consultation with Tribes. This section expands on consultation roles and responsibilities, timelines, consultation process, and monitoring and evaluation processes for compliance monitoring.

12—Compensation. This section includes funding authorities for compensation for consultation, historic preservation.

13—Training. This section includes suggestions for mandated training on sacred sites and related core competencies.

14—Exhibits. This section references additional authorities for management of Indian sacred sites.

3. Public Comments

The Agency received only 15 comments on the proposed directives. However, because of strong outreach, coordination, and consultation conducted with tribal partners by OTR in the development of these directives, the Agency did not anticipate receiving many comments. The comments were generally supportive of these directives, and most were from tribes or tribal offices that interact with the Forest Service in a fairly routine manner. The following is a breakdown of the comments provided about the directives and the Agency's response to those comments.

FSM 1563

Categorization of the Manual Title

Several comments stated that the emphasis should be on the government-to-government relationship because a federal-tribal relationship is not ''External Affairs,'' but instead ''Internal Affairs'' and believe these directives are mislabeled within this category heading.

After considering this request, the Agency took no action. The reason Forest Service Manual 1500, Chapter 1560, Section 1563 is listed under the heading ''External Affairs'' is because it involves a party that is not officially employed by the US Forest Service. Many other relationships with organizations outside of the Agency are described within Manual 1500, such as counties and local agencies, which are under Section 1562. The heading is not intended to minimize the government-to-governmental relationship Federal agencies have with Indian tribes; rather, in this context, when a Forest Service employee engages with any person or organization that is not an employee of the US Forest Service (*i.e.,* an internal party), it is external to the Agency.

Federal Trust Responsibility

Several comments stated that although various individuals, communities, intertribal organization, enterprises, or education institutions may publicly identify as ''tribal,'' it is important to note that these groups do not have the same legal status or rights as federally recognized tribes (*i.e.,* Federal trust responsibilities).

The Agency agrees and has modified the text accordingly. Forest Service Handbook Section 1509.13, Chapter 10 reads: ''The rights of tribal governments and their officials are not the same, nor should they be treated the same as the general public.'' This language was inserted into Manual 1500, Chapter 1560 for consistency. Moreover, the trust responsibility is discussed at length in two separate sections in the FSM 1560—the language has been slightly amended to ensure consistency throughout the document.

Several respondents also noted the relationship between treaties reserved rights and how they correlate under the trust responsibility. Commenters want the Forest Service to understand how tribes regulate their members' exercise of such rights, rights that are reaffirmed individually through unique statutory references (*e.g.,* individual tribal treaty) as well as off-reservation treaty rights, separate reservation homelands, and other reserved rights.

After considering these comments, the Agency did not take any specific action. The directives explain the basis for treaty rights, how tribes continue to exercise such rights today, and the trust responsibilities the Agency holds. These directives were specifically written for Forest Service employees to understand the broad applicability and expansive nature of the Federal trust responsibility as well as the more specific obligations under reserved treaty rights. Using general descriptions encourages a flexible interpretation of legal responsibilities and encourages building strong relationships with individual Indian tribes, in the context of that tribe's treaty status.

Federal Status of Tribes

Several comments identified that the authority to work with federally recognized Indian tribes does not address relationships with non-federally recognized tribes who may have a stakeholder interests in the Federal agency actions.

After considering these comments, there is no clear legal standing for the Forest Service to include non-federally recognized tribes, or even other indigenous communities from the US (such as Native Hawaiians), or from foreign territories that border US lands. Executive Order 13175 ''Coordination and Consultation with Indian Tribes'' specifically defines Indian tribes as ''an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List of 1994, 25 U.S.C. 479a.'' This is the baseline authority for all Federal agencies to engage and consult with Indian tribes and (through other laws) Alaska Native Corporations. Therefore, it is important to provide a framework within the context of these directives for Forest Service employees to understand how the Agency is legally obligated to engage with tribes affected by the Federal trust responsibility, which is only extended to federally recognized tribes, and with Alaska Native Corporations.

However, the Forest Service strongly supports working with tribes and tribal communities notwithstanding federal acknowledgment. The mechanisms and procedures used to accomplish those interactions and partnerships are those contained in the Agency's overall authorities, rather than in those for Indian tribes and Alaska Native Corporations.

Native American Graves Protection and Repatriation Act (NAGPRA)

There were a few comments on Alaska Native Corporations (ANCs) having no legal standing as proper authorities for consultation for the purposes of NAGPRA. If a corporation wishes to be a party to a NAGPRA consultation, they should have express written consent from the tribe that clearly identifies the corporation is acting as their agent.

The Agency agrees and has modified the text accordingly. The following language has been inserted: ''Alaska Native Corporations (ANCs) do not have legal authority to consult for NAGRPA purposes; however, if an Alaska tribe expressly gives consent in writing that an ANC is acting as their authorizing agent in a NAGPRA consultation, the request should be considered.''

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

One comment suggests that Article 19 should be included because ''consent'' is an important term to incorporate for tribes to enter into any sort of relationship with a Federal entity.

After much consideration, the Agency agrees and has modified the text accordingly. The US endorsed the UNDRIP in 2010. Simply, Article 19 calls on governments to secure the consent of indigenous peoples on matters of general public policy. The US Department of State has yet to issue guidance on the meaning and implications of consent in this context, and the Agency therefore considers the UNDRIP as an ideal the Federal Government should strive toward in its dealings with indigenous peoples and as an important international perspective.

Role of Coordination and Collaboration

Several commenters noted there was no definition of collaboration in the directives and if collaboration is to serve a purpose in support of consultation, it should be clearly defined in the definitions section. It should also be made clear that collaboration is not the primary way the Forest Service intends to meets its trust responsibilities with tribes nor is coordination ever to be done in lieu of consultation.

The Agency agrees and has modified the text accordingly. The Forest Service has included the definition of collaboration published in the USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration (DR1350–002: January 18, 2013) to maintain consistency across Agency guidance documents. Further, in Section 1563.03.e, language was inserted that reads: ''To be clear, coordination and collaboration with tribes are key to building long-term, meaningful relationships and should be viewed as a component of daily operations; however, tribal coordination and collaboration efforts do not supersede or substitute tribal consultation on a specific topic.''

FSH 1509.13, Chapter 10

Treaty Rights

Several people commented on FSH1509.13, Section 13.3, Core Competencies, subsection (1)(e) which is titled Legal Context. In working with Indian tribes, there is nothing mentioned regarding unratified treaties or unextinguished land titles, and these should be specifically identified in this section.

After considering these comments, the Agency agrees and has clarified and modified the text accordingly. The FSH is specifically written for Forest Service employees to understand the broad applicability and see the expansive nature of the federal trust responsibility and treaty obligations. Using general descriptions encourages a flexible interpretation of legal responsibilities and encourages building strong relationships with individual Indian tribes, while keeping their land title and treaty status in mind. The topics of unratified treaties and unextinguished land titles (and the additional topic of unsettled land claims) are now included in the section on Core Competencies.

Sacred Sites

Many comments suggested that the Forest Service should request sacred sites trainings be hosted by tribes and include tribal staff in the development of internal Forest Service trainings. The Agency reviewed the language and concluded this request was included that in the proposed directives. Federal agencies often lack the framework to contextualize tribal knowledge systems. However, Tribal staff and other Native people can often more clearly identify and accurately assess sacred sites issues. Language in section 13.2 states that Forest Service employees should ''Invite AI/AN people to assist in developing and delivering core curricula.'' Further,

Forest Service units are instructed to ''reach out to local Indian tribes to ask for their assistance in both developing and delivering training to Forest Service employees'' and to ''coordinate with local Tribes when sponsoring Forest Service workshops and training to include tribal perspectives.'' These aspects are incorporated directly from the 2012 Sacred Sites Report.

4. Regulatory Certifications

Environmental Impact

This final directive revises national Forest Service policy to update existing direction for the Agency to effectively work together with Indian tribes. Forest Service regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.'' The Agency has concluded that this final directive falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant regulatory actions. OIRA has determined that this final policy action is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovated, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed these directives in a manner consistent with these requirements.

Regulatory Flexibility Act

The Agency certifies that these directives will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). These directives will not impose record-keeping requirements on small entities; they will not affect their competitive position in relation to large entities; and they will not affect their cash flow, liquidity, or ability to remain in the market.

Small Business Regulatory Enforcement Fairness Act

These directives are not considered major under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. They will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. The directives' requirements will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Nor will these directives have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises because the rule is limited to consultation with federally acknowledged Indian tribes.

Unfunded Mandates Reform Act

The directives do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 Million per year. The dirctives do not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

No Takings Implications (E.O. 12630)

Under the criteria in Executive Order 12630, these directives do not affect individual property rights protected by the Fifth Amendment nor do they involve a compensable ''taking.'' A takings implication assessment is therefore not required.

Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, this document has no 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.

Civil Justice Reform (E.O. 12988)

These directives comply with the requirements of Executive Order 12988. Specifically, these directives were reviewed to eliminate efforts and ambiguity and written to minimize litigation; and are written in clear language and contains clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments,'' 59 FR 22951 (May 4, 1994), supplemented by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000), the Agency assessed these directives to have tribal implications as defined in E.O. 13175. The 120-day consultation with Indian tribes and Alaska Native Corporations was conducted from June 6, 2013, to October 6, 2013, as required, and was further extended over a nearly two-year period.

Because of strong outreach, coordination, and consultation conducted with tribal partners in the development of these directives, the Agency received only 15 comments. The comments were generally supportive of these directives, and most were from tribes or tribal offices that interact with the Forest Service in a fairly routine manner. Additional outreach to Indian tribes and intertribal organizations will convey the availability of the final directives.

Paperwork Reduction Act

These final directives do not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

National Environmental Policy Act

These directives do not constitute a major Federal action significantly affecting the quality of the human environment because it is of an administrative, technical, and procedural nature. See 43 CFR 46.210(i). No extraordinary circumstances exist that would require greater review under the National Environmental Policy Act.

Effects on the Energy Supply (E.O. 13211)

This final policy action is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Dated: February 8, 2016.

Thomas L. Tidwell,

Chief, Forest Service.

[FR Doc. 2016–04804 Filed 3–8–16; 8:45 am]

BILLING CODE 3415–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ashley Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The Ashley Resource Advisory Committee (RAC) will meet in Vernal, Utah. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcvKAAS.*

DATES: Meeting will be held from 6:00 p.m. to 8:00 p.m. on March 16, 2016. All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Ashley National Forest (NF) Supervisor's Office, 355 North Vernal Avenue, Vernal, Utah. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ashley NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Louis Haynes, RAC Coordinator, by phone at 435–781–5105 or via email at *ljhaynes@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review draft project long forms. The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 2, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Attention: Louis Haynes, RAC Coordinator, Ashley NF Supervisor's Office, 355 North Vernal Avenue, Vernal, Utah 84078; by email to *ljhaynes@fsfed.us,* or via facsimile to 435–781–5142.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 25, 2016.

John Erickson,

Forest Supervisor.

[FR Doc. 2016–04968 Filed 3–8–16; 8:45 am]

BILLING CODE 3411–15–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Development, Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA), Household Water Well System Grant Program.

SUMMARY: The Rural Utilities Service (RUS) announces its Household Water Well System (HWWS) Grant Program application window for fiscal year (FY) 2016. RUS will make grants to qualified private non-profit organizations to establish lending programs for homeowners to borrow up to $11,000 to construct or repair household water wells for an existing home. The HWWS Grant Program is authorized under 7 U.S.C. 1926e. Regulations may be found at 7 CFR part 1776.

This year RUS will assign administrative discretion points to applications that:

1. Direct loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's (RD's) goal of providing 20 percent of its funding by 2016 to these areas of need.

2. Direct loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, colonias or Substantially Underserved Trust Areas.

DATES: The deadline for completed applications for a HWWS grant is May 9, 2016. Applications in either paper or electronic format must be postmarked or time-stamped electronically on or before the deadline. Late applications will be ineligible for grant consideration.

ADDRESSES: Submit applications to the following addresses:

1. *Electronic applications:* Grants.gov. Submit electronic applications through Grants.gov, following the instructions on that Web site.

2. *Paper applications:* Water Programs Division, Rural Development, Rural Utilities Service, STOP: 1570, Room 2234–S, 1400 Independence Avenue SW., Washington, DC 20250–1570.

Obtain application guides and materials for the HWWS Grant Program electronically or in paper format from the following addresses:

1. *Electronic copies: rurdev.usda.gov/UWP-individualwellsystems;*

2. *Paper copies:* Write Water Programs Division, Rural Utilities Service, STOP: 1570, Room 2234–S, 1400 Independence Avenue SW., Washington, DC 20250–1570 or call (202) 720–9583.

FOR FURTHER INFORMATION CONTACT: Derek Jones, Community Programs Specialist, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture, STOP 1570, Room 2234–S, 1400 Independence Avenue SW., Washington, DC 20250–1570, Telephone: (202) 720–9640, fax: (202) 690–0649, email: *derek.jones@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: HWWS Grant Program.

Announcement Type: Grant—Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: May 9, 2016.

Items in Supplementary Information

I. Funding Opportunity: Description of the HWWS Grant Program.

II. Award Information: To be determined.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web site, phone, fax, email, contact name.

VIII. Non-discrimination Statement: USDA non-discrimination statement, how to file a complaint, persons with disabilities.

I. Funding Opportunity

A. Program Description

The HWWS Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 306E of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926e. The CONACT authorizes RUS to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As the grant recipients, private non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $11,000 and will have a term up to 20 years at a one percent annual interest rate.

B. Background

RUS supports the sound development of rural communities and the growth of our economy without endangering the environment. RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to Rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems costly to deploy in remote areas. A significant number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of RUS is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

C. Purpose

The purpose of the HWWS Grant Program is to provide funds to private non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for HWWS. Faith-based organizations are eligible and encouraged to apply for this program. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems.

Due to the limited amount of funds available under the HWWS Grant Program, the RUS anticipates that 10 applications may be funded from FY 2016 funds. Applications from existing HWWS grant recipients are acceptable and will be evaluated as new applications.

II. Award Information

Funding Instrument Type: Grant.

Available funds: $1,192,081.

Anticipated Number of Awards: 10.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

III. Eligibility Information

A. Who is eligible for grants?

1. An organization is eligible to receive a HWWS grant if it:

a. Has an active registration with current information in the System for Award Management (SAM) and has a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

b. Is a private, non-profit organization.

c. Is legally established and located within one of the following:

(1) A state within the United States

(2) The District of Columbia

(3) The Commonwealth of Puerto Rico

(4) A United States territory.

d. Has the legal capacity and authority to carry out the grant purpose.

e. Has sufficient expertise and experience in lending activities.

f. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned HWWS and ground water.

g. Has no delinquent debt to the federal government or no outstanding judgments to repay a Federal debt.

h. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements, and

i. Is not a corporation that has been convicted of a felony (or had an officer or agent acting on behalf of the corporation convicted of a felony) within the past 24 months. Any Corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

2. An individual is ineligible to receive a Household Water Well grant. An individual may receive a loan from an organization receiving a grant award.

B. What are the basic eligibility requirements for a project?

1. *Project Eligibility.* To be eligible for a grant, the project must:

a. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned HWWS (see 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

b. Be established and maintained by a private, non-profit organization.

c. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the contiguous and adjacent urbanized area of such towns and cities.

2. *Required Matching Contributions.* Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. Please see 7 CFR 1776.9 for the requirement.

3. *Other—Requirements.*

a. DUNS Number. The applicant for a grant must supply a DUNS number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in System for Award Management (SAM).

(1) Applicants may register for SAM at *sam.gov/portal/public/SAM/.*

(2) The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal grant award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

c. Eligibility to receive a HWWS loan will be based on the following criteria:

(1) An individual must be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by federal law. The non-metropolitan household income must be based on the 5-year income data from the American Community Survey (ACS) or, if needed, other United States Bureau of the Census.

RUS publishes a list of income exclusions in 7 CFR 3550.54(b). Also, the Department of Housing and Urban Development published a list of income exclusions in the **Federal Register** on May 20, 2014, at 79 FR 28938 (see ''Federally Mandated Exclusions'').

(2) The loan recipient must own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

(3) The home being improved with the water well system must be located in a rural area.

(4) The loan for a water well system must not be associated with the construction of a new dwelling.

(5) The loan must not be used to substitute a water well system for water service available from collective water systems. (For example, a loan may not be used to restore an old well abandoned when a dwelling was connected to a water district's water line.)

(6) The loan recipient must not be suspended or debarred from participation in Federal programs.

IV. Application and Submission Information

A. Where To Get Application Information

The Household Water Well System Grant Application Guide (Application Guide), copies of necessary forms and samples, and the HWWS Grant Program regulation are available from these sources:

1. Internet for electronic copies: *grants.gov* or *rurdev.usda.gov/UWP-individualwellsystems;*

2. Water and Environmental Programs for paper copies: RUS, Water Programs Division, STOP 1570, Room 2233–S, 1400 Independence Avenue SW., Washington, DC 20250–1570, Telephone: (202) 720–9589, Fax: (202) 690–0649

B. Content and Form of Application Submission

1. Rules and Guidelines

a. Detailed information on each item required can be found in the HWWS Grant Program regulation (7 CFR part 1776) and the Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the Application Guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and Application Guide provide specific guidance on each of the items listed.

b. Applications should be prepared in conformance with the provisions in 7 CFR part 1776, subpart B, and departmental and other applicable regulations including 2 CFR parts 180, 182, 200, 400, and 421, or any successor regulations. Applicants should use the Application Guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

2. Checklist of Items in Completed Application Packages

a. DUNS Number. The applicant for a grant must supply a Dunn and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in the System for Award Management (SAM).

(1) Applicants may register for the SAM at: *sam.gov/portal/public/SAM/*

(2) The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal Grant Award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

(3) Your organization must be listed in the SAM. If you have not used Grants.gov before, you will need to register with the SAM and the Credential Provider. New registrations can take three to five business days to process. Updating or renewing an active registration has a shorter turnaround, 24 hours. Registrations in SAM are active for one year. The SAM registers your organization, housing your organizational information and allowing Grants.gov to use the information to verify your identity. The DUNS number, Taxpayer Identification Number (TIN), and name and address of the applicant organization must match SAM data files.

c. The electronic and paper application process requires forms with the prefixes RD and SF as well as supporting documents and certifications.

Application Items

(1) SF–424, ''Application for Federal Assistance''.

(2) SF–424A, ''Budget Information—Non-Construction Programs''.

(3) SF–424B, ''Assurances—Non-Construction Programs''.

(4) SF–LLL, ''Disclosure of Lobbying Activity''.

(5) Form RD 400–1, ''Equal Opportunity Agreement''.

(6) Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).

(7) Project Proposal, Project Summary, Needs Assessment, Project Goals and Objectives, Project Narrative.

(8) Work Plan.

(9) Budget and Budget Justification.

(10) Evidence of Legal Authority and Existence.

(11) Documentation of private non-profit status and Internal Revenue Service (IRS) Tax Exempt Status.

(12) List of Directors and Officers.

(13) Financial information and sustainability (narrative).

(14) Assurances and certifications of compliance with other Federal Statutes.

The forms in items 1 through 6 must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. RD forms are used by programs under the Rural Development mission area. Standard forms (SF) are used government-wide. In addition to the sources listed in section A, the forms may be accessed electronically through the RD Web site at *rurdev.usda.gov/FormsAndPublications.*

See section V, ''Application Review Information,'' for instructions and guidelines on preparing Items 7 through 13.

3. Compliance with Other Federal Statutes. The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

b. 2 CFR part 417—Governmentwide Debarment and Suspension (Nonprocurement), or any successor regulations.

c. 7 CFR part 3052—Audits of States, Local Governments, and Non-profit Organizations, or any successor regulations.

d. Subpart B of 2 CFR part 421, which adopts the Governmentwide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

e. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance go to LEP.gov.

f. Federal Obligation Certification on Delinquent Debt.

C. How many copies of an application are required?

1. Applications Submitted on Paper. Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

2. Applications Submitted Electronically. Additional paper copies are unnecessary if the application is submitted electronically through grants.gov.

D. How and Where To Submit an Application

1. Submitting Paper Applications

a. For paper applications, mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: Rural Development, Rural Utility Service, Water Programs Division, STOP 1570, Room 2234–S, 1400 Independence Avenue SW., Washington, DC 20250–1570, Telephone: (202) 720–9583.

Submit paper applications marked ''Attention: Water and Environmental Programs.''

b. Applications must show proof of mailing or shipping by one of the following:

(1) A legibly dated U.S. Postal Service (USPS) postmark;

(2) A legible mail receipt with the date of mailing stamped by the USPS; or,

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

c. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a federal holiday, it will be extended to the next business day.

d. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents and delay delivery. RUS encourages applicants to consider the impact of this procedure in selecting an application delivery method.

2. Submitting Electronic Applications

a. Applications will not be accepted by fax or electronic mail.

b. Electronic applications for grants will be accepted if submitted through Grants.gov at *www.grants.gov.*

c. Applicants must preregister successfully with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without preregistration.

d. Applicants who apply through Grants.gov should submit their electronic applications before the deadline.

e. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

f. Grants.gov has two preregistration requirements: A DUNS number and an active registration in SAM. See the ''Checklist of Items in Completed Application Packages'' for instructions on obtaining a DUNS number and registering in the SAM.

g. You must be registered with Grants.gov before you can submit an electronic grant application.

(1) You must register at Grants.gov: *grants.gov/applicants/get_registered.*

(2) Organization registration user guides and checklists are also available at Grants.gov.

(3) Grants.gov requires some credentialing and online authentication procedures. When an applicant organization is registered with SAM, the organization designates a point of contact who receives a password authorizing the person to designate staff members who are allowed to submit applications electronically through Grants.gov. These authorized organization representatives must be registered with Grants.gov to receive a username and password to submit applications. These procedures may take several business days to complete.

(4) Some or all of the SAM and Grants.gov registration, credentialing and authorizations require updates. If you have previously registered at Grants.gov to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

h. To use Grants.gov:

(1) Follow the instructions on the Web site to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the Grants.gov Web site.

(5) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

(6) Again, RUS encourages applicants to take early action to complete the sign-up, credentialing and authorization procedures at grants.gov before submitting an application at the Web site.

E. Deadlines

The deadline for paper and electronic submissions is May 9, 2016. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2016 grant funding. Electronic applications must have an electronic date and time stamp by midnight of May 9, 2016 to be considered on time. RUS will not accept applications by fax or email. Applications that do not meet the criteria above are considered late applications and will not be considered.

RUS will notify each late applicant that its application will not be considered.

F. Funding Restrictions

1. Eligible Grant Purposes

a. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

b. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

c. Grant funds may be used to pay administrative expenses associated with providing Household Water Well loans.

2. Ineligible Grant Purposes

a. Administrative expenses incurred in any calendar year that exceed 10 percent of the household water well loans made during the same period do not qualify for reimbursement.

b. Administrative expenses incurred before RUS executes a grant agreement with the recipient do not qualify for reimbursement.

c. Delinquent debt owed to the Federal Government does not qualify for reimbursement.

d. Grant funds may not be used to provide loans for household sewer or septic systems.

e. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

f. Household Water Well loans may not be used to pay the costs of a home plumbing system.

V. Application Review Information

A. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for RUS to determine eligibility and financial feasibility.

1. *Project Proposal.* The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

a. Project Summary. Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how the project will be executed, what the project will produce, and who will direct it.

b. Needs Assessment. To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

c. Project Goals and Objectives. Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

d. Project Narrative. The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

(1) Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

(2) Show evidence of the availability of funds from sources other than the HWWS grant. Describe the contributions the project will receive from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. The documentation should describe how the contributions will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that the organization has secured commitments of significant financial support from other funding sources.

(4) List the fees and charges that borrowers will be assessed.

2. Work Plan. The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

3. Budget and Budget Justification. Use the Form SF–424A, Budget Information—Non-Construction Programs, to show your budget cost elements. The form summarizes resources as Federal and non-Federal funds and costs. ''Federal'' refers only to the HWWS Grant Program for which you are applying. ''Non-Federal'' refers to resources from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification.

a. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

b. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity, reasonableness, and allocability of the proposed costs.

c. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 134 (currently set at $100,000).

d. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in

the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award.

4. Evidence of Legal Authority and Existence. The applicant must provide satisfactory documentation that it is legally recognized under state or Tribal and Federal law as a private non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with RUS and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, copies of state/Tribal statutes or laws establishing your organization, and copies of your organization's articles of incorporation and bylaws. Letters from IRS awarding tax-exempt status are not considered adequate evidence.

5. List of Directors and Officers. The applicant must submit a certified list of directors and officers with their respective terms.

6. IRS Tax Exempt Status. The applicant must submit evidence of tax exempt status from the Internal Revenue Service.

7. Financial Information and Sustainability. The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

B. Evaluation Criteria

Grant applications that are complete and eligible will be scored competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Extent to which the goals and objectives are clearly defined, tied to the work plan, and measurable	Up to 10 points.
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, considering such factors as:	
Creative outreach ideas for marketing HWWS loans to rural residents; factors include:	Up to 10 points.
1. Directs loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's goal of providing 20 percent of its funding by 2016 to these areas of need;	
2. Directs loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, colonias or Substantially Underserved Trust Areas.	

C. Review Standards

1. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

2. Ineligible applications will be returned to the applicant with an explanation.

3. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two RUS employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the RUS Administrator.

4. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

5. Regardless of the score an application receives, if RUS determines that the project is technically infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

VI. Award Administration Information

A. Award Notices

RUS will notify a successful applicant by an award letter accompanied by a grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

B. Administrative and National Policy Requirements

1. This notice, the 7 CFR part 1776, and the application guide implement the appropriate administrative and national policy requirements. Grant recipients are subject to the requirements in 7 CFR part 1776.

2. Direct federal grants, sub-award funds, or contracts under the HWWS Grant Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct assistance should take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Grant Program. Regulations for the Equal Treatment for Faith-based Organizations are contained in 7 CFR part 16, which includes the prohibition against federal funding of inherently religious activities.

C. Reporting

1. Performance Reporting. All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

2. Financial Reporting. All recipients of HWWS Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The Non-Federal Entity (formerly called Grantee) will provide an audit report or financial statements as follows:

a. Non-Federal Entities expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with 2 CFR part 200 or successor guidance. The audit will be submitted within nine months after the Non-Federal Entity's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

b. Non-Federal Entities expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the Non-Federal Entity's fiscal year.

3. Recipient and Subrecipient Reporting. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

a. First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to fsrs.gov no later than the end of the month following the month the obligation was made.

b. The Total Compensation of the Recipient's Executives (five most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *sam.gov/portal/public/SAM/* by the end of the month following the month in which the award was made.

c. The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

VII. Agency Contacts

A. Web site: rurdev.usda.gov/UWP-individualwellsystems

B. Phone: 202–720–9640.

C. Fax: 202–690–0649.

D. Email: derek.jones@wdc.usda.gov.

E. Main point of contact: Derek Jones, Community Programs Specialist, Water Programs Division, Water and Environmental Programs, RUS, Rural Development, U.S. Department of Agriculture.

VIII. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *ascr.usda.gov/complaint_filing_cust* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Dated: January 20, 2016.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2016–05170 Filed 3–8–16; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Hawai'i State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of public meeting.

DATES: Thursday, March 24, 2016.

Time: 2:00–3:00 p.m. HST.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Hawai'i State Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. (Hawaiian Time) Thursday, March 24, 2016, for the purpose of considering the Committee's report on Micronesian immigration to Hawai'i.

This meeting is available to the public through the following toll-free call-in number: 888–299–7209; when prompted, please provide conference ID number: 1427558. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number. Hearing-impaired persons who will attend the meeting and require

the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments. The comments must be received in the Western Regional Office of the Commission by Monday, April 18, 2016. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Angela French-Bell, Regional Director, Western Regional Office, at *abell@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=244.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Western Regional Office at the above email or street address.

Agenda

I. Introductory Remarks
II. Discussion of the Committee's report on Micronesian immigration
III. Public Comment
IV. Adjournment

DATES: The meeting will be held on Wednesday, March 16, 2016, at 2:00 p.m. CST.

Public Call Information:

Dial: 888–299–7209
Conference ID: 1427558

FOR FURTHER INFORMATION CONTACT: Angela French-Bell, DFO, at (213) 894–3437 or *abell@usccr.gov.*

Dated: March 3, 2016.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2016–05192 Filed 3–8–16; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Advisory Committees Expiration

AGENCY: United States Commission on Civil Rights.

ACTION: Solicitation of applications.

SUMMARY: Because the terms of the members of the Nebraska Advisory Committee are expiring on June 19, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Nebraska Advisory Committee, and applicants must be residents of Nebraska to be considered. Letters of interest must be received by the Central Regional Office of the U.S. Commission on Civil Rights no later than March 13, 2016. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Hawaii Advisory Committee are expiring on May 15, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Hawaii Advisory Committee, and applicants must be residents of the Hawaii to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than March 13, 2016. Letters of interest must be sent to the address listed below.

Because the terms of the members of the California Advisory Committee are expiring on May 15, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the California Advisory Committee, and applicants must be residents of the California to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than March 13, 2016. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Nebraska Advisory Committee should be received no later than March 13, 2016.

Letters of interest for membership on the Hawaii Advisory Committee should be received no later than March 13, 2016.

Letters of interest for membership on the California Advisory Committee should be received no later than March 13, 2016.

ADDRESSES: Send letters of interest for the Nebraska Advisory Committee to: U.S. Commission on Civil Rights, Central Regional Office, 400 State Avenue, Suite 908, Nebraska City, KS 66101. Letter can also be sent via email to *csanders@usccr.gov.*

Send letters of interest for the Hawaii Advisory Committee to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

Send letters of interest for the California Advisory Committee to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Nebraska, Hawaii, and California Advisory Committees are statutorily mandated federal advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the advisory committees, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. Advisory committees also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

Each advisory committee consists of not more than 19 members, each of whom will serve a four-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on an advisory committee, applicants must be residents of the respective state or district, and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- study and collect information about discrimination or denials of equal protection under the law,
- appraise federal civil rights laws and policies,
- serve as a national clearinghouse on discrimination laws,
- submit reports and findings and recommendations to the President and the Congress, and

• issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Nebraska, Hawaii, or California Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated: March 3, 2016.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2016–05193 Filed 3–8–16; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–02–2016]

Approval of Expanded Subzone Status; Black & Decker (U.S.) Inc., Subzone 243A, Rialto and Fontana, California

On January 14, 2016, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of Victorville, California, grantee of FTZ 243, requesting expanded subzone status subject to the existing activation limit of FTZ, on behalf of Black & Decker (U.S.) Inc., in Rialto and Fontana, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (81 FR 3100, January 20, 2016). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 243A is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 243's 2,000-acre activation limit.

Dated: March 3, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–05288 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Amended Temporary Denial Order

Ribway Airlines Company Limited, 54 Kairaba Avenue, Kanifing Municipality, WRC, The Gambia

John Edward Meadows, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom

Jeffrey John James Ashfield, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom

moreJet Ltd., 60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom, and Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom

Stefan Piotr Kondak, a/k/a Stefan Peter Kondak, 150 Broadway, Bournemouth, Dorset, BH6 4EC, United Kingdom, and 60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom

Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom

AC AVIATIE UK Limited, f/k/a Bin Vali Aviation Limited, 50 St. Leonard's Road, Bexhill On Sea, East Sussex, TN40 1JB, United Kingdom

Respondents.

Pursuant to Section 766.24 of the Export Administration Regulations (the ''Regulations'' or ''EAR''),[1] I hereby grant the request of the Office of Export Enforcement (''OEE'') to modify the January 19, 2016 Order Temporarily Denying the Export Privileges of Ribway Airlines Company Limited, John Edward Meadows, Jeffrey John James Ashfield, Af-Aviation Limited, and Andy Farmer, as I find it necessary to amend this temporary denial order (''TDO'') to add three parties and also to remove two parties named in the TDO as issued on January 19, 2016.

I find it necessary in order to prevent an imminent violation of the Regulations and the TDO to add the following persons as respondents:

moreJet Ltd., 60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom

Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom

Stefan Piotr Kondak, a/k/a Stefan Peter Kondak, 150 Broadway, Bournemouth, Dorset, BH6 4EC, United Kingdom

60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom

Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom

AC AVIATIE UK Limited, f/k/a Bin Vali Aviation Limited, 50 St. Leonard's Road, Bexhill On Sea, East Sussex, TN40 1JB, United Kingdom

I also find based upon OEE's request and evidence obtained by OEE after issuance of the TDO on January 19, 2016, that the following parties should be removed from the TDO:

AF-Aviation Limited, Sebring House, 4 Newbridge Drive, Wolverhampton, WV6 ODF, United Kingdom

Andy Farmer, Sebring House, 4 Newbridge Drive, Wolverhampton, WV6 ODF, United Kingdom

I. Procedural History

On January 19, 2016, I signed the TDO, denying for 180 days the export privileges of Ribway Airlines Company Limited (''Ribway Airlines''), John Edward Meadows, Jeffrey John James Ashfield, Af-Aviation Limited, and Andy Farmer (Af-Aviation's director). The TDO was issued *ex parte* pursuant to Section 766.24(a), and went into effect upon issuance on January 19, 2016. The TDO was published in the **Federal Register** on January 26, 2016. 81 FR 4251 (Jan. 26, 2016).

The TDO issued based upon evidence presented by OEE concerning an attempt to ferry or reexport two Boeing 737 aircraft, with manufacturer serial numbers 26444 and 26458, respectively, from Romania to Iran without the U.S. Government authorization required by Sections 742.8 and 746.7 of the EAR.[2] As discussed further below, since the TDO issued on January 19, 2016, OEE has obtained evidence regarding the involvement of moreJet Ltd., Stefan Piotr Kondak (moreJet Ltd.'s director and co-founder), and AC AVIATIE UK Limited in the attempted reexport of the aircraft to Iran.

II. Temporarily Denying Export Privileges

A. Legal Standard

Pursuant to Section 766.24(b) of the Regulations, BIS may issue an order temporarily denying a Respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that ''the violation under investigation or charges is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent

[1] The EAR are currently codified at 15 CFR parts 730–774 (2015). The EAR issued under the Export Administration Act of 1979, as amended 50 U.S.C. 4601–4623 (Supp. III 2015 (available at *http://uscode.house.gov*) (''EAA'' or the ''Act''). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2015 (80 FR 48,223 (Aug. 11, 2015)) has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

[2] Both Boeing 737s are subject to the EAR and are classified under Export Control Classification Number (''ECCN'') 9A991.b and are controlled for anti-terrorism reasons.

[.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. OEE's Request To Add moreJet Ltd., Stefan Piotr Kondak, and AC AVIATIE UK Limited to the TDO

OEE has requested the addition of moreJet Ltd.—a United Kingdom-based company that holds itself out as providing flight operation services, ferry flights, airworthiness review certificates, flight crews, navigation, and fuel—and its director and co-founder Stefan Piotr Kondak (''Kondak''). OEE has presented evidence demonstrating that Kondak and his company were involved with the attempted reexports described in the TDO. The on-going investigation indicates that moreJet Ltd. was providing the aircrew, including Kondak as a pilot, that was to ferry or reexport the aircraft from Romania. Moreover, moreJet Ltd. and specifically Kondak acted as the aircraft owner's agent and/or representative in facilitating the attempted reexport of the aircraft from Romania.

Additionally, the January 19, 2016 TDO named John Edward Meadows as a denied person based upon his involvement with the attempted reexports. Evidence obtained subsequent to the issuance of the TDO has confirmed OEE's suspicions that John Edward Meadows' actions were taken in his capacity as a director of AC AVIATIE UK Limited. Multiple sources, including but not limited to the insurance policies and bills of sale for the aircraft, indicate AC AVIATIE UK Limited's ownership of both subject aircraft.[3]

Prior to issuance of the TDO, OEE did not have evidence establishing moreJet Ltd.'s or Kondak's relationship to the aircraft or role in the transaction. If the evidence presented in support of this modification had been available during consideration of the TDO, OEE would have sought to include moreJet and Kondak as denied persons at that time. Similarly, OEE also would have requested that AC AVIATIE UK Limited's export privileges be denied in its original request. Lastly, OEE has presented evidence that despite knowing of the TDO, moreJet Ltd. and Kondak have, as recently as February 26, 2016, continued their efforts to ferry or reexport the subject aircraft from Romania in violation of Regulations and the TDO.

Given the foregoing, the evidence presented by OEE supports its position that, absent the TDO and its inclusion of the three additional respondents, further attempts likely will be made to reexport the aircraft from Romania.

C. Findings

I find that the evidence presented by OEE demonstrates that a violation of the Regulations and TDO is imminent in both time and degree of likelihood and that adding moreJet Ltd., Stefan Piotr Kondak, and AC AVIATIE UK Limited to the TDO is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with these additional parties in export and re-export transactions involving items subject to the EAR or other activities prohibited by the TDO. Doing so is consistent with the public interest to preclude future violations of the EAR. moreJet Ltd., Stefan Piotr Kondak, and AC AVIATIE UK Limited's export privileges are being temporarily denied on an *ex parte* basis without a hearing based upon BIS's showing of an imminent violation in accordance with Section 766.24 of the Regulations.

Finally, I find that Af-Aviation Limited and Andy Farmer should be removed from the TDO, based upon evidence obtained by OEE after issuance of the TDO on January 19, 2016.

It is therefore ordered:

First, that RIBWAY AIRLINES COMPANY LIMITED, 54 Kairaba Avenue, Kanifing Municipality, WCR, The Gambia; JOHN EDWARD MEADOWS, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom; JEFFREY JOHN JAMES ASHFIELD, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom; MOREJET LTD., 60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom, and Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom; STEFAN PIOTR KONDAK, A/K/A STEFAN PETER KONDAK, 150 Broadway, Bournemouth, Dorset, BH6 4EC, United Kingdom, and 60 Brackendale Road, Bournemouth, BH8 9HZ, United Kingdom, and Castle Malwood, Minstead, Lyndhurst, Hampshire, SO43 7PE, United Kingdom; and AC AVIATIE UK LIMITED, F/K/A BIN VALI AVIATION LIMITED, 50 St. Leonard's Road, Bexhill On Sea, East Sussex, TN40 1JB, United Kingdom, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing

[3] AC AVIATIE UK Limited was formerly known as Bin Vali Aviation Limited. The aircraft insurance policies referenced in the January 19, 2016 TDO listed Bin Vali Aviation Limited, a United Kingdom-based company, as an insured party. United Kingdom corporate registration documents indicate that Bin Vali Aviation Limited changed its corporate name to AC AVIATIE UK Limited. Additional evidence now confirms that AC AVIATIE UK Limited/Bin Vali Aviation Limited purchased both aircraft from Malaysian Airlines.

means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

In accordance with the provisions of Section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. The Respondents may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on Ribway Airlines Company Limited, John Edward Meadows, Jeffrey John James Ashfield, moreJet Ltd., Stefan Piotr Kondak, AC AVIATIE UK Limited, Af-Aviation Limited, and Andy Farmer, and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect until July 17, 2016, unless renewed in accordance with Section 766.24(d) of the Regulations.

Dated: March 1, 2016.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2016–05218 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Considering Requests and Comments From the Public for Textile and Apparel Safeguard Actions on Imports From Oman

AGENCY: International Trade Administration (ITA).

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 May 9, 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 email at *JJessup@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Maria D'Andrea, Office of Textiles and Apparel, U.S. Department of Commerce, Tel. (202) 482–1550, *Maria.D'Andrea@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Title III, Subtitle B, Section 321 through Section 328 of the United States-Oman Free Trade Agreement Implementation Act (the ''Act'') implements the textile and apparel safeguard provisions, provided for in Article 3.1 of the United States-Oman Free Trade Agreement (the ''Agreement''). This safeguard mechanism applies when, as a result of the elimination of a customs duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 3.1 permits the United States to increase duties on the imported article from Oman to a level that does not exceed the lesser of the prevailing U.S. normal trade relations (NTR)/most-favored-nation (MFN) duty rate for the article or the U.S. NTR/MFN duty rate in effect on the day before the Agreement entered into force.

The Statement of Administrative Action accompanying the U.S.-Oman Free Trade Agreement Implementation Act (the ''Act'') provides that CITA will issue procedures for requesting such safeguard measures, for making its determinations under section 322(a) of the Act, and for providing relief under section 322(b) of the Act.

In Proclamation No. 8332 (73 FR 80,289, December 31, 2008), the President delegated to CITA his authority under Subtitle B of Title III of the Act with respect to textile and apparel safeguard measures.

CITA must collect information in order to determine whether a domestic textile or apparel industry is being adversely impacted by imports of these products from Oman, thereby allowing CITA to take corrective action to protect the viability of the domestic textile industry, subject to section 322(b) of the Act.

Pursuant to Section 321(a) of the Act and Section 7 of Presidential Proclamation 8332 of December 29, 2008, an interested party in the U.S. domestic textile and apparel industry may file a request for a textile and apparel safeguard action with CITA. Consistent with longstanding CITA practice in considering textile safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) a domestic producer or producers of an article that is like or directly competitive with the subject Omani textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Omani textile or apparel article.

In order for a request to be considered, the requestor must provide the following information in support of a claim that a textile or apparel article from Oman is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article: (1) Name and description of the imported article concerned; (2) import data demonstrating that imports of an Omani origin textile or apparel article that are like or directly competitive with the articles produced by the domestic industry concerned are increasing in absolute terms or relative to the domestic market for that article; (3) U.S. domestic production of the like or directly competitive articles of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof, along with an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S.

origin; (4) imports from Oman as a percentage of the domestic market of the like or directly competitive article; and (5) all data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage or actual threat thereof caused by imports from Oman to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore.

If CITA determines that the request provides the information necessary for it to be considered, CITA will publish a notice in the **Federal Register** seeking public comments regarding the request. The comment period shall be 30 calendar days. The notice will include a summary of the request. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the **Federal Register**, including the date it will make a determination.

If a determination under section 322(b) of the Act is affirmative, CITA may provide tariff relief to a U.S. industry to the extent necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. The import tariff relief is effective beginning on the date that CITA's affirmative determination is published in the **Federal Register**.

Entities submitting requests, responses or rebuttals to CITA may submit both a public and confidential version of their submissions. If the request is accepted, the public version will be posted on the dedicated Oman Free Trade Agreement textile safeguards section of the Office of Textile and Apparel (OTEXA) Web site. The confidential version of the request, responses or rebuttals will not be shared with the public as it may contain business confidential information. Entities submitting responses or rebuttals may use the public version of the request as a basis for responses.

II. Method of Collection

When an interested party files a request for a textile and apparel safeguard action with CITA, ten copies of any such request must be provided in a paper format. If business confidential information is provided, two copies of a non-confidential version must also be provided. If CITA determines that the request provides the necessary information to be considered, it publishes a **Federal Register** notice seeking public comments on the request. To the extent business confidential information is provided, a non-confidential version must also be provided. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

III. Data

OMB Control Number: 0625–0266.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 6 (1 for Request; 5 for Comments).

Estimated Time per Response: 4 hours for a Request; and 4 hours for each Comment.

Estimated Total Annual Burden Hours: 24.

Estimated Total Annual Cost to Public: $960.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 3, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–05165 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this second sunset review, the Department of Commerce (''the Department'') finds that revocation of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (''PRC'') would likely lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Effective March 9, 2016.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2769.

Background

On January 4, 2005, the Department published in the **Federal Register** the antidumping duty order on wooden bedroom furniture from the PRC.[1] On November 3, 2015, the Department published the notice of initiation of the second sunset review of the *Order* pursuant to section 751(c) of the Tariff Act of 1930, as amended (''Act'').[2] On November 18, 2015, the Department received a notice of intent to participate in the sunset review from domestic interested parties.[3] This notice was filed within the time period specified in 19 CFR 351.218(d)(1)(i).[4] On December 3,

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See Initiation of Five-year (''Sunset'') Review,* 80 FR 67705 (November 3, 2015) (''Sunset Initiation'').

[3] The Domestic interested parties are the American Furniture Manufacturers Committee for Legal Trade (''Committee'') and Vaughan-Bassett Furniture Company, Inc. (''Vaughan-Basset) (collectively ''Domestic Interested Parties''). These parties stated that the Committee and each of its members (including Vaughan-Bassett) intend to participate in this sunset review. Local Union 2445, and Teamsters, Chauffeurs, Warehousemen and Helpers Local 991 stated their willingness to participate in this sunset review and support the continuation of the *Order.*

[4] *See* Letter from Domestic Interested Parties ''Re: Second Five-Year (Sunset) Review of Antidumping

2015, the domestic interested parties filed a substantive response within the 30-day period specified in 19 CFR 351.218(d)(3)(i).[5] The Department did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The product covered by the *Order* is wooden bedroom furniture, subject to certain exceptions.[6] Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042 and 9403.50.9045 of the HTSUS as ''wooden . . . beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as ''parts of wood.'' Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, or 9403.20.0018. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' The Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the *Order.*[7]

The 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, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Decision Memorandum and the electronic version of the Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Decision Memorandum. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping, the magnitude of the margins likely to prevail if the *Order* were to be revoked, and duty absorption.

Final Results of Sunset Review

Pursuant to section 752(c)(3) of the Act, the Department determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 198.08 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 2, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–05307 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

Duty Order on Wooden Bedroom Furniture from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated November 18, 2015.

[5] *See* Letter from Domestic Interested Parties ''Re: Five-Year (''Sunset'') Review of Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China/The Domestic Industry's Substantive Response To The Notice Of Initiation'' dated December 3, 2015 (''Domestic Interested Parties' Substantive Response'').

[6] *See Order,* 70 FR at 329.

[7] For a full description of the scope of the order, including exclusions, see the ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (''Decision Memorandum'').

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–813]

Certain Preserved Mushrooms From India: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain preserved mushrooms (mushrooms) from India.[1] The period of review (POR) is February 1, 2014, through January 31, 2015. The review covers one producer/exporter of the subject merchandise, Himalya International, Ltd. (Himalya). We preliminarily determine that sales of subject merchandise by Himalya have not been made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Effective March 9, 2016.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson or Terre Keaton Stefanova, 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) 482–4929 or (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by this order is certain preserved mushrooms from India. The product is currently classified under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, 0711.51.0000, 0711.90.4000, 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043 and 2003.10.0047 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive.[2]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 18202 (April 3, 2015).

[2] A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy

Continued

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review [3]

As a result of this review, the Department preliminarily determines that a weighted-average dumping margin of 0.00 percent exists for Himalya for the period February 1, 2014, through January 31, 2015.

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties are invited to comment on these preliminary results. Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[4] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[5] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[6]

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[7]

Because Himalya did not report entered value, we calculated importer-specific or customer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. To determine whether this duty assessment rate is *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated an importer-specific *ad valorem* ratio based on the estimated entered value. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Himalya will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (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 recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.30 percent, the all-others rate established in the less-than-fair-value investigation.[9] These requirements,

Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Preserved Mushrooms from India; 2014–2015'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

[3] As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary determination of this administrative review is now March 4, 2016.

[4] *See* 19 CFR 351.309.

[5] *See* 19 CFR 351.310(c).

[6] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[7] *See* 19 CFR 351.212(b)(1).

[8] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012); *see also* 19 CFR 351.106(c)(2).

[9] *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved*

when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 2, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2016–05309 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

Mushrooms From India, 64 FR 8311 (February 19, 1999).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–825]

Stainless Steel Bar From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Brazil. The period of review (POR) is February 1, 2014, through January 31, 2015. The review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares). We preliminarily find that subject merchandise has not been sold at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 9, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.1000, 7222.1100, 7222.1900, 7222.2000, 7222.3000 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[1]

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price and export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *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 is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Villares for the period February 1, 2014, through January 31, 2015.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[2] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[3]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by

[1] *See* the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Brazil'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See* 19 CFR 351.309(d).

[3] *See* 19 CFR 351.303 (for general filing requirements).

the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[4] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If Villares' weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Villares' weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* {w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [5]

For entries of subject merchandise during the POR produced by Villares for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Villares 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 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 recent period; (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 recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.43 percent, the all-others rate established in the *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Brazil,* 59 FR 66914 (December 28, 1994). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 2, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2016–05294 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.310(c).

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–843]

Prestressed Concrete Steel Rail Tie Wire From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2013–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on prestressed concrete steel rail tie wire (PC tie wire) from Mexico. The period of review (POR) is December 12, 2013, through May 31, 2015. The review covers one producer/exporter of the subject merchandise, Aceros Camesa, S.A. de C.V. (Camesa). We preliminarily determine that sales of subject merchandise by Camesa have been made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Effective March 9, 2016.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Aqmar Rahman, 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) 482–4007 and (202) 482–0768, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by this order is prestressed concrete steel rail tie wire. This product is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading7217.10.8045, but may also be classified under subheadings 7217.10.7000, 7217.10.8025, 7217.10.8030, 7217.10.8090, 7217.10.9000, 7229.90.1000, 7229.90.5016, 7229.90.5031, 7229.90.5051, 7229.90.9000, and 7312.10.3012. Although the HTSUS subheadings are provided for convenience and customs purposes, the

written description of the scope of the order is dispositive.[1]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review [2]

As a result of this review, the Department preliminarily determines that a weighted-average dumping margin of 6.33 percent exists for Camesa for the period December 12, 2013, through May 31, 2015.

[1] A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Prestressed Concrete Steel Rail Tie Wire from Mexico; 2013–2015'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

[2] As explained in the memorandum from the Acting Assistant Secretary for Enforcement & Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government. *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016. All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the preliminary results of this administrative review is now March 7, 2016.

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[3] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. *See* 19 CFR 351.310(d). Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[5]

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[6]

We calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[7]

We intend to issue instructions to CBP 41 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Camesa will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (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 recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.99 percent, the all-others rate established in the less-than-fair-value investigation.[8] These requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

[3] *See* 19 CFR 351.309(c)(1)(ii).

[4] *See* 19 CFR 351.309(d).

[5] *See* Section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[6] *See* 19 CFR 351.212(b)(1).

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012); *see also* 19 CFR 351.106(c)(2).

[8] *See Prestressed Concrete Steel Rail Tie Wire From Mexico and the People's Republic of China: Antidumping Duty Orders,* 79 FR 35727 (June 24, 2014).

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 2, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2016–05284 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–929]

Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review in Part; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on small diameter graphite electrodes (graphite electrodes) from the People's Republic of China (PRC), covering the period February 1, 2014 through January 31, 2015. The Department has preliminarily determined that during the period of review (POR), the Fangda Group [1] and Fushun Jinly Petrochemical Co., Ltd. did not make sales of subject merchandise at less than normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Effective March 9, 2016.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov or Michael A. Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–0665 or (202) 482–0198, respectively.

Scope of the Order

The merchandise covered by the order includes all small diameter graphite electrodes with a nominal or actual diameter of 400 millimeters (16 inches) or less and graphite pin joining systems for small diameter graphite electrodes. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8545.11.0010, 3801.10, and 8545.11.0020. While the HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[2]

Tolling of Deadline of Preliminary Results of Review

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.[3]

Rescission of the Administrative Review in Part

Pursuant to 19 CFR 351.213(d)(1), based on timely withdrawal of the requests for review, we are rescinding this administrative review with respect to 189 companies named in the *Initiation Notice*.[4] *See* Appendix II for a full list of these companies.

Separate Rates

The Department preliminarily determines that the Fangda Group, Fushun Jinly Petrochemical Carbon Co., Ltd. (Fushun Jinly), and Xuzhou Jianglong Carbon Products Co., Ltd. (Xuzhou Jianglong) are eligible to receive separate rates in this review.[5]

Separate Rate for an Eligible Non-Selected Company

Consistent with our practice, because we have calculated zero or *de minimis* weighted-average dumping margins for both companies selected as mandatory respondents, the Fangda Group and Fushun Jinly, we assigned to an eligible non-selected company, Xuzhou Jianlong, the rate that we calculated for the Fangda Group in the 2012–2013 review as the separate rate for the preliminary results of this review.[6]

PRC-Wide Entity

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this review.[7] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department

[1] We refer to the Fangda Group as a single entity pursuant to 19 CFR 351.401(f)(1). *See Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances, in Part,* 73 FR 49408, 49411–12 (August 21, 2008) (where we collapsed the individual members of the Fangda Group: Beijing Fangda Carbon Tech Co., Ltd., Chengdu Rongguang Carbon Co., Ltd., Fangda Carbon New Material Co., Ltd., Fushun Carbon Co., Ltd., and Hefei Carbon Co., Ltd.), unchanged in *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China,* 74 FR 2049 (January 14, 2009).

[2] *See* memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Small Diameter Graphite Electrodes from the People's Republic of China'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

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

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 18202 (April 3, 2015) (*Initiation Notice*). *See also* Preliminary Decision Memorandum at 4 for more details.

[5] *See* Preliminary Decision Memorandum at 5–6 for more details.

[6] *Id.,* at 7–8.

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013).

self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review, and the entity's rate of 159.64 percent is not subject to change.[8] Aside from the separate rate companies discussed above, the Department is rescinding this review for all companies listed in the *Initiation Notice* and, as such, there are no remaining companies subject to the instant review that the Department considers to be part of the PRC-wide entity.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For the two mandatory respondents, the Fangda Group and Fushun Jinly, export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a non-market economy (NME) within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary 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 *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.*

Preliminary Results of Review

The Department has determined that the following preliminary dumping margins exist for the period February 1, 2014, through January 31, 2015:

Company	Margin (percent)
Fangda Group	0.00
Fushun Jinly Petrochemical Carbon Co., Ltd	0.00
Xuzhou Jianglong Carbon Products Co., Ltd	21.16

Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the cases briefs are filed.[11]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[12] Hearing requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1), unless extended.

Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[13] If a respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews.*[14] Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[15]

For all companies for which the review is being rescinded, the antidumping duty shall be assessed at the rate equal to the cash deposit of the estimated antidumping duty required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). We will instruct CBP accordingly.

For entries that were not reported in the U.S. sales databases submitted by exporters individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

[8] *See Small Diameter Graphite Electrodes from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 13825 (March 17, 2015).

[9] *See* 19 CFR 351.309(c).

[10] *See* 19 CFR 351.309(c)(2).

[11] *See* 19 CFR 351.309(d).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103 (February 14, 2012) (*Final Modification for Reviews*).

[15] *See* 19 CFR 351.106(c)(2).

Notification to Importers

This notice serves as a preliminary 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 2, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

Appendix II

1. 5-Continent Imp. & Exp. Co., Ltd.
2. Acclcarbon Co., Ltd.
3. Allied Carbon (China) Co., Limited
4. Anssen Metallurgy Group Co., Ltd.
5. AMGL
6. Apex Maritime (Dalian) Co., Ltd.
7. Asahi Fine Carbon (Dalian) Co., Ltd.
8. Beijing International Trade Co., Ltd.
9. Beijing Kang Jie Kong Cargo Agent Expeditors (Tianjin Branch)
10. Beijing Xinchengze Inc.
11. Beijing Xincheng Sci-Tech. Development Inc.
12. Brilliant Charter Limited
13. Carbon International
14. Chang Cheng Chang Electrode Co., Ltd.
15. Chengde Longhe Carbon Factory
16. Chengdelh Carbonaceous Elements Factory
17. Chengdu Jia Tang Corp.
18. China Carbon Graphtie Group Inc.
19. China Industrial Mineral & Metals Group
20. China Shaanxi Richbond Imp. & Exp. Industrial Corp. Ltd.
21. China Xingyong Carbon Co., Ltd.
22. CIMM Group Co., Ltd.
23. Dalian Carbon & Graphite Corporation
24. Dalian Hongrui Carbon Co., Ltd.
25. Dalian Honest International Trade Co., Ltd.
26. Dalian Horton International Trading Co., Ltd.
27. Dalian LST Metallurgy Co., Ltd.
28. Dalian Oracle Carbon Co., Ltd.
29. Dalian Shuangji Co., Ltd.
30. Dalian Thrive Metallurgy Imp. & Exp. Co., Ltd.
31. Datong Carbon
32. Datong Carbon Plant
33. Datong Xincheng Carbon Co., Ltd.
34. Datong Xincheng New Material Co., Ltd.
35. Dechang Shida Carbon Co., Ltd
36. De Well Container Shipping Corp.
37. Dewell Group
38. Dignity Success Investment Trading Co., Ltd.
39. Double Dragon Metals and Mineral Tools Co., Ltd.
40. Fangda Carbon New Material and Technology Co., Ltd.
41. Fangda Lanzhou Carbon Joint Stock Company Co. Ltd.
42. Foset Co., Ltd.
43. Fushun Carbon Plant
44. Fushun Oriental Carbon Co., Ltd.
45. GES (China) Co., Ltd.
46. Grameter Shipping Co., Ltd. (Qingdao Branch)
47. Guangdong Highsun Yongye (Group) Co., Ltd.
48. Guanghan Shida Carbon Co., Ltd.
49. Haimen Shuguang Carbon Industry Co., Ltd.
50. Handan Hanbo Material Co., Ltd.
51. Hanhong Precision Machinery Co., Ltd.
52. Hebei Long Great Wall Electrode Co., Ltd.
53. Heico Universal (Shanghai) Distribution Co., Ltd.
54. Heilongjiang Xinyuan Carbon Co. Ltd.
55. Heilongjiang Xinyuan Carbon Products Co., Ltd.
56. Henan Sanli Carbon Products Co., Ltd.
57. Henan Sihai Import and Export Co., Ltd.
58. Hopes (Beijing) International Co., Ltd.
59. Huanan Carbon Factory
60. Hunan Mec Machinery and Electronics Imp. & Exp. Corp.
61. Hunan Yinguang Carbon Factory Co., Ltd.
62. Inner Mongolia QingShan Special Graphite and Carbon Co., Ltd.
63. Inner Mongolia Xinghe County Hongyuan Electrical Carbon Factory
64. Jiangsu Yafei Carbon Co., Ltd.
65. Jiaozuo Zhongzhou Carbon Products Co., Ltd.
66. Jichun International Trade Co., Ltd. of Jilin Province
67. Jiexiu Juyuan Carbon Co., Ltd.
68. Jiexiu Ju-Yuan & Coaly Co., Ltd.
69. Jilin Carbon Graphite Material Co., Ltd.
70. Jilin Carbon Import and Export Company
71. Jilin Songjiang Carbon Co Ltd.
72. Jinneng Group
73. Jinneng Group Co., Ltd.
74. Jinyu Thermo-Electric Material Co., Ltd.
75. JL Group
76. Kaifeng Carbon Company Ltd.
77. KASY Logistics (Tianjin) Co., Ltd.
78. Kimwan New Carbon Technology and Development Co., Ltd.
79. Kingstone Industrial Group Ltd.
80. L & T Group Co., Ltd.
81. Laishui Long Great Wall Electrode Co. Ltd.
82. Lanzhou Carbon Co., Ltd.
83. Lanzhou Carbon Import & Export Corp.
84. Lanzhou Hailong New Material Co.
85. Lanzhou Hailong Technology
86. Lanzhou Ruixin Industrial Material Co., Ltd.
87. Lianxing Carbon Qinghai Co., Ltd.
88. Lianxing Carbon Science Institute
89. Lianxing Carbon (Shandong) Co., Ltd.
90. Lianyungang Jinli Carbon Co., Ltd.
91. Lianyungang Jianglida Mineral Co., Ltd.
92. Liaoning Fangda Group Industrial Co., Ltd.
93. Liaoyang Carbon Co. Ltd.
94. Linghai Hongfeng Carbon Products Co., Ltd.
95. Linyi County Lubei Carbon Co., Ltd.
96. Maoming Yongye (Group) Co., Ltd.
97. MBI Beijing International Trade Co., Ltd.
98. Nantong Dongjin New Energy Co., Ltd.
99. Nantong Falter New Energy Co., Ltd.
100. Nantong River-East Carbon Co., Ltd.
101. Nantong River-East Carbon Joint Stock Co., Ltd.
102. Nantong Yangtze Carbon Corp. Ltd.
103. Nantong Yanzi Carbon Co. Ltd.
104. Oracle Carbon Co., Ltd.
105. Orient (Dalian) Carbon Resources Developing Co., Ltd.
106. Orient Star Transport International, Ltd.
107. Peixian Longxiang Foreign Trade Co. Ltd.
108. Pingdingshan Coal Group
109. Pudong Trans USA, Inc. (Dalian Office)
110. Qingdao Grand Graphite Products Co., Ltd.
111. Qingdao Haosheng Metals Imp. & Exp. Co., Ltd.
112. Quingdao Haosheng Metals & Minerals Imp. & Exp. Co., Ltd.
113. Qingdao Liyikun Carbon Development Co., Ltd.
114. Qingdao Likun Graphite Co., Ltd.
115. Qingdao Ruizhen Carbon Co., Ltd.
116. Qingdao Yijia E.T.I. I/E Co., Ltd.
117. Qingdao Youyuan Metallurgy Material Limited Company (China)
118. Ray Group Ltd.
119. Rex International Forwarding Co., Ltd.
120. Rt Carbon Co., Ltd.
121. Ruitong Carbon Co., Ltd.
122. Sea Trade International, Inc.
123. Seamaster Global Forwarding (China)
124. Shandong Basan Carbon Plant
125. Shandong Zibo Continent Carbon Factory
126. Shanghai Carbon International Trade Co., Ltd.
127. Shanghai GC Co., Ltd.
128. Shanghai Jinneng International Trade Co., Ltd.
129. Shanghai P.W. International Ltd.
130. Shanghai Shen-Tech Graphite Material Co., Ltd.
131. Shanghai Topstate International Trading Co., Ltd.
132. Shanxi Cimm Donghai Advanced Carbon Co., Ltd.
133. Shanxi Datong Energy Development Co., Ltd.
134. Shanxi Foset Carbon Co. Ltd.
135. Shanxi Jiexiu Import and Export Co., Ltd.
136. Shanxi Jinneng Group Co., Ltd.

137. Shanxi Yunheng Graphite Electrode Co., Ltd.
138. Shenyang Jinli Metals & Minerals Imp. & Exp. Co., Ltd.
139. Shida Carbon Group
140. Shijaizhuang Carbon Co., Ltd.
141. Shijiazhuang Huanan Carbon Factory
142. Sichuan 5-Continent Imp & Exp Co., Ltd.
143. Sichuan Dechang Shida Carbon Co., Ltd.
144. Sichuan GMT International Inc.
145. Sichuan Guanghan Shida Carbon Co., Ltd
146. Sichuan Shida Carbon Co., Ltd.
147. Sichuan Shida Trading Co., Ltd.
148. Sinicway International Logistics Ltd.
149. Sinosteel Anhui Co., Ltd.
150. Sinosteel Corp.
151. Sinosteel Jilin Carbon Co., Ltd.
152. Sinosteel Jilin Carbon Imp. & Exp. Co., Ltd.
153. Sinosteel Jilin Carbon Plant
154. Sinosteel Sichuan Co., Ltd.
155. SK Carbon
156. SMMC Group Co., Ltd.
157. Sure Mega (Hong Kong) Ltd.
158. Tangshan Kimwan Special Carbon & Graphite Co., Ltd.
159. Tengchong Carbon Co., Ltd.
160. T.H.I. Global Holdings Corp.
161. T.H.I. Group (Shanghai), Ltd.
162. Tianjin (Teda) Iron & Steel Trade Co., Ltd.
163. Tianjin Kimwan Carbon Technology and Development Co., Ltd.
164. Tianjin Yue Yang Industrial & Trading Co., Ltd.
165. Tianzhen Jintian Graphite Electrodes Co., Ltd.
166. Tielong (Chengdu) Carbon Co., Ltd.
167. UK Carbon & Graphite
168. United Carbon Ltd.
169. United Trade Resources, Inc.
170. Weifang Lianxing Carbon Co., Ltd.
171. World Trade Metals & Minerals Co., Ltd.
172. XC Carbon Group
173. Xinghe County Muzi Carbon Co., Ltd., a.k.a. Xinghe County Muzi Carbon Plant
174. Xinghe Xingyong Carbon Co., Ltd.
175. Xinghe Xinyuan Carbon Products Co., Ltd.
176. Xinyuan Carbon Co., Ltd.
177. Xuanhua Hongli Refractory and Mineral Company
178. Xuchang Minmetals & Industry Co., Ltd.
179. Xuzhou Carbon Co., Ltd.
180. Xuzhou Electrode Factory
181. Xuzhou Jianglong Carbon Manufacture Co., Ltd.
182. Yangzhou Qionghua Carbon Trading Ltd.
183. Yixing Huaxin Imp & Exp Co. Ltd.
184. Youth Industry Co., Ltd.
185. Zhengzhou Jinyu Thermo-Electric Material Co., Ltd.
186. Zibo Continent Carbon Factory
187. Zibo DuoCheng Trading Co., Ltd.
188. Zibo Lianxing Carbon Co., Ltd.
189. Zibo Wuzhou Tanshun Carbon Co., Ltd

[FR Doc. 2016–05306 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Permits Family of Forms—Southwest

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 9, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Shannon Penna, National Marine Fisheries Service (NMFS), West Coast Region (WCR) Long Beach Office, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, (562) 980–4238 or *Shannon.Penna@nooa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a revision and extension to the existing reporting requirements approved under OMB Control Number 0648–0204, West Coast Region Family of Forms. The West Coast Region (WCR) Permits Office administers permits required for persons to participate in Federally-managed fisheries off the West Coast under the Magnuson-Stevens Fishery Conservation and Management act, 16 U.S.C. 1801 *et seq.* There are three types of permits: Basic fishery permits for Highly Migratory Species (HMS), limited entry permits for Coastal Pelagic Species (CPS), and experimental fishing permits (EFP). The WCR Permits Office proposes to revise one permit within the collection of information approved under OMB Control Number 0648–0204.

Currently, under 50 CFR part 660.707, HMS permits are issued to vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. Permits are issued for a 2-year term and remain valid until the first date of renewal. The Inter-American Tropical Tuna Commission (IATTC) adopted amended Resolution C–11–06 which requires a vessel on the IATTC regional vessel registry to add a photograph of the vessel showing its identifying vessel markings. NMFS proposed to revise OMB Control Number 0648–0204 to require new and renewing applicants to submit a vessel photo with their application. Owners can email or mail photographs to the Long Beach Permits Office, which in turn will be submitted to the IATTC vessel database manager. Online submission option is expected to be available through the National Permits System (NPS) by 2016 year-end.

NMFS estimates this revision could affect up to 1639 respondents, which is the total number of permitted HMS vessels. Currently, HMS renewal forms are mailed to permit holders within 60 days prior to expiration. To reduce the expected burden from photo submission, pre-filled renewal forms with basic data will substitute the current renewal application. Forms can be completed by signing and dating a statement of acknowledgement that all current information is correct.

The basic information collected from applicants will remain the same. There will be minimal expected public burden to submit photographs, which will not apply after the initial photo is submitted. There will be no additional burden beyond the estimated application processing time or recordkeeping/reporting costs.

II. Method of Collection

Forms are available on the Internet; paper applications are also available and may be submitted by mail to the Long Beach Permits Office. In addition, an online submission option is available for Highly Migratory Species through the National Permits System.

III. Data

OMB Control Number: 0648–0204.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,475 (HMS), 65 (CPS).

Estimated Time per Response: HMS permit renewal applications, 3 minutes; CPS transfers, 15 minutes; new HMS permits, 60 minutes; photo requirement, 30 minutes; additional information (when requested) for the CPS fishery, 1 hour; appeals, 2 hours.

Estimated Total Annual Burden Hours: 206.

Estimated Total Annual Cost to Public: $21,024.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 3, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–05227 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Fishery Observer Retention Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 9, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jane DiCosimo, NOAA Fisheries Office of Science and Technology, 1315 East-West Highway, SSMC3, Room 12551, Silver Spring, MD, 20910, (301) 427–8109 or *Jane.DiCosimo@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

NOAA Fisheries utilizes observers to collect information on catch, bycatch, fishing efforts, biological characteristics, interactions with protected species, and socioeconomic information from United States (U.S.) commercial fishing and processing vessels. More information on the observer population is needed to support the Agency's conservation and management goals, to strengthen and improve fishery management decision-making, and to satisfy legal mandates under the Reauthorization of the *Magnuson-Stevens Fishery Conservation and Management Act* (MSA), the *Regulatory Flexibility Act* (RFA), the *Endangered Species Act,* and the *National Environmental Policy Act* (NEPA), *Executive Order 12866* (EO 12866), and other pertinent statutes.

The National Observer Program (NOP) is conducting a survey of fishery observers in order to investigate incentives and disincentives for remaining an observer and to identify their subsequent career choices. The data will be used by the NOP and regional observer programs to improve observer recruitment and retention rates. The survey results will be used by regional program managers to evaluate current observer provider contract requirements to increase observer retention. With a greater understanding of these data observer retention may increase as a result of improved recruitment for observers. Improved retention of qualified and experienced observers is expected to reduce training efforts and costs, and improve data quality. Observers are often the only independent data collection source for federal agency and scientists to collect at-sea data and are crucial in fishery management.

II. Method of Collection

Data will be collected via an electronic voluntary survey. We plan to distribute approximately 2000 surveys to the universe of active and former observers. The data will be collected anonymously and will not be released for public use, except in aggregate without identification as to its source.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Review: Regular (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 600.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 3, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–05228 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE298

Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit; Correction

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

ACTION: Notice; request for comments; correction.

SUMMARY: This document corrects the **ADDRESSSES** section to the Notice and request for comments that was published on March 1, 2016, which contained the wrong docket number and hyperlink to the Federal e-Rulemaking Portal for electronic submission of public comments. This correction changes the hyperlink and docket number.

DATES: Comments must be submitted in writing by March 31, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0022, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0022,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. EFP applications will be available under Relevant Documents through the same link.

• *Mail:* Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2016–0022'' in the comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Chris Fanning, NMFS, West Coast Region, 562–980–4198.

SUPPLEMENTARY INFORMATION:

Need for Correction

The original notice (March 1, 2016; 81 FR 10593) contained the wrong docket identifier number and hyperlink to the Federal e-Rulemaking Portal for electronic submission of public comments. This correction changes the hyperlink and docket identifier number. This document corrects the **ADDRESSES** section so that all interested parties have the necessary information pertaining to the Federal e-Rulemaking Portal for electronic submission of public comments. In addition, we've included the new **ADDRESSES** section above, for clarity.

Correction

In a Notice published on March 1, 2016 (81 FR 10593), on page 10593, please make the following correction: In the second and third column, the first paragraph and first two bulleted items under the **ADDRESSES** heading are corrected to read as follows:

''You may submit comments on this document, identified by NOAA–NMFS–2016–0022, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0022,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. EFP applications will be available under Relevant Documents through the same link.

• *Mail:* Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2016–0022'' in the comments.''

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

Dated: March 4, 2016.

Emily H. Menashes,

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

[FR Doc. 2016–05271 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Federal Fisheries Permits—Northwest

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 9, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kevin Ford, (206) 526–6115 or *kevin.ford@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Magnuson-Stevens Act (16 U.S.C. 1801) provides that the Secretary of Commerce is responsible for the conservation and management of marine fisheries resources in Exclusive Economic Zone (3–200 miles) of the United States (U.S.). NOAA Fisheries, Northwest Region manages the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone (EEZ) off Washington, Oregon, and California under the Pacific Coast Groundfish Fishery Management Plan. The regulations implementing the Pacific Groundfish Fishery require that those vessels participating in the limited entry fishery to be registered to a valid limited entry permit. Participation in the fishery and access to a limited entry permit has been restricted to control the overall harvest capacity.

NOAA Fisheries seeks comment on the extension of permit information collections required for: (1) Renewal and transfer of Pacific Coast Groundfish limited entry permits; (2) implementation of certain provisions of the sablefish permit stacking program as provided for at 50 CFR 660.231 and 660.25; and (3) issuing and fulfilling the terms and conditions of certain exempted fishing permits (EFPs).

The regulations implementing the limited entry program are found at 50 CFR part 660, subpart G.

Also, NOAA Fisheries requires an information collection to implement certain aspects of the sablefish permit stacking program which prevents excessive fleet consolidation. As part of the annual renewal process, NOAA Fisheries requires a corporation or partnership that owns or holds (as vessel owner) a sablefish endorsed permit to provide a complete ownership interest form listing all individuals with ownership interest in the entity. Similarly, any sablefish endorsed permit transfer involving registration of a business entity requires an ownership interest form if either the permit owner or vessel owner is a corporation or

partnership. This information is used to determine if individuals own or hold sablefish permits in excess of the limit of 3 permits. Also, for transfer requests made during the sablefish primary season (April 1st through October 31st), the permit owner is required to report the remaining tier pounds not yet harvested on the sablefish endorsed permit at the time of transfer.

Applicants for an exempted fishing permit (EFP) must submit written information that allows NOAA Fisheries and the Pacific Fishery Management Council to evaluate the proposed exempted fishing project activities and weigh the benefits and costs of the proposed activities. The Council makes a recommendation on each EFP application and for successful applicants, NOAA Fisheries issues the EFPs which contains terms and conditions for the project including various reporting requirements. The information included in an application is specified at 50 CFR 600.745(b)(2) and the Council Operating Procedure #19. Permit holders are required to file preseason harvest plans, interim and/or final summary reports on the results of the project and in some cases individual vessels and other permit holders are required to provide data reports (logbooks and/or catch reports The results of EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fishery, provide access to constrained stocks which directly measuring the bycatch associated with such strategies and evaluate/revise current and proposed management measures.

II. Method of Collection

Renewal forms are mailed to all permit owners and they must submit by mail or in person. Ownership interest forms and permit transfer forms are available from the region's Web site but must be submitted to NOAA Fisheries by mail or in person. Applications for an exempted fishing permit must be submitted in a written format. The exempted fishing permit data reports may be submitted in person, faxed, submitted by telephone or emailed by the monitor, plant manager, vessel owner or operator to NOAA Fisheries or the states of Washington, Oregon, or California.

III. Data

OMB Control Number: 0648–0203.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Non-profit institutions, State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Annual Respondents: 536.

Estimated Time per Response: Permit renewals, 20 minutes; Permit transfers, 30 minutes; Sablefish ownership interest form, 10 minutes ; EFP Applications, 32 hours; EFP Trip Notifications 2 minutes; EFP Harvest Plans: 16 hours; EFP Data Reports: 2 hours;; EFP Summary Reports: interim report, 4 hours; final report, 20 hours.

Estimated Total Annual Burden Hours: 983.

Estimated Total Annual Cost to Public: $56,247.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 3, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–05226 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE448

Notice of Availability of a Draft Environmental Assessment for Oil and Gas Activities in Cook Inlet, Alaska in 2016

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: The National Marine Fisheries Services announces the availability of a Draft Environmental Assessment (EA) to analyze the environmental impacts of issuing annual Incidental Take Authorizations (ITAs) pursuant to the Marine Mammal Protection Act (MMPA) for the taking of marine mammals incidental to oil and gas activities in Cook Inlet, AK during 2016. The Draft EA is available for review and comment at: *http://www.nmfs.noaa.gov/pr/permits/incidental/energy_other.htm.*

DATES: Comments and information must be received no later than March 28, 2016.

ADDRESSES: Comments on the Draft EA should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *itp.young@noaa.gov.* Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for comments sent to addresses other than those provided here.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the Draft EA may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

FOR FURTHER INFORMATION CONTACT: Sara Young, Office of Protected Resources, NMFS, (301) 427–8484.

SUPPLEMENTARY INFORMATION: On August 12, 2015, NMFS published a Notice of Intent to prepare a Programmatic Environmental Assessment on the Issuance of Incidental Take Authorizations in Cook Inlet, Alaska in 2016 (80 FR 48299), to help NMFS assess the effects of multiple one-year incidental take authorizations and consider mitigation and monitoring measures in the context of the multiple activities. In furtherance of that goal NMFS requested applicants for ITAs to submit their applications by October 1 of the year preceding the requested ITA

year. NMFS received applications for ITAs from ExxonMobil Alaska LNG LLC (see 81 FR 6376, February 5, 2016) (Notice of Proposed Incidental Harassment Authorization); SAExploration Inc.; and BlueCrest Alaska Operating LLC. Potential impacts from these actions are assessed in the Draft EA available at the above web address.

On February 5, 2016, NMFS published a Proposed Issuance of an Incidental Take Authorization for ExxonMobil Alaska LNG LLC (see 81 FR 6376, February 5, 2016), which stated that the Draft EA would be available for review concurrently with the proposed Authorization. The Draft EA was not available for the majority of the public comment period of the proposed Authorization. Due to the delay in making the Draft EA publically available, NMFS will be accepting public comment on the Draft EA until March 28, 2016.

Dated: March 3, 2016.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–05236 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 9, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. David Gloeckner, (305) 361–4257 or *david.gloeckner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Participants in most Federally-managed fisheries in the Southeast Region are currently required to keep and submit catch and effort logbooks from their fishing trips. A subset of these vessels also provide information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the vessel's fishing gear. A subset of these vessels also provide information about dockside prices, trip operating costs, and annual fixed costs.

The data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations. Interaction reports are needed for fishery management planning and to help protect endangered species and marine mammals. Price and cost data will be used in analyses of the economic effects of proposed regulations.

II. Method of Collection

The information is submitted on paper forms. Logbooks are completed daily and submitted on either a by trip or monthly basis, depending on the fishery. Fixed costs are submitted on an annual basis. Other information is submitted on a trip basis.

III. Data

OMB Control Number: 0648–0016.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 3,634.

Estimated Time per Response: Annual fixed-cost reports, 30 minutes; Colombian fishery logbooks, 18 minutes; discard logbooks, 15 minutes; headboat, golden crab, reef fish-mackerel, economic cost/trip, wreckfish, and shrimp logbooks, 10 minutes; no-fishing responses for golden crab, reef fish-mackerel, charterboat, wreckfish and Colombian fisheries, 2 minutes.

Estimated Total Annual Burden Hours: 17,038.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 3, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–05229 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Community BroadbandUSA Connectivity Initiative Workshop

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: The National Telecommunications and Information Administration (NTIA), through the BroadbandUSA program, will hold a half-day workshop on March 22, 2016, to engage stakeholders in developing meaningful measures for community broadband access, adoption, policy and use as part of its efforts to develop the Community Connectivity Initiative. The Community Connectivity Initiative will provide a framework to enable local leaders to better assess their community connectivity and strengthen efforts to align broadband technology with local policies and priorities. The Community Connectivity Initiative will include a tool for helping communities assess their broadband readiness. Stakeholder participation is critical to the design and implementation of the self-assessment tool. NTIA will convene this workshop to provide opportunities for participants to share insights and suggestions on the design of the program. NTIA also

announces two webinars to provide additional information on the Community Connectivity Initiative.

DATES: The Community Connectivity Initiative Workshop will be held on March 22, 2016, from 8:30 a.m. to 12:00 noon, Pacific Daylight Time. The first webinar will be held on March 24, 2016, from 2:00 p.m. to 3:00 p.m., Eastern Daylight Time. The second webinar will be held on April 12, 2016, from 2:00 p.m. to 3:00 p.m., Eastern Daylight Time.

ADDRESSES: The Workshop will be held in the Chief Seattle Conference Room of the Federal Office Building (FOB), 909 1st Avenue, Seattle, WA 98174. Individuals are subject to security screening in order to enter the building.

FOR FURTHER INFORMATION CONTACT: Barbara Brown, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4889, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 280–8260; email: *bbrown@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email: *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: NTIA's BroadbandUSA program provides expert advice and field-proven tools for assessing broadband adoption, planning new infrastructure and engaging a wide range of partners in broadband projects. BroadbandUSA convenes workshops on a regular basis to bring stakeholders together to discuss ways to improve broadband policies, share best practices, and connect communities to other federal agencies and funding sources for the purpose of expanding broadband infrastructure and adoption throughout America's communities.

The Community Connectivity Initiative is a recommendation of the Broadband Opportunity Council, an inter-agency working group established by the White House in 2015 ''to use all available and appropriate authorities to: Identify and address regulatory barriers that may unduly impede either wired broadband deployment or the infrastructure to augment wireless broadband deployment; encourage further public and private investment in broadband networks and services; promote the adoption and meaningful use of broadband technology; and otherwise encourage or support broadband deployment, competition, and adoption in ways that promote the public interest.''

The workshop and webinars will be open to the public and press. Space is limited and available on a first-come, first-serve basis. Online registration is available for both the in-person workshop on March 22, 2016, and the webinars on March 24, 2016, and April 12, 2016, at *https://www.eventbrite.com/e/community-connectivity-workshop-tickets-22458391654.* NTIA asks registrants to provide their first and last names and email addresses for both registration purposes and to receive any updates on the Community Connectivity Initiative. If capacity for the workshop is reached, NTIA will maintain a waiting list and will inform those on the waiting list if space becomes available. Additional information about these events as well as meeting updates, changes in the agenda, if any, and relevant documents will be available on NTIA's Web site at *https://www.ntia.doc.gov/other-publication/2016/nwcommunityinitiativeworkshop.*

The workshop and webinars are accessible to people with disabilities. Individuals requiring accommodations, such as language interpretation or other ancillary aids, are asked to notify Barbara Brown at the contact information listed above at least five (5) business days before the meeting.

Dated: March 4, 2016.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2016–05261 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Privacy Act of 1974; System of Records

ACTION: Notice of revised Prefatory Statement of General Routine Uses.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the United States Patent and Trademark Office (''USPTO'' or ''the Agency'') seeks to revise the Prefatory Statement of General Routine Uses (''prefatory statement'') published in the **Federal Register** on December 31, 1981 (46 FR 63501–63502). This action is being taken to update the language in several existing uses as well as to integrate new uses.

DATES: Written comments on the proposed prefatory statement revisions should be sent on or before April 18, 2016. The prefatory statement as revised below will become effective as of the above date unless the USPTO receives comments that would result in a contrary determination.

ADDRESSES: Written comments may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''USPTO Prefatory Statement—Comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Director, Records Management Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

SUPPLEMENTARY INFORMATION: The USPTO is giving notice of proposed revisions to the Agency's Prefatory Statement of General Routine Uses. The revisions update the language in multiple uses to remove outdated references and terms, restructure existing uses for clarity and brevity, and add routine uses designed to cover new technological uses (*e.g.* disclosures following system data breaches) and relevant uses not present in the previous prefatory statement (*e.g.* disclosures to state bar organizations). The following routine uses apply to, and are incorporated by reference into, each system of records utilized by the United States Patent and Trademark Office that is created or revised following the publication of this notice.

Prefatory Statement of General Routine Uses

A record from the referencing system of records may be disclosed, as a routine use, to:

1. A Federal, state, local, or foreign agency in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by (1) general statute or particular program statute or contract, (2) rule, regulation, or order issued pursuant thereto, or (3) the necessity to protect an interest of the Agency. The agency receiving the record(s) must be charged with the responsibility of investigating or prosecuting such violations or with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or protecting the interest of the Agency.

2. A Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning (1) the assignment, hiring, or retention of an individual, (2) the issuance of a security clearance, (3) the letting of a contract, or (4) the

issuance of a license, grant, or other benefit.

3. A court, magistrate, or administrative tribunal during the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations.

4. A Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

5. The medical advisor of any individual who submits a request for access to a record which contains medical information under the Act and 37 CFR part 102 Subpart B if, in the sole judgment of the Agency, disclosure would not have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 37 CFR part 102 Subpart B.

6. Professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with the administration and maintenance of standards of conduct and discipline.

7. The Office of Management and Budget (OMB), in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process.

8. The Department of Justice (DOJ), in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

9. Contractors, agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other work assignment for the Agency who have need for information from the system of records:

a. In the course of operating or administrating the system of records;

b. In the course of fulfilling an agency function, but only to the extent necessary to fulfill that function; or

c. In order to fulfill their contract(s), but who do not operate the system of records within the meaning of 5 U.S.C. 552a(m).

10. The Office of Personnel Management (OPM), for personnel research purposes, as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related manpower studies.

11. The Administrator of the National Archives and Records Administration (NARA), or said administrator's designee, during an inspection of records conducted by NARA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with NARA regulations governing inspection of records for this purpose, and any other relevant directive. Such disclosure shall not be used to make determinations about individuals.

12. Appropriate agencies, entities, or persons when (1) the Agency suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Agency has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Agency or another agency or entity) that rely upon the compromised information; and (3) such disclosure is reasonably necessary to assist in connection with the Agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

13. Any component of the Department of Justice for the purpose of representing the Agency, or any employee of the Agency, in pending or potential litigation to which the record is pertinent.

Dated: March 3, 2016.

Marcie Lovett,

Records Management Division Director, OCIO, United States Patent and Trademark Office.

[FR Doc. 2016–05256 Filed 3–8–16; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Council. Notice of the meeting is permitted by Section 9 of the CUAC Charter and is intended to notify the public of this meeting. Specifically, Section 9(d) of the CUAC Charter states:

(1) Each meeting of the Council shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live recording. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Council's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Council shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Council's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, March 24, 2016, 3 p.m. to 4:30 p.m. eastern daylight time.

ADDRESSES: The meeting location is the Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov,* Consumer Advisory Board and Councils Office, External Affairs, 1275 First Street NE., Washington, DC 20002.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides: ''Pursuant to the executive and administrative powers conferred on the Consumer Financial Protection Bureau (CFPB or Bureau) by Section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council to consult with the Bureau in the exercise of its functions under the federal consumer financial laws as they pertain to credit unions with total assets of $10 billion or less.''

Section 3 of the CUAC Charter states: ''(a) The CFPB supervises depository institutions and credit unions with total assets of more than $10 billion and their respective affiliates, but other than the

limited authority conferred by § 1026 of the Dodd-Frank Act, the CFPB does not have supervisory authority regarding credit unions and depository institutions with total assets of $10 billion or less. As a result, the CFPB does not have regular contact with these institutions, and it would therefore be beneficial to create a mechanism to ensure that their unique perspectives are shared with the Bureau. Small Business Regulatory Enforcement Fairness Act (SBREFA) panels provide one avenue to gather this input, but participants from credit unions must possess no more than $175 million in assets, which precludes the participation of many. (b) The Advisory Council shall fill this gap by providing an interactive dialogue and exchange of ideas and experiences between credit union employees and Bureau staff. (c) The Advisory Council shall advise generally on the Bureau's regulation of consumer financial products or services and other topics assigned to it by the Director. To carry out the Advisory Council's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The output of Advisory Council meetings should serve to better inform the CFPB's policy development, rulemaking, and engagement functions.''

II. Agenda

The Credit Union Advisory Council will discuss the CFPB strategic outlook and elder financial abuse. Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Credit Union Advisory Council meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Wednesday, March 23, 2016. Members of the public must RSVP by the due date and must include ''CUAC'' in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Wednesday, March 9, 2016, via consumerfinance.gov. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site consumerfinance.gov.

Dated: March 4, 2016.

Christopher D'Angelo,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2016–05253 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2016–0012]

Agency Information Collection Activities: 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 requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Equal Access to Justice Act.''

DATES: Written comments are encouraged and must be received on or before May 9, 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.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

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.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@fpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Equal Access to Justice Act.

OMB Control Number: 3170–0040.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3.

Estimated Total Annual Burden Hours: 15.

Abstract: The Equal Access to Justice Act (the Act) provides for payment of fees and expenses to eligible parties who have prevailed against the Bureau in certain administrative proceedings. In order to obtain an award, the statute and associated regulations (12 CFR part 1071) require the filing of an application that shows that the party is a prevailing party and is eligible to receive an award under the Act. The Bureau regulations implementing the Act require the collection of information related to the application for an award in 12 CFR part 1071, subparts B, C.

Request for Comments: Comments are 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: March 3, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–05188 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2016–0008]

Agency Information Collection Activities: 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 requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Policy to Encourage Trial Disclosure Programs; Information Collection.''

DATES: Written comments are encouraged and must be received on or before May 9, 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.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

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.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: *CFPB_PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Policy to Encourage Trial Disclosure Programs; Information Collection.

OMB Control Number: 3170–0039.

Type of Review: Extension without change of an existing information collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 10.

Estimated Total Annual Burden Hours: 100.

Abstract: In subsection 1032(e) of the Dodd-Frank Act, 12 U.S.C. 5532(e), Congress gave the Bureau authority to provide certain legal protections to companies to conduct trial disclosure programs. This authority can be used to help further the Bureau's statutory objective, stated in subsection 1021(b)(5) of the Act, to ''facilitate access and innovation'' in the ''markets for consumer financial products and services.'' There are two main purposes for the use of these eligibility criteria. First, the specific criteria are intended to help the Bureau identify trial disclosure proposals that hold the potential to demonstrate improvements in disclosure to consumers, while controlling appropriately for risks to consumers. Second, by using standardized criteria across all submitters, the Bureau will be better placed to assess the merits of different proposals relative to each other.

Request for Comments: Comments are 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: March 1, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–05183 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2016–0009]

Agency Information Collection Activities: 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 requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Generic Information Collection Plan for Qualitative Consumer Education and Engagement Information Collections.''

DATES: Written comments are encouraged and must be received on or before March 9, 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.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

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.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: *CFPB_PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION: *Title of Collection:* Generic Information Collection Plan for Qualitative Consumer Education and Engagement Information Collections.

OMB Control Number: 3170–0036.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Individual or households; State, Local, or Tribal governments; Private Sector.

Estimated Number of Annual Respondents: 4,000.

Estimated Total Annual Burden Hours: 2,000.

Abstract: Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, Section 1013(d), the Bureau's Office of Financial Education is responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions. The Bureau seeks to obtain approval of a generic information collection plan to collect qualitative data on effective strategies and consumer experiences from both financial education practitioners and consumers through a variety of methods, including in-person meetings, interviews, focus groups, qualitative surveys, online discussion forums, social media polls, and other qualitative methods as necessary. The information collected through these processes will increase the Bureau's understanding of consumers' financial experiences, financial education and empowerment programs, and practices that can improve financial decision-making skills and outcomes for consumers. This information will also enable the Bureau to better communicate to consumers about the availability of Bureau tools and resources that consumers can use to make better informed financial decisions.

Request for Comments: Comments are 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: March 3, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–05179 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2016–0010]

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 requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Consumer Attitudes, Understanding, and Behaviors with Respect to Financial Services and Products.''

DATES: Written comments are encouraged and must be received on or before April 8, 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* (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. Please do not submit comments to this email box.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer Attitudes, Understanding, and Behaviors with Respect to Financial Services and Products.

OMB Control Number: 3170–0034.

Type of Review: Extension with change of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,000.

Estimated Total Annual Burden Hours: 1,500.

Abstract: This information collection helps the Bureau establish a public opinion survey to measure and track consumer attitudes, beliefs, and behaviors as they navigate financial decisions. In this regard, it helps the Bureau target its efforts and those of its partners to those areas that will have the most impact on both consumers and financial markets.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on December 7, 2015(80 FR 75999). 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: March 3, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–05255 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the San Diego County Shoreline Feasibility Study, Oceanside, San Diego County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: The Los Angeles District of the U.S. Army Corps of Engineers (USACE) will prepare a Draft Environmental Impact Statement (DEIS) to support the San Diego County Shoreline Feasibility Study, Oceanside, San Diego County California. The Study Area extends approximately 15 miles along the coast, from about 9 miles north of the Oceanside Harbor north breakwater to the Agua Hedionda Lagoon north jetty, within the cities of Oceanside and Carlsbad in northwest San Diego County. The project environment includes predominantly beach, coastal strand, and/or marine inter-tidal/littoral/pelagic zones.

The predominant problem that threatens the shoreline is continual beach erosion averaging over 6 feet per year in some areas, despite the considerable amount of beach fill deposited on an annual basis. Causes for this erosion has been attributed to sediment impoundment due to harbor construction, dam construction, storm damage, and river sand mining.

The loss of beach width and increased exposure of property has resulted in increased coastal damage, safety issues, and loss of recreation opportunities. This feasibility study will focus on addressing the problems and needs caused by beach erosion. The DEIS will analyze the potential impacts (beneficial and adverse) on the environment for the range of alternatives, including the recommended plan.

The Los Angeles District and the City of Oceanside will cooperate in conducting this Feasibility Study.

The Los Angeles District intends to prepare an Environmental Impact Statement (EIS) to support a feasibility study with the city of Oceanside, California, for shoreline protection. The purpose of the feasibility study is to mitigate for impacts from construction of the Camp Pendleton Harbor and reduce coastal storm damages in the city of Oceanside. The EIS will analyze potential impacts of the recommended plan and a range of alternatives. Alternatives will include both structural and non-structural measures.

ADDRESSES: You may submit your concerns in writing to the Los Angeles District at the address below. Comments, suggestions, and requests to be placed on the mailing list for announcements should be sent to Lawrence Smith, U.S. Army Corps of Engineers, Los Angeles District, 915 Wilshire Boulevard, Suite 930, Los Angeles, CA 90017–3401, or email to *lawrence.j.smith@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. Larry Smith, Project Environmental Coordinator, (213) 452–3846.

SUPPLEMENTARY INFORMATION:

Authorization: This Feasibility Study was authorized by the House Public Works and Transportation Committee Resolution adopted April 30,1992 which states: ''Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, that in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army, acting through the Chief of Engineers, is requested to investigate the feasibility of providing shore protection improvements along the shores of the City of Oceanside, San Diego County, California, in the interest of shoreline protection and storm damage reduction and other related purposes.''

Specific language was included in the Water Resources Development Act of 2000 (WRDA 2000) directing the Corps of Engineers to undertake a study of how to mitigate erosion and other impacts caused by the construction of Camp Pendleton Harbor, and restore beaches to pre-construction conditions at full Federal expense. The authority states, ''Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans (1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and (2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.'' This authority was amended in WRDA 2007 to extend the study to 44 months.

Study Area: The study area extends approximately 15 miles along the coast, from about 9 miles north of the Oceanside Harbor North Breakwater to the Agua Hedionda Lagoon North Jetty, within the cities of Oceanside and Carlsbad in northwest San Diego County.

Problems and Needs: During the 1880's Oceanside Beach was approximately 90 meters wide. This shoreline width was further advanced in the floods of 1889, 1891, and 1916 bringing large volumes of sediment from the San Luis Rey and Santa Margarita Rivers. The City used the widened beach as a resource, and in 1927 a recreational pier, beachfront, strand, parking lots and houses were constructed in front of the seacliff. During this period a dam was also constructed on the San Luis Rey River to control flooding. At the start of the U.S. involvement in World War II, the U.S. Marine Corps designed and contracted construction of a small boat basin in a narrow lagoon between the Santa Margarita and San Luis Rey Rivers to support an amphibious training base. This included four jetties, which were later extended. Another dam was constructed on the Santa Margarita River to control flooding in 1949.

The presence of the coastal structures, such as jetties and breakwaters, has resulted in the disruption of sediment transport, creating a variety of localized shoreline effects. Sediment tends to accumulate at the beach north of the harbor, within the harbor entrance, and south of the harbor south jetty. However, erosion tends to occur south of the harbor. Damages reported by residents consist mainly of inundation damages and damages to revetment. These damages occur when storm wave conditions coincide with high tidal elevations, storm surges, or increased ENSO (El Niño Southern Oscillation) water levels which cause elevated sea surfaces and higher wave run-up elevations. The majority of damages in Oceanside occurred during storms in 1977–1978, 1982–83, 1988, 1993–1994, and 1997–1998. In addition to high waves and water surface elevations, damage is enabled by shoreline erosion and beach retreat exposing structures to wave attack. Oceanside has historically experienced a narrow beach, but has recently undergone accelerated erosion. A large volume of material has been placed back on the beach during construction and maintenance dredging, but a deficit in sand for the beach still exists. The average rate of recession near Oceanside Beach from 1940–1999 is approximately 3.5 ft./yr. Studies have shown that problems are caused by a combination of measures in the nearby rivers (including flood control measures and sand mining), which reduces sediment nourishment, along with the construction of the harbor, which limits longshore sediment transport. In 1974, the USACE issued a position paper on

beach erosion that tentatively indicated that the harbor was the primary cause of erosion. A Notice of Intent to prepare an EIS was originally published in the **Federal Register** on May 31, 2002. The Los Angeles District has elected to republish and to hold a new public Scoping Meeting to allow members of the public to provide input into the scoping of the proposed EIS and the alternatives formulation process.

Proposed Action and Alternatives: The Feasibility Study will focus on the problems and needs caused by beach erosion. In general, alternative plans will focus on reducing the beach erosion and improving sand accumulation through either construction or management project features such as groins, reefs, and/or beach nourishment.

The primary undesirable impacts of concern from any of the alternatives will likely be related to temporary turbidity and displacement of sand dwelling organisms and their predators. These will be addressed in the study as part of the plan formulation of the Feasibility Study, and potential impacts will be analyzed in the DEIS.

Previous Actions: Annual maintenance dredging of the entrance into Oceanside Harbor with placement on area beaches south of the San Luis Rey River.

Scoping: Participation of all interested Federal, State, and County agencies; groups with environmental interests; and any interested individuals is encouraged. Public involvement will be most beneficial and worthwhile in identifying the scope of pertinent, significant environmental issues to be addressed; identifying and eliminating from detailed study issues that are not significant; offering useful information such as published or unpublished data; providing direct personal experience or knowledge which informs decision making; and recommending suitable mitigation measures to offset potential impacts from the proposed action or alternatives.

Two public scoping meetings will be held in the City of Oceanside on March 17, 2016 at 3:00 and 5:30 p.m. The public scoping meeting will be held at Council Chambers at City Hall; 300 North Coast Highway; Oceanside, CA 92054. The purpose of the scoping meeting will be to gather information from the general public or interested organizations about issues and concerns that they would like to see addressed in the DEIS. Comments may be delivered in writing or verbally at the meeting or sent in writing to the Los Angeles District at the address given above. All comments enter into the public record. Comments should be submitted no later than May 1, 2016.

Availability of the Draft EIS: The Draft EIS is scheduled to be published and circulated in late 2016, and a public hearing to receive comments on the Draft EIS will be held after it is published.

Dated: February 24, 2016.

Kirk E. Gibbs,

Colonel, U.S. Army, Commander and District Engineer.

[FR Doc. 2016–05171 Filed 3–8–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Announcement of Requirements and Registration for the Career and Technical Education Makeover Challenge

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice; public challenge.

SUMMARY: The U.S. Department of Education (the Department) is announcing the Career and Technical Education (CTE) Makeover Challenge (the Challenge), a prize competition funded by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV or Act). The Challenge calls upon eligible high schools to design models of makerspaces that strengthen career and technical skills through making (models of CTE makerspaces). For the purposes of this notice, (1) ''makerspace,'' a formalized space for making, is an environment and facility that provides resources, materials, and equipment for students to conceive, create, collaborate, and learn through making; and (2) ''making'' refers to a hands-on learning approach that encourages students to imagine, create, tinker, and learn through the process of manufacturing, testing, and demonstrating their ideas. Through making, CTE educators enable students to immerse themselves in problem-solving and the continuous refinement of their products while learning essential 21st-century career skills, such as critical thinking, planning, and communication. The Department is seeking models of CTE makerspaces across a wide range of facility types, such as classrooms, libraries, and mobile spaces, that it can share with educators to encourage the creation of affordable, scalable, and replicable makerspaces.

DATES: We must receive your submission on or before April 1, 2016.

The Department will determine timeframes for judging first and second round submissions, as well as the date that award recipients are announced. The Department will conduct at least one online information session during the first round submission phase of the Challenge. The date of the session will be determined and announced by the Department, posted on *www.CTEMakeoverChallenge.com* (Challenge Web page), and sent to entrants by email. The dates for Challenge events will be determined and announced by the Department.

ADDRESSES: Submit entries for the CTE Makeover Challenge on *www.CTEMakeoverChallenge.com.*

FOR FURTHER INFORMATION CONTACT: Albert Palacios, U.S. Department of Education, 550 12th Street SW., Room 11086, Washington, DC 20202 or by email: *albert.palacios@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Administration of the Challenge Competition

The CTE Makeover Challenge is being conducted by the U.S. Department of Education (Department). Luminary Labs, L.L.C. (Luminary Labs), has been contracted by the Department to assist and support the Department in organizing and managing this competition. Activities conducted by Luminary Labs may also include providing technical assistance to potential entrants, entrants, and schools selected to proceed to the CTE Makeover Bootcamp phase of the Challenge based on the criteria described in the *CTE Makeover Eligibility Criteria* section of this notice.

II. Subject of Challenge Competition

CTE is an essential component of developing a more competitive workforce. As technology becomes a critical component of an increasing number of jobs, education providers (or educational institutions) must adapt to prepare students for 21st century careers. Growth industries, including robotics, medical devices, mobile applications, consumer technology, sustainable development, and many more, all point to an increasing need for applied technical learning experiences.

CTE has been an essential part of preparing students to succeed in the workforce for decades. Foundational elements of CTE include hands-on applied learning, technical skills

attainment, and employability skills.[1] These elements can also be found in ''making,'' as defined in the **SUMMARY** section of this notice. Makerspaces, defined in the **SUMMARY** section of this notice, assist students in learning important employability skills, including problem-solving, critical thinking, planning, and communication. Makerspaces may include electronic components, software, craft materials, tools, and equipment such as 3D Printers, laser cutters, and other computer-guided devices.

This Challenge seeks to reinforce and highlight the common elements in CTE and making, and encourage schools to explore innovative ways to bring the benefits of making to CTE. CTE and making are applied teaching and learning approaches that prepare students with the academic and technical knowledge and skills needed to succeed in education and careers. Making involves higher-order reasoning and problem-solving skills, individual and collaborative project-based learning, and instills the employability and technical skills that are needed in the 21st century workplace, all of which are foundational elements of CTE. CTE and making also bring entrepreneurship to the classroom by inspiring students to take their ideas from concept to reality.

The Challenge invites eligible schools to design makerspaces that strengthen career and technical skills through making.

The Challenge will be conducted in five phases:

(1) The First Round Submission phase;

(2) The CTE Makeover Bootcamp phase;

(3) The Judging and Award phase;

(4) The CTE Makerspace Build-Out phase; and

(5) The CTE Makerspace Showcase phase.

The dates for each of the phases will be determined by the Department and announced on the Challenge Web page.

The five phases in this section are described below.

First Round Submission Phase Description

Schools enter the Challenge by completing the entry submission process on the Challenge Web page. This phase is designed to determine eligibility. Entrants who fulfill the criteria described in the *Eligibility* section of this notice will be eligible to participate in the CTE Makeover Bootcamp phase of the Challenge.

CTE Makeover Bootcamp Phase Description

During the CTE Makeover Bootcamp, experts in the field of making will provide technical assistance to all eligible entrants. Eligible entrants will receive resources to improve and expand upon plans and designs for their makerspaces. At least one informational training Webinar will be held during the CTE Makeover Bootcamp. CTE Makeover Bootcamp participants will be provided access to community engagement tools and sustainability strategies to support build-out efforts and maintain their makerspaces beyond the period of the Challenge. At the completion of the CTE Makeover Bootcamp, entrants will have the option of submitting a second round submission that will include detailed design plans, budgets, and implementation strategies.

Judging Phase Description

Independent Judges will review second round submissions using the criteria in the *Award Selection Criteria* section of this notice and make recommendations to the Department as to which entrants should receive monetary awards.

The CTE Makerspace Build-Out Phase Description

Award recipients are strongly encouraged to use their prize money to build their proposed makerspaces during the CTE Makeover Build-Out phase. Award recipients will be required to produce and submit a video on the progress they have made constructing their makerspaces and compile an online portfolio of materials for use in the CTE Makerspace Showcase.

The CTE Makerspace Showcase Phase Description

Award recipients will be invited to attend the World Maker Faire in New York City in October 2016 and may use their prize money to attend the event. The Department anticipates presenting CTE Makerspaces at the event and sharing the models of CTE makerspaces resulting from the Challenge.

Program Authority: The goals, purposes, and activities related to the Challenge are authorized by section 114(c)(1) of Perkins IV, 20 U.S.C. 2324(c)(1). Under this section, the Secretary of the U.S. Department of Education is authorized to carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to CTE programs under Perkins IV. Following the CTE Makeover Challenge, submissions selected as CTE Makerspaces will be disseminated to the public as CTE Makerspace models to inspire others to incorporate making into teaching and learning.

III. Eligibility

(a) An eligible entrant must be either:

(1) A school that is eligible to receive funds directly under section 3(14)(A) of Perkins IV[2] (*e.g.* a charter school or area CTE school); or

(2) A school that is eligible to receive funds from an eligible recipient under section 3(14)(A) of Perkins IV (*e.g.* a local high-school that receives funds from an LEA eligible under section 3(14)(A) of Perkins IV).

(b) Entrants must:

(1) Register on the Challenge Web page (see *Additional Terms* that are part of the *Official Rules,* under the *General Terms and Conditions* in this notice);

(2) Enter a submission on the Challenge Web page according to the rules, terms, and conditions in this notice;

(3) Comply with all requirements on the Challenge Web page and this notice;

(4) Provide affirmation upon submission of an entry for the Challenge that an entrant is eligible under subsection (a) of this section. If selected as an Award Recipient, entrants must provide documentation to demonstrate their eligibility prior to receiving a prize;

(5) Submit signed letters from the entrant's administrator and superintendent approving the entrant's permission to enter the Challenge; and

(6) Agree to—

(i) Assume any and all risks and waive claims against the Federal government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in the Challenge, whether the injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arises through negligence or otherwise;

(ii) Indemnify the Federal government against third party claims for damages arising from, or related to, competition activities, patents, copyrights, and trademark infringements; and

(iii) Comply with and abide by the *Official Rules, Terms and Conditions* in

[1] For more information visit *http://cte.ed.gov/employabilityskills.*

[2] Under section 3(14)(A) of Perkins IV the term 'eligible recipient' means—a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131 of Perkins IV.

this notice, and the decisions of the Department which shall be final and binding in all respects.

IV. Prizes

The total prize pool for the Challenge is $200,000. The $200,000 Challenge prize pool will be divided equally and awarded to a maximum of ten award recipients, following the judging of second round submissions.

Prizes awarded under this competition will be paid by electronic funds transfer. Award Recipients are responsible for any applicable local, State, and Federal taxes and reporting that may be required under applicable tax laws.

V. CTE Makeover Eligibility Criteria

(a) To participate in the Challenge, an entrant must submit an eligible entry according to the *Eligibility* section of this notice.

(b) An entrant must complete the entry requirements outlined in the *Submission Information* section of this notice.

(c) CTE Makeover Bootcamp participants will be chosen based on the extent that their submission provides all of the required information in paragraphs (a) and (b) of this section and it is sufficient for the Department to determine their eligibility and intent to participate in the Challenge.

VI. Award Selection Criteria

Up to 105 points may be assigned during the judging of the second round submissions based on the criteria in paragraphs (a) and (b) of this section.

(a) Judges may assign up to 20 points for each selection criterion during the judging of second round submissions (for a total of up to 100 points) based on the following five selection criteria:

(1) *Innovative.* The extent that the model of the CTE makerspace described in a submission exhibits novelty or ingenuity, and has the potential to significantly transform current practices in hands-on applied CTE learning, especially in response to economic and systemic constraints;

(2) *Replicable.* The extent that the model of the CTE makerspace described in the submission—

(i) Is able to be adopted and replicated by other schools, including schools serving low-income communities, based on design, budget, and curriculum, and

(ii) Includes approaches and options that could be used to easily implement the model in schools with limited resources, such as schools serving low-income communities;

(3) *Multi-functional.* The extent that the model of the CTE makerspace described in the submission has the capacity to be utilized by a broad cross-section of students, including various grade-levels, students with disabilities, multidisciplinary subjects, and CTE programs and skills;

(4) *Feasible.* The extent that the submission demonstrates the ability of the entrant to successfully implement the model of the CTE makerspace described in the submission within the Challenge timeframe and with its proposed resources including support from the local community and businesses; and

(5) *Sustainable.* The extent that the model of the CTE makerspace described in the submission demonstrates the capability to sustain the makerspace following the Challenge including administration, maintenance, curricular programming, teacher involvement, and community support while being able to adapt to changing needs and technologies over time.

(b) Judges may assign up to five bonus points during the judging of second round submissions (in addition to a total score of up to 100 points in paragraph (a) of this section, for a total score of up to 105 points) based on the following selection criteria—

Addressing need. The extent to which the student population served by the eligible entity is low-income, as defined by the percentage of students enrolled in free and reduced price lunch programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1759), as amended.

(c) The Department will review the recommendations of the judges and may consider additional characteristics when selecting Award Recipients from the top scoring submissions to ensure diverse distribution of awards, including:

(1) School size (number of students),

(2) Percentage of students enrolled in free and reduced price lunch programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1759), as amended, and

(3) Geographic location and local population density.

VII. Submission Information

1. To participate in the Challenge, an entrant must—

(a) Register on the Challenge Web page.

(b) Enter the required information on the Challenge Web page submission form.

2. Content and Form of Submission:

To submit an entry to the Challenge, an entrant must complete the submission form on the Challenge Web page.

3. First Round Submission Dates and Times:

The first round submission phase officially begins March 9, 2016 with this announcement of the Challenge and continues to April 1, 2016 at 11:59:59 p.m., Washington, DC time. Luminary Labs is the official timekeeper for the Challenge.

Submissions must be received during the first round submission phase of the Challenge to be eligible. To submit an entry to the Challenge, an entrant must go to the Challenge Web page and complete all required fields of the first round submission form before the close of the first round submission phase. Each entrant must complete all of the required fields in the first round submission form in accordance with the *Official Rules, Terms, and Conditions* section of this notice. All entrants are required to provide consent to those *Official Rules, Terms, and Conditions* upon submitting an entry. Once submitted, a first round submission may not be altered during the first round submission phase. The Department reserves the right to disqualify any submission that the Department deems inappropriate.

Eligible entrants will be invited to participate in the CTE Makeover Bootcamp. Entrants must designate a primary contact to serve as the Team Lead and manage the distribution of any awarded prizes. Team Leads must be employed by the submitting school and must be over 18 years of age. In the event a dispute regarding the identity of the entrant who actually submitted the entry cannot be resolved by the Department, the affected entry will be deemed ineligible.

The Department encourages entrants to submit entries as far in advance of the deadline as possible and suggests not later than one hour before the deadline to ensure the completed submission is received. If an entrant submits an entry after the deadline date because of a technical problem with the Challenge Web page system, the entrant must immediately contact the person listed under **FOR FURTHER INFORMATION CONTACT** in this notice, and provide an explanation of the technical problem experienced on the Challenge Web page system. The Department will accept the entrant's submission if the Department can confirm that a technical problem occurred with the Challenge Web page system and that the technical problem affected the entrant's ability to submit an entry by 11:59 p.m., Washington, DC time, on the entry deadline date. The Department will contact the entrant after a determination is made on whether the entry will be accepted.

Note: These extensions apply only to the unavailability of, or technical problems with, the Challenge Web page system. The Department will not grant an entrant an extension if the entrant failed to submit an entry in the system by the submission deadline date and time, or if the technical problem experienced is unrelated to the Challenge Web page system.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the submission process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the submission process, the entry remains subject to all other requirements and limitations in this notice.

VIII. Submission Review Information

Review and Selection Process:

The Department and Luminary Labs will review first round submissions based on the requirements in the *Eligibility* section of this notice to determine the schools that will participate in CTE Makeover Bootcamp.

The participants may choose to refine their submissions during the CTE Makeover Bootcamp phase and prepare a second round submission.

The Department and Luminary Labs will review second round submissions to ensure that entrants meet the requirements described in the *Official Rules, Terms, and Conditions* section of this notice.

Should the volume of second round submissions exceed the capacity of the independent judges to conduct a thorough evaluation of the submissions, an independent review panel with expertise relevant to the criteria described in the *Award Selection Criteria* section of this notice will conduct a preliminary review of the second round submissions. In conducting the preliminary review, the independent review panel will assign scores to each second round submission according to the criteria described in the *Award Selection Criteria* section of this notice. During the preliminary review each criterion may be assigned up to 20 points for a total of up to 100 points in paragraph (a) and up to five bonus points in paragraph (b) for a combined total of up to 105 points.

The size of the independent review panel will be based on the number of participants in the CTE Makeover Bootcamp and the quantity of second round submissions received. Each member of the independent review panel will score a maximum of thirty submissions and all submissions will receive scores from three different independent review panelists.

The submissions with the thirty highest scores assigned by the independent review panel will then be scored by independent judges based on the quality of each entry according to the criteria described in the *Award Selection Criteria* section of this notice. Judges may assign up to 20 points for each criterion for a total of up to 100 points in paragraph (a) and up to five bonus points in paragraph (b) for a combined total of up to 105 points.

From the pool of second round submissions, judges will recommend up to ten entrants to receive monetary awards. The Department will review the recommendations of the judges and make final award decisions as described in the *Award Selection Criteria* section of this notice.

By participating in the Challenge, each entrant acknowledges and agrees that such recommendations of the judges based on the criteria may differ and agrees to be bound by, and not to challenge, the final decisions of the Department.

IX. Official Rules, Terms, and Conditions

General Terms and Conditions

The Department reserves the right to suspend, postpone, cease, terminate, or otherwise modify this Challenge or any entrant's participation in the Challenge, at any time at the Department's sole discretion.

All entry information submitted on the Challenge Web page and all materials, including any copy of the submission, becomes property of the Department and will not be acknowledged or returned by Luminary Labs or the Department. Proof of submission is not considered proof of delivery or receipt of such entry. Furthermore, the Department and Luminary Labs shall have no liability for any submission that is lost, intercepted, or not received by the Department and/or Luminary Labs. The Department and Luminary Labs assume no liability or responsibility for any error, omission, interruption, deletion, theft, destruction, unauthorized access to, or alteration of, submissions.

Representations and Warranties/ Indemnification

By participating in the Challenge, each entrant represents, warrants, and covenants as follows:

(a) The entrants are the sole authors, creators, and owners of the submission;

(b) The entrant's submission—

(i) Is not the subject of any actual or threatened litigation or claim;

(ii) Does not, and will not, violate or infringe upon the privacy rights, publicity rights, or other legal rights of any third party;

(iii) Does not contain any harmful computer code (sometimes referred to as ''malware,'' ''viruses,'' or ''worms''); and

(c) The submission, and entrants' implementation of the submission, does not, and will not, violate any applicable laws or regulations of the United States.

Entrants will indemnify, defend, and hold harmless the Department and Luminary Labs from and against all third party claims, actions, or proceedings of any kind and from any and all damages, liabilities, costs, and expenses relating to, or arising from, entrant's submission or any breach or alleged breach of any of the representations, warranties, and covenants of entrant hereunder. The Department reserves the right to disqualify any submission that the Department, in its discretion, deems to violate these *Official Rules, Terms, and Conditions* in this notice.

Submission License

Each entrant retains title to, and full ownership of, their submission. The entrant expressly reserves all legal rights not expressly granted under this agreement. By participating in the Challenge, each entrant hereby irrevocably grants a license to the Department and Luminary Labs to store and access submissions in perpetuity that may be reproduced, published, or distributed in the future.

Publicity Release

By participating in the Challenge, each entrant hereby irrevocably grants to the Department and Luminary Labs the right to use such entrant's name, likeness, image, and biographical information in any and all media for advertising and promotional purposes relating to the Challenge in perpetuity and otherwise as stated in the *Submission License* section of this notice.

Disqualification

The Department reserves the right in its sole discretion to disqualify any entrant who is found to be tampering with the entry process or the operation of the Challenge, Challenge Web page, or other Challenge-related Web pages; to be acting in violation of these *Official Rules, Terms, and Conditions;* to be acting in an unsportsmanlike or disruptive manner, or with the intent to disrupt or undermine the legitimate operation of the Challenge; or to annoy, abuse, threaten, or harass any other person; and, the Department reserves

the right to seek damages and other remedies from any such person to the fullest extent permitted by law.

Links to Third-Party Web Pages

The Challenge Web page may contain links to third-party Web pages that are not owned or controlled by Luminary Labs or the Department. Luminary Labs and the Department do not endorse or assume any responsibility for any such third party sites. If an entrant accesses a third-party Web page from the Challenge Web page, the entrant does so at the entrant's own risk and expressly relieves Luminary Labs and/or the Department from any and all liability arising from use of any third-party Web page content.

Disclaimer

The Challenge Web page contains information and resources from public and private organizations that may be useful to the reader. Inclusion of this information does not constitute an endorsement by the Department or Luminary Labs of any products or services offered or views expressed. Blog articles provide insights on the activities of schools, programs, grantees, and other education stakeholders to promote continuing discussion of educational innovation and reform. Blog articles do not endorse any educational product, service, curriculum, or pedagogy.

The Challenge Web page also contains hyperlinks and URLs created and maintained by outside organizations, which are provided for the reader's convenience. The Department and Luminary Labs are not responsible for the accuracy of the information contained therein.

Notice to Challenge Entrants and Award Recipients

Attempts to notify entrants and award recipients will be made using the email address associated with the entrants' submission. The Department and Luminary Labs are not responsible for email or other communication problems of any kind.

If, despite reasonable efforts, an entrant does not respond within three days of the first notification attempt regarding selection as an award recipient (or a shorter time as exigencies may require) or if the notification is returned as undeliverable to such entrant, that entrant may forfeit the entrant's award and associated prizes, and an alternate award recipient may be selected.

If any potential award recipient is found to be ineligible, has not complied with these *Official Rules, Terms, and Conditions,* or declines the applicable prize for any reason prior to award, such potential prize winner will be disqualified. An alternate winner may be selected, or the applicable prize may go unawarded.

Attendance

To maintain eligibility, entrants deemed eligible after the first round submission phase are required to participate in Challenge activities organized by the Department and Luminary Labs, which include the CTE Makeover Bootcamp. If an eligible entrant is unable to participate in any mandatory activities, the entrant will no longer be eligible to win the Challenge. Eligible entrants opting to participate in the CTE Makeover Bootcamp are required to participate in these events at their own expense. Entrants not attending the live introductory Webinar will be given access to the archived Webinar following the event. Entrants not participating in, or watching the archived version of the introductory Webinar before the end of the CTE Makeover Bootcamp phase will not be permitted to enter a second round submission. Award recipients are invited to attend the World Maker Faire on October 1st and 2nd, 2016 in New York City at their own expense.

Dates/Deadlines

The Department reserves the right to modify any dates or deadlines set forth in these *Official Rules, Terms, and Conditions* or otherwise governing the Challenge.

Challenge Termination

The Department reserves the right to suspend, postpone, cease, terminate, or otherwise modify this Challenge, or any entrant's participation in the Challenge, at any time at the Department's discretion.

General Liability Release

By participating in the Challenge, each entrant hereby agrees that—

(a) The Department and Luminary Labs shall not be responsible or liable for any losses, damages, or injuries of any kind (including death) resulting from participation in the Challenge or any Challenge-related activity, or from entrants' acceptance, receipt, possession, use, or misuse of any prize; and

(b) The entrant will indemnify, defend, and hold harmless the Department and Luminary Labs from and against all third party claims, actions, or proceedings of any kind and from any and all damages, liabilities, costs, and expenses relating to, or arising from, the entrant's participation in the Challenge.

Without limiting the generality of the foregoing, the Department and Luminary Labs are not responsible for incomplete, illegible, misdirected, misprinted, late, lost, postage-due, damaged, or stolen entries or prize notifications; or for lost, interrupted, inaccessible, or unavailable networks, servers, satellites, Internet Service Providers, Web pages, or other connections; or for miscommunications, failed, jumbled, scrambled, delayed, or misdirected computer, telephone, cable transmissions or other communications; or for any technical malfunctions, failures, difficulties, or other errors of any kind or nature; or for the incorrect or inaccurate capture of information, or the failure to capture any information.

These *Official Rules, Terms, and Conditions* cannot be modified except by the Department in its sole and absolute discretion. The invalidity or unenforceability of any provision of these *Official Rules, Terms, and Conditions* shall not affect the validity or enforceability of any other provision. In the event that any provision is determined to be invalid or otherwise unenforceable or illegal, these *Official Rules, Terms, and Conditions* shall otherwise remain in effect and shall be construed in accordance with their terms as if the invalid or illegal provision were not contained herein.

Exercise

The failure of the Department to exercise or enforce any right or provision of these *Official Rules, Terms, and Conditions* shall not constitute a waiver of such right or provision.

Governing Law

All issues and questions concerning the construction, validity, interpretation, and enforceability of these *Official Rules, Terms, and Conditions* shall be governed by and construed in accordance with U.S. Federal law as applied in the Federal courts of the District of Columbia if a complaint is filed by any party against the Department, and the laws of the State of New York as applied in the New York state courts in New York City if a complaint is filed by any party against Luminary Labs.

Privacy Policy

By participating in the Challenge, each entrant hereby agrees that occasionally, the Department and Luminary Labs may also use the entrant's information to contact the entrant about Federal Challenge and innovation related activities, and

acknowledges that the entrant has read and accepted the privacy policy at: *www.CTEMakeoverChallenge.com/privacy.*

Additional Terms That Are Part of the Official Rules, Terms, and Conditions

Please review the Luminary Lightbox™ Terms of Service at *www.LuminaryLightbox.com/terms* for additional rules that apply to participation in the Challenge and more generally to use of the Challenge Web page. Such Terms of Service are incorporated by reference into these *Official Rules, Terms, and Conditions.* If there is a conflict between the Terms of Service and these *Official Rules, Terms, and Conditions,* the latter terms shall control with respect to this Challenge only.

Participation in the Challenge constitutes an entrant's full and unconditional agreement to these *Official Rules, Terms, and Conditions.* By entering, an entrant agrees that all decisions related to the Challenge that are made pursuant to these *Official Rules, Terms, and Conditions* are final and binding, and that all such decisions are at the sole discretion of the Department and/or Luminary Labs.

Luminary Labs collects personal information from entrants to the Challenge. The information collected is subject to the privacy policy located here: *www.LuminaryLightbox.com/privacy.*

List of Award Recipients/Official Rules/Contact

To obtain a list of award recipients (after the conclusion of the Challenge) or a copy of these Official Rules, Terms, and Conditions, send a self-addressed envelope with the proper postage affixed to: Luminary Labs, 30 West 22nd St., Floor 6, New York, NY, 10010. Please specify ''Awards List'' or ''Official Rules'' and the name of the specific Challenge in this request.

Please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, should you have any comments or questions about these *Official Rules, Terms, and Conditions.*

X. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 3, 2016.

Johan E. Uvin,

Deputy Assistant Secretary Delegated the Duties of the Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2016–05292 Filed 3–8–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–216–D]

Application To Export Electric Energy; TransAlta Energy Marketing (U.S.) Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: TransAlta Energy Marketing (U.S.) Inc. (Applicant or TEMUS) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 8, 2016.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On May 17, 2011, DOE issued Order No. EA–216–C to TEMUS, which authorized the Applicant to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on May 17, 2016. On February 29, 2016, TEMUS filed an application with DOE for renewal of the export authority contained in Order No. EA–216 for an additional five-year term.

In its application, TEMUS states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that TEMUS proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by TEMUS have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning TEMUS's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–216–D. An additional copy is to be provided directly to Steve Lincoln, TransAlta Energy Marketing (U.S.) Inc., 222 SW Columbia Street, Suite 1105, Portland, OR 97201 and to both Catherine P. McCarthy and Tracey L. Bradley, Bracewell LLP, 2000 K Street NW., Suite 500, Washington, DC 20006.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is

made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on March 3, 2016.

Brian Mills,

Senior Planning Advisor, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2016–05289 Filed 3–8–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Monday, March 28, 2016, 1:00 p.m.–5:00 p.m.

Tuesday, March 29, 2016, 8:30 a.m.–4:30 p.m.

ADDRESSES: Hilton Garden Inn, 1065 Stevens Creek Road, Augusta, GA 30907.

FOR FURTHER INFORMATION CONTACT: James Giusti, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–7684.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

Monday, March 28, 2016

Opening and Agenda Review
Work Plan Update
Combined Committees Session
Order of committees:
- Facilities Disposition & Site Remediation
- Administrative & Outreach
- Nuclear Materials
- Waste Management
- Strategic & Legacy Management

Public Comments
Adjourn

Tuesday, March 29, 2016

Opening, Chair Update, and Agenda Review
Agency Updates
Public Comments
Break
Presentation
Lunch Break
Administrative & Outreach Committee Update
Facilities Disposition & Site Remediation Committee Update
- Understanding Risk: Expressing Concentrations Presentation

Waste Management Committee Update
- Robotics Presentation

Break (with Robotics Demonstration Outside)
Nuclear Materials Committee Update
Strategic & Legacy Management Committee Update
- 2015 and 2016 Performance Metrics Presentation

Public Comments
Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact James Giusti at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact James Giusti's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling James Giusti at the address or phone number listed above. Minutes will also be available at the following Web site: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on March 3, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–05286 Filed 3–8–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 30, 2016—1:00 p.m.–5:15 p.m.

ADDRESSES: Sandia Albuquerque Convention Facilities, 30 Rainbow Road, Ballroom A, Albuquerque, New Mexico 87113.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Approval of Agenda and Meeting Minutes of January 27, 2016
- Old Business
- New Business
- Update from Co-Deputy Designated Federal Officer(s)
- Consideration and Action on Draft Recommendation 2016–02, Budget Priorities
- Presentation on EM Budget, Fiscal Years 2017 and 2018
- Public Comment Period
- Wrap-Up Comments from NNMCAB Members
- Adjourn

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory

committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://energy.gov/em/nnmcab/northern-new-mexico-citizens-advisory-board.*

Issued at Washington, DC, on March 3, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–05287 Filed 3–8–16; 8:45 am]

BILLING CODE 6405–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2011–0855; FRL–9943–41]

Paraquat Dichloride; Proposed Interim Mitigation Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim mitigation decision for paraquat dichloride (paraquat) and opens a public comment period on this proposed interim mitigation decision. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. EPA may pursue mitigation at any time during the registration review process if it finds that a pesticide poses unreasonable adverse effects to human health or the environment. Based on the number and severity of paraquat human health incidents, the EPA believes that the mitigation measures outlined in this proposed interim mitigation decision are necessary to address identified human health risk concerns.

DATES: Comments must be received on or before May 9, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2011–0855, 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 Confidential Business Information (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.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: Marianne Mannix, Chemical Review Manager, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 703–347–0275; email address: *Mannix.marianne@epa.gov.*

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim mitigation decision for paraquat, and opens a 60-day public comment period on the proposed interim mitigation decision. Paraquat is a widely used broad spectrum herbicide for the control of weeds in many agricultural and non-agricultural settings, and is also used as a defoliant on crops, prior to harvest. It is classified as restricted use due to high toxicity. An estimated 1.5 tsp can be lethal if ingested and there is no known antidote. Paraquat dichloride is associated with a disproportionately high number of incidents including accidental ingestions typically leading to fatalities as well as occupational spills, splashes, and leaks resulting in

severe and often damaging dermal or ocular contact. Paraquat is known to be corrosive to skin and eyes. EPA recently reviewed all available incident information and determined that mitigation measures to address these human health risk concerns are necessary. EPA has had some discussions with the paraquat technical registrants that suggest that the mitigation measures could be adopted voluntarily by pesticide manufacturers.

The registration review docket for a pesticide includes earlier documents related to the registration review of the case along with supporting materials for this proposed interim mitigation decision. Following public comment, the Agency will issue a final interim mitigation decision for products containing paraquat. Notwithstanding this action, paraquat is still undergoing registration review. Within the next several years, EPA anticipates conducting comprehensive draft human health and ecological risk assessments for paraquat, followed by a proposed registration review decision, all of which will be posted for public comment.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim mitigation decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for paraquat. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a ''Response to Comments Memorandum'' in the docket. The final interim mitigation decision will explain the effect that any comments had on the final decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www2.epa.gov/pesticide-reevaluation.* Links to earlier documents related to the registration review of paraquat are provided at: *http://www.epa.gov/ingredients-used-pesticide-products/paraquat.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 2, 2016.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2016–05279 Filed 3–8–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0798]

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 May 9, 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: 3060–0798.

Title: FCC Application for Radio Service Authorization; Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form Number: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals and households; Business or other for-profit entities; Not-for-profit institutions; and State, local or tribal government.

Number of Respondents and Responses: 253,320 respondents and 253,320 responses.

Estimated Time per Response: 0.5–1.25 hours.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535 and 554.

Total Annual Burden: 222,055 hours.

Total Annual Cost: $71,306,250.

Privacy Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application

form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety licenses, which are filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority or Developmental License. Respondents are encouraged to submit FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant was the winning bidder in a spectrum auction.

The data collected on FCC Form 601 includes the FCC Registration Number (FRN), which serves as a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission use an FRN.

On July 20, 2015, the Commission released the *Part 1 R&O* in which it updated many of its Part 1 competitive bidding rules (*See Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission's Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures,* Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, FCC 15–80, 30 FCC Rcd 7493 (2015), modified by *Erratum,* 30 FCC Rcd 8518 (2015) (*Part 1 R&O*)). Of relevance to the information collection at issue here, the Commission: (1) Implemented a new general prohibition on the filing of auction applications by entities controlled by the same individual or set of individuals (but with a limited exception for qualifying rural wireless partnerships); (2) modified the eligibility requirements for small business benefits, and updated the standardized schedule of small business sizes, including the gross revenues thresholds used to determine eligibility; (3) established a new bidding credit for eligible rural service providers; (4) adopted targeted attribution rules to prevent the unjust enrichment of ineligible entities; and (5) adopted rules prohibiting joint bidding arrangements with limited exceptions. The updated Part 1 rules apply to applicants seeking licenses and permits.

Additionally, on June 2, 2014 the Commission released the *Mobile Spectrum Holdings R&O,* in which the Commission updated its spectrum screen and established rules for its upcoming auctions of low-band spectrum. Of relevance to the information collection at issue here, the Commission stated that it could reserve spectrum in order to ensure against excessive concentration in holdings of below-1–GHz spectrum (*In the Matter of Policies Regarding Mobile Spectrum Holdings, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* FCC 14–63, Report and Order, 29 FCC Rcd 6133, 90 ¶ 135 (2014) (*Mobile Spectrum Holdings R&O*). *See also Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding,* Public Notice, 30 FCC Rcd 11034, Appendix 3 (WTB 2015); *Wireless Telecommunications Bureau Releases Updated List of Reserve-Eligible Nationwide Service Providers in each PEA for the Broadcast Incentive Auction,* Public Notice, AU No. 14–252 (WTB 2016).

The Commission seeks approval for revisions to its previously approved collection of information under OMB Control Number 3060–0798 to permit the collection of the additional information for Commission licenses and permits, pursuant to the rules and information collection requirements adopted by the Commission in the *Part 1 R&O* and the *Mobile Spectrum Holdings R&O.* As part of the collection, the Commission is seeking approval for the information collection and recordkeeping requirements associated with 47 CFR 1.2210(j), 1.2112(b)(2)(iii), 1.2112(b)(2)(v), 1.2112(b)(2)(vii), and 1.2112(b)(2)(viii). Also, in certain circumstances, the Commission requires the applicant to provide copies of their agreements and/or submit exhibits.

In addition, the Commission seeks approval for various other, non-substantive editorial/consistency edits and updates to FCC Form 601 that correct inconsistent capitalization of words and other typographical errors, and better align the text on the form with the text in the Commission rules both generally and in connection with recent non-substantive, organizational amendments to the Commission's rules.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 601 to revise FCC Form 601 accordingly.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–05274 Filed 3–8–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012394.

Title: CMA CGM/APL Asia-U.S. West Coast Space Charter Agreement.

Parties: CMA CGM S.A. and APL Co. Pte. Ltd./American President Lines, Ltd. (collectively ''APL'').

Filing Party: Draughn B. Arbona, Esq; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The agreement authorizes CMA CGM to charter space to APL in the trade between the U.S. West Coast on the one hand, and China and Japan, on the other hand.

By Order of the Federal Maritime Commission.

Dated: March 4, 2016.

Karen V. Gregory,

Secretary.

[FR Doc. 2016–05276 Filed 3–8–16; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SUNSHINE ACT NOTICE

March 7, 2016.

TIME AND DATE: 10:00 a.m., Thursday, March 23, 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. *Knight Hawk Coal, LLC,* Docket Nos. LAKE 2014–121–R, et al. (Issues include whether the Judge erred in affirming an unwarrantable failure finding in connection with a fatality involving a continuous miner operator.)

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. 2016–05365 Filed 3–7–16; 11:15 am]

BILLING CODE P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

March 7, 2016.

TIME AND DATE: 10:00 a.m., Thursday, March 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 consider and act upon the following in open session: *Secretary of Labor* v. *Knight Hawk Coal, LLC,* Docket Nos. LAKE 2014–121–R, *et al.* (Issues include whether the Judge erred in affirming an unwarrantable failure finding in connection with a fatality involving a continuous miner operator.).

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. 2016–05366 Filed 3–7–16; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

March 7, 2016.

TIME AND DATE: 11:00 a.m., Thursday, March 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 consider and act upon the following in open session: *Secretary of Labor* v. *CAM Mining, LLC,* Docket Nos. KENT 2013–196, *et al.* (Issues include whether the Judge erred in interpreting the preshift examination standard.).

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. 2016–05362 Filed 3–7–16; 11:15 am]

BILLING CODE 6735–01–P

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 24, 2016.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Dick D. Behl,* Scotland, South Dakota; to retain voting shares of Scotland Holding Company, and thereby indirectly retain voting shares of Farmers & Merchants State Bank, both in Scotland, South Dakota.

Board of Governors of the Federal Reserve System, March 4, 2016.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2016–05238 Filed 3–8–16; 8:45 am]

BILLING CODE 6210–01–P

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 24, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Robert Greco, together with Gian Greco, both of Wayne, Illinois; Pasquale Greco, Francesca Greco, Jaffe, and Eduardo Greco,* all of Saint Charles, Illinois; as a group acting in concert, to acquire voting shares of STC Bancshares Corp., and thereby indirectly acquire voting shares of STC Capital Bank, Saint Charles, Illinois.

Board of Governors of the Federal Reserve System, March 4, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–05216 Filed 3–8–16; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0083; Docket 2015–0055; Sequence 31]

Submission for OMB Review; Qualification Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of reinstatement request for an information collection requirement regarding an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Qualification Requirements. A notice was published in the **Federal Register** at 80 FR 78233 on December 16, 2015. No comments were received.

DATES: Submit comments on or before April 8, 2016.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0083, Qualification Requirements''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0083, Qualification Requirements'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0083, Qualification Requirements.

Instructions: Please submit comments only and cite Information Collection 9000–0083, Qualification Requirements, in all correspondence related to this collection. 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,* 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: Mr. Charles Gray, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 703–795–6328 or *charles.gray@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR subpart 9.2 and the associated clause at FAR 52.209–1, implement the statutory requirements of 10 U.S.C. 2319 and 41 U.S.C. 3311, which allow an agency to establish a qualification requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract. Under the qualification requirements, an end item, or a component thereof, may be required to be prequalified.

The clause at FAR 52.209–1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). This eliminates the need for an offeror to provide new information when the offeror, manufacturer, source, product or service covered by qualification requirement has already met the standards specified by an agency in a solicitation.

The contracting officer uses the information to determine eligibility for award when the clause at 52.209–1 is included in the solicitation. Alternatively, items not yet listed may be considered for award upon the submission of evidence of qualification with the offer.

B. Annual Reporting Burden

Respondents: 7,998.
Responses per Respondent: 5.
Annual Responses: 39,990.
Hours per Response: 1.0.
Total Burden Hours: 39,990.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology. *Obtaining Copies of Proposals:* Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0083, Qualification Requirements, in all correspondences.

Dated: March 3, 2016.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2016–05205 Filed 3–8–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0078]; [Docket 2016–0053; Sequence 14]

Information Collection; Make-or-Buy Program

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an information collection requirement for an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information

collection requirement concerning the Make-or-Buy Program.

DATES: Submit comments on or before May 9, 2016.

ADDRESSES: Submit comments identified by Information Collection 9000–0078, Make-or-Buy Program, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0078, Make-or-Buy Program''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0078, Make-or-Buy Program'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0078, Make-or-Buy Program.

Instructions: Please submit comments only and cite Information Collection 9000–0078, Make-or-Buy Program, in all correspondence related to this collection. 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,* 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: Mr. Edward Loeb, Procurement Analyst, Office of Acquisition Policy, GSA, 202–501–0650 or via email at *edward.loeb@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Price, performance, and/or implementation of socio-economic policies may be affected by make-or-buy decisions under certain Government prime contracts. Accordingly, FAR 15.407–2, Make-or-Buy Programs:

(i) Sets forth circumstances under which a Government contractor must submit for approval by the contracting officer a make-or-buy program, *i.e.,* a written plan identifying major items to be produced or work efforts to be performed in the prime contractor's facilities and those to be subcontracted;

(ii) Provides guidance to contracting officers concerning the review and approval of the make-or-buy programs; and

(iii) Prescribes the contract clause at FAR 52.215–9, Changes or Additions to Make-or-Buy Programs, which specifies the circumstances under which the contractor is required to submit for the contracting officer's advance approval a notification and justification of any proposed change in the approved make-or-buy program.

The information is used to assure the lowest overall cost to the Government for required supplies and services.

B. Annual Reporting Burden

Respondents: 150.

Responses Per Respondent: 3.

Total Responses: 450.

Hours per Response: 8.

Total Burden Hours: 3,600.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0078, Make-or-Buy Program, in all correspondence.

Dated: March 3, 2016.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2016–05204 Filed 3–8–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–16CM]

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.* 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

The Cooperative Re-engagement Controlled Trial (CoRECT)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Division of HIV/AIDS Prevention (DHAP) requests a new three year OMB approval for information collection for a new research study entitled ''The Cooperative Re-engagement Controlled Trial (CoRECT)''. The purpose of the study is to evaluate a combined health department and clinic intervention to improve engagement in HIV care. Increasing the number of people living with HIV who access HIV care and achieve viral load suppression addresses one of the priorities of the National HIV/AIDS Strategy. The data collection is authorized under the Section 301 of the Public Health Service Act (42 U.S.C. 241).

The CoRECT Study data collection is comprised of six core components: 1. Electronic clinic data abstraction (Electronic Medical Record (EMR) abstraction will be conducted by project clinic staff at each project clinic to develop the clinic-based ''Out of Care'' list;) 2. electronic surveillance data abstraction (Electronic surveillance data abstraction will be conducted by project health department staff at each health department to develop the health department based ''Out of Care'' list); 3. a ''Barriers to Care'' survey (These surveys will provide information regarding barriers to accessing healthcare (*e.g.,* transportation, financial assistance, housing, substance abuse services, etc.)); 4. a ''Standard of Care'' survey (Investigators will administer this survey to clinic managers, at baseline and every six months during the study period to assess how the delivery of health services has evolved over time); 5. a Participant Eligibility Disposition form (a listing of potential out-of-care patients will be reviewed to determine those who appear to be out-of-care, as determined by study eligibility, versus those who meet criteria for exclusion); and 6. a Case Conference form (project health department staff will determine if potentially eligible patients met criteria for inclusion in the study and if so randomization will occur). Prospective data collection will provide information about participant's baseline characteristics including sex, race/ethnicity, HIV exposure risk category, CD4 and viral load test results, date of first clinic visit, and insurance status.

HIV antiretroviral therapy (ART) can durably suppress the plasma HIV viral load, which improves individual survival and dramatically reduces further HIV transmission. Increasing the number of people living with HIV who access HIV care and achieve viral load suppression is a priority of the National HIV/AIDS Strategy. Within the continuum of HIV care in the United States, improvements in linkage to and retention in effective care provide the greatest opportunity to improve rates of HIV viral suppression. It is estimated that of the 1.2 million persons living with HIV in 2011, only 40% were engaged in HIV medical care and only 30% achieved viral suppression.

HIV clinical trials with enhanced case management have demonstrated that interventions provided by the health department can improve linkage to HIV care and interventions provided by the clinic can improve retention in HIV care. Although linkage to care has improved in many health department jurisdictions, being linked to care is not enough. There is a need to ensure that: (i) People diagnosed with HIV and linked to care are engaging medical care (*i.e.,* attending their enrollment appointment and returning for follow-up medical appointments); and (ii) people who have disengaged from HIV care (*i.e.,* have missed medical appointments and have not been seen in clinic for more than 6 months) are able to efficiently re-engage in care. There have been no randomized controlled studies using a Data-to-Care approach to identify and re-engage out of care persons. Controlled studies such as the CoRECT study are critical to determine the effectiveness of HIV prevention interventions.

The CoRECT study is a randomized controlled trial that seeks to establish a data-sharing partnership between health departments and HIV care clinical providers to identify HIV-infected persons who are out of care and evaluate an intervention that aims to have randomized participants: (a) Link to an HIV clinic; (b) remain in HIV medical care; (c) achieve HIV viral load suppression within 12 months; and (d) achieve durable HIV viral load suppression over 18 months.

The study is funded by CDC through cooperative agreements with the Connecticut State Department of Public Health (in collaboration with Yale University School of Medicine), the Massachusetts State Department of Public Health, and the Philadelphia Department of Public Health. The total burden hours are 1,731.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
CoRECT Study Coordinator	Electronic transmittal of surveillance variables.	3	4	1
Clinic Data Manager	Electronic transmittal of clinical variables	46	4	1
CoRECT Study Participants	Barriers to Care Survey	1,200	1	30/60
Clinical Nurse Coordinator	Standard of Care Survey	46	2	45/60
Clinic Data Manager	Case Conference Session	46	12	1
CoRECT study Coordinator (health department).	Case Conference Session	3	12	1
CoRECT Study Coordinator (health department).	Participant Eligibility Disposition form	3	12	1
Clinic data manager	Cost analysis form—baseline	46	1	1
CoRECT Study Coordinator	Start-up cost analysis form—Health department.	3	1	1
Clinic Data Manager	Start-up Cost Analysis form—Clinic	46	1	1
CoRECT Study Coordinator	Annual Costs Analysis form-Health department.	3	2	1.5
Clinic Data Manager	Annual Costs Analysis form—Clinic	46	2	1.5

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. 2016–05235 Filed 3–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) DD 16–001, Centers for Autism and Developmental Disabilities Research and Epidemiology (CADDRE): Study to Explore Early Development (SEED) 3.

Time and Date: 10:00 a.m.–6:00 p.m., EDT, April 7, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''FOA DD16–001, Centers for Autism and Developmental Disabilities Research and Epidemiology (CADDRE): Study to Explore Early Development (SEED) 3''.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–05266 Filed 3–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA), DP 16–002, Michigan Lupus Epidemiology and Surveillance (MILES) Program Longitudinal Cohort Study.

Time and Date: 11:00 a.m.–6:00 p.m., EDT, April 5, 2016 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''FOA DP16–002, Michigan Lupus Epidemiology and Surveillance (MILES) Program Longitudinal Cohort Study''.

Contact Person for More Information: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, kva5@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–05267 Filed 3–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 2:00–4:00 p.m., EDT, March 28, 2016.

Place: Teleconference.

Status: The meeting is open to the public; the toll free dial in number is 1–877–951–7311 with a pass code of 7972741.

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the Director, OID; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

Matters for Discussion: Topics to be discussed during the teleconference include administrative/budget issues, current emerging infectious disease outbreak responses, and reports from recent program meetings.

The agenda and any supplemental material will be available at *www.cdc.gov/oid/BSC/meetingschedule.html* after March 20.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Robin Moseley, M.A.T., Designated Federal Officer, OID, CDC, 1600 Clifton Road NE., Mailstop D10, Atlanta, Georgia 30333, Telephone: (404) 639–4461.

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. 2016–05265 Filed 3–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—State, Tribal, Local and Territorial (STLT) Subcommittee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

Time and Date: 11:30 a.m.–1:00 p.m. EDT, April 08, 2016.

Place: This meeting will be held by teleconference.

Status: This meeting is open to the public, limited only by the availability of telephone ports. The public is welcome to participate during the public comment, which is tentatively scheduled from 12:40 p.m. to 12:45 p.m. To participate on the teleconference, please dial (888) 233–0592 and enter code 33288611.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategies and future needs and challenges faced by State, Tribal, Local and Territorial health agencies, and will provide guidance on opportunities for CDC.

Matters for Discussion: The STLT Subcommittee members will discuss progress on implementation of ACD-adopted recommendations related to the health departments of the future, additional developments that may expand these recommendations, and how CDC can best support STLT health departments.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: John Auerbach, MBA, Designated Federal Officer, STLT Subcommittee, ACD, CDC, 4770 Buford Highway, MS E70, Atlanta, Georgia 30341, Telephone (404) 498–0300, Email: *OSTLTSDirector@cdc.gov.* Please submit comments to *OSTLTSDirector@cdc.gov* by April 1, 2016.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–05264 Filed 3–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Evaluation of Domestic Human Trafficking Demonstration Projects.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing a 2-year data collection as part of the ''Evaluation of Domestic Human Trafficking Demonstration Projects'' study. This notice addresses the cross-site process evaluation to be conducted with the FY 2015 domestic human trafficking demonstration sites funded by the Family and Youth Services Bureau (FYSB).

The objective of the process evaluation is to describe program operations and implementation experience, such as start-up efforts, service provision to a wide array of trafficking victims, collaboration development, training, and sustainability actions. Information from the evaluation will assist federal, state, and community policymakers and funders in laying the groundwork for the refinement of program models to serve domestic victims of human trafficking, as well as evaluation strategies for future programs targeting trafficking victims.

The evaluation of domestic human trafficking demonstration projects will document and describe each site's community and organizational capacity; partnership composition and functioning; comprehensive, victim-centered services; and survivor characteristics, experiences, and outcomes. Primary data for the evaluation will be collected via qualitative interviews, including key informant interviews, case narrative interviews, client interviews, bimonthly telephone interviews, and cost modules (*i.e.,* structured interviews with project directors to collect information on costs). Data will be collected via two site visits per year, during 2016 and 2017. Case narrative interviews will include follow up interviews. Interviews from multiple perspectives will enhance the government's understanding of strategies by which grantees can identify, engage and serve diverse populations of victims of severe forms of human trafficking.

Respondents: Project directors and case managers at the three FY 2015 FYSB funded demonstration projects; staff (*e.g.,* program managers and directors) from partner organizations that are working with the three FY 2015 FYSB-funded demonstration projects; and clients who have received services from the three FY 2015 FYSB-funded demonstration projects.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Project Director Interview	6	3	1	2	6
Case Manger Interview	30	15	1	1.25	19
Partner Interviews	30	15	1	1.25	19
Case Narrative Interview	30	15	1	1	15
Client Interview	30	15	1	1	15
Human Trafficking Evaluation Cost Module/Human Trafficking Evaluation Labor Module	6	3	1	1	3
Bi-monthly Project Director Calls	6	3	1	6	18

Estimated total annual burden hours: 95.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

ACF Certifying Officer.

[FR Doc. 2016–05240 Filed 3–8–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1180]

Ensuring Safety of Animal Feed Maintained and Fed On-Farm; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry (GFI) # 203 entitled ''Ensuring Safety of Animal Feed Maintained and Fed On-Farm.'' This guidance is intended to help animal producers (persons who feed animals) develop and implement on-farm practices to ensure the safety of animal feed maintained and fed to animals on the farm.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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–2014–D–1180 for ''Ensuring Safety of Animal Feed Maintained and Fed On-Farm.'' 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.

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Phares Okelo, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5921, email: *phares.okelo@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 20, 2015 (80 FR 15014), FDA published the notice of availability for a draft GFI #203 entitled ''Ensuring Safety of Animal Feed Maintained and Fed On-Farm'' giving interested persons until June 3, 2015, to comment on the draft guidance. FDA received several comments on the

draft guidance and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated March 2015.

II. Significance of Guidance

This level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ensuring safety of animal feed maintained and fed on-farm. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

FDA concludes that there are no collections of information under the Paperwork Reduction Act of 1995.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *http://www.regulations.gov.*

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05222 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA 2016–N–0001]

Tenth Annual Drug Information Association/Food and Drug Administration Statistics Forum—2016; Public Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA), in co-sponsorship with the Drug Information Association (DIA), is announcing a public conference entitled ''Tenth Annual DIA/Food and Drug Administration Statistics Forum—2016.'' This public conference is intended to be an open forum for the timely discussion of topics of mutual theoretical and practical interest to statisticians and clinical trialists who develop and review new drugs and biologics. A primary focus for this public conference will be to establish an ongoing dialogue between industry and regulatory Agencies—emphasizing the regulatory and statistical challenges associated with innovative approaches to the design and analysis of clinical trials and measuring the progress being made in designing and implementing innovative solutions.

DATES: The main meeting will be held over 3 days: April 25, 2016, from 1 p.m. to 5:30 p.m.; April 26, 2016, from 8:30 a.m. to 5 p.m.; and April 27, 2016, from 8:30 a.m. to 3:30 p.m. On April 25, there will also be pre-meeting tutorials from 8:30 a.m. to 12 p.m. and a scientific working group session from 5:40 p.m. to 7 p.m.

ADDRESSES: The meeting will be held at the Marriott Bethesda North Hotel and Conference Center, 5701 Marinelli Rd., North Bethesda, MD 20852, 301–822–9200.

FOR FURTHER INFORMATION CONTACT: Meredith Kaganovskiy, DIA, 800 Enterprise Rd., Horsham, PA 19044, 215–442–6117, *Meredith.Kaganovskiy@DIAglobal.orgM*; or Stephen Wilson, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 3630, Silver Spring, MD 20993–0002, 301–796–0579, *Stephen.Wilson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA and DIA will sponsor an open public discussion between industry, academia, contract research organizations, regulatory scientists, and other parties on topics related to the innovative statistical methodologies and quantitative approaches used by sponsors to provide evidence for the approval of new therapies.

The forum will provide a unique opportunity for all of the relevant stakeholders to collaboratively describe the issues and discuss appropriate solutions. It is important that all of the stakeholders examine their roles in making the necessary changes and improvements in the framework used to develop evidence for the regulatory decisions and work to foster a mutual understanding of relevant scientific issues and challenges.

The conference will benefit FDA by enhancing communication with the broader statistical community.

The goals of the program are as follows:

- Explore and implement innovative statistical solutions to important issues associated with the quantitative evidence needed for the regulatory review of therapeutic drugs and biologics
- Describe the application of statistical methodologies and thinking regarding the development of new therapeutic biologics and drugs
- Assess the impact of regulations and guidance on statistical practice
- Discuss ideas for improving the communication between industry statisticians and regulatory reviewers

A description of the planned activities of the working groups can be found at *http://www.diaglobal.org/en/conference-listing/meetings/2016/04/dia-fda-statistics-2016-forum.*

II. Registration and Accommodations

A. Registration

There is a registration fee to attend this meeting. The registration fee is to help defray the costs of the event; including meeting facilities, program materials, refreshments, staff time and administrative overhead, and costs involved in getting speakers to the events; and will not result in any profits. Seats are limited, and registration will be on a first-come, first-served basis. On-site registration will be available to the extent that space is available on the day of the conference. **Please note:** Registration will open at 7:30 a.m. each day.

To register, please complete registration online at *http://www.diaglobal.org/en/conference-listing/meetings/2016/04/dia-fda-statistics-2016-forum/register.* (FDA has verified the Web address, but is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**.) The costs of registration for the different categories of attendees are as follows:

Category	Cost
Industry Representatives	$1,350
Charitable Nonprofit/Academic (Full time)	675
Government (Full time)	405
Tutorial Fees	405

All registrants will be required to pay the applicable fee, with the exception of a limited number of speakers/organizers who will have a complimentary registration.

B. Accommodations

Attendees are responsible for their own hotel accommodations. Attendees making reservations at the Bethesda North Marriot Hotel and Conference Center, 5701 Marinelli Rd., North Bethesda, MD 20852 are eligible for a reduced rate of $199, not including applicable taxes.

The Marriott Bethesda North Hotel and Conference Center has a limited

number of rooms available at the discounted rate of $199 per night until April 1, 2016, or until the block is filled. To receive the reduced rate, hotel reservations must be made with onPeak, *https://compass.onpeak.com/e/72FOR16,* and not directly with the hotel. If you need special accommodations due to a disability, please contact *Stephanie.Ritter@DIAglobal.org* at least 7 days in advance.

Dated: March 3, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05219 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0349]

Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a document entitled ''Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps) Regulated Solely Under Section 361 of the Public Health Service Act and 21 CFR part 1271; Guidance for Industry.'' The guidance document provides establishments that manufacture human cells, tissues, and cellular and tissue-based products (HCT/Ps) for which no premarket submissions are required because they are not also regulated as drugs, devices, and/or biological products, with recommendations for complying with the requirements for investigating and reporting adverse reactions involving communicable disease in recipients of these HCT/Ps. The guidance also provides updated information specific to reporting adverse reactions related to HCT/Ps to supplement the general instructions accompanying the MedWatch mandatory reporting form, Form FDA 3500A. The guidance supplements section XXII of FDA's guidance entitled ''Guidance for Industry: Current Good Tissue Practice (CGTP) and Additional Requirements for Manufacturers of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated December 2011 and supersedes the guidance entitled ''Guidance for Industry: MedWatch Form FDA 3500A: Mandatory Reporting of Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated November 2005. The guidance announced in this notice finalizes the draft guidance of the same title dated February 2015.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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–D–0349 for ''Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products Regulated Solely under Section 361 of the Public Health Service Act and 21 CFR part 1271; Guidance for Industry.'' 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.

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128,

Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Lori J. Churchyard, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps) Regulated Solely under Section 361 of the Public Health Service Act and 21 CFR part 1271; Guidance for Industry.'' The guidance provides establishments that manufacture HCT/Ps, with recommendations for complying with the requirements for investigating and reporting adverse reactions involving communicable disease in recipients of HCT/Ps that are regulated solely under section 361 of the Public Health Service Act (PHS Act) and 21 CFR part 1271 (361 HCT/Ps).

In the **Federal Register** of February 20, 2015 (80 FR 9267), FDA announced the availability of the draft guidance of the same title dated February 2015. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. In addition, editorial changes were made to improve clarity.

The guidance supplements section XXII of FDA's guidance entitled ''Guidance for Industry: Current Good Tissue Practice (CGTP) and Additional Requirements for Manufacturers of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated December 2011 by providing additional recommendations specific to the responsibilities to investigate complaints of adverse reactions concerning 361 HCT/Ps under 21 CFR 1271.160(b)(2), 21 CFR 1271.320 and 21 CFR 1271.350(a)(1) and, supersedes the guidance entitled ''Guidance for Industry: MedWatch Form FDA 3500A: Mandatory Reporting of Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated November 2005. The guidance provides updated information specific to reporting adverse reactions related to HCT/Ps to supplement the general instructions accompanying the MedWatch mandatory reporting form, Form FDA 3500A. The guidance announced in this notice finalizes the draft guidance of the same title dated February 2015.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on Investigating and Reporting Adverse Reactions Related to Human Cells, Tissues, and Cellular and Tissue-Based Products Regulated Solely under Section 361 of the Public Health Service Act and 21 CFR part 1271; Guidance for Industry. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 1271 have been approved under OMB control number 0910–0543; and the collections of information in MedWatch Form FDA 3500A has been approved under OMB control number 0910–0291.

III. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05215 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0049]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 8, 2016.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0732. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Reporting Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke Under the Federal Food, Drug, and Cosmetic Act OMB Control Number 0910–0732—Extension

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) into law. This law amended the Food Drug and Cosmetic Act (the FD&C Act) and granted FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to

protect public health generally and to reduce tobacco use by minors. Section 904(a)(3) of the FD&C Act (21 U.S.C. 387d(a)(3)) required each tobacco product manufacturer or importer, or an agent, to begin reporting to FDA no later than June 22, 2012, ''all constituents, including smoke constituents as applicable, identified by FDA as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product.'' Reports must be by the brand and by quantity in each brand and sub-brand. Section 904(c)(1) of the FD&C Act states that manufacturers of tobacco products not on the market as of June 22, 2009, must also provide information reportable under section 904(a)(3) at least 90 days prior to introducing the product into interstate commerce.

FDA has taken several steps to identify harmful and potentially harmful constituents (HPHCs) to be reported under sections 904(a)(3) and (c)(1) of the FD&C Act, including issuing a guidance discussing FDA's current thinking on the meaning of the term ''harmful and potentially harmful constituent'' in the context of implementing the HPHC list requirement under section 904(e) of the FD&C Act (76 FR 5387, January 31, 2011). The guidance is available on the Internet at *http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm241339.htm.*

In addition, in the **Federal Register** of April 3, 2012 (77 FR 20034), FDA published a notice (the HPHC list notice) announcing the established list of HPHCs as required by section 904(e) of the FD&C Act and describing the criteria we used in identifying the HPHCs for the established list. Previously, FDA sought comment on both the criteria that would be used to identify HPHCs for the established list and a list of chemicals and chemical compounds that met the proposed criteria.

The purpose of the information collection is to collect statutorily mandated information regarding HPHCs in tobacco products and tobacco smoke, by quantity in each brand and sub-brand.

To facilitate the submission of HPHC information, FDA has developed Forms 3787a, 3787b, and 3787c in both paper and electronic formats. Manufacturers or importers, or their agents, may submit information either electronically or in paper format. The FDA eSubmitter tool provides electronic forms to streamline the data entry and submission process for reporting HPHCs. Users of eSubmitter may populate an FDA-created Excel file and import data into eSubmitter. Whether respondents decide to submit reports electronically or on paper, each form provides instructions for completing and submitting HPHC information to FDA. The forms contain fields for company information, product information, and HPHC information. Respondents finished reporting initial HPHC information under section 904(a)(3) in 2012, and this collection of information is in connection with the reporting requirements under section 904(c)(1) of the FD&C Act for tobacco products introduced into interstate commerce after June 22, 2009.

In the **Federal Register** of November 13, 2015 (80 FR 70232), FDA published a 60-day notice requesting public comment on the proposed collection of information. Four comments were received; however, only one was PRA related.

A comment stated that FDA has dramatically underestimated the annual number of responses that will be submitted from tobacco product manufacturers and importers. The comment contended that our estimate does not appear to be based on the Agency's experience with respect to ''new'' tobacco product submissions under section 910 of the FD&C Act.

We have reconsidered our estimates, and agree with what we understand the comment to be saying, that we have not accounted for the submission of the two streamlined alternative substantial equivalent (SE) reports, one for label changes and one for product quantity changes, referred to as the ''Same Characteristics SE Report'' and the ''Product Quantity Change SE Report,'' respectively, and subsequent premarket authorization for a ''new tobacco product'' as defined under section 910(a)(1) of the FD&C Act (21 U.S.C. 387j(a)(1)). Based on FDA data, we estimate between 500 and700 (*i.e.,* approximately 600) new tobacco products annually, as a result of manufacturers and importers submitting these streamlined submissions. We also estimate that the report of HPHC data in connection with these new tobacco products will take approximately 1 hour to prepare and submit. FDA has added a new line in the table for this category of new tobacco products.

A comment also stated that the burden estimated for testing the quantities of HPHCs in cigarette filler and roll-your-own, smokeless, and smoke as 9.42 hours, 12.06 hours and 23.64 hours respectively, per product, has been dramatically underestimated. The comment contends that HPHC testing may more realistically be expected to take 7 to 12 weeks per product. FDA does not agree with this comment. The Agency based its estimates on its understanding as to how long the tests themselves take, as opposed to the length of time between when a manufacturer or importer may first request that a test be done and then receives the test results from an internal or independent laboratory.

Furthermore, a comment stated that the burden estimated for the time required to report HPHC information to the Agency has been underestimated. The comment contends that in one entity's experience, the time required to report on the testing of a cigarette may be expected to take around 200 hours, taking into account the time required to compile the requisite information and to complete, review and edit the associated form.

FDA disagrees with this comment as we believe the estimates for testing the quantities of HPHCs are accurate. Additionally, we note that the comment did not contain any data to support its contention.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Information collected	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Reporting for Section 904(c)(1) Products					
1. Reporting of Manufacturer/Importer Company and Product Information by Completing Submission Forms:					
Cigarette	78	0.79	62	1.82	113
Roll-Your-Own	39	0.21	8	0.43 (26 minutes)	3
Smokeless	52	0.21	11	0.63 (38 minutes)	7

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Information collected	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Total					123
2. Testing of HPHC Quantities in Products:					
Cigarette Filler	78	0.79	62	9.42	584
Roll-Your-Own	39	0.21	8	9.42	75
Smokeless	52	0.21	11	12.06	133
Total					792
3. Testing of HPHC Quantities in Mainstream Smoke:					
Cigarette: International Oraganization for Standardization (ISO) Regimen.	78	0.79	62	23.64	1,466
Cigarette: Health Canada Regimen	78	0.79	62	23.64	1,466
Total					2,932
4. Additional HPHC reports: [2]					
Cigarette Filler	78	2.56	200	1	200
Roll-Your-Own	39	5.12	200	1	200
Smokeless	52	3.84	200	1	200
Total					600
Total Section 904(c)(1) Reporting Burden Hours					4,447

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] HPHC reports for identical products (*e.g.,* under different brand or sub-brand names) in which the HPHC measures will be the same as the original report.

Table 1 contains estimates for new product information received annually under section 904(c)(1) of the FD&C Act. Manufacturers must report HPHC information under section 904(c)(1) of the FD&C Act at least 90 days prior to delivery for introduction into interstate commerce. The total annual burden for this collection of information is estimated to be 4,447 hours. The burden estimate for this collection of information includes the time it will take to test the products and prepare the HPHC report. Table 1 indicates that 169 respondents will submit HPHC reports when new products enter the market.

Section 1 of the table addresses the time required for manufacturers to report their company information. We estimate that the time to report HPHC information is no more than 1.82 hours for cigarettes, 0.42 hours for roll-your-own, and 0.63 hours for smokeless tobacco products for each response regardless of whether the paper or electronic form (Form FDA 3787) is used. (The estimated times to report smokeless tobacco products (0.63 hour) and roll-your-own tobacco products (0.43 hour) are lower than the estimated reporting time for cigarette products because fewer HPHCs are normally reported for these two types of products. The total annual burden for reporting company and product information is 123 hours.

Section 2 of the table addresses the time required for manufacturers to test quantities of HPHCs in their products. The burden hour estimates include the time needed to test the tobacco products, draft testing reports, and draft the report for FDA. For cigarette filler, smokeless, and roll-your-own products, we estimate the burden to be 792 annual burden hours. The burden for each product type reflects our estimate of the time to test the tobacco products (*i.e.,* carry out laboratory work).

In addition to addressing the time required to report information and test quantities of HPHCs in tobacco products, section 3 of table 1 addresses the time required for manufacturers to test quantities of HPHCs in cigarette smoke. The burden estimates include testing the tobacco products, drafting testing reports, and drafting the report for FDA. We estimate the annualized burden for this section to be 2,932 hours. The annual burden reflects our estimate to test the tobacco products (*i.e.,* carry out laboratory work). The burden estimate assumes that manufacturers report HPHC quantities in cigarette mainstream smoke according to the two smoking regimens described in the table.

As stated previously, FDA expects to receive 600 additional HPHC reports at 1 hour per response for a total of 600 hours. The estimated total annual burden for the reporting of HPHC under section 904(c)(1) of the FD&C Act is 4,447 hours.

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05213 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0735]

Agency Information Collection Activities; Proposed Collection; Comment Request; Superimposed Text in Direct-to-Consumer Promotion of Prescription Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on research entitled ''Superimposed Text in Direct-to-Consumer Promotion of Prescription Drugs.'' This study will examine how the size and presentation of superimposed text (supers) influences the comprehension of direct-to-consumer (DTC) television advertisements for prescription drugs.

DATES: Submit either electronic or written comments on the collection of information by May 9, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–0735 for ''Superimposed Text in Direct-to-Consumer Promotion of Prescription Drugs.'' 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.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Superimposed Text in Direct-to-Consumer Promotion of Prescription Drugs—OMB Control Number 0910—NEW

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

The proposed study seeks to extend previous research on the effects of supers in general print and television advertising to today's modern DTC pharmaceutical promotion. Although earlier research on the effects of supers in other consumer settings suggests that altering text size can influence consumer comprehension of information, it is unclear if these findings extend to DTC promotion of prescription drugs and are applicable over 20 years later when viewing promotional materials using today's modern technologies (*e.g.,* tablets). Moreover, other factors such as text/background contrast may also influence both the understanding of the superimposed information (Ref. 1) and the effects of text size. The proposed research seeks to update these earlier findings and also to answer new questions concerning presentation of supers.

Part of FDA's public health mission is to ensure the safe use of prescription drugs; therefore, it is important that the information provided in DTC promotion is clear and understandable for consumer audiences, avoids use of deceptive or misleading claims, and

achieves ''fair balance'' in presentation of benefits and risks. For example, varying presentation formats including type size, bulleting, amount of white space, and use of ''chunking'' or headlines can all influence consumer perceptions of information (Ref. 2). A systematic review of presentation formats in prescription drug labeling found that these ''clear communication'' characteristics positively influenced consumer's comprehension of information and prescription drug behaviors (*i.e.,* adherence) (Ref. 3). In one randomized controlled study, young and older adults were presented with 12 otherwise identical over-the-counter drugs bottled with varied container labels along various dimensions, one of which was text size (7 vs. 10 point). While younger participants performed equally well with both font sizes, elderly populations had significantly reduced recall and comprehension when exposed to the smaller text size (Ref. 4). Another study found that both young and older populations preferred the larger text size and that patients read labels with larger font more rapidly and accurately than labels with smaller font (Ref. 5). Although these studies were specific to prescription drug container labels, it is plausible that the effects of font sizes would be applicable to drug promotion.

Some early research in the late 1980s and 1990s examined the size of supers in print and television advertising topics outside of prescription drugs (Refs. 6, 7, and 8). These studies all generally found that the text size of the super was associated with comprehension, such that the larger text sizes increased understanding of the material (and, conversely, smaller text sizes interfered with comprehension). For example, Foxman and colleagues (Ref. 6) found that whereas ''small'' text size (> ½ inch size) was associated with accurate comprehension for 59 percent of respondents, ''large'' text size (> ½ inch size) was associated with comprehension for 79 percent of respondents. Studies by other researchers (Refs. 7 and 8) found similar patterns such that increasing the text size of supers generally corresponded with increased comprehension.

We know of no studies that have examined other commonly variable factors, such as text/background contrast, that may interact with text size to influence comprehension. Early research on text readability determined that the contrast between text and background has a consistent but small effect. Specifically, while the contrast of color has a small effect (Ref. 9), the contrast in brightness, or luminance, makes the largest difference (Ref. 10). These studies showed that black text on a white background results in the highest readability (Ref. 11), but that other effects of color contrasts are unclear (Ref .1). Some studies have demonstrated that contrast interacts with text size, such that contrast becomes a more important discriminator as the text size decreases (Ref. 12).

The earlier research on supers is limited in their applicability to today's DTC promotion in several ways. None of these studies specifically focused on prescription drug promotion, but rather explored the effects of superimposed text in a variety of social and consumer advertising contexts. Another limitation is that these earlier studies were conducted with populations (*i.e.,* undergraduate students) that are not representative of today's prescription drug users. It is not clear if the effects of supers would translate to older adult populations, who represent the greatest proportion of prescription drug users (Ref. 13). Perhaps most importantly, it is unknown if the effects of supers would be found today, considering the prevalent use of modern technologies, including large (40+ inches) TV screens and personal tablets for online viewing. Our proposed study seeks to address these unanswered questions regarding the use of supers in prescription drug promotion.

II. General Research Questions

1. Does the size of the superimposed text, the contrast behind the superimposed text, and/or the device type influence the noticeability, recall, and perceived importance of the super information?

2. Does the size of the superimposed text, the contrast behind the superimposed text, and/or the device type influence the recall of and attitudes toward the promoted drug?

3. Are there any interaction effects among any combination of independent variables?

III. Design

To test these research questions, we will conduct one randomized controlled study. We will examine reactions to supers in a fictitious DTC prescription drug promotional video on two types of viewing devices with a general population sample. The study design will be a $3 \times 2 \times 2$ factorial design, where participants are randomly assigned to 1 of 12 experimental study arms differentiated by:

- Super text size (small, medium, large);
- Device type (television, tablet);
- Super text contrast (high, low).

TABLE 1—DESIGN AND CELL SIZES FOR MAIN STUDY [1]

Device Type	TV			Tablet			Total
Super Size	Small	Medium	Large	Small	Medium	Large	
Contrast:							
High	106	106	106	106	106	106	636
Low	106	106	106	106	106	106	636
Total	212	212	212	212	212	212	1,272

[1] The sample will be split evenly across 3 cities (Los Angeles, CA; Cincinnati, OH; and Tampa, FL), with 424 participants per city.

For both the pretest and main study, we will work with two market research firms to recruit adult participants and conduct in-person data collection in three U.S. cities: Los Angeles, CA; Cincinnati, OH; and Tampa, FL. In addition to our aim for regional variation, we selected these three cities with the aim of recruiting a sample that is diverse on gender, race/ethnicity, education, and age characteristics.

Participants from the general population will be invited to a market research facility to watch one video for a fictional prescription drug that treats asthma. In-person administration of study procedures will enable us to control the television and tablet watching experience in terms of size, distance, and other variables. Participants will watch the video twice and then answer questions addressing recall of risks and benefits, perceptions of risks and benefits, and questions

regarding the salience of information in text. The questionnaire is available upon request. Participation is estimated to take approximately 20 minutes.

To examine differences between experimental conditions, we will conduct inferential statistical tests such as analysis of variance.

Pretesting will take place before the main study to select super sizes for the main study and to evaluate the procedures and measures that will be used. We will exclude individuals who work in health care or marketing settings because their knowledge and experiences may not reflect those of the average consumer. We conducted a priori power analyses to determine sample sizes for the pretest and the main study.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretesting					
No. to complete the screener (assumes 50% eligible).	338	1	338	0.08 (5 minutes)	27
No. of completes	240	1	240	0.33 (20 minutes)	79
Main Study					
No. to complete the screener (assumes 50% eligible).	1,785	1	1,785	0.08 (5 minutes)	143
No. of completes	1,272	1	1,272	0.33 (20 minutes)	420
Total					669

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

IV. References

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Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05233 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–0712]

Evaluating Respiratory Symptoms in Chronic Obstructive Pulmonary Disease, a Patient-Reported Outcome, for the Measurement of Severity of Respiratory Symptoms in Stable Chronic Obstructive Pulmonary Disease: Qualification for Exploratory Use; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Evaluating Respiratory Symptoms in Chronic Obstructive Pulmonary Disease, a Patient-Reported Outcome, for the Measurement of Severity of Respiratory Symptoms in Stable Chronic Obstructive Pulmonary Disease: Qualification for Exploratory Use.'' This draft guidance provides a statement of qualification for exploratory use for the evaluating respiratory symptoms in chronic obstructive pulmonary disease (E–RS: COPD), a patient-reported outcome instrument, and summarizes the concept of interest and context of use (COU) for which the tool is qualified through the Center for Drug Evaluation

and Research's (CDER's) drug development tool (DDT) qualification program. Qualification for exploratory use of the E–RS: COPD represents a conclusion that within the stated COU, the instrument can be relied on to have a specific interpretation and application in drug development and regulatory review. This draft guidance is an attachment to the guidance for industry entitled ''Qualification Process for Drug Development Tools.''

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by June 7, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–0712 for ''Evaluating Respiratory Symptoms in Chronic Obstructive Pulmonary Disease, a Patient-Reported Outcome, for the Measurement of Severity of Respiratory Symptoms in Stable Chronic Obstructive Pulmonary Disease: Qualification for Exploratory Use; Draft Guidance for Industry; Availability.'' 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.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Elektra Papadopoulos, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6377, Silver Spring, MD 20993–0002, 301–796–0900.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Evaluating Respiratory Symptoms in Chronic Obstructive Pulmonary Disease, a Patient-Reported Outcome, for the Measurement of Severity of Respiratory Symptoms in Stable Chronic Obstructive Pulmonary Disease: Qualification for Exploratory Use.''

In March 2006, FDA issued the ''Critical Path Opportunities Report and List,'' in which FDA described six key areas along the critical path to improved therapies and listed specific opportunities for advancement within these topic areas. The report noted that a new product development toolkit containing new scientific and technical methods was needed to improve the efficiency of drug development.

Innovative and improved DDTs can help streamline the drug development process, improve the chances for clinical trial success, and yield more information about a treatment and/or disease. DDTs include, but are not limited to, biomarkers and clinical outcome assessments (COAs). CDER has developed a formal process, the DDT qualification process, to work with developers of these tools to guide them as they refine the tools and rigorously evaluate them for use in the regulatory context. Once qualified, DDTs will be publicly available for use in any drug development program for the qualified COU. COA DDTs are developed and reviewed using this process when they are intended ultimately for use as primary or secondary endpoints in clinical trials designed to provide substantial evidence of treatment benefit. Upon qualification by CDER, a qualification statement is provided

describing the concept of interest and COU for which the tool is qualified. This draft guidance describes the qualification statement for the E–RS: COPD, a COA DDT.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the qualification for exploratory use of the E–RS: COPD. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05224 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0814]

Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Initial Pediatric Study Plans; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Initial Pediatric Study Plans.'' This draft guidance is intended to provide information to sponsors regarding the submission of an initial pediatric study plan (iPSP) and any amendments to the iPSP as required under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA). This guidance revises the draft guidance entitled ''Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Initial Pediatric Study Plans'' issued July 15, 2013.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 9, 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–2013–D–0814 for ''Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Initial Pediatric Study Plans; Draft Guidance for Industry; Availability.'' 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.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002.

Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Rosemary Addy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6430, Silver Spring, MD 20993–0002, 301–796–1640; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Initial Pediatric Study Plans.'' The purpose of this draft guidance is to assist sponsors in the submission of an iPSP and any amendments to an iPSP. Specifically, this guidance addresses FDA's current thinking regarding the requirement for sponsors to submit an iPSP under section 505B of the FD&C Act (21 U.S.C. 355c) as amended by FDASIA.

This guidance revises the draft guidance entitled ''Pediatric Study Plans: Content of and Process for Submitting Initial Pediatric Study Plans and Amended Pediatric Study Plans'' issued July 15, 2013 (78 FR 42085). Changes made in this draft guidance were based largely on public comments received by FDA on the 2013 draft guidance.

The following topics are addressed in this draft guidance: (1) Who must submit an iPSP; (2) when an iPSP must be submitted; (3) what should be included in an iPSP; (4) what should be included in a requested amendment to an iPSP; (5) the relationship of an agreed iPSP to the requirement to submit a pediatric study plan with a marketing application; (6) what is meant by a non-agreed iPSP; and (7) processes for reaching agreement with FDA on a non-agreed iPSP. This draft guidance also includes a revised template that should be used for submission of an iPSP.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the content of and process for submitting iPSPs and amended iPSPs. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This draft guidance includes information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information referenced in this draft guidance that are related to the burden on the submission of investigational new drug applications are covered under 21 CFR part 312, including plans for pediatric studies under 21 CFR 312.47(b)(1)(iv) and waiver requests under 21 CFR 312.10, and have been approved under OMB control number 0910–0014. The collections of information referenced in this draft guidance that are related to the burden on the submission of new drug applications are covered under 21 CFR part 314, including pediatric use information under 21 CFR 314.50(d)(7) and waiver requests under 21 CFR 314.90, and have been approved under OMB control number 0910–0001. The collections of information referenced in this draft guidance that are related to the burden on the submission of biologics license applications are covered under 21 CFR part 601, including pediatric use information and waiver requests under 21 CFR 601.27, and have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *http://www.regulations.gov.*

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05223 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0511]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medicated Feed Mill License Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information associated with Medicated Feed Mill License Applications.

DATES: Submit either electronic or written comments on the collection of information by May 9, 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–2009–N–0511 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medicated Feed Mill License Application.'' 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.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to 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, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medicated Feed Mill License Application—21 CFR Part 5157—OMB Control Number 0910–0337—Revision

Feed manufacturers that seek to manufacture feed using Category II, Type A medicated articles or manufacture certain liquid and free-choice feed, using Category I, Type A medicated articles that must follow proprietary formulas or specifications are required to obtain a facility license under section 512 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360b). Our regulations in part 515 (21 CFR part 515) establish the procedures associated with applying for a facility license. We require that a manufacturer seeking a facility license submit a completed medicated feed mill license application using Form FDA 3448 (21 CFR 515.10(b)). We use the information submitted to establish that the applicant has made the certifications required by section 512 of the FD&C Act, to register the mill, and to schedule a pre-approval inspection. We have made minor editorial revisions to Form FDA 3448, including the addition of a dedicated field for the submitter's email address in the contact information section. We estimate that the revisions will not change the amount of time necessary to complete the form.

We require the submission of a supplemental medicated feed mill license application for a change in facility ownership or a change in facility address (21 CFR 515.11(b)). If a licensed facility is no longer manufacturing medicated animal feed under 21 CFR 515.23, a manufacturer may request voluntary revocation of a medicated feed mill license. An applicant also has the right to file a request for hearing under 21 CFR 515.30(c) to give reasons why a medicated feed mill license should not be refused or revoked.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section and activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Medicated Feed Mill License Application Using Form FDA 3448 (515.10(b)).	20	1	20	0.25 (15 minutes)	5

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

21 CFR section and activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Supplemental Feed Mill License Application Using Form FDA 3448 (515.11(b)).	40	1	40	0.25 (15 minutes)	10
Voluntary Revocation of Medicated Feed Mill License (515.23).	40	1	40	0.25 (15 minutes)	10
Filing a Request for a Hearing on Medicated Feed Mill License (515.30(c)).	1	1	1	4	4
Total					29

[1] ''There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section and activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of Records for Approved Labeling for Each ''Type B'' and ''Type C'' Feed (510.305).	890	1	890	0.03 (2 minutes)	26.7

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on our experience with medicated feed mill license applications. We estimate that we will receive 20 medicated feed mill license applications, 40 supplemental applications, 40 requests for voluntary revocation, and that these submissions will take approximately 15 minutes per response, as shown in table 1, rows 1 through 3. We estimate that preparing a request for a hearing under 21 CFR 515.30(c) takes approximately 4 hours, as shown in table 1, row 4. In table 2, we estimate that 890 licensees will keep the records required by 21 CFR 510.305 expending a total of 26.7 hours annually.

Dated: March 2, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05214 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0610]

Mass Spectrometry in the Clinic: Regulatory Considerations Surrounding Validation of Liquid Chromatography-Mass Spectrometry Based Devices; 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 ''Mass Spectrometry in the Clinic: Regulatory Considerations Surrounding Validation of Liquid Chromatography-Mass Spectrometry Based Devices.'' The topics to be discussed are the specific analytical and clinical study designs and considerations for validation and use of liquid chromatography/mass-spectrometry (LC/MS)-based in vitro diagnostic devices (IVDs) in the clinical laboratory. The primary focus will be on the validation considerations with protein- and peptide-based LC/MS devices.

DATES: The public workshop will be held on May 2, 2016, from 8:30 a.m. to 5 p.m. Submit either electronic or written comments on the public workshop by April 20, 2016.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 (The Great Room), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential,

if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–0610 for the ''Mass Spectrometry in the Clinic: Regulatory Considerations Surrounding Validation of Liquid Chromatography-Mass Spectrometry Based Devices'' public workshop. 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.

FOR FURTHER INFORMATION CONTACT: Julia Tait Lathrop, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5614, Silver Spring, MD 20993, 240–402–5034, email: *julia.lathrop@fda.hhs.gov.*

I. Background

Innovations in liquid chromatography-mass spectrometry (LC/MS) technology have dramatically improved assay throughput and precision.[1] FDA has cleared and approved several LC/MS- and MS-based devices as diagnostic tests, including assays for screening newborns for metabolic diseases, for identifying microbes from human cultures, and for measuring the concentrations of therapeutic drugs in blood. Currently, however, no LC/MS-based IVDs have been cleared or approved by FDA for measuring proteins and peptides. FDA would like to enhance engagement with the clinical LC/MS community concerning the development and validation of LC/MS-based devices and to work with the community toward developing guidelines for review that will be useful and relevant to both FDA and manufacturers. Prior to the workshop, FDA will place a discussion paper on file in the public docket (docket number found in brackets in the heading of this document) and will post it at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.*

II. Topics for Discussion

This public workshop will consist of brief presentations providing information to frame the goals of the workshop, followed by interactive panel discussions. The presentations will focus on current and anticipated uses for LC/MS and discussions of different validation approaches. Following the presentations, a moderated discussion will ask speakers and additional panelists to provide their individual perspectives. Examples of topics for discussion surrounding the challenges to validation that are specific to LC/MS-based protein and peptide IVDs include:

• Identifying pre-analytical and analytical variables that impact precision and reproducibility;

• Defining methods of normalization, harmonization, and the use of internal standards for quantitation and device calibration;

• Developing quality control materials; and

• Identifying appropriate reference materials and predicate devices.

We are soliciting comments and feedback from the clinical LC/MS community regarding additional topics for FDA to consider. We anticipate that the comments and suggestions generated through this workshop will help facilitate the development of appropriate analytical and clinical validation methods for IVDs. The agenda of the workshop will include time for public comments. These comments can be submitted to the docket prior to the meeting (see **ADDRESSES**).

Registration: Registration is free and early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. Persons interested in attending this public workshop must register online by 4 p.m. on April 22, 2016. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 7:30 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661, *susan.monahan@fda.hhs.gov,* no later than April 15, 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 registration Web page after April 25, 2016. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Requests for Oral Presentations: This public workshop includes a public comment session and topic-focused sessions. During online registration you may indicate if you wish to present during a public comment session or

[1] LC/MS includes high-performance liquid chromatography, HPLC–MS.

participate in a specific session, and which topics you wish to address. FDA has included general topics in this document. FDA will do its best to accommodate requests to make public comments and participate in the focused sessions. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. Following the close of registration, FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by April 24, 2016. All requests to make oral presentations must be received by the close of registration at 4 p.m. on April 22, 2016. If selected for presentation, any presentation materials must be emailed to Julia Tait Lathrop (see **FOR FURTHER INFORMATION CONTACT**) no later than April 29, 2016. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

FDA is holding this public workshop to obtain information on current and anticipated uses for LC/MS as well as different validation approaches. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. For the deadline for submitting comments related to this public workshop, see **DATES**.

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: March 3, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–05220 Filed 3–8–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Reimbursement Rates for Calendar Year 2016

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: Notice is given that the Principal Deputy Director of the Indian Health Service (IHS), under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248 and 249(b)), Public Law 83–568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 *et seq.*), has approved the following rates for inpatient and outpatient medical care provided by IHS facilities for Calendar Year 2016 for Medicare and Medicaid beneficiaries, beneficiaries of other Federal programs, and for recoveries under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653). The Medicare Part A inpatient rates are excluded from the table below as they are paid based on the prospective payment system. Since the inpatient per diem rates set forth below do not include all physician services and practitioner services, additional payment shall be available to the extent that those services are provided.

INPATIENT HOSPITAL PER DIEM RATE (EXCLUDES PHYSICIAN/PRACTITIONER SERVICES)

[Calendar year 2016]

Lower 48 States	$2,655
Alaska	3,335
Outpatient per Visit Rate (Excluding Medicare):	
Lower 48 States	368
Alaska	603
Outpatient Per Visit Rate (Medicare):	
Lower 48 States	324
Alaska	582
Medicare Part B Inpatient Ancillary Per Diem Rate:	
Lower 48 States	637
Alaska	1,082
Outpatient Surgery Rate (Medicare):	
Established Medicare rates for freestanding Ambulatory Surgery Centers..	

Effective Date for Calendar Year 2016 Rates

Consistent with previous annual rate revisions, the Calendar Year 2016 rates will be effective for services provided on/or after January 1, 2016 to the extent consistent with payment authorities including the applicable Medicaid State plan.

Dated: March 3, 2016.

Mary Smith,

Principal Deputy Director, Indian Health Service.

[FR Doc. 2016–05252 Filed 3–8–16; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Closed Meeting

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 meeting.

The meeting 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 Center for Complementary and Integrative Health Special Emphasis Panel; Mind and Body Interventions.

Date: April 8, 2016.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Martina Schmidt, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Complementary and Integrative Health, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–594–3456, *schmidma@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: March 3, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05197 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; A Generic Submission for Formative Research, Pretesting and Customer Satisfaction of NCI's Communication and Education Resources (NCI)

*Summary:*In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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, including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Nina Goodman, Public Health Advisor, Office of Communication and Public Liaison, 9609 Medical Center Drive, RM 2E446 Rockville, MD, 20850 or call non-toll-free number (240) 276–6600 or Email your request, including your address to: *nciocpl@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: A Generic Submission for Formative Research, Pretesting and Customer Satisfaction of NCI's Communication and Education Resources (NCI), 0925–0046, Expiration Date 05/31/2016, REVISION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: As part of NCI's mandate from Congress to disseminate information on cancer research, detection, prevention, and treatment, the Institute develops a wide variety of messages and materials. Testing these messages and materials assesses their potential effectiveness in reaching and communicating with their intended audience while they are still in the developmental stage and can be revised. The formative research and pretesting process thus contributes to maximizing NCI's limited dollar resources for information dissemination and education. NCI also must ensure the relevance, utility, and appropriateness of the many educational programs and products that the Institute produces. Customer satisfaction studies help NCI identify modifications necessary to meet the needs of NCI's various target audiences. Since the previous submission, there have been 10 approved sub-studies with an approved request of just under 1400 burden hours over 2.5 years. Approval is requested for the conduct of multiple studies annually using such methods as interviews, focus groups, and various types of surveys. The content, timing, and number of respondents to be included in each sub-study will vary, depending on the nature of the message/material/program being assessed, the methodology selected, and the target audiences.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 33,000.

ESTIMATED ANNUALIZED BURDEN HOURS

Category of respondents	Form name	Number of respondents	Frequency of response per respondent	Time per response (in hours)	Burden hours
Healthcare Providers and Professionals including those working in health field (e.g., cancer researchers).	Focus Groups, Individual In-Depth Interviews, Brief Interviews, Surveys, Website Usability Testing.	16,500	1	1	16,500
General Public, Cancer Patients, Friends and Families of Patients.	Focus Groups, Individual In-Depth Interviews, Brief Interviews, Surveys, Website Usability Testing.	16,500	1	1	16,500
Totals		33,000	33,000		33,000

Dated: February 23, 2016.

Karla Bailey,

Project Clearance Liaison, National Cancer Institute, NIH.

[FR Doc. 2016–05194 Filed 3–8–16; 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–15–

357: Understanding Alzheimer's Disease in the Context of the Aging Brain.

Date: March 16–17, 2016.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel; Ethical, Legal and Policy Issues in Research on HIV/AIDS and its Co-Morbidities.

Date: March 18, 2016.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shalanda A. Bynum, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HIV/AIDS Innovative Research Applications.

Date: March 24–25, 2016.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301–451–8754, *tuoj@nei.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Bioengineering Sciences.

Date: March 24, 2016.

Time: 2:30 p.m. to 5:00 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: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Nephrology.

Date: March 29, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk, Prevention and Health Behavior.

Date: March 29, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3224, MSC 7808, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pathogenic Eukaryotes and Vectors.

Date: March 29, 2016.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular Biology and Hematology AREA.

Date: March 29, 2016.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@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: March 2, 2016.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05195 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

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 meeting.

The meeting 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 Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; K12 Pediatric Endocrinologist Career Development Program Grant Review.

Date: April 8, 2016.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7347, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05201 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on March

29, 2016. The subject of the meeting will be initiatives in natural experiments for diabetes prevention and control being sponsored by the Centers for Disease Control and Prevention, the National Institute of Diabetes and Digestive and Kidney Diseases, and the Patient-Centered Outcomes Research Institute. The meeting is open to the public.

DATES: The meeting will be held on March 29, 2016 from 1:00 p.m. to 4:30 p.m. Individuals wanting to present oral comments must notify the contact person at least 10 days before the meeting date.

ADDRESSES: The meeting will be held in the NIH campus, 9000 Rockville Pike, Bethesda, MD 20892–2560, Building 31, Conference Room 6C6.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, see the DMICC Web site, *www.diabetescommittee.gov,* or contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The March 29, 2016 DMICC meeting will focus on initiatives in natural experiments for diabetes prevention and control.

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first-come, first-serve basis.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC Web site, *www.diabetescommittee.gov.*

Dated: March 3, 2016.

B. Tibor Roberts,

Executive Secretary, DMICC, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2016–05209 Filed 3–8–16; 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 Meeting

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 meeting.

The meeting 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; Optimizing Care for Patients with Sickle Cell Disease—Data Coordinating Center.

Date: April 1, 2016.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–496–9659, *reillymp@nhlbi.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: March 3, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05199 Filed 3–8–16; 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 Panel: Microbiome in HIV vaccine.

Date: March 31, 2016.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular and Hematology.

Date: April 5, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207,

MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.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: March 3, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05196 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

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 meeting.

The meeting 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 Center for Complementary and Integrative Health Special Emphasis Panel; Chelation Therapy Research.

Date: April 6, 2016.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health; Two Democracy Plaza; 6707 Democracy Boulevard; Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Hungyi Shau, Ph.D.; Scientific Review Officer; National Center for Complementary and Integrative Health; National Institutes of Health; 6707 Democracy Boulevard, Suite 401; Bethesda, MD 20892; 301–480–9504; *Hungyi.Shau@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: March 3, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05198 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: April 8, 2016.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13/U13) April 12–14, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kelly Y. Poe, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 2, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–05200 Filed 3–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0043]

Agency Information Collection Activities: Submission for Review; Information Collection Extension Request for the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act Program

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-day Notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS) is soliciting public comment on the following forms: Registration as a Seller of an Anti-Terrorism Technology (DHS Form 10010); Request for a Pre-Application Consultation (DHS Form 10009); Notice of License of Qualified Anti-Terrorism Technology (QATT) (DHS Form 10003); Notice of Modification of QATT (DHS Form 10002); Application for Transfer of Support Anti-Terrorism by Fostering Effective Technologies Act (SAFETY Act) Designation and Certification (DHS Form 10001); Application for Renewal of SAFETY Act Protections of a QATT (DHS Form 10057); Application for SAFETY Act Developmental Testing and Evaluation Designation (DHS Form 10006); Application for SAFETY Act Designation (DHS Form 10008); Application for SAFETY Act Certification (DHS Form 10007); SAFETY Act Block Designation Application (DHS Form 10005); and SAFETY Act Block Certification Application (DHS Form 10004).

DATES: Comments are encouraged and will be accepted until April 8, 2016.

ADDRESSES: You may submit comments, identified by docket number DHS–2012–0043, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: Rachel.Berne@hq.dhs.gov.* Please include docket number DHS–2012–0043 in the subject line of the message.
- *Mail:* Science and Technology Directorate, ATTN: SAFETY Act, 245 Murray Lane SW., Mail Stop 0202, Washington, DC 20528.

FOR FURTHER INFORMATION CONTACT: *Rachel.Berne@hq.dhs.gov* (202) 254–8643 (Not a toll free number).

SUPPLEMENTARY INFORMATION: DHS S&T provides a secure Web site, accessible through *www.SAFETYAct.gov,* through which the public can learn about the program, submit applications for

SAFETY Act protections, submit questions to the Office of SAFETY Act Implementation (OSAI), and provide feedback. The data collection forms have standardized the collection of information that is both necessary and essential for the DHS OSAI.

The SAFETY Act program promotes the development and use of anti-terrorism technologies that will enhance the protection of the nation and provides risk management and litigation management protections for sellers of QATT and others in the supply and distribution chain. DHS S&T currently has approval to collect information for the implementation of the SAFETY Act program until March 31, 2016. With this notice, DHS S&T seeks approval to renew this information collection for continued use after this date. The SAFETY Act program requires the collection of this information in order to evaluate and qualify Anti-Terrorism Technologies, based on the economic and technical criteria contained in the Final Rule titled, Regulations Implementing the Support Anti-Terrorism by Fostering Effective Technologies Act, for protection in accordance with the Act, and therefore encourage the development and deployment of new and innovative anti-terrorism products and services. The SAFETY Act (6 U.S.C. 441) was enacted as part of the Homeland Security Act of 2002, Public Law 107–296 establishing this requirement. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. chapter 35).

DHS S&T currently has approval to collect information utilizing the Registration of a Seller as an Anti-Terrorism Technology (DHS Form 10010), Request for a Pre-Application Consultation (DHS Form 10009), Notice of License of QATT (DHS Form 10003), Notice of Modification of QATT (DHS Form 10002), Application for Transfer of SAFETY Act Designation and Certification (DHS Form 10001), Application for Renewal of SAFETY Act Protections of a QATT (DHS Form 10057), Application for SAFETY Act Developmental Testing and Evaluation Designation (DHS Form 10006), Application for SAFETY Act Designation (DHS Form 10008), Application for SAFETY Act Certification (DHS Form 10007), SAFETY Act Block Designation Application (DHS Form 10005), SAFETY Act Block Certification Application (DHS Form 10004) until March 31, 2016 with OMB approval number 1640–0001.

The Department is committed to improving its information collection and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Act.

DHS is particularly interested in comments that:

(1) 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;

(2) 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;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Overview of Information Collection

(1) *Type of Information Collection:* Existing information collection.

(2) *Title of the Form/Collection:* SAFETY Act Program.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* DHS S&T, DHS Forms 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, and 10057.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Business entities, associations, and State, local and tribal government entities. Applications are reviewed for benefits, technology/program evaluations, and regulatory compliance.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *Estimate of the total number of respondents:* 950.

b. *An estimate of the time for an average respondent to respond:* 18.2 burden hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 17,300 burden hours.

Dated: March 2, 2016.

Rick Stevens,

Chief Information Officer for Science and Technology.

[FR Doc. 2016–05285 Filed 3–8–16; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Aircraft Operator Security

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-day Notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), OMB control number 1652–0003, abstracted below to the Office of Management and Budget (OMB) for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on November 17, 2015, 80 FR 71817. The ICR describes the nature of the information collection and its expected burden. Aircraft operators must provide certain information to TSA and adopt and implement a TSA-approved security program. These programs require aircraft operators to maintain and update records to ensure compliance with security provisions outlined in 49 CFR part 1544.

DATES: Send your comments by April 8, 2016. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control

number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Aircraft Operator Security.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0003.

Forms(s): N/A.

Affected Public: Aircraft Operators.

Abstract: 49 CFR part 1544 requires aircraft operators to maintain, update, and comply with TSA-approved comprehensive security programs to ensure the safety of persons and property traveling on their flights against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. These programs and related records are subject to TSA inspection. For purposes of consolidating ICRs and streamlining TSA's collections, TSA is seeking to revise its OMB control number, 1652–0003, Aircraft Operator Security, to include the recordkeeping requirement under OMB control number 1652–0006, pertaining to 49 CFR part 1544. OMB control number 1652–0006, Employment Standards, involves the requirement for aircraft operators to maintain records of compliance with part 1544 for selected flight crew and security employees.

Number of Respondents: 622

Estimated Annual Burden Hours: An estimated 2,256,224 hours annually.

Dated: March 3, 2016.

Christina A. Walsh,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2016–05168 Filed 3–8–16; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–12]

30-Day Notice of Proposed Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* April 8, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@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. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on December 15, 2015.

A. Overview of Information Collection

Title of Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties.

OMB Approval Number: 2528–0165.

Type of Request: Revision of currently approved collection.

Form Number: HUD–52695 (HUD LIHTC Database Data Collection Form); HUD–52697 (HUD LIHTC Tenant Data Collection Form).

Description of the need for the information and proposed use: Section 2835(d) of the Housing and Economic Recovery Act, or HERA, (Pub. L. 110–289, approved July 30, 2008) amends Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) to add a new section 36 (codified as 42 U.S.C. 1437z–8) that requires each state agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (low-income housing tax credits or LIHTC) to furnish HUD, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency.

New section 36 requires HUD to establish standards and definitions for the information to be collected by state agencies and to provide states with technical assistance in establishing systems to compile and submit such information and, in coordination with other federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs. In 2010, OMB approved the first collection instrument used for the collection of LIHTC household information (expiration date 05/31/2013). HUD used the previously approved form to collect data on LIHTC tenants in 2010, 2011 and 2012. The form was approved with minor changes in 2013 with an expiration of 6/30/2016. Renewal of this form is required for HUD to remain in compliance with the statute.

Respondents (*i.e.* affected public): State and local LIHTC administering agencies.

Estimated Number of Respondents: 59.

Estimated Number of Responses: 118.

Frequency of Response: Annual.

Average Hours per Response: 48.

Total Estimated Burdens: 2,832 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
52695 (Tenant)	59	1	1	40	2360	$34.02	$80,287
52697 (Property)	59	1	1	8	472	34.02	16,057
Total	.....	.....	.....	48	2,832	.....	96,344

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 comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 24, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–05211 Filed 3–8–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC 00900.L16100000.DP0000 MO4500090953]

Notice of Public Meeting, Eastern Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Eastern Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Eastern Montana Resource Advisory Council meeting will be held on March 24, 2016, in Miles City, Montana. The meeting will start at 8:00 a.m. and adjourn at approximately 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mark Jacobsen, Public Affairs Specialist, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, Montana, 59301; (406) 233–2831; *mjacobse@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member council advises the Secretary of the Interior through the BLM on a variety of planning and management issues associated with public land management in eastern Montana. At this meeting, topics will include: An Eastern Montana/Dakotas District report, Billing Field Office and Miles City Field Office manager reports, a travel management subcommittee report, individual RAC member reports and other issues the council may raise. All meetings are open to the public and the public may present written comments to the council. Each formal RAC meeting will have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2

Diane M. Friez,

Eastern Montana/Dakotas District Manager.

[FR Doc. 2016–05308 Filed 3–8–16; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORM00000.L63100000.HD0000. 16XL1116AF.HAG 16–0094]

Southwest Oregon Resource Advisory Council; Notice of Public Meeting

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, the Bureau of Land Management's (BLM) Southwest Oregon Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on Wednesday, March 23rd from 12:00–5:00 p.m. and March 24th, 2016, from 9:00 a.m.–4:00 p.m. The RAC members will visit Recreational Fee sites and visit completed Secure Rural Schools Title II project locations in Roseburg, Oregon. The Thursday, March 24th meeting will be held at the Roseburg BLM office at 777 NW Garden Valley Blvd., Roseburg, OR 97471. The RAC will review and vote on fee increases for overnight camping and pavilion rentals at its Roseburg District recreation sites. On Thursday, March 24th, the public comment period will occur from 9:00–9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Christina Beslin, Coordinator for the Southwest Oregon RAC, 3040 Biddle Rd., Medford, OR 97504, (541) 618–2371, *cbeslin@blm.gov,* or Jim Whittington, Public Affairs Specialist, 3040 Biddle Rd., Medford, OR 97504, (541) 618–2220, *jwhittin@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The fifteen-member Southwest Oregon RAC was chartered to serve in an advisory capacity concerning the planning and management of the public land

resources located within the BLM's Medford, Roseburg and Lakeview Districts. Members represent an array of stakeholder interests in the land and resources from within the local area and statewide. Planned agenda items include reviewing and voting on Recreation Fee submissions for Roseburg in Southwest Oregon. On the second day members of the public will have the opportunity to make comments to the RAC during a public comment period. All advisory committee meetings are open to the public. Persons wishing to make comments during the public comment period should register in person with the BLM, at the meeting location, proceeding that meeting day's comment period. Depending on the number of persons wishing to comment, the length of comments may be limited. The public may send written comments to the RAC at the Medford District office, 3040 Biddle Rd., Medford, OR 97504. The BLM appreciates all comments.

Genivieve Rasmussen,

Acting Medford Associate District Manager.

[FR Doc. 2016–05321 Filed 3–8–16; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L14400000–BJ0000–16XL1109AF: HAG 16–0095]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

WILLAMETTE MERIDIAN

Oregon

T. 16 S., R. 7 W., accepted November 17, 2015.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

Timothy J. Moore,

Acting, Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2016–05320 Filed 3–8–16; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 167S180110; S2D2S SS08011000 SX064A000 16XS501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0080

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for our Permanent Regulatory Program Requirements—Standards for Certification of Blasters, has been forwarded to the Office of Management and Budget (OMB) for review and approval. This information collection activity was previously approved by OMB and assigned control number 1029–0080. This information collection request describes the nature of the information collection and its expected burden.

DATES: OMB has up to 60 days to approve or disapprove the information collection requests but may respond after 30 days. Therefore, public comments should be submitted to OMB by April 8, 2016, to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Department of the Interior Desk Officer, via email at *OIRA_submission@omb.eop.gov,* or by facsimile to (202) 395–5806. Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please reference 1029–0080 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted the request to OMB to renew its approval for the collection of information found at 30 CFR part 850. OSMRE is requesting a 3-year term of approval for this information collection activity. 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 number for this collection of information is 1029–0080, and may be found in OSMRE's regulations at 30 CFR 850.10.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting

comments on this collection was published on December 22, 2015 (80 FR 79610). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 850—Permanent Regulatory Program Requirements—Standards for Certification of Blasters.

OMB Control Number: 1029–0080.

Summary: The information is used to identify and evaluate new blaster certification programs. Part 850 implements section 719 of the Surface Mining Control and Reclamation Act (SMCRA). Section 719 requires the Secretary of the Interior to issue regulations which provide for each State regulatory authority to train, examine and certify persons for engaging in blasting or use of explosives in surface coal mining operations. Each State that wishes to certify blasters must submit a blasters certification program to OSMRE for approval.

Bureau Form Numbers: None.

Frequency of Collection: Once.

Description of Respondents: State regulatory authorities and Indian tribes.

Total Annual Responses: 1.

Total Annual Burden Hours: 267 hours.

Obligation to Respond: Required in order to obtain or retain benefits.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the places listed in **ADDRESSES**. Please refer to control number 1029–0080 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 3, 2016.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2016–05146 Filed 3–8–16; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–503]

Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel From the Dominican Republic, Seventh Annual Review

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to provide written comments in connection with the Commission's seventh annual review.

SUMMARY: The U.S. International Trade Commission (Commission) has announced its schedule, including deadlines for filing written submissions, in connection with the preparation of its seventh annual review in investigation No. 332–503, Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel from the Dominican Republic, Seventh Annual Review.

DATES:

April 15, 2016: Deadline for filing written submissions.

July 29, 2016: Transmittal of seventh report to House Committee on Ways and Means and Senate Committee on Finance.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions, including statements, and briefs, should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Laura Rodriguez (202–205–3499 or *laura.rodriguez@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: Section 404 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR–CAFTA Act) (19 U.S.C. 4112) required the Secretary of Commerce to establish an Earned Import Allowance Program (EIAP) and directed the Commission to conduct annual reviews of the program to evaluate its effectiveness and make recommendations for improvements. Section 404 of the DR–CAFTA Act authorizes certain apparel articles wholly assembled in an eligible country to enter the United States free of duty if accompanied by a certificate that shows evidence of the purchase of certain U.S. fabric. The term ''eligible country'' is defined to mean the Dominican Republic. More specifically, the program allows producers (in the Dominican Republic) that purchase a certain quantity of qualifying U.S. fabric to produce certain cotton bottoms in the Dominican Republic to receive a credit that can be used to ship a certain quantity of eligible apparel using third-country fabrics from the Dominican Republic to the United States free of duty.

Section 404(d) directs the Commission to conduct an annual review of the program to evaluate the effectiveness of the program and make recommendations for improvements. The Commission is required to submit its reports containing the results of its reviews to the House Committee on Ways and Means and the Senate Committee on Finance. Copies of the Commission's first six annual reviews are available on the Commission's Web site at *www.usitc.gov,* including the sixth annual review, which was published on July 24, 2015 (ITC Publication 4544). The Commission expects to submit its report on its seventh annual review by July 29, 2016.

The Commission instituted this investigation pursuant to section 332(g) of the Tariff Act of 1930 to facilitate docketing of submissions and also to facilitate public access to Commission records through the Commission's EDIS electronic records system.

Written Submissions: Interested parties are invited to file written submissions concerning this seventh annual review. All written submissions should be addressed to the Secretary, and all such submissions should be received no later than 5:15 p.m., April 15, 2016. All written submissions must conform with the provisions of section

201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the paragraph below for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Any submissions that contain confidential business information (CBI) must also conform with the requirements in section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the confidential or non-confidential version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission intends to prepare only a public report in this investigation. The report that the Commission makes available to the public will not contain confidential business information. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel solely for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons in this report. If you wish to have a summary of your position included in an appendix of the report, please include a summary with your written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the report the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: March 3, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–05225 Filed 3–8–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1313 (Preliminary)]

1,1,1,2-Tetrafluoroethane (R–134a) From China; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1313 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of 1,1,1,2-Tetrafluoroethane (R–134a) from China, provided for in subheading 2903.39.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by April 18, 2016. The Commission's views must be transmitted to Commerce within five business days thereafter, or by April 25, 2016.

DATES: *Effective Date:* March 3, 2016.

FOR FURTHER INFORMATION CONTACT: Amy Sherman (202–205–3289), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*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.*

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on March 3, 2016, by the American HFC Coalition and its individual members (Amtrol, Inc., West Warwick, Rhode Island; Arkema, Inc., King of Prussia, Pennsylvania; The Chemours Company FC LLC, Wilmington, Delaware; Honeywell International Inc., Morristown, New Jersey; Hudson Technologies, Pearl River, New York; Mexichem Fluor Inc., St. Gabriel, Louisiana; and Worthington Industries, Inc., Columbus, Ohio) and District Lodge 154 of the International Association of Machinists and Aerospace Workers.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register.** Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons,

or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 9:30 a.m. on Thursday, March 24, 2016, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before Tuesday, March 22, 2016. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 29, 2016, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 4, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–05245 Filed 3–8–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–16–007]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission

TIME AND DATE: March 11, 2016 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000

STATUS: Open to the public

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–556 and 731–TA–1311 (Preliminary) (Truck and Bus Tires from China). The Commission is currently scheduled to complete and file its determinations on March 14, 2016; views of the Commission are currently scheduled to be completed and filed on March 21, 2016.
5. Vote in Inv. No. 731–TA–1269 (Final) (Silicomanganese from Australia). The Commission is currently scheduled to complete and file its determination and views of the Commission on March 23, 2016.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: March 1, 2016.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–05356 Filed 3–7–16; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Specialty Vehicle Institute of America

Notice is hereby given that, on February 5, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Specialty Vehicle Institute of America (''SVIA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Arctic Cat Inc., Thief River Falls, MN; BRP, Inc., Valcourt, QUEBEC; American Honda Motor Corp., Torrance, CA; Kawasaki Motors Corp., U.S.A., Irvine, CA; KYMCO USA, Spartanburg, SC; Polaris Industries Inc., Medina, MN; Textron Inc., Providence, RI; and Yamaha Motor Corporation, U.S.A., Cypress, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SVIA intends to file additional written notifications disclosing all changes in membership.

On October 14, 2005, SVIA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 25, 2005 (70 FR 71172).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05297 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Node.js Foundation

Notice is hereby given that, on February 10, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Node.js Foundation has filed written notifications simultaneously with the

Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Red Hat, Inc., Raleigh, NC; RisingStack, Budapest, HUNGARY; Yahoo, Inc., Sunnyvale, CA; and AppDynamics, Inc., San Francisco, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Node.js Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, Node.js Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 28, 2015 (80 FR 58297).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05283 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Manufacturing Design Innovation Institute

Notice is hereby given that, on January 5, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Digital Manufacturing Design Innovation Institute (''DMDII'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Kentucky Cabinet for Economic Development, Frankfort, KY; Iowa State University, Ames, IA; Northwestern University, Evanston, IL; Rochester Institute of Technology, Rochester, NY; University at Buffalo, The State University of New York, Buffalo, NY; University of Cincinnati, Cincinnati, OH; University of Illinois-Chicago, Chicago, IL; University of Illinois, Urbana-Champaign, IL; University of Louisville, Louisville, KY; University of Michigan, Ann Arbor, MI; University of Nebraska, Lincoln, NE; General Electric, Niskayuna, NY; Lockheed Martin, Bethesda, MD; Rolls-Royce, Indianapolis, IN; Siemens Product Lifecycle Management Software, Plano, TX; The Regents of the University of Colorado, Boulder, CO; Georgia Tech, Atlanta, GA; Missouri University of Science and Technology, Rolla, MO; Oregon State University, Corvallis, OR; Purdue University, West Lafayette, IN; University of Iowa, Iowa City, IA; University of Wisconsin, Madison, WI; Boeing Company, Hazelwood, MO; Caterpillar, Mossville, IL; Deere and Company, Moline, IL; Illinois Tool Works, Glenview, IL; Microsoft, Redmond, WA; Palo Alto Research Center, Palo Alto, CA; Proctor & Gamble, Cincinnati, OH; Arizona State University, Tempe, AZ; Eastern Iowa Community College, Davenport, IA; Indiana University, Bloomington, IN; Mississippi State University, Starkville, MS; Northern Illinois University, DeKalb, IL; Ohio State University, Columbus, OH; Southwest Research Institute, San Antonio, TX; The Pennsylvania State University, University Park, PA; University of Alabama, Birmingham, AL; University of Delaware, Newark, DE; University of Kentucky, Lexington, KY; Vanderbilt University, Nashville, TN; Virginia Polytechnic Institute and State University, Blacksburg, VA; Western Illinois University, Macomb, IL; 3D Systems, Rock Hill, SC; 3Degrees, Chicago, IL; 3rd Dimension, Indianapolis, IN; 4D Technology, Tucson, AZ; Advanced Dimensional Management, Sherwood, OR; Aeroeda, Jacksonville, FL; Alicona Corporation, Barlett, IL; Anark Corporation, Boulder, CO; aPriori Technologies, Concord, IL; Astronautics Corporation of America, Milwaukee, WI; Atlas Tool Works, Lyons, IL; Ausco, Inc., Farmingdale, NY; Authentise, Inc., Moffett Field, CA; Aztecs Plastic Company, Chicago, IL; BAE Systems Land & Armaments, Arlington, VA; Big Kaiser, Hoffman Estates, IL; Bi-Link, Bloomingdale, IL; BlueSwarf LLC, State College, PA; Boston Consulting Group, Boston, MA; Capvidia, New Ulm, MN; CH Tech, Irvine, CA; Chicago Scenic Studios, Chicago, IL; Chicago White Metal Castings, Bensenville, IL; Cisco Systems, Inc., San Jose, CA; Concurrent Technologies Corporation (CTC), Johnstown, PA; Craig Technologies, Cape Canaveral, FL; Crestlight Ventures, Santa Clara, CA; Daqri, Los Angeles, CA; Design Mill, Dubuque, IA: Dynamic Motion Control, Chicago, IL; EDM Department Inc., Bartlett, IL; Erwin Junker Machinery, Inc., Elgin, IL; ESI North America, Farmington Hills, MI; Fellaroy Corporation, Chicago, IL; Fujitsu Network Communications, Inc., Richardson, TX; Galois, Portland, OR; Grainger, Lake Forest, IL; Grant Thornton, Chicago, IL; Graphicast, Jaffrey, NH; Green Dynamics, Costa Mesa, CA; Grote Industries, Harbec, Inc., Ontario, NY; Hyla Soft, Chicago, IL; Imprimis, Inc., Colorado Springs, CO; Industrial Network Systems (INS), Arlington Heights, IL; Integris Group LLC, East Peoria, IL; Intel, Santa Clara, CA; International Technegroup Inc. (ITI), Milford, OH; Isola USA Corp, Chandler, AZ; ITAMCO, Plymouth, IN; ITRI International Inc., San Jose, CA; Lexmark International, Lexington, KY; MakeTime, Lexington, KY; Manufacturing Systems Insights, Inc., Berkeley, CA; Matrix IV, Inc., Woodstock, IL; MetaMorph, Inc., Nashville, TN; Metrologic Group, Wixom, MI; MFG.com, Marietta, GA; Mitutoyo, Aurora, IL; MSC Software Corp., Newport Beach, CA; MSSRC, Hanover Park, IL; Nimbis, McLean, VA; Okuma, Charlotte, NC; OneFire, Peoria, IL; Optimax Systems, Ontario, NY; OptiPro Systems, Ontario, NY; Oshkosh, Oshkosh, WI; PDA LLC, Naperville, IL; PDES, Inc., Newport Coast, CA; ProPlanner, Ames, IA; PTC, Inc., Needham, MA; QuesTek Innovations LLC, Evanston, IL; Raytheon Company, Andover, MA; RCM Industries, Inc., Franklin Park, IL; Renaissance Services Inc., Fairborn, OH; Rockwell Automation, Milwaukee, WI; Sage Clarity LLC, Chicago, IL; Sanmina, San Jose, CA; Shure Inc., Niles, IL; Sivyer Steel Corporation, Bettendorf; IA; SPIRE, Colorado Springs, CO; STEP Tools, Inc., Troy, NY; Strong Oak, Chicago, IL; Superior Joining Technologies, Machesney Park, IL; Tech Mahindra, Mumbai, INDIA; Tech Soft 3D, Inc., Bend, OR; TechSolve, Cincinnati, OH; The Innovation Machine, Chicago, IL; The Lucrum Group, Severna Park, MD; Tucker Innovations Inc., Waxhaw, NC; Twin City Die Castings, Minneapolis, MN; UL LLC, Chicago, IL; Virtual Systems Engineering, Iowa City, IA; Visi-Trak Worldwide, Valley View, OH; Vizrt, Inc., New York, NY; VTOL, Oak Lawn, IL; Wiegel Tool Works, Wood Dale, IL; Wittenstein, Inc., Bartlett, IL; Wrightwood Precision Products, Chicago, IL; Xebax Michigan Network,

St. Clair Shores, MI; Alabama Technology Network, Montgomery, AL; American Foundry Society (AFS), Schaumburg, IL; Association for Manufacturing Technology (AMT), McLean, VA; Bethel New Life, Chicago, IL; Dimensional Metrology Standards Consortium, Inc., Burleson, TX; Diverse Manufacturing Supply Chain Alliance, Rockville, MD; Edison Welding Institute, Inc. (EWI), Columbus, OH; Fabricator and Manufacturers Association, Rockford, IL; George Mason University, Fairfax, VA; Golden Corridor Advanced Manufacturing Partnership (GCAMP), Schaumburg, IL; Heartland Science and Technology Group, Champaign, IL; IPC International, Bannockburn, IL; Manufacturing Renaissance, Chicago, IL; Metropolitan State University of Denver, Denver, CO; MT Connect Institute, McLean, VA; NCMS (National Center for Manufacturing Sciences), Ann Arbor, MI; North American Die Casting Association (NADCA), Arlington Heights, IL; Quad City Manufacturing Laboratory, Rock Island, IL; Rockford Area Economic Development Council (RAEDC), Rockford, IL; Rocky Mountain Technology Alliance, Inc., Colorado Springs, CO; Science Olympiad, Oakbrook Terrace, IL; SME (formally Society of Manufacturing Engineers), Dearborn, MI; Steel Founders Society of America (SFSA), Crystal Lake, IL; The Organization for Machine Automation and Control, Reston, VA; University of Alabama-Huntsville (UAH), Huntsville, AL; Visionary Center for Sustainable Communities, Knoxville, TN; and World Business Chicago (WBC), Chicago, IL.

The general areas of DMDII's planned activities are: DMDII was established as part of the Nationwide Network for Manufacturing Innovation. The objective of DMDII is to significantly advance manufacturing within the United States. The goal of DMDII is to establish a national institute as a resource to focus on complex issues in advanced manufacturing and develop solutions to offset the risk to the U.S. industrial base in adopting these new technologies using a collaborative approach.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05298 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on ROS-Industrial Consortium-Americas

Notice is hereby given that, on January 27, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its Membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Rethink Robotics, Inc., Boston, MA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and RIC-Americas intends to file additional written notifications disclosing all changes in membership or planned activities.

On April 30, 2014, RIC-Americas filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on November 16, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79930).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05302 Filed 3–8–16; 8:45 am]

BILLING CODE

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on February 10, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Data Translation, Inc., Marlboro, MA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on September 8, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2015 (80 FR 58505).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05299 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies

Notice is hereby given that, on January 27, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies (''AC^{2}AT'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its

membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Honda R&D, Tochigi, JAPAN; and John Deere, Waterloo, IA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AC²AT intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, AC²AT filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 30, 2015 (80 FR 24277).

The last notification was filed with the Department on July 27, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 25, 2015 (80 FR 51604).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05282 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on February 10, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Beltronic Industrie-PC AG, Rvdlingen, SWITZERLAND; and Hewlett Packard Enterprise, Houston, TX, have been added as parties to this venture.

Also, Guidetech LLC, Sunnyvale, CA; and Dewetron GmbH, Gramback, AUSTRIA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on November 25, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79931).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05295 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on January 29, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), TeleManagement Forum (''The Forum'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following parties have been added as members to this venture: Bristol is Open, Bristol, UNITED KINGDOM; City of Atlanta, Atlanta, GA; Cominfo Consulting Group Ltd., Moscow, RUSSIA; drop D, Quito, ECUADOR; Eandis, Brusselsesteenweg Melle, BELGIUM; Ecole De Technologie Supérieure (ETS), Montréal, CANADA; Enable, Addington, NEW ZEALAND; Enxoo Sp. z o.o., Warsaw, POLAND; Fraunhofer IAIS, Sankt Augustin, GERMANY; Galileo Software, Carrigtohill, IRELAND; Guangzhou wowotech Co., Ltd., Guangzhou, PEOPLE'S REPUBLIC OF CHINA; HeyStaks, Dublin, IRELAND; Hitachi Data Systems, Santa Clara, CA; Integrated Architectures, LLC, Medway, MA; Intent HQ, London, UNITED KINGDOM; IntJoors Holding AB, Stockholm, SWEDEN; IS Communications Ltd., Bexleyheath, UNITED KINGDOM; Lisbon City Council, Lisbon, PORTUGAL; Maestracom, Nice, FRANCE; Mediaan/abs bv, Heerlen, NETHERLANDS; MHP Americas Inc., Atlanta, GA; Millicom Tigo Bolivia, Santa Cruz, BOLIVIA; Now New Zealand Limited, Onekawa, NEW ZEALAND; NTS New Technology Systems GmbH, Wilhering, AUSTRIA; Pontificia Universidade Catolica de Campinas, Campinas, BRAZIL; POWERACT Consulting, Casablanca, MOROCCO; Sauerborn Management Consulting GmbH, Ueken, SWITZERLAND; Smart Assistant, Vienna, AUSTRIA; Smart Dublin, Dublin, IRELAND; Smart Metropolis, Paris, FRANCE; sse Enterprise Telecoms, Reading, UNITED KINGDOM; Symsoft AB Solutions, Stockholm, SWEDEN; TataSky Ltd., Mumbai, INDIA; Telecom Business Transformers Holding BV, Dordrecht, NETHERLANDS; Telefonica Mexico, Cruz Manca, MEXICO; Telenor Sverige, Karlskrona, SWEDEN; Trisotech, Montreal, CANADA; Tupl, Inc., Snoqualmie, WA; and WSO_2 Telco, Colombo, SRI LANKA.

Also, the following members have changed their names: PT Indosat Tbk to Indosat Ooredoo, Jakarta Pusat, INDONESIA; Indosat to Ooredoo Myanmar, Yangon, MYANMAR; Nawras to Ooredoo Oman, Muscat, OMAN; Wataniya Télécom Algérie S.P.A to Ooredoo Algeria, Alger, ALGERIA; Ooredoo Q.S.C. to Ooredoo Group, Doha, QATAR; Porte Alegre to Prefeitura Municipal de Porto Alegre, Rio Grande do Sul, BRAZIL; and Comverse to Xura, Raanana, ISRAEL.

In addition, the following parties have withdrawn as parties to this venture: 4GOSS, Quebec, CANADA; ABIS & Associates, Chessington, UNITED KINGDOM; Allscripts Healthcare Solutions, Inc., Chicago, IL; Amcom Telecommunications Ltd., Perth, AUSTRALIA; AMT Group, Moscow, RUSSIA; Archimu, Heverlee, BELGIUM; ARRIS Group, Inc., Suwanee, GA; AssuringBusiness Pte Ltd., Singapore, SINGAPORE; Austen Consultancy Services Ltd., Hemel Hempstead, UNITED KINGDOM; BINARY OSS, Santiago, CHILE; Bromium, Cupertino, CA; CBOSS, Moscow, RUSSIA; Cloud Perspectives (a Woodward Systems Inc Company), Nepean, CANADA; Cyan Optics, Petaluma, CA; DANATEQ PTE. LTD., Singapore, SINGAPORE; DataProbity, Stuart, FL; Endace Measurement Systems Ltd., Sydney, AUSTRALIA; Factdelta, Swansea, UNITED KINGDOM; FirstNet, Reston,

VA; Front Porch, Inc., Sonora, CA; GIP AG, Mainz, GERMANY; Inabox Group Limited, Sydney, AUSTRALIA; IT SERVICES & GOUVERNANCE, Paris, FRANCE; Johns Hopkins University Applied Physics Lab, Laurel, MD; Mastercom TechServices Pvt Ltd., Bangalore, INDIA; Mediaan/abs bv, Heerlen, NETHERLANDS; mm1 Consulting & Management PartG, Stuttgart, GERMANY; Mobius Wireless Solutions Ltd., Shanghai, PEOPLE'S REPUBLIC OF CHINA; ms-CNS Communication Network Solutions GmbH, Vienna, AUSTRIA; New Generation Management Consulting Pty Ltd., Johannesburg, SOUTH AFRICA; NISZ Zrt. (Nemzeto Infokommunikacios Szolgaltato Zrt.), Budapest, HUNGARY; Nomos Software, Cork, IRELAND; North State Communications, High Point, NC; OJSC Rostelecom, Moscow, RUSSIA; Onesto Services Oy, Jyvaskyla, FINLAND; Orga Systems GmbH, Paderborn, GERMANY; Pelatro, Bangalore, INDIA; Photronics, Brookfield, CT; Pinger, San Jose, CA; Plug and Play Tech Center, Sunnyvale, CA; Portugal Telecom Inovacao, SA, Aveiro, PORTUGAL; PT Comunicacoes, Lisbon, PORTUGAL; PT Indonesia Comnets Plus (ICON+), Jakarta, INDONESIA; PT Tricada Intronik, Bandung, INDONESIA; SAPO (PT Comunicacoes), Lisbon, PORTUGAL; SK Regional Services Pte Ltd., Kuala Lumpur, MALAYSIA; Solidi Pte Ltd., Singapore, SINGAPORE; SpiderCloud Wireless, San Jose, CA; Splunk, San Francisco, CA; Stelligence Co. LTD, Bangkok, THAILAND; Tektronix Communications, Plano, TX; Telekom Networks Malawi Ltd., Blantyre, MALAWI; The Open Group, San Francisco, CA; TIM BRASIL, Tijuca, BRAZIL; Transmode Systems AB, Stockholm, SWEDEN; United Telecommunication Services, Willemstad, NETHERLANDS; University of Deusto—Deusto Technology Foundation, Bilbao, SPAIN; Vision Consulting Turkey, İstanbul, TURKEY; VIVA—Kuwait Telecommunications Company, Salmiya, KUWAIT; Vodafone India Limited, Mumbai, INDIA; and Vulliens Group snc, Lausanne, SWITZERLAND.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, The Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on October 8, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 16, 2015 (80 FR 70836).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05296 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Numerical Propulsion System Simulation

Notice is hereby given that, on January 27, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Numerical Propulsion System Simulation (''NPSS'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aerojet Rocketdyne, Sacramento, CA, has been added as a party to this venture. Also, Ohio Aerospace Institute, Brook Park, OH, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NPSS intends to file additional written notifications disclosing all changes in membership.

On December 11, 2013, NPSS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 20, 2014 (79 FR 9767).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05300 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODPI, Inc.

Notice is hereby given that, on February 8, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODPi, Inc. (''ODPi'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, General Motors Co., Detroit, MI; and ArenaData, Moscow, RUSSIA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODPi intends to file additional written notifications disclosing all changes in membership.

On November 23, 2015, ODPi filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79930).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05293 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Automotive Consortium for Embedded Security ™

Notice is hereby given that, on January 27, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Automotive Consortium for Embedded Security ™ (''ACES'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were

filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Robert Bosch LLC, Farmington Hills, MI, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ACES intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, ACES filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 30, 2015 (80 FR 75469).

The last notification was filed with the Department on November 2, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 2, 2015 (80 FR 24279).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05303 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on High-Efficiency Dilute Gasoline Engine III

Notice is hereby given that, on January 27, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on High-Efficiency Dilute Gasoline Engine III (''HEDGE III'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lubrizol Corporation, Wickliffe, OH, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HEDGE III intends to file additional written notifications disclosing all changes in membership.

On March 19, 2015, HEDGE III filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 22, 2015 (80 FR 22551).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05304 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on CHEDE–VII

Notice is hereby given that, on February 10, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on CHEDE–VII (''CHEDE–VII'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Deere and Company, Cedar Falls, IA; Dongfeng Commercial Vehicle Co., Ltd., Wuhan, PEOPLE'S REPUBLIC OF CHINA; and Robert Bosch, LLC, Farmington Hills, MI, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CHEDE–VII intends to file additional written notifications disclosing all changes in membership.

On January 6, 2016, CHEDE–VII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2016, (81 FR 5484).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–05305 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 3–16]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Tuesday, March 15, 2016: 10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. LIB–III–020.

11:30 a.m.—Issuance of Proposed Decisions in claims against Libya.

Status: Open

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2016–05360 Filed 3–7–16; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Employment and Training Administration

Updated Methodology for Selecting a Job Corps Center for Closure and Center Selected for Closure: Comments Request

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration of the U.S. Department of Labor (the Department or DOL) issues this notice announcing an update to its existing criteria for selecting Job Corps centers for closure based on a center's chronic low performance, and also announcing two new criteria for selecting a Job Corps center for closure: (1) When a joint decision is made by the Secretary of Labor and the Secretary of Agriculture to close a Civilian Conservation Center (CCC); or (2) when the Department determines that a high-quality education and training program cannot be

provided at the center. Additionally, the Office of Job Corps issues this notice to propose the closure of one center based on the low-performance methodology that the Department first published in 2014 and updates with more recent data in this Notice: The Ouachita Job Corps Center in Royal, Arkansas. This notice seeks public comment on the proposal to close the Ouachita Center.

DATES: To be ensured consideration, comments must be submitted in writing on or before April 8, 2016.

ADDRESSES: You may submit comments, identified by Docket ID number ETA–2016–0002, by only one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the Web site instructions for submitting comments.

Mail and hand delivery/courier: Submit comments to Lenita Jacobs-Simmons, National Director, Office of Job Corps (OJC), U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N–4459, Washington, DC 20210. Due to security-related concerns, there may be a significant delay in the receipt of submissions by United States Mail. You must take this into consideration when preparing to meet the deadline for submitting comments. The Department will post all comments received on *http://www.regulations.gov* without making any changes to the comments or redacting any information, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal and all comments posted there are available and accessible to the public. The Department recommends that commenters not include personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments that they do not wish to be made public, as such submitted information will be available to the public via the *http://www.regulations.gov* Web site. Comments submitted through *http://www.regulations.gov* will not include the email address of the commenter unless the commenter chooses to include that information as part of his or her comment. It is the responsibility of the commenter to safeguard personal information.

Instructions: All submissions received should include the Docket Number for the notice: Docket ID number ETA–2016–0002. Please submit your comments by only one method. Again, please note that due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on the selected Job Corps Center for closure will be available on the *http://www.regulations.gov* Web site. The Department also will make all of the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids such as readers or print magnifiers. The Department will make copies of this methodology and the Job Corps center selected for closure available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the notice in an alternative format, contact the Office of Job Corps at (202) 693–3000 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Lenita Jacobs-Simmons, National Director, Office of Job Corps, ETA, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–4463, Washington, DC 20210; Telephone (202) 693–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–(877) 889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Background

Established in 1964, Job Corps is a national program administered by the Employment and Training Administration (ETA) in the Department of Labor. It is the nation's largest federally-funded, primarily residential training program for at-risk youth, ages 16–24. With 126 centers in 50 states, Puerto Rico, and the District of Columbia, Job Corps provides economically-disadvantaged youth with the academic, career technical, and employability skills to enter the workforce, enroll in post-secondary education, or enlist in the military.

Large and small businesses, nonprofit organizations, and Native American tribes manage and operate 99 of the Job Corps centers through contractual agreements with the Department of Labor awarded pursuant to federal procurement rules, while 27 centers are operated through an interagency agreement with the U.S. Department of Agriculture (USDA). Job Corps receives annual funding to operate contractor-operated centers and USDA centers, administer the program, and build, maintain, expand, or upgrade a limited number of new and existing facilities.

The Workforce Innovation and Opportunity Act (WIOA), which became effective on July 1, 2015, directs DOL to ''establish written criteria that the Secretary shall use to determine when a Job Corps center supported under this part is to be closed and how to carry out such closure[.]'' 29 U.S.C. 3211(c)(1). In August 2014, the Department published a methodology to apply when proposing a center for closure based on its chronic low performance. In December 2014, the Department provided a report to Congress indicating that it would use the August 2014 criteria in deciding future closures and would update its closure criteria in the future. That report also indicated that the Secretaries of Labor and Agriculture might agree to close a CCC operated by the U.S. Forest Service. This Notice describes the Department's updated closure criteria; in addition, this Notice proposes one center for closure.

II. Closure Criteria

The Department is constantly making efforts to ensure that Job Corps' limited resources are used to deliver the best possible results for students. As part of these ongoing efforts, the Department may determine that closing a center will allow Job Corps to provide the highest-quality program to its students more effectively.

The three criteria described below are the criteria that the Department will use to determine when a Job Corps center should be closed:

- Closure based on chronic low performance, as announced in an August 2014 **Federal Register** notice (79 FR 51198), with one change described below to use the most recent five years available.
- Closure based on a joint decision of the Secretaries of Labor and Agriculture, described in a December 2014 report to Congress and further explained in this notice.
- Closure based on an evaluation of the effort required to provide a high-quality education and training program at the center.

Closure may be based on any one of the three criteria, and a single criterion may be applied independently of the others. Thus, while a center may qualify for closure under more than one criterion, DOL may choose to rely on only one criterion when deciding to propose a center for closure. The

relevant additional considerations described below will be considered and applied depending on which criterion the Department utilizes.

Job Corps, as with any education and training program, must respond to the changing needs of the students it educates and the career fields for which it provides training. As a result, the Department will continue to review and refine these criteria or add more closure criteria as necessary to best carry out Job Corps' mission.

A. Long-Term Center Performance

DOL is not altering the performance-based criteria it announced in its August 27, 2014 closure methodology, except for changing the five-year period of data reviewed from Program Years (PYs) 2008–2012 to the most recent five years available. As explained below, DOL applied the performance-based criteria in deciding to propose closing the Ouachita Center.

As was more fully discussed in the August 27, 2014 Notice, chronically low-performing centers do not benefit the population of young people Job Corps aims to empower, and are a poor use of Job Corps' limited program dollars. DOL will continue to consider for closure those Job Corps centers marked with consistent and entrenched poor performance in order to better serve the nation's youth in acquiring career skills through quality job training.

Accordingly, DOL will continue to use the following performance-based criteria against which all centers are measured in evaluating whether a center should be closed:

1. Five-year Outcome-Measurement System (OMS) performance level;

2. Five-year On-Board Strength (OBS); and

3. Five-year Facility Condition Index (FCI).

A short description of these three factors is included below:

1. Five-Year Outcome-Measurement System (OMS) Performance Levels

OMS is a collection of 15 metrics that provide a comprehensive assessment of center performance, which allows for comparison of performance among centers and supplies enough data for decision makers to identify trends over time. These published performance metrics have driven center performance and programmatic decisions for more than a decade. Accordingly, the primary performance-based factor in selecting a center for closure is a center's OMS data.

In applying this factor, the Department will evaluate each center's overall OMS ratings for the five most recent full program years to derive a weighted five-year average performance rating. This updated methodology uses OMS performance data for the five most recent completed program years, with recent years receiving a greater weight than earlier years. Further, the original OMS ratings for each of the five program years, which exceeded 100% for some centers, were normalized at one hundred percent (100%) to be consistent with OBS and FCI. ''Normalized'' means the data has been placed on a 100-point scale. The calculation formula for the methodology also contains normalized data for OMS.

The year-by-year weighted structure is as follows (these years will be automatically updated going forward):

PY 2014 30%
PY 2013 25%
PY 2012 20%
PY 2011 15%
PY 2010 10%
Total: 100%

The calculation formula for five-year performance for the methodology is as follows:

Center's five-year weighted average rating × 90% = Overall Performance Rating

2. On-Board Strength (OBS)

On-Board Strength is an efficiency rating that demonstrates the extent to which a center operates at full capacity. The measure is reported as a percentage, calculated by the center's actual capacity for student slots divided by the planned capacity to fill those slots (daily number of students that a center is authorized to serve). The national goal for OBS is 100% in order to operate the program at full capacity, maximize program resources, and fulfill the mission of serving the underserved student population.

This factor evaluates each center's end of Program Year OBS rating for five full program years to derive a five-year average rating. As explained above in the context of OMS data, the updated closure methodology uses OBS data from the most recent five-year period. As noted in the August 27, 2014, **Federal Register** Notice there were anomalies to the OBS data for PY 2011 and PY 2012 caused by temporary enrollment suspensions. The May 31, 2012, PY-Cumulative OBS (PY–COBS) report will be used as the basis for assessing center-level OBS performance for PY 2011. The January 31, (PY–COBS) report will be used as the basis for assessing center-level OBS performance for PY 2012.

The updated methodology weights each of the last five program years' OBS data, with more recent years receiving more weight to incorporate performance improvement. Finally, the OBS ratings for each of the five program years were normalized at one hundred percent (100%), so as to be consistent with the OMS and FCI data.

The year-by-year weighted structure is as follows (these years will be automatically updated going forward):

PY 2014 30%
PY 2013 25%
PY 2012 20%
PY 2011 15%
PY 2010 10%
Total: 100%

The calculation formula for five-year OBS for the methodology is as follows:

Center's five-year weighted average cumulative OBS × 5%= Overall OBS Rating

3. Facility Condition and Physical Plant

Facility quality is critical for a residential educational program that houses its students on-site 24 hours a day, seven days a week, for much of the year. Poor facilities make it harder for students to learn and ultimately gain the job skills necessary to join and contribute to the American workforce. Each Job Corps center is a fully operational complex with academic and career technical training facilities, dining and recreation buildings, administrative offices, and residence halls (with the exception of solely non-residential facilities), including the surrounding owned or leased property on which the center is located.

To properly manage the program's facility and condition needs, Job Corps uses the FCI and gives each center an annual rating. This rating, which is expressed as a percentage, accounts for the value of a center's construction, rehabilitation, and repair backlog, as compared to the replacement value of the center's facilities. Facility conditions affect the outcomes of the Job Corps program because good outcomes begin with facilities that contribute to a safe learning environment.

For this factor, the Department evaluated each center's FCI, which takes into account all construction projects completed over the same five-year period as the other two factors.

As with the performance and OBS criteria, the updated methodology applies weights to each of the five latest program year's FCI data, with more recent years receiving more weight to incorporate any recent improvement. The year-by-year weighted structure is as follows (these years will be automatically updated going forward):

PY 2014 30%

PY 2013 25%
PY 2012 20%
PY 2011 15%
PY 2010 10%
Total: 100%

The calculation formula for FCI for the methodology is as follows:

Center's five-year weighted average FCI rating × 5% = Overall FCI Rating

Applying the three performance-based factors above yields an overall rating for each center, allowing DOL to rank all centers based on historical performance, with the lowest performing center receiving the lowest rating. The calculation formula for the overall rating is as follows:

Overall OMS Performance Rating (90%)	+	Overall OBS Rating (5%)	+	Overall FCI Rating (5%)	=	Overall Rating for Primary Selection Factors.

B. Agreement Between the Secretaries of Labor and Agriculture To Close Civilian Conservation Job Corps Centers (CCCs)

Independent of the other two criteria, the Secretaries of Labor and Agriculture may jointly agree to close a CCC. These facilities are predominantly located in rural, sometimes remote locations and operated by the USDA through the U.S. Forest Service. As with other Job Corps Centers, these facilities provide skills training for disadvantaged young people to aid their entry into the American workforce, but with additional focus on conserving the United States' natural resources and providing assistance during natural disasters.

This joint decision to close a center will take into account past efforts to improve the center's deficiencies, the prospect for improving those deficiencies, the impact on the mission and workforce of both departments, and the purpose and goals of the Job Corps program. The rationale behind the Agriculture and Labor Secretaries' decision to close a CCC will be detailed in a notice proposing the action. The Secretaries' decision to propose a CCC for closure under this criterion also will take into account the relevant additional considerations, detailed below. This basis is independent of other performance improvement and restructuring and reform efforts initiated by either Department or mandated by WIOA to address performance challenges at the CCCs. Finally, this criterion does not limit the Department's authority to propose closing a CCC based on the other closure criteria, regardless of whether the Secretaries jointly agree to close the center.

This new criterion was not used as the basis to propose the closure of Ouachita. While the Ouachita Center is a CCC, the Department made this decision based upon chronic low performance, the criteria first described in the August 2014 **Federal Register** notice.

C. Evaluation of Continuing Center Operations

The Department has determined that it may be necessary to close a center for reasons other than chronic low performance or agreement with the Secretary of Agriculture. Job Corps constantly evaluates the needs of each center it operates. Some centers, for a variety of reasons, face more difficult challenges than others in providing a safe, secure environment where participants can receive high-quality education and training. Some challenges develop over time, while others arise more rapidly. Challenges may involve the condition of the facility; its proximity to relevant job markets; the ability of the center to attract students; the impact of one-time events; or, a host of other factors. Addressing these challenges may require sustained efforts that involve significant programmatic, staff, capital, organizational, and/or other investments and resources. Even with such a commitment, it may be difficult to anticipate or achieve positive outcomes for students. In such a situation, Job Corps will carefully assess: (1) The ongoing needs of the center against those of the program overall; (2) the effort required to provide and maintain a high-quality, safe and productive living and learning environments; and (3) whether that effort is likely to ultimately produce an outcome that contributes to the program's overall strength and integrity. After reviewing all relevant information the Department may decide to propose a center for closure.

This new criterion was not utilized in making the decision to propose to close the Ouachita Job Corps Center.

D. Additional Considerations

After applying any of the three criteria described above, the Department will consider the following factors, as appropriate, when deciding whether it should propose a center for closure:

1. Job Corps Services for Residents in Each State, Puerto Rico, and the District of Columbia

The Department is committed to providing services in a broad geographic area. When deciding to propose a center for closure, DOL will ensure that it maintains at least one Job Corps center in each state, the Commonwealth of Puerto Rico, and the District of Columbia, and will take into consideration whether a center's closure would have a disproportionate impact on the training opportunities for students in any one state. Additionally, Job Corps is committed to ensuring that a state's population, especially of young people who are eligible and could benefit from participating in the program, are adequately exposed to its opportunities and services. Accordingly, in applying the criteria, DOL will ensure that it does not too rapidly reduce Job Corps' presence in any one state.

2. Sufficiency of Data Available To Evaluate Center Performance

The Department will not consider for closure under the performance-based criteria any center for which it does not have sufficient data to evaluate that center's performance. The centers in Ottumwa, Milwaukee, Pinellas County, Denison, Long Beach, Gulfport, Wind River, and Manchester are not included for consideration for closure. For each of these centers, there is not enough OMS data to evaluate the center's performance over the full five-year performance period. The reasons for the lack of five years' continuous data for these centers include: Four new centers were opened during the five-year performance period (Ottumwa, Milwaukee, Wind River, and Manchester); three centers were excluded from OMS evaluation because of their selection as Center for Excellence (CFE) pilot sites (Pinellas County, Denison, and Long Beach); and one center operated at reduced capacity because of damage received during Hurricane Katrina (Gulfport).

3. Indication of Significant Recent Performance Improvement

When applying the performance-based criteria, the Department will consider evidence of recent performance improvement. Therefore, a center will be removed from closure consideration if it is performing in the top half of centers in the most recent full year of performance data.

4. Job Corps' Commitment to Diversity

Job Corps currently serves a diverse student population and remains committed to serving disadvantaged youth from all backgrounds. In making final closure decisions under any of the three criteria, we will consider whether a center's closure would result in a significant reduction in student diversity within the overall Job Corps system.

III. Job Corps Centers Selected for Closure

Based on the performance-based criteria, and after applying the additional considerations described above, the Department proposes to close the Ouachita Job Corps Center in Royal, Arkansas. As noted above, the two new criteria did not factor into this decision.

In applying the performance-based criteria, the Department first calculated the five-year OMS performance level, the five-year OBS, and the five-year FCI and then calculated the Overall Rating for Primary Selection Factors, as described above, using data from PY 2010–2014. The Ouachita Job Corps Center in received the lowest Overall Rating for Primary Selection Factors and, therefore, the lowest ranking.

After ranking the centers based on the primary criteria, the Department then applied the additional considerations. The Department determined that these considerations did not preclude closure of the Ouachita Job Corps Center. The Department is requesting public comments on the selection of the Ouachita Job Corps Center for closure.

The Department will implement the closure process pursuant to the center closure requirements outlined in the WIOA at section 159(j) and as stipulated in the DOL/USDA Interagency Agreement.

IV. The Process for Closing Job Corps Centers, as Outlined in the Workforce Innovation and Opportunity Act (WIOA)

The Department's process for closing Job Corps centers will follow the requirements of section 159(j) of the WIOA, which include the following:

- The proposed decision to close a particular center is announced in advance to the general public through publication in the **Federal Register** or other appropriate means;
- A reasonable comment period, not to exceed 30 days, is established for interested individuals to submit written comments to the Secretary; and
- The Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

This Notice serves as the public announcement of the decision to close the Ouachita Job Corps Center. The Department is providing a 30-day period for interested individuals to submit written comments on the proposed decision to close these centers.

Portia Wu,

Assistant Secretary for Employment and Training.

[FR Doc. 2016–04977 Filed 3–8–16; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Geosciences (1755).

DATE AND TIME:
April 13, 2016, 8:45 a.m.–5:00 p.m.
April 14, 2016, 8:30 a.m.–2:00 p.m.

PLACE: National Science Foundation, Stafford I, Room 1235, 4201 Wilson Blvd., Arlington, Virginia 22230.

TYPE OF MEETING: Open.

CONTACT PERSON: Melissa Lane, National Science Foundation, Suite 705, 4201 Wilson Blvd., Arlington, Virginia 22230. Phone 703–292–8500.

MINUTES: May be obtained from the contact person listed above.

PURPOSE OF MEETING: To provide advice, recommendations, and oversight on support for geoscience research and education including atmospheric, geospace, earth, ocean and polar sciences.

Agenda

Wednesday, April 13, 2016

Directorate and NSF activities and plans
Division Subcommittee Meetings
Meeting with President-designate of the National Academy of Sciences
Meeting with the NSF Director and CIO

Thursday, April 14, 2016

Division Subcommittee Meetings
Meeting with Head of the NSF Office of International Science and Engineering
Action Items/Planning for Fall Meeting

Dated: March 3, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–05157 Filed 3–8–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; Comment Request; Graduate Research Fellowship Program Pilot Data Collection for Monitoring Longitudinal Career Outcomes of Fellowship Recipients; Proposed Information Collection Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request establishment and clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Submit comments before May 9, 2016.

ADDRESSES: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Copies of the submission may be obtained by calling (703) 292–7556.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email. Comments, including any personal information provided become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Copies of the submission may be obtained by calling (703) 292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection:

OMB Number: 3145–NEW.

Type of request: Intent to seek approval for ICR.

Abstract

The National Science Foundation (NSF) seeks to develop and pilot an instrument to follow several cohorts of Graduate Research Fellowship Program (GRFP) Fellows to track program and career outcomes over time. The intent is for the pilot instrument to become part of a permanent monitoring system to track all Fellows over time.

As part of NSF's commitment to graduate student education in the U.S, the GRFP seeks to promote and maintain advanced training in science, technology, engineering, and mathematics (STEM) field by annually awarding about 2,000 fellowships to graduate students in research-based programs. The program goals are: (1) To select, recognize, and financially support, early in their careers, individuals with the demonstrated potential to be high achieving scientists and engineers, and (2) to broaden participation in science and engineering of underrepresented groups, including women, minorities, persons with disabilities, and veterans. NSF especially encourages women, members of underrepresented minority groups, persons with disabilities, and veterans to apply. NSF also encourages undergraduate seniors to apply. GRFP is a critical program in NSF's overall strategy to develop the globally-engaged workforce necessary to ensure the Nation's leadership in advancing science and engineering research and innovation.

The program has had two large-scale evaluations, first in 2002 and again in 2012. The second evaluation coincided with a major program expansion by NSF, whereby the annual number of fellowship awards was increased from roughly 1,000 to the current 2,000. As the program has expanded, so has the need for a monitoring system to track program outcomes and Fellow career trajectories following completion of the fellowship.

NSF contracts with NORC at the University of Chicago to develop and pilot a data collection instrument to support GRFP monitoring. The objective of the monitoring activity will be to accomplish the following:

- NSF will be able at any time to provide cumulative as well as annualized data on outcomes for the Fellows (*e.g.,* career outcomes of minority Fellows in 2017, as compared to 2015, etc.) and compare those results to national samples. The longitudinal collections will allow NSF to analyze how Fellows' careers develop over time and if there are differences in the career outcomes related to Fellow demographics and field of study.
- NSF will be able to analyze trends on a large number of career outcomes for key subpopulations of Fellows including women, underrepresented minorities, individuals with disabilities, and veterans, and monitor them within fields of graduate study, in order to inform policy and program changes.

The data collection instrument will be designed to gather information on the following broad sets of variables:

- Career activities, progress, and job characteristics following graduate school;
- STEM-related professional productivity (*e.g.,* publications, presentations, patents, etc.);
- Broader impacts of the Fellows (ways in which the Fellows or their work may benefit society).

The pilot data will be collected primarily through a Web-based survey. The data will be supplemented with administrative data collected by the GRFP on the demographic and educational backgrounds of the Fellows. The pilot data will be collected in two rounds after questionnaire testing, with survey rounds conducted in both 2016 and 2017. The 2016 round will include all Fellows from award years 2003, 2006, and 2009 and the 2017 round will include all Fellows from award years 2004, 2007, and 2010. These two rounds will collect data from Fellows with different award years (*i.e.,* no Fellow will be asked to participate in both rounds) to obtain comparable baseline data on their career outcomes, and to refine the instrument administration procedures and survey content to maximize the reliability and validity of the questionnaire items.

Although the project will adopt questions that have been tested and used in previous National Center for Science and Engineering Statistics (NCSES) instruments, the GRFP instrument is be considered a new instrument because it will include some new questions and the questions from different NCSES questionnaires will be combined and re-sequenced. Therefore, there is a need to test the questionnaire via cognitive interviews before conducting a larger data collection with all Fellows.

I. Review Focus

NSF is interested in comments on the practical utility of the survey in view of the project goals and the study approach, the burden on respondents and potential ways to minimize it.

Comments submitted in response to this Notice will be summarized and included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

II. Current Actions

Affected Public: Individuals.

Frequency: Questionnaire testing followed by two rounds of pilot data collection.

Total Respondents:

Questionnaire Testing Phase: The plan is to conduct two iterations (''rounds'') of cognitive interviews, with up to 25 respondents in the first round and 15 in the second round. In the first round the instrument will be tested to determine if revisions are necessary and, if so, to develop revisions to be tested in the second round. The respondents are expected to be graduate degree candidates or recipients.

Pilot Round 1: Surveys will be administered to approximately 2,434 GRFP Fellows (there are approximately 3,042 Fellows who were awarded the GRFP in 2003, 2006, or 2009, and we expect approximately 80% of these Fellows to respond).

Pilot Round 2: Surveys will be administered to approximately 3,152 GRFP Fellows (there are approximately 3,940 Fellows who were awarded the GRFP in 2004, 2007, or 2010, and we expect approximately 80% of these Fellows to respond). Note that because different award years are included in each round of the survey, there is no overlap in participants between rounds 1 and 2.

Estimated Total Burden Hours:

Questionnaire Testing Phase: The Foundation estimates that, on average, 120 minutes per respondent will be required to participate in the cognitive interview. The annual respondent burden for participating in the cognitive interviews is estimated at 80 hours, based on 40 respondents.

Pilot Round 1: The Foundation estimates that, on average, the survey will take approximately 45–60 minutes to complete. The annual respondent burden for Pilot Round 1 is estimated at between 1,826 and 2,434 hours, based on 2,434 respondents.

Pilot Round 2: The Foundation estimates that, on average, the survey will take approximately 45–60 minutes to complete. The annual respondent burden for Pilot Round 2 is estimated at between 2,364 and 3,152 hours, based on 3,152 respondents.

Dated: March 4, 2016.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2016–05280 Filed 3–8–16; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Physical Sciences (#66).

Date/Time: April 7, 2016: 8:30 a.m. to 5:00 p.m.; April 8, 2016: 8:30 a.m. to 1:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 375, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Eduardo Misawa, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22230; Telephone: 703/292–8300.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to mathematical and physical sciences programs and activities.

Agenda

Thursday, April 7, 2016; 8:30 a.m.–5:00 p.m.

- Registration and refreshments
- Meeting opening, FACA briefing and approval of February meeting minutes
- Update on MPS FY17 Budget Request
- MPS recent activities
- Update on partnerships
- Meeting with the NSF Director and COO
- Adjourn

Friday, April 8, 2016; 8:30 a.m.–1:00 p.m.

- Meeting opening
- Update on selected education and training programs
- Updates on NSF-wide advisory committees
- Adjourn

Dated: March 3, 2016.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2016–05158 Filed 3–8–16; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77289; File No. SR–NYSEArca–2016–31]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Establishing Fees for the NYSE Arca Order Imbalances Data Feed

March 3, 2016.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 22, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to establish fees for the NYSE Arca Order Imbalances data feed (''Order Imbalances Data Feed''). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish the fees for the Order Imbalances Data Feed in the NYSE Arca Equities Proprietary Market Data Fee Schedule (''Fee Schedule'').[4] The Exchange proposes to establish the following fees for the Order Imbalances Data Feed:

1. *Access Fee.* For the receipt of access to the Order Imbalances Data Feed, the Exchange proposes to charge $500 per month. Although the Exchange charges professional and non-professional user fees for other proprietary market data products, the Exchange does not intend to charge such fees for the Order Imbalances Data Feed.

2. *Non-Display Fees.* The Exchange proposes to establish non-display fees for the Order Imbalances Data Feed using the same non-display use fee structure established for the Exchange's other market data products.[5] Non-display use would mean accessing, processing, or consuming the Order Imbalances Data Feed delivered via direct and/or Redistributor [6] data feeds for a purpose other than in support of a data recipient's display or further internal or external redistribution (''Non-Display Use''). Non-Display Use would include any trading use, such as high frequency or algorithmic trading, and would also include any trading in any asset class, automated order or quote generation and/or order pegging, price referencing for algorithmic trading or smart order routing, operations control programs, investment analysis, order verification, surveillance programs, risk management, compliance, and portfolio management.

Under the proposal, for Non-Display Use of the Order Imbalances Data Feed, there would be three categories of, and fees applicable to, data recipients. One, two or three categories of Non-Display Use may apply to a data recipient.

- Under the proposal, the Category 1 Fee would be $500 per month and

[4] The proposed rule change establishing the Order Imbalances Data Feed was immediately effective on January 13, 2016. *See* Securities Exchange Act Release No. 76968 (January 22, 2016), 81 FR 4689 (January 27, 2016) (SR–NYSEArca–2016–10).

[5] *See* Securities Exchange Act Release Nos. 73011 (September 5, 2014), 79 FR 54315 (September 11, 2014) (SR–NYSEArca–2014–93) and 73619 (November 18, 2014), 79 FR 69902 (November 24, 2014) (SR–NYSEArca–2014–132).

[6] ''Redistributor'' means a vendor or any person that provides a real-time NYSE Arca data product to a data recipient or to any system that a data recipient uses, irrespective of the means of transmission or access.

would apply when a data recipient's Non-Display Use of the Order Imbalances Data Feed is on its own behalf, not on behalf of its clients.

• Under the proposal, Category 2 Fees would be $500 per month and would apply to a data recipient's Non-Display Use of the Order Imbalances Data Feed on behalf of its clients.

• Under the proposal, Category 3 Fees would be $500 per month and would apply to a data recipient's Non-Display Use of the Order Imbalances Data Feed for the purpose of internally matching buy and sell orders within an organization, including matching customer orders for data recipient's own behalf and/or on behalf of its clients. This category would apply to Non-Display Use in trading platforms, such as, but not restricted to, alternative trading systems (''ATSs''), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems. Category 3 Fees would be capped at $1,500 per month for each data recipient for the Order Imbalances Data Feed.

The description of the three non-display use categories is set forth in the Fee Schedule in endnote 1 and that endnote would be referenced in the Order Imbalances Data Feed fees on the Fee Schedule.

Data recipients that receive the Order Imbalances Data Feed for Non-Display Use would be required to complete and submit a Non-Display Use Declaration before they would be authorized to receive the feed.[7] A firm subject to Category 3 Fees would be required to identify each platform that uses the Order Imbalances Data Feed on a Non-Display Use basis, such as ATSs and broker crossing systems not registered as ATSs, as part of the Non-Display Use Declaration.

3. *Non-Display Declaration Late Fee.* Data recipients that receive the Order Imbalances Data Feed for Non-Display Use would be required to complete and submit a Non-Display Use Declaration before they would be authorized to receive the feed. Beginning in 2017, the Order Imbalances Data Feed data recipients would be required to submit, by January 31st of each year, the Non-Display Use Declaration that applies to all real-time NYSE Arca market data products that include Non-Display Use fees.[8] The Exchange proposes to charge a Non-Display Declaration Late Fee of $1,000 per month to any data recipient that pays an Access Fee for the Order Imbalances Data Feed that has failed to complete and submit a Non-Display Use Declaration. Specifically, with respect to the Non-Display Use Declaration due by January 31st of each year beginning in 2017, the Non-Display Declaration Late Fee would apply to data recipients that fail to complete and submit the Non-Display Use Declaration by the January 31st due date, and would apply beginning February 1st and for each month thereafter until the data recipient has completed and submitted the annual Non-Display Use Declaration. The Exchange also proposes to apply current endnote 2 on the Fee Schedule to the Non-Display Declaration Late Fee for the Order Imbalances Data Feed. Endnote 2 to the Fee Schedule also makes it clear that the Non-Display Declaration Late Fee applies to the Order Imbalances Data Feed beginning February 1st of 2017 and each year with respect to the Non-Display Use Declaration due by January 31st each year.[9]

In addition, if a data recipient's use of the Order Imbalances Data Feed changes at any time after the data recipient submits a Non-Display Use Declaration, the data recipient must inform the Exchange of the change by completing and submitting at the time of the change an updated declaration reflecting the change of use.

4. *Multiple Data Feed Fee.* The Exchange proposes to establish a monthly fee, the ''Multiple Data Feed Fee,'' that would apply to data recipients that take a data feed for a market data product in more than two locations. Data recipients taking the Order Imbalance Data Feed in more than two locations would be charged $200 per additional location per month. No new reporting would be required.[10]

Other Changes to the Fee Schedule

Non-Display Use fees for NYSE ArcaBook include the Non-Display Use of NYSE Arca BBO and NYSE Arca Order Imbalances for customers paying NYSE ArcaBook non-display fees that also pay access fees for NYSE Arca BBO and NYSE Arca Order Imbalances. The Exchange proposes to describe this application of the Non-Display Use fees in note 1 to the Fee Schedule.[11] Additionally, Non-Display Use fees for NYSE Arca Integrated Feed include the Non-Display Use of NYSE ArcaBook, NYSE Arca BBO, NYSE Arca Trades and NYSE Arca Order Imbalances for customer paying NYSE Arca Integrated Feed non-display fees that also pay access fees for NYSE ArcaBook, NYSE Arca BBO, NYSE Arca Trades and NYSE Arca Order Imbalances. The Exchange proposes to describe this application of the Non-Display Use fees with an amendment to note 1 to the Fee Schedule.

The Exchange notes that the proposed fees are otherwise consistent with the fee structures for other market data products offered by the Exchange,[12] as well as the fees for similar market data products offered by the Exchange's affiliates.[13] Other than the Exchange's affiliates, the Exchange has not identified any other exchanges that offer

[7] Data recipients are required to complete and submit the Non-Display Declaration with respect to each market data product on the Fee Schedule that includes Non-Display Fees. *See* Securities Exchange Act Release Nos. 74865 (May 4, 2015), 80 FR 26593 (May 8, 2015) (SR–NYSEArca–2015–34) (NYSE Arca Integrated Feed) and 74901 (May 7, 2015), 80 FR 27371 (May 13, 2015) (SR–NYSEArca–2015–36) (NYSE Arca BBO and NYSE Arca Trades).

[8] *Id.*

[9] The second sentence of endnote 2 to the Fee Schedule refers to a late fee for the Non-Display Use Declarations due September 1, 2014 that have not been submitted by June 30, 2015. This sentence is not applicable to the Order Imbalances Data Feed because the Order Imbalances Data Feed was not available as of the September 1, 2014 due date and because data recipients of the Order Imbalances Data Feed will have to complete and submit a Non-Display Declaration before they can receive the feed. The Exchange proposes to modify the second sentence so that it applies only to NYSE ArcaBook, NYSE Arca BBO, NYSE Arca Trades and NYSE Arca Integrated Feed and not to the Order Imbalances Data Feed. The Exchange proposes to add a fourth sentence so that it is clear that it applies to all market data products, including the Order Imbalances Data Feed, to which Non-Display Use fees apply.

[10] Data vendors currently report a unique Vendor Account Number for each location at which they provide a data feed to a data recipient. The Exchange considers each Vendor Account Number a location. For example, if a data recipient has five Vendor Account Numbers, representing five locations, for the receipt of the Order Imbalance Data Feed product, that data recipient will pay the Multiple Data Feed fee with respect to three of the five locations.

[11] The Exchange added a similar note, Note 1(b), to the Fee Schedule in connection with the addition of fees for the NYSE Arca Integrated Feed. *See* Securities Exchange Act Release No. 76914 (January 14, 2016), 81 FR 3484 (January 21, 2016) (SR–NYSEArca–2016–03).

[12] For example, for NYSE ArcaBook, which includes depth of book, the Order Imbalances Data Feed, and other data, the Exchange charges an access fee of $2,000 per month, a professional user fee of $40 per month, and a non-professional user fee that ranges between $3 and $10 per month (capped at $40,000 per month). NYSE ArcaBook will continue to include the Order Imbalances Data Feed at no additional charge to NYSE ArcaBook customers.

[13] NYSE MKT LLC (''NYSE MKT'') also currently charges a $500 per month non-display fee for categories 1, 2 and 3. See Securities Exchange Act Release No. 72020 (September 9, 2014), 79 FR 55040 (September 15, 2014) (SR–NYSEMKT–2014–72); NYSE MKT also currently charges a $1,000 per month non-display late fee and $200 per month multiple data feed fee. *See* Securities Exchange Act Release Nos. 74884 (May 6, 2015), 80 FR 27212 (May 12, 2015) (SR–NYSEMKT–2015–35) and 76911 (January 14, 2016), 81 FR 3496 (January 21, 2016) (SR–NYSEMKT–2016–05), respectively.

a standalone order imbalance market data product.[14] The proposed fees reflect the value of this proprietary data to investors in making informed trading and order routing decisions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[15] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[16] in particular, in that it provides an equitable allocation of reasonable fees among its members, issuers, and other persons using its facilities and is not designed to permit unfair discrimination among customers, issuers, brokers, or dealers. The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [17] in that it is consistent with (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets; and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[18] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

The Exchange further believes that the proposed rule change is consistent with the market-based approach of the Commission. The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Commission upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), as reprinted in 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [19]

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards.[20] In addition, the existence of alternatives to the Order Imbalances Data Feed, including proprietary data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach.[21] The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[22]

The Exchange believes that the proposed fees are reasonable because they replicate the fee structure of other market data products offered by the Exchange by including not only an access fee but also non-display, late declaration, and multiple data feed fees.[23] The Exchange believes that these fees are relatively low in light of the high value of this proprietary data to users in making informed order routing and trading decisions for all securities traded on the Exchange, particularly in the Exchange's opening and closing auctions where a high percentage of daily trading volume occurs.[24]

The proposed fees are equitable and not unfairly discriminatory because they are consistent with the structure of other market data fees that charge for access, non-display use and receipt of data in multiple locations.[25]

The existence of alternatives to the Order Imbalances Data Feed, including proprietary data from other sources, reasonably ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives.

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. An exchange's ability to price its proprietary market data feed products is constrained by actual competition for the sale of proprietary market data products, the joint product nature of exchange platforms, and the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with one another for listings and order flow and sales of market data itself, providing ample opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and

[14] The NASDAQ Stock Market LLC (''NASDAQ'') offers Net Order Imbalance Indicator data through its NASDAQ Workstation and NASDAQ TotalView datafeed. *See http://www.nasdaqtrader.com/trader.aspx?id=openclose.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4), (5).

[17] 15 U.S.C. 78k–1.

[18] *See* 17 CFR 242.603.

[19] *NetCoalition,* 615 F.3d at 535.

[20] Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act'') amended paragraph (A) of Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to make clear that all exchange fees for market data may be filed by exchanges on an immediately effective basis.

[21] *NetCoalition,* 615 F.3d at 536.

[22] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm.*

[23] *See supra* note 12.

[24] *See* 17 CFR 242.603(c).

[25] *See supra* note 12.

distributing their own market data. Proprietary data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market. Indeed, the U.S. Department of Justice (''DOJ'') (the primary antitrust regulator) has expressly acknowledged the aggressive actual competition among exchanges, including for the sale of proprietary market data. In 2011, the DOJ stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [26]

Moreover, competitive markets for listings, order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products and therefore constrain markets from overpricing proprietary market data. Broker-dealers send their order flow and transaction reports to multiple venues, rather than providing them all to a single venue, which in turn reinforces this competitive constraint. As a 2010 Commission Concept Release noted, the ''current market structure can be described as dispersed and complex'' with ''trading volume . . . dispersed among many highly automated trading centers that compete for order flow in the same stocks'' and ''trading centers offer[ing] a wide range of services that are designed to attract different types of market participants with varying trading needs.'' [27] More recently, SEC Chair Mary Jo White has noted that competition for order flow in exchange-listed equities is ''intense'' and divided among many trading venues, including exchanges, more than 40 alternative trading systems, and more than 250 broker-dealers.[28]

If an exchange succeeds in competing for quotations, order flow, and trade executions, then it earns trading revenues and increases the value of its proprietary market data products because they will contain greater quote and trade information. Conversely, if an exchange is less successful in attracting quotes, order flow, and trade executions, then its market data products may be less desirable to customers in light of the diminished content and data products offered by competing venues may become more attractive. Thus, competition for quotations, order flow, and trade executions puts significant pressure on an exchange to maintain both execution and data fees at reasonable levels.

In addition, in the case of products that are also redistributed through market data vendors, such as Bloomberg and Thompson Reuters, the vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available the Order Imbalances Data Feed unless their customers request it, and customers will not elect to pay the proposed fees unless the Order Imbalances Data Feed can provide value by sufficiently increasing revenues or reducing costs in the customer's business in a manner that will offset the fees. All of these factors operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, proprietary market data and trade executions are a paradigmatic example of joint products with joint costs. The decision of whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data availability and quality, and price and distribution of data products. Without a platform to post quotations, receive orders, and execute trades, exchange data products would not exist.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's platform for posting quotes, accepting orders, and executing transactions and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs.

Moreover, an exchange's broker-dealer customers generally view the costs of transaction executions and market data as a unified cost of doing business with the exchange. A broker-dealer will only choose to direct orders to an exchange if the revenue from the transaction exceeds its cost, including the cost of any market data that the broker-dealer chooses to buy in support of its order routing and trading decisions. If the costs of the transaction are not offset by its value, then the broker-dealer may choose instead not to purchase the product and trade away from that exchange. There is substantial evidence of the strong correlation between order flow and market data purchases. For example, in January 2016, more than 80% of the transaction volume on each of NYSE Arca and NYSE Arca's affiliates New York Stock Exchange LLC (''NYSE'') and NYSE MKT was executed by market participants that purchased one or more proprietary market data products. A supra-competitive increase in the fees for either executions or market data would create a risk of reducing an exchange's revenues from both products.

Other market participants have noted that proprietary market data and trade executions are joint products of a joint platform and have common costs.[29] The Exchange agrees with and adopts those discussions and the arguments therein. The Exchange also notes that the

[26] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), *available at http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html; see also* Complaint in *U.S.* v. *Deutsche Borse AG and NYSE Euronext,* Case No. 11-cv-2280 (D.C. Dist.) ¶ 24 (''NYSE and Direct Edge compete head-to-head . . . in the provision of real-time proprietary equity data products.'').

[27] Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (Jan. 14, 2010), 75 FR 3594 (Jan. 21, 2010) (File No. S7–02–10). This Concept Release included data from the third quarter of 2009 showing that no market center traded more than 20% of the volume of listed stocks, further evidencing the dispersal of and competition for trading activity. *Id.* at 3598. Data available on ArcaVision show that from June 30, 2013 to June 30, 2014, no exchange traded more than 12% of the volume of listed stocks by either trade or dollar volume, further evidencing the continued dispersal of and fierce competition for trading activity. *See https://www.arcavision.com/Arcavision/arcalogin.jsp.*

[28] Mary Jo White, Enhancing Our Equity Market Structure, Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available on the Commission Web site), citing Tuttle, Laura, 2014, ''OTC Trading: Description of Non-ATS OTC Trading in National Market System Stocks,'' at 7–8.

[29] *See* Securities Exchange Act Release No. 72153 (May 12, 2014), 79 FR 28575, 28578 n.15 (May 16, 2014) (SR–NASDAQ–2014–045) (''[A]ll of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.''). *See also* Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR–NASDAQ–2010–110), and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR–NASDAQ–2010–111).

economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.[30]

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, and system and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

As noted above, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 equities self-regulatory organization (''SRO'') markets, as well as various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''), and internalizing broker-dealers. SRO markets compete to attract order flow and produce transaction reports via trade executions, and two FINRA-regulated Trade Reporting Facilities compete to attract transaction reports from the non-SRO venues.

Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different trading platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. For example, BATS Global Markets (''BATS'') and Direct Edge, which previously operated as ATSs and obtained exchange status in 2008 and 2010, respectively, provided certain market data at no charge on their Web sites in order to attract more order flow, and used revenue rebates from resulting additional executions to maintain low execution charges for their users.[31] In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

Existence of Alternatives

The large number of SROs, ATSs, and internalizing broker-dealers that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, ATS, and broker-dealer is currently permitted to produce and sell proprietary data products, and many currently do, including but not limited to the Exchange, NYSE, NYSE MKT, NASDAQ OMX, BATS, and Direct Edge.

The fact that proprietary data from ATSs, internalizing broker-dealers, and vendors can bypass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products. By way of example, BATS and NYSE Arca both published proprietary data on the Internet before registering as exchanges. Second, because a single order or transaction report can appear in an SRO proprietary product, a non-SRO proprietary product, or both, the amount of data available via proprietary products is greater in size than the actual number of orders and transaction reports that exist in the marketplace. Because market data users can find suitable substitutes for most proprietary market data products, a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

Those competitive pressures imposed by available alternatives are evident in the Exchange's proposed pricing.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid and inexpensive. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TrackECN, BATS Trading and Direct Edge. As noted above, BATS launched as an ATS in 2006 and became an exchange in 2008, while Direct Edge began operations in 2007 and obtained exchange status in 2010.

In determining the proposed fees for the Order Imbalances Data Feed, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

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.

[30] *See generally* Mark Hirschey, Fundamentals of Managerial Economics, at 600 (2009) (''It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary.''). This is not new economic theory. *See, e.g.,* F.W. Taussig, ''A Contribution to the Theory of Railway Rates,'' *Quarterly Journal of Economics* V(4) 438, 465 (July 1891) (''Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.'').

[31] This is simply a securities market-specific example of the well-established principle that in certain circumstances more sales at lower margins can be more profitable than fewer sales at higher margins; this example is additional evidence that market data is an inherent part of a market's joint platform.

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) [32] of the Act and subparagraph (f)(2) of Rule 19b–4 [33] thereunder, because it establishes a due, 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) [34] 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.* Please include File Number SR–NYSEArca–2016–31 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2016–31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–31, and should be submitted on or before March 30, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–05184 Filed 3–8–16; 8:45 am]

BILLING CODE 8011–01–P

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(2).

[34] 15 U.S.C. 78s(b)(2)(B).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77287; File No. SR–BATS–2015–124]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, to BATS Rule 14.11(i), Managed Fund Shares, To List and Trade Shares of the REX VolMAXX Long VIX Weekly Futures Strategy ETF and the REX VolMAXX Inverse VIX Weekly Futures Strategy ETF of the Exchange Traded Concepts Trust

March 3, 2016.

On December 30, 2015, BATS Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the REX VolMAXX Long VIX Weekly Futures Strategy ETF and the REX VolMAXX Inverse VIX Weekly Futures Strategy ETF (each a ''Fund'' and collectively, the ''Funds'') of the Exchange Traded Concepts Trust under BATS Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on January 20, 2016.[3] On February 10, 2016, the Exchange filed Amendment No. 1 to the proposed rule change, and on February 12, 2016, the Exchange filed Amendment No. 2 to the proposed rule change.[4] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates April 19, 2016 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–BATS–2015–124), as modified by Amendment Nos. 1 and 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–05182 Filed 3–8–16; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76884 (January 13, 2016), 81 FR 3195.

[4] In Amendment No. 1, which replaced and superseded the original filing in its entirety, the Exchange provided additional information and representations regarding the Funds' investments, how certain investments would be valued for the net asset value calculation, the availability of price information for certain investments, and provided certain additional clarifications to the proposed rule change. Amendment No. 1 is available at *http://www.sec.gov/comments/sr-bats-2015-124/bats2015124-1.pdf.* In Amendment No. 2, the Exchange added a representation that the Funds will not invest in leveraged (*e.g.,* 2X, −2X, 3X or −3X) investment company securities. Amendment No. 2 is available at *http://www.sec.gov/comments/sr-bats-2015-124/bats2015124-2.pdf.*

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, March 10, 2016 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: March 3, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–05330 Filed 3–7–16; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77286; File No. SR–Phlx–2016–31]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Access Services Fees Under Chapter VIII of the Pricing Schedule

March 3, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2016, NASDAQ OMX PHLX LLC (''Exchange'') [3] filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Access Services fees under Chapter VIII of the Exchange's Pricing Schedule to: (i) Assess a $25/port/month Disaster Recovery Port fee for Disaster Recovery Ports used with FIX Trading Ports, OUCH, RASH, and DROP ports; and (ii) assess a $100/port/month fee for Trading Ports used in Test Mode.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Access Services fees under Chapter VIII of the Exchange's Pricing Schedule to: (i) Assess a $25/port/month Disaster Recovery Port fee for Disaster Recovery Ports used with FIX Trading Ports, OUCH, RASH, and DROP ports; and (ii) assess a $100/port/month fee for Trading Ports used in Test Mode.

First Change

The Exchange is in the process of transitioning its Disaster Recovery (''DR'') functionality for the U.S. equities and options markets from Ashburn, VA to its new Chicago, IL data center. The Exchange has invested and installed new equipment in the Chicago data center for client connectivity and for the infrastructure of Exchange systems. The Exchange chose Chicago as the location of its new DR data center as many other exchanges are using this same location for a disaster recovery or a primary location and, as a result, many of our market participants have a presence or connection at this location, thus making it easier and less expensive for many market participants to connect to the Exchange for DR.

Under Chapter VIII of the Exchange's Pricing Schedule, member firms may subscribe to DR ports, which provide backup connectivity in the event of a failure or disaster rendering their primary connectivity at Carteret, NJ subscribed to under Chapter VIII of the Exchange's Pricing Schedule unavailable. To date, the Exchange has transitioned FIX Trading Ports, OUCH, RASH, and DROP Ports to the Chicago center from Ashburn. Currently, the Exchange does not assess a fee for any DR ports.

The Exchange has incurred an initial cost associated with moving DR ports to the Chicago center, including the purchase of upgraded hardware and physical space to house the DR ports, which is more expensive than the Ashburn location. The Exchange also incurs ongoing costs in maintaining the DR ports, including costs incurred maintaining servers and their physical location, monitoring order activity, and other support, which is collectively more expensive in Chicago than Ashburn. Accordingly, the Exchange is proposing to assess a fee of $25 per port, per month for DR Ports used with FIX Trading Ports, OUCH, RASH, and DROP Ports.

Second Change

Under Chapter VIII of the Exchange's Pricing Schedule, Member firms may subscribe to Trading Ports used in Test Mode, which are trading ports available in primary market location in Carteret, NJ, that are exclusively used for testing purposes, at no cost. These ports may not be used for trading in securities in the System, but rather allow a member firm to test their systems prior to connecting to the live trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that it has legally changed its name to NASDAQ PHLX LLC with the state of Delaware, and is in the process of amending its Form 1 and changing its rules to reflect the new name.

environment. Test Ports are identical to trading ports [4] and share the same infrastructure, but are restricted to only allow order entry into the System in test symbols. A member firm may elect to designate a subscribed trading port as either in ''production mode'' or in ''test mode.'' A Trading Port that is in production mode allows a member firm to send orders for execution on the Exchange system in the normal course. When a member firm changes a trading port's status to test mode, the Exchange will not allow normal order activity to occur through the port but rather it limits all order activity to test symbols. Under Chapter VIII of the Exchange's Pricing Schedule, member firms are assessed a monthly fee of $400 per port for each trading port subscribed in production mode. Member firms are not currently assessed a fee for Trading Ports used in Test Mode.

The Exchange has audited the use of Trading Ports used in Test Mode and found that a majority of Trading Ports used in Test Mode are not used for testing, but rather remain idle. The Exchange incurs costs associated with maintaining such ports, including costs incurred maintaining servers and their physical location, monitoring order activity, and other support. Accordingly, the Exchange is proposing to assess a fee of $100 per port, per month.[5]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act [7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8] Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [9] (''NetCoalition'') the DC Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[10] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [11]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [12]

DR Port Fees

The fee assessed for DR Ports is reasonable because it is based on the cost incurred by the Exchange in purchasing and maintaining DR ports in the Chicago data center. Currently, the Exchange does not have a means to recoup its investment and costs associated with providing member firms with DR ports in the Chicago data center. Thus, the Exchange believes that the proposed fee is reasonable because the fee is intended to cover the Exchange's costs incurred in maintaining DR ports. The proposed fee may also allow the Exchange to make a profit to the extent the costs associated with purchasing and maintaining DR ports are covered. The Exchange believes that the proposed fee is equitably allocated and not unfairly discriminatory because it will apply equally to all subscribers to DR ports based on the number of ports subscribed. Last, the Exchange notes that, for most member firms, subscription to DR ports is voluntary, and member firms may subscribe to as many or as few ports they believe is necessary. A select number of member firms chosen by the Exchange to participate in business continuity and disaster recovery plan testing pursuant to Rule 926 will be obligated to subscribe to a DR port to participate in the annual test. Although subscription to DR ports is not voluntary for member firms selected for this once a year test, the Exchange believes that assessing the proposed fee is an equitable allocation and not unfairly discriminatory because such member firms will derive the same benefit as those members that voluntarily elect to subscribe to DR ports and such members may cancel their DR port subscription once their Rule 926 testing obligation is satisfied.

Trading Ports Used in Test Mode Fees

The proposed fee is also reasonable because it is based on the cost incurred by the Exchange in developing and maintaining multiple port connections, which are not used in the production environment and are designated as in test mode. As noted, the Exchange invests time and capital in initiating, monitoring and maintaining port connections to its system. Currently, the Exchange does not have a means to recoup its investment and costs associated with providing member firms with Trading Ports used in Test Mode. Thus, the Exchange believes that the proposed fee is reasonable because the fee is intended to cover the Exchange's costs incurred in maintaining test mode ports and is less than what is charged for a trading port in production mode. The proposed fee may also allow the Exchange to make a profit to the extent the costs associated with developing and maintaining Trading Ports used in Test Mode are covered. The Exchange believes that the proposed fee does not discriminate unfairly as it will promote efficiency in the market by incentivizing member firms to either place idle ports into production or cancel them if unneeded. The proposed fee is also equitably allocated because all Exchange member firms that voluntarily

[4] *E.g.,* FIX, RASH, and OUCH.

[5] The Exchange bills Access Services subscriptions by prorating the first monthly fee by the number of days that subscription was subscribed and thereafter assesses the full monthly fee, including the full month in which the subscription is cancelled. If a subscriber elects to change a test mode port to a production port in a given month, the Exchange will assess the Trading Ports used in Test Mode fee, which may be prorated if subscribed to in the same month, and will also assess the production port fee, which will be prorated from the date the change is made through the end of the month. Likewise, if a subscriber elects to change a production mode port to a test mode port in a given month, the Exchange will assess the monthly production port fee, which may be prorated if subscribed to in the same month, and will also assess the Trading Ports used in Test Mode fee, which will be prorated from the date the change is made through the end of the month.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Securities Exchange Act Release No. 51808 at 37499 (June 9, 2005) (''Regulation NMS Adopting Release'').

[9] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[10] *See NetCoalition,* at 534.

[11] *Id.* at 537.

[12] *Id.* at 539 (quoting ArcaBook Order, 73 FR at 74782–74783).

elect to subscribe to trading ports, yet maintain them in test mode, will be charged the fee equally on a per-port basis. Last, the Exchange notes that subscription to Trading Ports used in Test Mode is voluntary, and member firms may subscribe to as many or as few ports they believe is necessary for their testing purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed fee merely allows the Exchange to recapture the costs associated with maintaining member ports that are in test mode and DR, and may provide the Exchange with a profit to the extent its costs are covered. The Trading Port used in Test Mode fee is applied uniformly to member firms that have such ports in the Carteret data center, where the Exchange incurs expenses to support this port configuration option.

The proposed fee will also promote efficient use of Trading Ports for testing. Similarly, the Exchange incurs greater costs in offering DR ports in the new Chicago data center, which the Exchange is seeking to cover. Any burden arising from the fees is necessary to cover costs associated with the location of the functionality in Chicago. If the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result as member firms chose one of many alternative venues on which they may trade. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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

No written comments were either solicited or received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

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

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2016–31 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–Phlx–2016–31. 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–Phlx–2016–31 and should be submitted on or before March 30, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–05181 Filed 3–8–16; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77291; File No. SR–BATS–2015–108]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval to a Proposed Rule Change To Adopt BATS Rule 11.27(a) To Implement the Quoting and Trading Requirements of the Regulation NMS Plan To Implement a Tick Size Pilot Program

March 3, 2016.

I. Introduction

On November 30, 2015, BATS Exchange, Inc. (''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposal to adopt BATS Rule 11.27(a) to implement the quoting and trading requirements of the Plan to Implement Tick Size Pilot Program (''Plan'') submitted to the Commission pursuant

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

to Rule 608 of Regulation NMS under the Act (''Tick Size Pilot'').[3] The proposal was published for comment in the **Federal Register** on December 9, 2015.[4] The Commission received three comment letters on the proposal and a response letter from BATS.[5] On January 21, 2016, the Commission designated a longer period for Commission action on the proposal, until March 8, 2016.[6] On March 2, 2016, BATS filed Partial Amendment No. 1.[7] This order approves the proposal, as modified by Partial Amendment No. 1.

II. Background

On August 25, 2014, NYSE Group, Inc., on behalf of BATS Exchange, Inc., BATS Y-Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., FINRA, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the Nasdaq Stock Market LLC, New York Stock Exchange LLC (''NYSE''), NYSE MKT LLC, and NYSE Arca, Inc. (collectively ''Participants'' [8]), filed with the Commission, pursuant to section 11A of the Act [9] and Rule 608 of Regulation NMS thereunder,[10] the Plan to Implement the Tick Size Pilot.[11] The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014.[12] The Plan was published for comment in the **Federal Register** on November 7, 2014,[13] and approved by the Commission, as modified, on May 6, 2015.[14] On November 6, 2015, the Commission issued an exemption to the Participants from implementing the Plan until October 3, 2016.[15]

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.[16] The Plan requires Participants to develop quoting and trading requirements for the Tick Size Pilot as well as collect, publish, and submit to the Commission a variety of data elements such as market quality statistics and market maker profitability.[17] BATS is proposing to adopt BATS Rule 11.27(a) and certain Interpretations and Policies to implement the quoting and trading requirements of the Tick Size Pilot.[18]

III. Description of the Proposed Rule Change

A. Policies and Procedures To Comply With the Plan

Proposed BATS Rule 11.27(a) would establish the rules necessary for compliance with the applicable quoting and trading requirements specified in the Plan for BATS and its members.[19]

Proposed BATS Rule 11.27(a)(1) provides that members shall establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the applicable quoting and trading requirements of the Plan. Proposed BATS Rule 11.27(a)(2) sets forth that BATS system will not display, quote or trade in violation of the applicable quoting and trading requirements for a Pilot Security specified in the Plan or its proposed rule, unless the quotation or transaction is specifically exempted under the Plan.

B. Compliance and Pilot Securities Under $1.00 During the Pilot Period

Proposed BATS Rule 11.27(a)(3) sets forth the procedures for Pilot Securities whose price drops below $1.00 during the Pilot Period.[20] If the price of a Pilot Security drops below $1.00 during regular trading hours on any trading day, the Pilot Security will continue to trade according to the quoting and trading requirements of its originally assigned Test Group within the Plan. If a Pilot Security has a Closing Price [21] below $1.00 on any trading day, the Pilot Security would be moved from its respective Test Group into the Control Group, and would be quoted and traded at any price increment that is currently permitted for the remainder of the Pilot Period. Proposed BATS Rule 11.27(a)(3) further provides, that notwithstanding anything to the contrary, all Pilot Securities will continue to be subject to BATS Rule 11.27(b), which sets forth BATS' data collection requirements for Tick Size Pilot.

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[3] *See* Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015) (order approving the Tick Size Pilot) (''Approval Order'').

[4] *See* Securities Exchange Act Release No. 76552 (December 3, 2015), 80 FR 76591 (''BATS Proposal'').

[5] *See* letters from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated December 18, 2015 (''SIFMA Letter''); Mary Lou Von Kaenel, Managing Director, Financial Information Forum, dated December 22, 2015 (''FIF Letter''); Brendon J. Weiss, Co-Head, Government Affairs, Intercontinental Exchange, Inc. and John K. Kerin, CEO, Chicago Stock Exchange, Inc., dated January 15, 2016 (''NYSE Letter''); and Andrew Madar, Associate General Counsel, Financial Industry Regulatory Authority, Inc. (''FINRA'') and Chris Solgan, Assistant General Counsel, BATS, dated February 23, 2016 (''BATS Response Letter'').

[6] *See* Securities Exchange Act Release No. 76945, 81 FR 4734 (January 27, 2016).

[7] In Partial Amendment No. 1, BATS proposes to: (1) Add an exception to permit members to fill a customer order in a Pilot Security in Test Group Two or Test Group Three at a non-nickel increment to comply with BATS Rule 12.6 under limited circumstances; (2) add an exception to the Trade-at Prohibition for certain error correction transactions; (3) modify the stopped order exception to the Trade-at Prohibitions to better align it with the stopped order exception for Rule 611 of Regulation NMS; and (4) clarify the use of Trade-at Intermarket Sweep Orders in connection with the Trade-At Prohibition.

[8] The Commission notes that on February 5, 2016, National Stock Exchange, Inc. (''NSX'') filed a Plan amendment with the Commission to become a Plan Participant pursuant to section II.C of the Plan. This amendment is effective upon filing pursuant to Rule 608(b)(3)(iii) of Regulation NMS.

[9] 15 U.S.C. 78k–1.

[10] 17 CFR 242.608.

[11] *See* letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

[12] *See* Securities Exchange Act Release No. 72460, 79 FR 36840 (June 30, 2014).

[13] *See* Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423.

[14] *See* Approval Order, *supra* note 3.

[15] *See* Securities Exchange Act Release No. 76382, 80 FR 70284 (November 13, 2015).

[16] Rule 608(c) of Regulation NMS. 17 CFR 242.608(c). *See also* Plan Sections II.B and IV.

[17] The data collection requirements for the Plan are specified in Appendices B and C. *See* Approval Order, *supra* note 3. BATS has adopted rules to implement the data collection requirements under the Plan. *See* BATS Rule 11.27(b); *see* also Securities Exchange Act Release No. 77105 (February 10, 2016), 81 FR 8112, (February 17, 2016).

[18] NYSE, on behalf of the Plan Participants, submitted a letter to the Commission requesting exemption from certain provisions of the Plan related to the quoting and trading requirements as they apply to Pilot Securities that have a price under $1.00. *See* letter from Elizabeth K. King, General Counsel & Corporate Secretary, NYSE, to Brent J. Fields, Secretary, Commission, dated October 14, 2015 (''October Exemption Request''). In addition, FINRA, on behalf of the Plan Participants, submitted a letter to the Commission requesting additional exemptions from certain provisions of the Plan related to the quoting and trading requirements. *See* letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, to Robert W. Errett, Deputy Secretary, Commission, dated February 23, 2016 (''February 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 letters and noted herein. *See* letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Eric Swanson, Executive Vice President, General Counsel and Secretary, BATS, dated March 3, 2016 (''SEC Exemption Letter'').

[19] BATS proposed that its Rule 11.27(a) be in effect during a pilot period to coincide with the Pilot Period of the Plan, including any extensions. *See* Proposed BATS Rule 11.27(a) Interpretations and Policies .03.

[20] BATS has requested an exemption from the Plan related to this provision. *See* October Exemption Request, *supra* note 18.

[21] Capitalized terms used in this Order are defined in the Plan, unless otherwise specified herein. Further, BATS has proposed to use the Plan's defined terms in its Rule 11.27(a). *See* Proposed BATS Rule 11.27(a) Interpretations and Policies .01.

C. Quoting and Trading Rules for Test Group One

Proposed BATS Rule 11.27(a)(4) describes the quoting and trading requirements for Pilot Securities in Test Group One. Specifically, BATS proposes that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05 for Pilot Securities in Test Group One. Orders priced at either the midpoint of the national best bid and national best offer (''NBBO'') or best protected bid and best protected offer (''PBBO'') and orders entered into a Participant-operated retail liquidity program may be ranked and accepted in increments of less than $0.05. The provision also sets forth that Pilot Securities in Test Group One would continue to be able to trade at any price increment that is currently permitted by applicable Participant, Commission, and BATS rules.

D. Quoting and Trading Rules for Test Group Two

Proposed BATS Rule 11.27(a)(5) describes the quoting and trading requirements of Pilot Securities in Test Group Two. Specifically, BATS proposes that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05 for Pilot Securities in Test Group Two.[22] Further, BATS proposes that absent any enumerated exceptions, no member organization may execute an order in any increment other than $0.05 for Pilot Securities in Test Group Two.[23]

Proposed BATS Rule 11.27(a)(5)(C) provides that Test Group Two Pilot Securities may trade in increments less than $0.05 in the following circumstances: (1) At the midpoint between the NBBO or the PBBO; (2) for Retail Investor Orders that are provided with price improvement that is at least $0.005 better than the PBBO; and (3) Negotiated Trades. In Partial Amendment No. 1, BATS proposed a fourth exception to the Test Group Two requirement that Pilot Securities trade in $0.05 increments. Specifically, BATS proposed that a member may execute a customer order at an increment other than $0.05, following the execution of a permissible proprietary trade by that member, in order to comply with BATS Rule 12.6.[24]

E. Quoting and Trading Rules for Test Group Three

Proposed BATS Rule 11.27(a)(6) describes the quoting and trading requirements of Pilot Securities in Test Group Three. BATS proposes for Pilot Securities in Test Group Three that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05.[25] Proposed BATS Rule 11.27(a)(6)(B) states that for Test Group Three Pilot Securities no member would be permitted to execute an order, including Brokered Cross Trades, in an increment other than $0.05 unless there was an exception enumerated by proposed BATS's Rule 11.27(a)(6)(C). Proposed BATS Rule 11.27(a)(6)(C) sets forth four exceptions for trading of Test Group Three Pilot Securities to occur in increments of less than $0.05: (1) At the midpoint between the NBBO or the PBBO; (2) for Retail Investor Orders that are provided with price improvement at least $0.005 better than the PBBO; (3) for Negotiated Trades; and (4) for executions of a customer order to comply with BATS Rule 12.6 following the execution of a proprietary trade by the member at an increment other than $0.05, where such proprietary trade was permissible pursuant to an exception under the Plan.[26]

Proposed BATS Rule 11.27(a)(6)(D)(i) sets forth that, absent an exception set forth in proposed BATS Rule 11.27(a)(6)(D)(ii), no member that operates a Trading Center may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer during regular trading hours (*i.e.,* the ''Trade-at Prohibition''). Under the Trade-at Prohibition, a member that operates a Trading Center that is displaying a quotation, via either a processor or an SRO quotation feed, that is at a price equal to the traded-at Protected Bid or Protected Offer is permitted to execute orders at that level, but only up to the amount of its displayed size. A member that operates a Trading Center that was not displaying a quotation at a price equal to the traded-at Protected Quotation, via either a processor or an SRO quotation feed, is prohibited from price-matching protected quotations unless at least one of the exceptions applies.

Proposed BATS Rule 11.27(a)(6)(D)(ii) sets forth the exceptions to the Trade-at Prohibition for members that operate Trading Centers as follows:

(a) The order is executed within the same independent aggregation unit[27] of the member that operates the Trading Center that displayed the quotation via either a processor or an SRO quotation feed, to the extent such member uses independent aggregation units, at a price equal to the traded-at Protected Quotation that was displayed before the order was received, but only up to the full displayed size of that independent aggregation unit's previously displayed quote. Further, proposed BATS Rule 11.27(a)(6)(D)(ii)(a) also specifies that a Trading Center that is displaying a quotation as agent or riskless principal may only execute as agent or riskless principal and a Trading Center displaying a quotation as principal (excluding riskless principal) may execute as principal, agent or riskless principal;

(b) the order that is of Block Size[28] at the time of origin and is not an aggregation of non-block orders; broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution; or executed on multiple Trading Centers;

(c) the order is a Retail Investor Order that is executed with at least $0.005 price improvement;

(d) the order is executed when the Trading Center displaying the Protected Quotation that was traded-at was experiencing a failure, material delay, or malfunction of its systems or equipment;

(e) the order is executed as part of a transaction that was not a ''regular way'' contract;

(f) the order is executed as part of a single-priced opening, reopening, or closing transaction by the Trading Center;

(g) the order is executed when a Protected Bid is priced higher than a Protected Offer in the Pilot Security;

(h) the order is identified as a Trade-at Intermarket Sweep Order (''ISO'');[29]

[22] Similar to the exception in Test Group One, orders priced to trade at the midpoint of the NBBO or PBBO and orders entered into a Participant-operated retail liquidity price program may be ranked and accepted in increments of less than $0.05. *See* Proposed BATS Rule 11.27(a)(5)(A).

[23] Proposed BATS Rule 11.27(a)(5)(B) applies to all trades, including Brokered Cross Trades. A Brokered Cross Trade is defined in the Plan as a trade that a broker-dealer that is a member of a Participant executes directly by matching simultaneous buy and sell orders for a Pilot Security. *See* Plan Section I.G.

[24] *See* Partial Amendment No. 1, *supra* note 7. BATS has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 18.

[25] Similar to the exceptions for Test Group One and Test Group Two, orders priced to trade at the midpoint of the NBBO or PBBO and orders entered in a Participant-operated retail liquidity program may be ranked and accepted in increments of less than $0.05. *See* Proposed BATS Rule 11.27(a)(6)(A).

[26] *See* Partial Amendment No. 1, *supra* note 7. BATS has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 18.

[27] BATS proposes that, ''Independent aggregation unit'' has the same meaning as provided under Rule 200(f) of Regulation SHO. *See* 17 CFR 242.200(f).

[28] ''Block Size'' is defined in the Plan as an order (1) of at least 5,000 shares or (2) for a quantity of stock having a market value of at least $100,000.

[29] *See* Partial Amendment No. 1, *supra* note 7. In Partial Amendment No. 1, BATS proposes to define a Trade-At ISO as a limit order for a Pilot Security

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(i) the order is executed by a Trading Center that simultaneously routed Trade-at ISOs to execute against the full displayed size of the Protected Quotation with a price that is better than, or equal to, the limit price of the limit order identified as a Trade-at ISO;

(j) the order is executed as part of a Negotiated Trade;

(k) the order is executed when the Trading Center displaying the Protected Quotation that was traded at had displayed within one second prior to execution of the transaction that constituted the Trade-at, a Best Protected Bid or Best Protected Offer, as applicable, for the Pilot Security with a price that was inferior to the price of the Trade-at transaction;

(l) the order is executed by a Trading Center, which at the time of order receipt, had guaranteed an execution at no worse than a specified price (a ''stopped order'') where: (1) The stopped order was for the account of a customer; (2) the customer agreed to the specified price on an order-by-order basis; and (3) the price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security at the time of execution, as long as such order is priced at an acceptable increment; [30]

(m) the order is for a fractional share order of a Pilot Security, provided that such fractional share order was not the result of breaking an order [31] for one or more whole shares of a Pilot Security into orders for fractional shares or was not otherwise effected to evade the requirements of the Tick Size Pilot; or

(n) the order is to correct a bona fide error, which is recorded by the Trading Center in its error account. BATS proposes to define a bond fide error as: 1. The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market; 2. the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions; 3. the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or 4. a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.[32]

IV. Summary of Comments

As noted above, the Commission received three comment letters concerning the proposed rule change [33] and a response letter from BATS.[34] All three commenters discussed various aspects of the Trade-at Prohibition. The commenters noted differences between the Trade-at Prohibition rules proposed by BATS and NYSE.[35] One commenter noted that the NYSE's proposal would limit a Trading Center from price matching a Protected Quotation to when the Trading Center is displaying in a principal capacity, while the BATS Proposal would not restrict price matching to a Trading Center's principal capacity.[36]

One commenter expressed support for BATS's Trade-at Prohibition proposal.[37] However, one commenter, NYSE, stated that the BATS Proposal was inconsistent with the goals of the Plan because it would incentivize a migration of trading to dark venues.[38] This commenter stated that the BATS Proposal would allow an alternative trading system (''ATS'') to execute matched trades of any of its participants at the Traded-at Protected Quotation if the ATS is displaying on an agency basis, a quotation of another participant at the Protected Quotation.[39] The commenter noted that all participant orders displayed by an ATS are agency orders of the ATS and that trades matched by ATS participants without display are also agency orders of that ATS. Therefore, the commenter believes that the BATS Proposal would allow trades by ATS participants at the Trade-at Protected Quotation without that participant displaying a Protected Quotation. The commenter believes that the proposal allows ATS participants to ''free-ride'' on the displayed Protected Quotation of other ATS participants.[40] The commenter stated that if implemented, trading would continue in dark pools at a price of displayed liquidity and that the proposal would result in similar trading behaviors between Test Group Three and Test Group Two.[41]

In its response, BATS disagreed with NYSE's characterization of the display exception's operation as set forth in the BATS Proposal, and confirmed that a broker-dealer would not be permitted to trade based on interest that it is not responsible for displaying.[42] BATS noted that it would view a broker-dealer that matches orders in the over-the-counter (''OTC'') market, as principal, agent or riskless principal, to have ''executed'' such orders as a Trading Center for purposes of proposed BATS Rule 11.27(a), regardless of whether such broker-dealer ultimately executes and reports such trade through an OTC trade reporting facility, an ATS or another Trading Center. Accordingly, if a broker-dealer has displayed, as principal, a buy order at the protected bid on an exchange or Electronic Communications Network (''ECN'') prior to its receipt of a customer sell order, it could internalize that customer sell order, up to its displayed size, in reliance on the proposed BATS Rule 11.27(a)(6)(D)(ii)(a) exceptions. If, however, that broker-dealer has not displayed a principal buy order at the

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that meets the following requirements: 1. When routed to a Trading Center, the limit order is identified as a Trade-at ISO; and 2. simultaneously with the routing of the limit order identified as a Trade-at ISO, one of more additional limit orders, as necessary, are routed to execute against the full size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is better than or equal to the limit price of the limit order identified as a Trade-at ISO. These additional routed orders also must be marked as Trade-at ISOs. *See* Proposed BATS Rule 11.27(a)(7)(A)(i).

[30] *See* Partial Amendment No. 1, *supra* note 7. BATS has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 18.

[31] Additionally, no member shall break an order into smaller orders or otherwise effect or execute an order to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan. *See* Proposed BATS Rule 11.27(a) Interpretations and Policies .02.

[32] *See* Partial Amendment No. 1, *supra* note 7. BATS has requested an exemption from the Plan related to this provision. *See* February Exemption Request, *supra* note 18.

[33] *See supra* note 5. The Commission notes that the SIFMA Letter and the FIF Letter also addressed the proposed rule changes submitted by FINRA and NYSE to implement the quoting and trading requirements of the Tick Size Pilot. *See* SIFMA Letter and FIF Letter. *Also see* Securities Exchange Act Release No. *See* Securities Exchange Act Release No. 77218 (February 23, 2016), 81 FR 10290 (February 29, 2016) (order approving the ''FINRA Proposal'') and Securities Exchange Act Release No. 73229 (October 22, 2015), 80 FR 66065 (October 28, 2015) (notice of the ''NYSE Proposal'').

[34] As noted above, BATS and FINRA submitted a joint response to comment letters. *See* BATS Response Letter, *supra* note 5.

[35] *See* SIFMA Letter and FIF Letter. For example, these two commenters highlighted two distinctions between the NYSE Proposal and the BATS Proposal. The commenters noted that the BATS Proposal does not limit the Retail Investor Order exception to the Trade-at Prohibition to only orders submitted by an exchange program whereas the NYSE Proposal does include this limitation. Additionally, the commenters noted that the BATS Proposal allows for a Trade-at Prohibition for orders that were displayed as either an agency, riskless principal, or principal capacity whereas the NYSE proposal only allows for orders that were displayed on a principal basis. One commenter indicated that if the differences persisted it would be ''virtually impossible'' for its members to comply with the Plan. *See* SIFMA Letter.

[36] *See* SIFMA Letter.

[37] *See* SIFMA Letter. For example, SIFMA stated that it believed that the Commission should approve BATS's proposal.

[38] The commenter also indicated that the proposal did not follow the procedure outlined by the Plan's Operating Committee. *See* NYSE Letter.

[39] *See* NYSE Letter.

[40] *See* NYSE Letter.

[41] *See* NYSE Letter.

[42] As noted above, BATS and FINRA submitted a joint response to comments. *See* BATS Response Letter, *supra* note 5.

protected bid, but matches its customer order with an order for its own account and submits the paired orders to an ECN where another broker-dealer is displaying a buy order at the protected bid, the broker-dealer submitting the paired orders could not rely on the proposed display exceptions. While the ECN, as a Trading Center, could execute the displayed order as agent with offsetting interest because it was displaying an agency quotation at the protected bid, the broker-dealer submitting the paired orders could not, as a Trading Center, trade with its customer order, because it was not displaying a principal quotation at the protected bid. Accordingly, such a transaction could not be effected consistent with the Trade-at Prohibition under the BATS proposal.

One commenter discussed other provisions related to the Trade-at Prohibition.[43] Specifically, the commenter stated the definition of Block Size order, used for the Block Size exception to the Trade-at Prohibition, would prevent a Trading Center from facilitating a block cross trade.[44] The commenter requested that the proposal be amended to permit the aggregation of non-block orders as long as at least one component of the order was of the defined Block Size.[45] In response, BATS opined that such an exception was inconsistent with the Plan. BATS believes that permitting the aggregation of non-block orders or the combination of Block Size orders with non-block size orders would undermine the Block Size exception by making it overly broad.

The commenter suggested that the exceptions to the Trade-at Prohibition contained in this proposal should be more closely aligned with the exemptions granted to Rule 611 of Regulation NMS.[46] Specifically, the commenter referenced the Rule 611 exemptions for (1) certain error correction transactions and (2) certain print protection transactions.[47] BATS agreed with the commenter, in part, and amended this proposal to include an exception for certain error correction transactions for the Trade-at Prohibition.[48] BATS, however, did not believe that it was appropriate to provide a print protection transaction exception for the Trade-at Prohibition that correlates to the exemption for Rule 611 of Regulation NMS.[49]

The commenter also noted there was a distinction between the stopped order exception applicable to Rule 611 of Regulation NMS exception and the proposed stopped order exception for the Trade-at Prohibition. The commenter provided an example where an order would satisfy Rule 611 of Regulation NMS but would not satisfy the proposed Trade-at Prohibition exception. In response, BATS amended and harmonized the respective stopped trade exceptions to harmonize the stopped order exception.[50]

Finally, one commenter requested clarification on the treatment of a variety of order types, including Good Till Canceled orders entered in non-nickel increments before the Pilot Period, indications of interest priced to execute at the midpoint, and market maker peg orders. BATS noted that Test Group One permits indications of interest priced to execute at the midpoint. With regard to the other orders, BATS noted that the Participants are drafting FAQs to address the commenter's questions.

V. Discussion and Findings

After carefully considering the proposed rule change, the comments submitted, and BATS's response to the comments, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[51] Specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,[52] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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 section 6(b)(8) of the Act,[53] which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate.

The Commission stated in the Approval Order that the Tick Size Pilot should provide a data-driven 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.[54] 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 meaningful 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.'' [55] Proposed BATS Rule 11.27(a) would impose compliance obligations on its members with the quoting and trading requirements set forth in section VI of the Plan. As discussed below, 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 Rule 608 of Regulation NMS and the Plan.

A. Policies and Procedures To Comply With the Plan

Proposed BATS Rule 11.27(a)(1) provides that BATS members must establish, maintain, and enforce written

[43] *See* FIF Letter. The Commission notes that FIF asked several interpretative questions and provided explanatory examples in its comment letter on the FINRA proposal that were not raised within the FIF Letter related to the BATS proposal. However, these issues were discussed in the BATS Response Letter and discussed in the FINRA Order.

[44] According to the commenter, a ''block cross trade'' is block size order that includes smaller orders. The commenter noted that the three additional qualifications contained within the BATS proposal are meant to ensure the purpose of the Trade-at Prohibition is not undermined. *See* FIF Letter. *See also* Proposed BATS Rule 11.27(a)(6)(D)(ii)(b).

[45] *See* FIF Letter.

[46] 17 CFR 242.611.

[47] The commenter noted Commission orders related to Rule 611 of Regulation NMS. Order Exempting Certain Error Correction Transactions from Rule 611 of Regulation NMS under the Securities Exchange Act of 1934 (*http://www.sec.gov/rules/exorders/2007/34-55884.pdf*); Order Exempting Certain Print Protection Transactions from Rule 611 (*http://www.sec.gov/rules/exorders/2007/34-55883.pdf*). *See* FIF Letter.

[48] *See* Partial Amendment No. 1, *supra* note 7.

[49] *See* Partial Amendment No. 1, *supra* note 7.

[50] *See* Partial Amendment No. 1, *supra* note 7.

[51] 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).

[52] 15 U.S.C. 78*f*(b)(5).

[53] 15 U.S.C. 78*f*(b)(8).

[54] *See* Approval Order, *supra* note 3.

[55] 17 CFR 242.608(c). *See also* Section II.B of the Plan which provides that each Participant will adopt rules requiring compliance by its members with provisions of the Plan. In addition, Section IV of the Plan requires all Participants and members of Participants to establish maintain and enforce written policy and procedures that are reasonably designed to comply with the applicable quoting and trading requirements specified in section VI of the Plan for the Pilot Securities.

policies and procedures that are reasonably designed to meet the applicable quoting and trading requirements of the Plan. Proposed BATS Rule 11.27(a)(2) states that BATS's system will not display, quote, or trade in violation of the applicable quoting and trading requirements for a Pilot Security specified in the Plan and its rule. As noted above, sections II.B and IV of the Plan provide that each Participant must establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the quoting and trading requirements of the Plan and adopt rules requiring compliance by its members with the terms of the Plan. Accordingly, proposed BATS Rules 11.27(a)(1) and (2) are consistent with the Act as they implement these Plan provisions.

B. Compliance and Pilot Securities Under $1.00 During the Pilot Period

Proposed BATS Rule 11.27(a)(3) provides a mechanism to address instances where the price of a Pilot Security assigned to a Test Group falls below $1.00. Specifically, if the price of a Pilot Security assigned to a Test Group falls below $1.00 during a trading day, the Pilot Security would remain in its assigned Test Group. If, however, a Pilot Security has a Closing Price below $1.00 during any trading day, that Pilot Security would be moved out of its respective Test Group and into the Control Group.[56] The Commission notes that the selection criteria for Pilot Securities were developed to minimize the likelihood of the inclusion of securities that trade with a share price of $1.00 or less. However, the Commission understands that there could be instances over the course of the Pilot Period where a Pilot Security's price falls below $1.00. According to the Participants, a $0.05 quoting and/or trading increment could be harmful to trading for such low priced Pilot Securities. Accordingly, the Commission believes that this provision is consistent with the Act because it should help to ensure that the universe of Pilot Securities remains constant over the Pilot Period while also addressing trading concerns for Pilot Securities that experience a fall in price.

Proposed BATS Rule 11.27(a) Interpretations and Policies .03 specifies that the rule's effectiveness shall be contemporaneous with the pilot period. The Commission believes that this proposed rule is consistent with the Act because it reinforces and clarifies important dates and obligations under the Plan.

C. Quoting and Trading Rules for Test Group One and Test Group Two

Proposed BATS Rule 11.27(a)(4) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group One in increments other than $0.05. However, proposed BATS Rule 11.27(a)(4) also provides that orders priced to execute at the midpoint of the NBBO or PBBO and orders entered in a Participant-operated retail liquidity program may be ranked and accepted in increments of less than $0.05. Finally, proposed BATS Rule 11.27(a)(4) provides that Pilot Securities in Test Group One may continue to trade at any price increment that is currently permitted by applicable Participant, SEC and BATS rules. The Commission finds that proposed BATS Rule 11.27(a)(4) is consistent with the Act because it implements provisions of the Plan.

Proposed BATS Rule 11.27(a)(5) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group Two in increments other than $0.05. However, proposed BATS Rule 11.27(a)(5) also provides that orders priced to execute at the midpoint of the NBBO or PBBO and orders entered in a Participant-operated retail liquidity program may be ranked and accepted in increments of less than $0.05. Proposed BATS Rule 11.27(a)(5)(B) further provides that no member may execute an order in a Test Group Two Pilot Security in an increment other than $0.05, unless an exception applies. Pilot Securities in Test Group Two may trade in increments less than $0.05 when trading: (i) At the midpoint between the NBBO or the PBBO; (ii) Retail Investor Orders that are provided price improvement that is at least $0.005 better than the PBBO; (iii) Negotiated Trades; and (iv) customer orders to comply with BATS Rule 12.6 following the execution of a proprietary trade that is permissible pursuant to Plan exception.[57] The Commission finds that proposed BATS Rules 11.27(a)(5)(C)(i), (ii) and (iii) are consistent with the Act because they implement provisions of the Plan.

In Partial Amendment No. 1, BATS proposes to add a trading increment exception in BATS Rule 11.27(a)(5)(C)(iv), which would allow the execution of a customer order following a proprietary trade by a BATS member at an increment less than $0.05 in the same security, on the same side and at the same price as (or within the prescribed amount of) a customer order owed a fill pursuant to BATS Rule 12.6, where the triggering proprietary trade was permissible pursuant to an exception under the Plan. BATS believes that this customer order protection exception should facilitate the ability of its members to continue to protect customer orders while retaining the flexibility to engage in proprietary trades that comply with an exception to the Plan. Based on the foregoing, the Commission finds that proposed BATS Rule 11.27(a)(5)(C)(iv) is consistent with the Act.[58]

D. Quoting and Trading Rules for Test Group Three

Proposed BATS Rule 11.27(a)(6)(A) provides that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in any Pilot Security in Test Group Three in increments other than $0.05. Proposed BATS Rule 11.27(a)(6)(A) also provides that for Test Group Three Pilot Securities orders priced to execute at the midpoint of the NBBO or PBBO and orders entered in a Participant-operated retail liquidity program may be ranked and accepted in increments of less than $0.05. Proposed BATS Rule 11.27(a)(6)(B) specifies that the $0.05 trading increment will apply to all trades, including Brokered Cross Trades; and that trades for Test Group Three Pilot Securities may not occur in increments of less than $0.05 unless there is an applicable exception listed in proposed Rule BATS Rule 11.27(a)(6)(C). Pursuant to proposed Rule BATS Rule 11.27(a)(6)(C), Test Group Three Pilot Securities may trade in increments less than $0.05 when trading: (i) At the midpoint between the NBBO or the PBBO; (ii) Retail Investor Orders that are provided price improvement that is at least $0.005 better than the PBBO and; (iii) Negotiated Trades; and (iv) customer orders to comply with BATS Rule 12.6 following the execution of a proprietary

[56] The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 18.

[57] *See* Partial Amendment No. 1, *supra* note 7.

[58] The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 18.

trade that is permissible pursuant to Plan exception.[59]

The Commission finds that proposed BATS Rule 11.27(a)(6)(A), proposed BATS Rule 11.27(a)(6)(B), and proposed BATS Rules 11.27(a)(6)(C)(i), (ii) and (iii) are consistent with the Act because they implement provisions of the Plan. In addition, as discussed above,[60] the Commission finds that proposed BATS Rule 11.27(a)(6)(C)(iv) is consistent with the Act.

1. Quoting and Trading Rules for Test Group Three: Trade-at Prohibition

Proposed BATS Rule 11.27(a)(6)(D) describes the Trade-at Prohibition and the exceptions applicable thereto.[61] Specifically, proposed BATS Rule 11.27(a)(6)(D)(i) sets forth that absent any of the exceptions listed in subparagraph (D)(ii), no member that operates a Trading Center may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer during regular trading hours (*i.e.,* the Trade-at Prohibition). Proposed BATS Rule 11.27(a)(6)(D)(i) also states that under the Trade-at Prohibition, a member that operates a Trading Center that is displaying a quotation, via either a processor or an SRO quotation feed, that is at a price equal to the traded-at Protected Bid or Protected Offer is permitted to execute orders at that level, but only up to the amount of its displayed size. Finally, proposed BATS Rule 11.27(a)(6)(D)(i) states that a member that operates a Trading Center that was not displaying a quotation at a price equal to the traded-at Protected Quotation, via either a processor or an SRO quotation feed, is prohibited from price-matching protected quotations unless an exception applies.

Proposed BATS Rule 11.27(a)(6)(D)(ii) lists the exceptions to the Trade-at Prohibition. The proposed exceptions set forth in BATS Rules 11.27(a)(6)(D)(ii)(c) through (g), (j), (k), and (m) mirror the exceptions set forth in the Plan.[62] The Commission finds these exceptions to be consistent with the Act because they implement Plan provisions.

In proposed BATS Rule 11.27(a)(6)(D)(ii)(a), BATS proposes to implement the display exception to the Trade-at Prohibition. As proposed, BATS has added several details about its operation and implementation. For example, BATS proposes that a Trading Center that uses independent aggregation units execute orders within the same independent aggregation unit that displayed the quotation. In addition, BATS proposes to specify that Trading Centers that display a quotation as agent or riskless principal may only execute as agent or riskless principal. If the Trading Center is displaying a quotation as principal (excluding riskless principal), the Trading Center may execute as principal, agent or riskless principal.

As noted above, one commenter suggested that BATS's proposal would create an incentive for trading in Test Group Three to migrate to dark venues.[63] According to the commenter, BATS's proposal would permit a non-displayed Trading Center to submit matched trades to an ATS that was displaying on an agency basis the quotation of another ATS subscriber.[64] BATS responded that it did not believe this scenario could occur under its proposal, and confirmed that the broker-dealer submitting the matched trade could not, as a Trading Center trade with its customer order because it was not displaying a principal quotation. The Commission finds that BATS's proposed Rule 11.27(a)(6)(D)(ii)(a) to be consistent with the Act. The Commission believes that BATS's proposed rule clarifies the operation of the display exception in a manner consistent with the goals of the Plan. First, a Trading Center would only be able to execute an order in the same capacity in which it has displayed a quotation. Accordingly, a Trading Center could not rely on an agency quotation to execute on a principal basis. Further, a Trading Center that uses independent aggregation units would be restricted in its ability to rely on quotations displayed by other independent aggregation units. As noted above, a Trading Center that utilizes independent aggregation units may only execute an order in the independent aggregation unit that displayed the quotation. The Commission believes that these additional rules implement the display exception to the Trade-at Prohibition in a manner that should incent the display of liquidity.[65]

Proposed BATS Rule 11.27(a)(6)(D)(ii)(b) sets forth the exception to the Trade-at Prohibition for orders of Block Size. BATS proposes additional provisions with respect to Block Size orders including that orders at the time of origin may not be: (1) An aggregation of non-block orders; (2) broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution; or (3) executed on multiple Trading Centers.

As noted above, one commenter suggested that these additional provisions would limit firms' ability to facilitate block cross trades.[66] BATS responded that the additional criteria would clarify this Trade-at Prohibition exception. Further, BATS noted that permitting the aggregation of non-block orders or permitting members to combine a block order with non-block orders would overly expand the scope of the exception.

The Commission believes that the additional criteria for the Block Size exception are consistent with the Act. In the Approval Order, the Commission modified the Block Size definition for the purposes of the Plan to more closely reflect the trading characteristics of potential Pilot Securities.[67] The Commission believes proposed BATS Rule 11.27(a)(6)(D)(ii)(b) appropriately limits the scope and applicability of the Block Size exception, and should help to exclude trades and order handling scenarios that were not contemplated or intended to be considered for an exception for the Trade-at Prohibition.

Proposed BATS Rule 11.27(a)(6)(D)(ii)(h) sets forth the exception to the Trade-at Prohibition for orders identified as Trade-at ISO. In Partial Amendment No. 1, BATS proposes to clarify the definition of a Trade-at ISO for purposes of the exception. Specifically, BATS proposes to define Trade-At ISO as a limit order for a Pilot Security that meets the following requirements: (1) When routed to a Trading Center, the limit order is identified as a Trade-at ISO; and (2) simultaneously with the routing of the limit order identified as a Trade-at ISO, one of more additional limit orders, as necessary, are routed to execute

[59] *See* Partial Amendment No. 1, *supra* note 7.

[60] *See* Section V.C above related to the discussion of proposed BATS Rule 11.27(a)(5)(C)(iv). The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 18.

[61] The Commission notes that the BATS Response Letter contains detailed responses to a number of interpretive questions that were raised by a commenter in regards to the BATS and FINRA Proposals. *See supra* note43. The Commission understands that the Participants are developing interpretative guidance on the quoting and trading rules under the Plan and expects that Participants will continue to work with market participants on the implementation of the quoting and trading rules of the Tick Size Pilot.

[62] *See* Section VI.D(3) through (7), (10), (11) and (13) of the Plan.

[63] *See* NYSE Letter.

[64] *Id.*

[65] *See* Approval Order, *supra* note 3. In the Approval Order, the Commission stated that the Trade-at Prohibition should test whether market participants are incentivized to display more liquidity in a wider tick environment.

[66] *See* FIF Letter.

[67] *See* Approval Order, *supra* note 3.

against the full size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is better than or equal to the limit price of the limit order identified as a Trade-at ISO. These additional routed orders also must be marked as Trade-at ISO.[68]

According to BATS, the use of the term ISO as set forth in the Plan could be unclear in Test Group Three.[69] As noted in BATS's Partial Amendment No. 1, an ISO may mean that the sender of the ISO has swept better-priced protected quotations, so that the recipient of that ISO may trade through the price of the protected quotation (in compliance with Rule 611 of Regulation NMS [70]), or it could mean that the sender of the ISO has swept protected quotations at the same price at which it wishes to execute (in addition to any better-priced quotations), so that the recipient of that ISO may trade at the price of the protected quotation (as an exception to the Trade-at Prohibition). Accordingly, since the meaning of an ISO may differ under Rule 611 of Regulation NMS and the Trade-at Prohibition under the Plan, BATS proposes Rule 11.27(a)(6)(D)(ii)(h) to reflect that the order is a Trade-at ISO so that a receiving Trading Center in a Test Group Three Pilot Security would know, upon receipt of that Trade-at ISO, that the Trading Center that sent the Trade-at ISO had already executed against the full size of displayed quotations at that price (*e.g.,* the recipient of that Trade-at ISO could permissibly trade at the price of the protected quotation). In addition, BATS proposes to make a corresponding change to BATS Rule 11.27(a)(6)(D)(ii)(i).

The Commission believes that proposed BATS Rule 11.27(a)(6)(D)(ii)(h) and BATS Rule 11.27(a)(6)(D)(ii)(i) are consistent with the Act because they clarify the use and operation of ISOs under the Plan. The definition in the Plan provided that an ISO received under the Plan would indicate to the recipient that orders to execute against the full displayed size at a price equal to the ISO's limit price had been routed. However, the Commission understands that the use of the term ISO in connection with the exception to the Trade-at Prohibition could cause confusion. Therefore, the Commission believes that BATS's proposal should clarify the use of ISOs under the Plan and facilitate their implementation.

Proposed BATS Rule 11.27(a)(6)(D)(ii)(l) sets forth an exception to the Trade-at Prohibition for stopped orders. A stopped order is defined as an order executed by a Trading Center which, at the time of order receipt, the Trading Center had guaranteed an execution at no worse than a specified price where: (1) The stopped order was for the account of a customer; (2) the customer agreed to the specified price on an order-by-order basis; and (3) the price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security at the time of execution, as long as such order is priced at an acceptable increment.

As noted above, one commenter raised questions about how the stopped order exception would operate as an exception to the Trade-at Prohibition.[71] In Partial Amendment No. 1, BATS amended the rule text of proposed BATS Rule 11.27(a)(6)(D)(ii)(l) to clarify its operation under the Trade-at Prohibition. The Commission finds that proposed BATS Rule 11.27(a)(6)(D)(ii)(l), as modified by Partial Amendment No. 1, is consistent with the Act because it implements the Plan provision is a manner that clarifies its operation for these order types.[72]

In Partial Amendment No. 1, BATS proposes an additional exception to the Trade-at Prohibition.[73] Specifically, proposed BATS Rule 11.27(a)(6)(D)(ii)(n) sets forth an exception to the Trade-at Prohibition for ''bona fide errors.'' [74] Proposed BATS Rule 11.27(a)(6)(D)(ii)(n) provides an exception to the Trade-at Prohibition where the order is to correct a bona fide error, which is recorded by the Trading Center in its error account. The proposed definition for a ''bona fide error'' is: (i) The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market; (ii) the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions; (iii) the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or (iv) a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order. In order to utilize this exception to the Trade-at Prohibition, the following conditions must be met: (1) The bona fide error must be evidenced by objective facts and circumstances, the Trading Center must maintain documentation of such facts and circumstances, and the Trading Center must record the transaction in its error account; (2) the Trading Center must establish, maintain, and enforce written policies and procedures that are reasonably designed to address the occurrence of errors and, in the event of an error, the use and terms of a transaction to correct the error in compliance with this exception; and (3) the Trading Center must regularly surveil to ascertain the effectiveness of its policies and

[68] *See* Proposed BATS Rule 11.27(a)(7)(A)(i).

[69] Section VI.D(8) of the Plan provides an exception to the Trade-at Prohibition for ISOs. In addition, Section I(MM) defined a Trade-at ISO as a limit order for a Pilot Security that meets the following requirements: (1) When routed to a Trading Center, the limit order is identified as an ISO; and (2) simultaneously with the routing of the limit order identified as an ISO, one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is equal to the limit price of the limit order identified as an ISO. These additional routed orders also must be market as ISO.

[70] 17 CFR 242.611.

[71] *See* FIF Letter.

[72] The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 18.

[73] This additional exception was requested by a commenter. *See* FIF Letter.

[74] The Commission notes that one commenter suggested that there should be a print protection exception to the Trade-at Prohibition that corresponds to the print protection exemption that is applicable to Rule 611 of Regulation NMS. *See* FIF Letter. The Commission does not agree that a print protection exception would be consistent with the Trade-At Prohibition in the Plan. First, the print protection exemption applicable to Rule 611 is inconsistent with the Trade-at Prohibition because the Rule 611 print protection exemption explicitly contemplates protection for both displayed and reserve (undisplayed) size of orders. In this regard, the Commission believes that such an exception for the Trade-at Prohibition often will be unnecessary because a print protection exception for the Trade-at Prohibition would need to be premised upon a displayed customer order, which already is excepted from the Trade-at Prohibition if it satisfies the requirements of proposed BATS Rule 11.27(a)(6)(D)(i) and the Plan. Moreover, providing a print protection exemption from the Trade-At Prohibition would create the potential for trading scenarios that would result in better-priced, displayed orders being bypassed for the execution of inferior, same-priced orders. The Commission believes such a result is inconsistent with the Plan in general, and the Trade-at Prohibition in particular. Finally, the Commission notes that BATS represents that the print protection exemption applicable to Rule 611 of Regulation NMS is rarely used by its members.

procedures to address errors and transactions to correct errors and takes prompt action to remedy deficiencies in such policies and procedures.[75]

The Commission finds that the exception to the Trade-at Prohibition for the correction of bona fide errors is consistent with the Act.[76] The Commission believes that this exception should promote efficiency and the best execution of investor orders. As noted in the Commission's order exempting such orders from Rule 611 of Regulation NMS, the exemption will allow Trading Centers to execute error correction transactions at the appropriate prices to correct bona fide errors without having to qualify for one of the exceptions to the Trade-at Prohibition.[77]

The Commission finds that the BATS proposal to implement the Tick Size Pilot quoting and trading requirements, including the Interpretations and Policies, are consistent with the Act. The proposal clarifies and implements the quoting and trading requirements set forth in the Plan.

VI. Solicitation of Comments of Partial Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning Partial Amendment No. 1, including whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–108 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–2015–108. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–108 and should be submitted on or before March 30, 2016.

VII. Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 1

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. 1, prior to the 30th day after the date of publication of Partial Amendment No. 1 in the **Federal Register**. Partial Amendment No. 1 amends four of the requirements set forth in this proposed rule change. First, BATS proposes to add an exception to permit members to fill a customer order in a Pilot Security in Test Group Two or Three at a non-nickel increment to comply with BATS Rule 12.6 (Prohibition Against Trading Ahead of Customer Orders) under limited circumstances. Second, BATS is amending the proposal to adopt an exception to the Trade-at Prohibition for certain error correction transactions. Third, BATS is proposing to modify the stopped order exception to the Trade-at Prohibition to clarify its operation under the Plan. Finally, BATS is proposing to clarify the use of ISOs in connection with the Trade-at Prohibition.

BATS believes that the change to allow members to fill a customer order at a non-nickel increment to comply with BATS Rule 12.6 under limited circumstances best facilitates the ability of members to continue to protect customer orders while retaining the flexibility to engage in proprietary trades that comply with an exception to the Plan. BATS believes adding an exception to the Trade-at Prohibition for error correction transactions is appropriate as this exception is equally applicable to the Trade-at Prohibition as to Rule 611 of Regulation NMS, and that adopting this exception appropriately aligns the requirements of the Trade-at Prohibition with Rule 611 of Regulation NMS. Similarly, BATS believes that amending the stopped order exception will result in more consistent treatment under Regulation NMS and the Plan, which should ease compliance burdens for members. Finally, BATS believes that amending the reference to ISOs in connection with the Trade-at Prohibition is consistent with the Act because it will better align that reference to the definition of ''Trade-At Intermarket Sweep Order'' as set forth in the Plan.

Based on the foregoing, the Commission believes that the changes to: (1) Add an exception to BATS Rule 11.27(a)(5)(C)(iv) and 11.27(a)(6)(C)(iv) to permit members to fill a customer order in a Pilot Security at a non-nickel increment to comply with BATS Rule 12.6 under limited circumstances, (2) create an exception to the Trade-at Prohibition for certain error correction transactions, (3) modify the stopped order exception to the Trade-at Prohibition, and (4) to clarify the use of ISOs in connection with the Trade-at Prohibition are all consistent with the Act. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Partial Amendment No. 1, on an accelerated basis, pursuant to section 19(b)(2) of the Act.

VIII. Conclusion

IT IS THEREFORE ORDERED, pursuant to section 19(b)(2) of the Act[78] that the proposed rule change, as modified by Partial Amendment No. 1 (SR–BATS–2015–108) be, and it hereby is, approved on an accelerated basis.

[75] *See* Partial Amendment No. 1, *supra* note 7. *See also* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[76] The Commission notes that the conditions for a bona fide error exception for the Trade-at Prohibition would be consistent with the corresponding bona fide error exemption for Rule 611 and would apply only to the error correction transaction itself and would not, for example, apply to any subsequent trades effected by a Trading Center to eliminate a proprietary position connected with the error correction transaction or a broker dealer's mere failure to execute a not-held order in accordance with a customer's expectations. *See also* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[77] The Commission notes that it has granted BATS an exemption from Rule 608(c) related to this provision. *See* SEC Exemption Letter, *supra* note 18.

[78] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[79]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–05185 Filed 3–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32022; 812–14591]

Amplify ETF Trust and Amplify Investments LLC; Notice of Application

March 3, 2016.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and Sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements''). The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the sub-advisers.

APPLICANTS: Amplify ETF Trust (the ''Trust''), a Massachusetts business trust registered under the Act as an open-end management investment company with multiple series, and Amplify Investments LLC, a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (''Amplify'' or the ''Adviser,'' and, collectively with the Trust, the ''Applicants'').

FILING DATES: The application was filed December 15, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 28, 2016, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 3250 Lacey Road, Suite 130, Downers Grove, IL 60515.

FOR FURTHER INFORMATION CONTACT: David J. Marcinkus, Senior Counsel, or Dalia Blass, Assistant Chief Counsel, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. The Adviser will serve as the investment adviser to the Funds pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement'').[1] The Adviser will provide the Funds with continuous and comprehensive investment management services subject to the supervision of, and policies established by, each Fund's board of trustees (''Board''). The Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more sub-advisers (each, a ''Sub-Adviser'' and collectively, the ''Sub-Advisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Adviser. The primary responsibility for managing the Funds will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Sub-Advisers, including determining whether a Sub-Adviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Sub-Advisers pursuant to Sub-Advisory Agreements and materially amend existing Sub-Advisory Agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[2] Applicants also seek an exemption from the Disclosure Requirements to permit a Fund to disclose (as both a dollar amount and a percentage of the Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Sub-Adviser; and (b) the aggregate fees paid to Sub-Advisers other than Affiliated Sub-Advisers (collectively, ''Aggregate Fee Disclosure''). For any Fund that employs an Affiliated Sub-Adviser, the Fund will provide separate disclosure of any fees paid to the Affiliated Sub-Adviser.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the Application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Fund shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Funds' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the Application, the Advisory Agreements will remain subject to shareholder approval, while the role of the Sub-Advisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of Sub-Advisory Agreements would impose unnecessary delays and expenses on the Funds. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's

[79] 17 CFR 200.30–3(a)(12).

[1] Applicants request relief with respect to any existing and any future series of the Trust and any other registered open-end management company or series thereof that: (a) Is advised by Amplify or its successor or by a person controlling, controlled by, or under common control with Amplify or its successor (each, also an ''Adviser''); (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a ''Fund'' and collectively, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The requested relief will not extend to any Sub-Adviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of a Fund or the Adviser, other than by reason of serving as a sub-adviser to one or more of the Funds (''Affiliated Sub-Adviser'').

ability to negotiate fees paid to the Sub-Advisers that are more advantageous for the Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–05186 Filed 3–8–16; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14656 and #14657]

Georgia Disaster #GA–00066

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4259–DR), dated 02/26/2016.

Incident: Severe Storms and Flooding.

Incident Period: 12/22/2015 through 01/13/2016.

Effective Date: 02/26/2016.

Physical Loan Application Deadline Date: 04/26/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/28/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/26/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Baker, Carroll, Chattahoochee, Crawford, Dade, Decatur, Douglas, Fannin, Fayette, Gilmer, Greene, Haralson, Harris, Jeff Davis, Lamar, Macon, Marion, Meriwether, Montgomery, Morgan, Muscogee, Newton, Oglethorpe, Pickens, Stewart, Talbot, Taliaferro, Taylor, Towns, Troup, Upson, Webster, Wilkes.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14656B and for economic injury is 14657B.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–05207 Filed 3–8–16; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1011 (Sub-No. 2X)]

Northern Lines Railway, LLC—Discontinuance of Service Exemption—in Stearns County, MN

Northern Lines Railway, LLC (NLR) filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 0.45-mile rail line owned by BNSF Railway Company, between milepost 80.66 and milepost 81.11 in St. Joseph, Stearns County, Minn. (the Line). The Line traverses United States Postal Service Zip Code 56374. NLR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) overhead traffic on the Line, if any, can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on April 8, 2016, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [1] must be filed by March 21, 2016.[2] Petitions to reopen must be filed by March 29, 2016, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NLR's representative: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: March 4, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Tia Delano,

Clearance Clerk.

[FR Doc. 2016–05239 Filed 3–8–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0321]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 31 individuals for an exemption from the prohibition against persons with a clinical diagnosis of

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because this is a discontinue proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require an environmental review.

epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for up to 2 years in interstate commerce.

DATES: Comments must be received on or before April 8, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0321 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. 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 for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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 *http://www.regulations.gov* as described in the system records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, or via email at *fmcsamedical@dot.gov,* or by letter to FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statutes allow the Agency to renew exemptions at the end of the 2-year period. The 31 individuals listed in this notice have requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. The advisory criteria found in Appendix A to 49 CFR 391.41, states that:

> If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.
>
> In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.
>
> Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of medical examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner based on the physical qualification standards and medical best practices.

II. Qualifications of Applicants

Travis Earl Baird

Mr. Baird is a 28 year-old driver in Oklahoma. He has a history of a seizure disorder and has remained seizure free since 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Baird receiving an exemption.

Robert P. Brackett

Mr. Brackett is a 60 year-old class A CDL holder in Maine. He has a history of a single unprovoked seizure in 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Brackett receiving an exemption.

Brian R. Checkley, Jr.

Mr. Checkley is a 36 year-old driver in New Jersey. He has a history of epilepsy and has remained seizure free since 2007. He underwent a right anterior temporal lobectomy in 2007 and has not taken anti-seizure medication since August 2011. His physician states that he is supportive of Mr. Checkley receiving an exemption.

James Clark

Mr. Clark is a 32 year-old driver in Pennsylvania. He has a history of a seizure disorder and has remained seizure free since 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Clark receiving an exemption.

George J. Conte

Mr. Conte is a 46 year-old driver in Connecticut. He has a history of epilepsy and has remained seizure free since 2014. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Conte receiving an exemption.

Dean W. Drury

Mr. Drury is a 55 year-old driver in Illinois. He had one seizure following surgery in February 2015. He currently takes anti-seizure medication but anticipates being weaned off of his this medication in the future. His physician states that he is supportive of Mr. Drury receiving an exemption.

Kelly Frederick

Mr. Frederick is a 46 year-old driver in Louisiana. He has a history of a seizure disorder and has remained seizure free since 2005. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Frederick receiving an exemption.

William Gessner

Mr. Gessner is a 48 year-old class A CDL holder in Pennsylvania. He has a history of a seizure disorder and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Gessner receiving an exemption.

Jerry L. Henderson

Mr. Henderson is a 56 year-old class A CDL holder in Indiana. He has a history of a seizure disorder and has remained seizure free since 2007. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Henderson receiving an exemption.

Clarence D. Jones

Mr. Jones is a 73 year-old class A CDL holder in Virginia. He has a history of a seizure disorder and has remained seizure free since 1987. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Jones receiving an exemption.

Preston Romayne Kanagy

Mr. Kanagy is a 35 year-old class A CDL holder in Tennessee. He has a history of epilepsy and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since 2001. His physician states that he is supportive of Mr. Kanagy receiving an exemption.

James Randall King

Mr. King is a 49 year-old driver in Connecticut. He has a history of a seizure disorder and has remained seizure free since 2007. He has not taken anti-seizure medication since 1988. His physician states that he is supportive of Mr. King receiving an exemption.

Scott A. Lowe

Mr. Lowe is a 58 year-old class A CDL holder in Massachusetts. He has a history of a seizure disorder and has remained seizure free since 1983. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Lowe receiving an exemption.

Ronald Alan Nagy, Jr.

Mr. Nagy is a 29 year-old driver in Michigan. He underwent a craniotomy for resection of an astrocytoma in June 2015. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Nagy receiving an exemption.

Roger Lynn Neal

Mr. Neal is a 55 year-old class A CDL holder in Missouri. He has a history of a seizure disorder and has remained seizure free since 1985. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Neal receiving an exemption.

Thomas Victor Oconnor

Mr. Oconnor is a 46 year-old class A CDL holder in Florida. He has a history of a seizure disorder and has remained seizure free since 2005. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Oconnor receiving an exemption.

Nicholas Ramirez

Mr. Ramirez is a 37 year-old driver in California. He has a history of a seizure disorder and has remained seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Ramirez receiving an exemption.

Scott William Reaves

Mr. Reaves is a 52 year-old driver in Texas. He has a history of a seizure disorder and has remained seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Reaves receiving an exemption.

Steven Shirley

Mr. Shirley is a 54 year-old driver in Utah. He has a history of epilepsy and has remained seizure free since 1996. He takes anti-seizure medication with the dosage and frequency remaining the same for two years. His physician states that he is supportive of Mr. Shirley receiving an exemption.

Tory J. Shuler

Mr. Shuler is a 47 year-old driver in New York. He has a history of a seizure disorder and has remained seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Shuler receiving an exemption.

Randall T. Slavik

Mr. Slavik is a 70 year-old class A CDL holder in Missouri. He has a history of a single seizure in 2015. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Slavik receiving an exemption.

Michael Spinelli, IV

Mr. Spinelli is a 41 year-old class C CDL holder in New Jersey. He has a history of seizure after being diagnosed with a brain tumor in 2007. He remained seizure free until June 2015 when he suffered a seizure after taking a generic form of his anti-seizure medication. He currently takes the brand name form of this anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Spinelli receiving an exemption.

Matthew Jack Staley

Mr. Staley is a 43 year-old driver in Colorado. He has a history of epilepsy and has remained seizure free since 1999. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Staley receiving an exemption.

Michael A. Sypolt

Mr. Sypolt is a 53 year-old class A CDL holder in West Virginia. He has a history of a seizure disorder and has remained seizure free since 1980. He takes anti-seizure medication with the dosage and frequency remaining the same for two years. His physician states that he is supportive of Mr. Sypolt receiving an exemption.

Daisy Tapia

Ms. Tapia is a 59 year-old class B CDL holder in New York. She has a history of a single provoked seizure in April 2012, followed by a resection of a benign meningioma. She takes anti-seizure medication with the dosage and frequency remaining the same since that time. Her physician states that he is supportive of Ms. Tapia receiving an exemption.

Peter M. Thompson

Mr. Thompson is a 23 year-old class A CDL holder in Florida. He has a history of juvenile epilepsy and has remained seizure free since 2003. He does not take anti-seizure medication. His physician states that he is supportive of Mr. Thompson receiving an exemption.

Paul Richard Trombley

Mr. Trombley is a 41 year-old class A CDL holder in Michigan. He has a history of a seizure disorder and has remained seizure free since 2014. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Trombley receiving an exemption.

Mohammad S. Warrad

Mr. Warrad is a 55 year-old driver in Iowa. He has a history of a seizure disorder and has remained seizure free since 1996. He takes anti-seizure medication with the dosage and frequency remaining the same since March 2014. His physician states that he is supportive of Mr. Warrad receiving an exemption.

Richard James Wenner

Mr. Wenner is a 50 year-old class A CDL holder in Minnesota. He has a history of a seizure disorder and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same that time. His physician states that he is supportive of Mr. Wenner receiving an exemption.

John Charles Wolfe

Mr. Wolfe is a 55 year-old class A CDL holder in Pennsylvania. He has a history of epilepsy and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same that time. His physician states that he is supportive of Mr. Wolfe receiving an exemption.

Dennis Raymond Zayic

Mr. Zayic is a 63 year-old driver in Minnesota. He has a history of a seizure following the resection of a benign meningioma in 1995. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Zayic receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2015–0321'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and materials received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0321 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: February 26, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–05242 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0154; FMCSA–2012–0332; FMCSA–2013–0121; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the hearing requirement in the Federal Motor Carrier Safety Regulations for 36 individuals. FMCSA has statutory authority to exempt individuals from the hearing requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is valid January 4, 2016. Comments must be received on or before April 8, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2012–0154; FMCSA–2012–0332; FMCSA–2013–0121; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125, using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 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., Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the hearing requirement in 49 CFR 391.41(b)(11), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 36 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Andrew Alcozer (IL)
Shayne Bumbalough (WA)
Geoffrey M. Canoyer (MN)
Barry Carpenter (SD)
Kwinton Carpenter (OH)
Chase Cook (VA)
Nelson Deleon (FL)
Keith Drown (ID)
Norman Estes (AL)
Jerry Ferguson (TX)
James Gooch (MO)
Sue Gregory (UT)
David Hoffman (SD)
Harold Johnson (PA)
Valerie Johnson (CA)
William Larson (NC)
Donald Lynch (SC)
Bryan Macfarlane (VT)
Aminder Malhi (CA)
Darren Nordquist (WI)
Ray Norris (TX)
Leslie O'Rorke (IL)
Gilbert Partida (TX)
Jacob Paullin (WI)
Johnny Pierson (AL)
Ryan Pope (CA)
James Queen (FL)
Gerson Ramirez (TX)
Zachary Rietz (TX)
Robert Rotondi (KY)
Ronald Rutter (CA)
James Schubin (CA)
Samuel Sherman (MN)
Russell Smith (OH)
Morris Townsend (NC)
James Weir (WA)

The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 36 applicants has satisfied the entry conditions for obtaining an exemption from the hearing requirement (78 FR 7479; 80 FR 22766; 80 FR 22772; 80 FR 18924; 80 FR 18926). Each of these 36 applicants has requested renewal of the exemption and CDLIS and MCMIS were searched for crash and violation data on the 36 applicants. For non-CDL holders, the Agency reviewed the driving records from the State licensing agency. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 8, 2016.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 36 individuals from the hearing requirement in 49 CFR 391.41(b)(11). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the

statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2012–0154; FMCSA–2012–0332; FMCSA–2013–0121; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this notice, or to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2012–0154; FMCSA–2012–0332; FMCSA–2013–0121; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this document.

Issued on: February 26, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–05241 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0394]

Driver Qualification Files: Application for Exemption; Atlantic and Pacific Freightways, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of withdrawal of application for exemption.

SUMMARY: FMCSA announces that it has accepted the request of Atlantic and Pacific Freightways, Inc. (A&P) to withdraw its application for exemption from the Agency's regulation requiring motor carriers to obtain updated medical certification information when a driver holding a commercial driver's license (CDL) undergoes a new driver medical examination (49 CFR 391.51(b)(7)(ii)). A&P no longer needs the exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325, Email: *MCPSD@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Applicant A&P is a Vancouver, Washington motor carrier that employs CDL-drivers to transport goods in interstate commerce. A&P applied for exemption from 49 CFR 391.51(b)(7)(ii) because it was experiencing difficulty obtaining updated medical certification information on its CDL drivers as required by the regulation. On November 27, 2015, FMCSA published a **Federal Register** notice of A&P's application for exemption and asked for public comment (80 FR 74202). No comments were received. On January 28, 2016, A&P asked to withdraw its application for exemption because it is now able to receive all the information required by 49 CFR 391.51(b)(7)(ii). The Agency accordingly accepts A&P's request to withdraw its application and closes the docket of this matter.

Issued on: February 26, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–05244 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Fiscal Year 2016 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Federal Transportation Administration's (FTA) Fiscal Year (FY) 2016 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements, which can be found at FTA's Web site, *www.fta.dot.gov/certs.* This notice provides a condensed list of the pre-award Certifications and Assurances that may apply to an Applicant to FTA for federal assistance and the Award that may be made in FY 2016. This notice also describes both the Applicant and FTA's responsibilities with respect to the Certifications and Assurances and highlights the differences between the FY 2016 Certifications and Assurances and those published for FY 2015. Each Applicant to FTA for federal assistance must submit the Certifications and Assurances that apply to it and any Award for which it seeks federal assistance during FY 2016. An Applicant to FTA typically acts through its authorized representative (You). You, as the Applicant's Authorized Representative, must have the authority to sign the Applicant's Certifications and Assurances and to bind your Applicant's compliance with the Certifications and Assurances you select on its behalf. Your Certifications and Assurances must be affirmed by your Applicant's attorney. This notice provides instructions on how and when you should submit your Applicant's Certifications and Assurances for FY 2016.

DATES: These FY 2016 Certifications and Assurances are effective October 1, 2015, the first day of FY 2016.

FOR FURTHER INFORMATION CONTACT: The appropriate Regional or Metropolitan Office listed in this notice. For copies of related documents and information, see our Web site at *www.fta.dot.gov/certs* or contact our Office of Administration at 202–366–4007.

Region 1: Boston

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, Telephone # 617–494–2055

Region 2: New York

States served: New York and New Jersey, Telephone # 212–668–2170

Region 3: Philadelphia

States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, Telephone # 215–656–7100

Region 4: Atlanta

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, Territories served: Puerto Rico and the U.S. Virgin Islands, Telephone # 404–865–5600

Region 5: Chicago

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, Telephone # 312–353–2789

Region 6: Dallas/Ft. Worth

States served: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, Telephone # 817–978–0550

Region 7: Kansas City

States served: Iowa, Kansas, Missouri, and Nebraska, Telephone # 816–329–3920

Region 8: Denver

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming, Telephone # 303–362–2400

Region 9: San Francisco

States served: Arizona, California, Hawaii, and Nevada, Territories served: Guam, American Samoa and the Northern Mariana Islands, Telephone # 202–731–9652 or 202–713–0097 (temporary numbers—please refer to the FTA Web site for an updated phone number: *http://www.fta.dot.gov/about/region9.html*)

Region 10: Seattle

States served: Alaska, Idaho, Oregon, and Washington, Telephone # 206–220–7954

Chicago Metropolitan Office

Area served: Chicago Metropolitan Area, Telephone # 312–886–1616

Los Angeles Metropolitan Office

Area served: Los Angeles Metropolitan Area, Telephone # 213–202–3950

Lower Manhattan Recovery Office

Area served: Lower Manhattan, Telephone # 212–668–1770

New York Metropolitan Office

Area served: New York Metropolitan Area, Telephone # 212–668–2201

Philadelphia Metropolitan Office

Area served: Philadelphia Metropolitan Area, Telephone # 215–656–7070

Washington DC Metropolitan Office

Area served: Washington DC Metropolitan Area, Telephone # 202–219–3562/202–219–3565

Puerto Rico Office

Area Served: Commonwealth of Puerto Rico, Telephone # 404–865–5600

SUPPLEMENTARY INFORMATION:

1. What are FTA's responsibilities?

The second sentence of 49 U.S.C. 5323(n) states in pertinent part that, ''[t]he Secretary [of Transportation] shall publish annually a list of all certifications required under this chapter [49 U.S.C. chapter 53]. . . .'' The first sentence of 49 U.S.C. 5323(n) states that, ''[a] certification required under this chapter [53] and any additional certification or assurance required by law or regulation to be submitted to the Secretary [who delegated that authority to the Federal Transit Administrator] may be consolidated into a single document to be submitted annually as part of a grant application under this chapter [53].'' Therefore, FTA has assembled those Certifications and Assurances into the following twenty-three (23) categories:

Category 01. Required Certifications and Assurances for Each Applicant,

Category 02. Lobbying,

Category 03. Procurement and Procurement Systems,

Category 04. Private Sector Protections,

Category 05. Rolling Stock Reviews and Bus Testing,

Category 06. Demand Responsive Service,

Category 07. Intelligent Transportation Systems,

Category 08. Interest and Financing Costs and Acquisition of Capital Assets by Lease,

Category 09. Transit Asset Management Plan and Public Transportation Agency Safety Plan,

Category 10. Alcohol and Controlled Substances Testing,

Category 11. Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement),

Category 12. State of Good Repair Program,

Category 13. Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs,

Category 14. Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program,

Category 15. Seniors and Individuals with Disabilities Programs,

Category 16. Rural and Appalachian Development Programs,

Category 17. Tribal Transit Programs (Public Transportation on Indian Reservations Programs),

Category 18. State Safety Oversight Grant Program,

Category 19. Public Transportation Emergency Relief Program,

Category 20. Expedited Project Delivery Pilot Program,

Category 21. Infrastructure Finance Programs, and

Category 22. Paul S. Sarbanes Transit in Parks Program.

Category 23. Hiring Preferences.

Since 1995, FTA has consolidated the pre-award Certifications and Assurances required by law or regulation into a single document for publication in the **Federal Register**. To receive federal assistance appropriated or made available for the Grant, Cooperative Agreement, Loan, Loan Guarantee, and Line of Credit programs FTA/DOT administers, your Applicant must submit the annual Certifications and Assurances required for the type of federal assistance it seeks.

These FY 2016 Certifications and Assurances supersede any Certifications and Assurances published in an earlier fiscal year. After publication in the **Federal Register**, each Applicant must submit applicable FY 2016 Certifications and Assurances before FTA may award federal assistance to support that Applicant's request.

2. What is the legal effect of these Certifications and Assurances?

a. Pre-Award Representations. These Certifications and Assurances are pre-award representations typically required by federal law or regulation that your Applicant must submit before FTA may provide federal assistance for its Award. In general, these FY 2016 Certifications and Assurances are effective October 1, 2015, except as FTA determines otherwise in writing.

Upon publication in the **Federal Register**, FTA may not provide federal assistance until you submit your Applicant's FY 2016 Certifications and Assurances.

b. Binding Commitment. Your Applicant must comply with any Certifications or Assurances you make

on its behalf, irrespective of whether you remain your Applicant's authorized representative. When you submit its Certifications and Assurances to FTA, both you and your Applicant are agreeing to comply with those terms.

c. Length of Commitment. Your Applicant's FY 2016 Certifications and Assurances remain in effect until its Award is closed or the end of the useful life of its federally assisted assets, whichever is later. If your Applicant provides different Certifications and Assurances in a later fiscal year, the later Certifications and Assurances will usually apply, except as FTA determines otherwise in writing.

d. Duration. You and your Applicant may use the FY 2016 Certifications and Assurances at FTA's Web site, *www.fta.dot.gov/certs* to support applications for federal assistance until FTA issues its FY 2017 Certifications and Assurances.

e. The FY 2016 Certifications and Assurances Are Not a Complete List of Federal Requirements. FTA cautions that the FY 2016 Certifications and Assurances focus mainly on those representations that your Applicant is required to submit to FTA before FTA may award federal assistance. Consequently, these Certifications and Assurances do not include many other federal requirements that will apply to your Applicant and its Award. Your Applicant is responsible for compliance with all applicable federal requirements.

f. Federal Requirements. In addition to the information in this notice and FTA's FY 2016 Apportionments Notice, FTA also strongly encourages you and your Applicant's staff and prospective and current Third Party Participants to review all federal legislation, regulations, and guidance that apply to them and your Applicant's proposed Award. The FY 2016 Master Agreement identifies many of those requirements and applicable guidance, and may be accessed at *www.fta.dot.gov/certs.*

g. Penalties for False or Fraudulent Statements. If you provide any false or fraudulent statement to the Federal Government on behalf of your Applicant or yourself, you may incur both federal civil and criminal penalties. *See:*

(1) The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 *et seq.,*

(2) U.S. Department of Transportation (U.S. DOT) regulations, ''Program Fraud Civil Remedies,'' 49 CFR part 31, and

(3) Section 5323(l)(1) of title 49, United States Code, which authorizes federal criminal penalties and termination of federal assistance if you provide, on behalf of your Applicant or yourself, a false or fraudulent certificate, submission, or statement in connection with the Federal Transit Program authorized by 49 U.S.C. chapter 53.

3. What are your responsibilities?

a. Make sure that all involved with your Applicant's Award understand the federal requirements that will apply to your Applicant and its Award. FTA strongly advises you, as your Applicant's authorized representative, to read this notice and the Certifications and Assurances on the FTA Web site *www.fta.dot.gov/certs* before selecting Certifications and Assurances on behalf of your Applicant. FTA also advises you to read the information accompanying the apportionment tables when FTA publishes its FY 2016 Apportionment Notices.

Your Applicant is responsible for compliance with all federal requirements that apply to itself and its Award. Other entities and people, including Subrecipients, Third Party Contractors, and Third Party Subcontractors (Third Party Participants) can adversely affect your Applicant's ability to comply with those federal requirements. Accordingly, all Third Party Participants involved in its Award need to know and should agree to comply with the federal requirements that affect your Applicant's Award and themselves, as Third Party Participants.

b. Subrecipient and Other Third Party Participation. Except in limited circumstances when FTA has determined otherwise in writing, your Applicant is ultimately responsible for compliance with all Certifications and Assurances that you select on its behalf, even if the Award and some or all of the activities therein will be carried out by Subrecipients or other Third Party Participants. Therefore, FTA strongly recommends that you take appropriate measures to ensure that Subrecipients and other Third Party Participants involved in carrying out your Applicant's Award do not take actions that will cause your Applicant to violate the representations made in its Certifications and Assurances.

c. Submit Your Applicant's Certifications and Assurances. You must submit all Categories of the FY 2016 Certifications and Assurances that apply to your Applicant and the Award(s) it seek in FY 2016. For your convenience, FTA recommends that you submit all twenty-three (23) Categories of Certifications and Assurances. Those provisions of the Certifications and Assurances that do not apply to your Applicant or its Award will not be enforced.

d. Obtain the Affirmation of Your Applicant's Attorney. You must obtain an affirmation of your Applicant's Attorney, signed in FY 2016, stating that your Applicant has sufficient authority under its state and local law to certify its compliance with the FY 2016 Certifications and Assurances that you have selected on its behalf; the Certifications and Assurances have been legally made and constitute legal and binding obligations on your Applicant; and there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of your Applicant's FTA assisted Award. Your Applicant's Attorney must sign this affirmation during FY 2016. An Affirmation of your Applicant's Attorney dated in a previous fiscal year is insufficient, unless FTA expressly determines otherwise in writing.

e. When to Submit.

(1) If your Applicant is applying for federal assistance under any of FTA's discretionary capital programs (*e.g.,* New Starts, Small Starts, or Core Capacity Improvement) or formula programs, FTA expects to receive your Applicant's FY 2016 Certifications and Assurances within ninety (90) days from the date of publication of this notice or soon after the submittal of your Applicant's request for federal assistance for FY 2016.

(2) If your Applicant seeks federal assistance from an FTA program other than a formula program or a discretionary capital or operating program, *e.g.,* for a Research, Development, Demonstration, and Deployment Award, FTA expects to receive your Applicant's FY 2016 Certifications and Assurances with the submission of its Application for federal assistance or an amendment soon thereafter.

4. Where are FTA's FY 2016 Certifications and Assurances?

FTA's FY 2016 Certifications and Assurances are available at:

a. FTA's Web site, *www.fta.dot.gov/certs,* and

b. TrAMS, also available at *https://faces.fta.dot.gov.*

5. What changes have been made since the FY 2015 Certifications and Assurances were published?

The most significant changes are:

a. The Fixing America's Surface Transportation (FAST) Act, Public Law 114–94, FTA's newest authorizing legislation, was signed into law on December 4, 2015.

b. U.S. DOT promulgated regulations, ''Uniform Administrative Requirements, Cost Principles, and Audit

Requirements for Federal Awards,'' 2 CFR part 1201, which incorporate by reference U.S. OMB regulatory guidance, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' 2 CFR part 200.

These regulations supersede the following documents:

(1) U.S. DOT regulations, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,'' former 49 CFR part 18,

(2) U.S. DOT regulations, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations,'' former 49 CFR part 19,

(3) U.S. OMB Guidance for Grants and Agreements, ''Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87),'' former 2 CFR part 225,

(4) U.S. OMB Guidance for Grants and Agreements, ''Cost Principles for Educational Institutions (OMB Circular A–21),'' former 2 CFR part 220,

(5) U.S. OMB Guidance for Grants and Agreements ''Cost Principles for Non-profit Organizations (OMB Circular A–122),'' former 2 CFR part 230, and

(6) Former U.S. OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations,'' Revised.

The new DOT regulations do not cause many citation changes to the Certifications and Assurances; however, we note the following:

(1) In Category 01.F, Paragraph 3.k(2), we have changed the citations from former OMB Circular A–133 to U.S. DOT regulations, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' 2 CFR part 200, where the current audit requirements are located, and

(2) In Category 01.F, Paragraph 3.k(3), we changed the reference to U.S. OMB A–133 Compliance Supplement to the U.S. OMB Compliance Supplement, to 2 CFR part 200, appendix XI.

c. FTA adopted its new electronic awards and management system, the Transit Award Management System (TrAMS). In adopting TrAMS, new terminology replaces the terminology in the previous transit electronic award and management system (TEAM). Among the differences are:

(1) The term ''Award'' replaces the previous term ''Project'' and now means the Scope of Work that FTA has approved when FTA agreed to provide federal assistance; the ''Award'' also includes the requirements of all documents, terms, and conditions incorporated by reference and made part of the Grant Agreement or Cooperative Agreement, and

(2) The term ''Project'' now means public transportation improvement activities eligible for federal assistance in an application to FTA and/or in an FTA Award.

d. Changes to Category 01 include the following:

(1) In Category 01.D, subsection 1.a, we added a parenthetical to indicate that discrimination on the basis of sex includes gender identity,

(2) In Category 01.F, Subparagraph 3.f(4), we added a reference to Executive Order 13690 ''Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,'' January 30, 2015,

(3) In Category 01.F, Subparagraph 3.f(11)(a), we changed the citation to section 106 of the National Historic Preservation Act of 1966, as amended, because it was codified at 54 U.S.C. 300108, and is no longer codified at 16 U.S.C. 470f,

(4) In Category 01.F, Subparagraph 3.f(11)(b), we changed the citation to the Archeological and Historic Preservation of 1974, as amended, because it was codified at 54 U.S.C. 312501 *et seq.* and is no longer codified at 16 U.S.C. 469, and

(5) In Category 01.F, Subparagraph 3.f(11)(c), we changed the citation to Executive Order 11593 (identification and protection of historic properties), because it is located as a note to 54 U.S.C. 300101 and is no longer located as a note to 16 U.S.C. 470.

e. In Category 08.B, ''Acquisition of Capital Assets by Lease,'' we changed the Certifications and Assurances to comply with the leasing provisions of the FAST Act.

f. In Category 11, Section 5, we added a reference to FTA guidance, ''Final Interim Policy Guidance, Capital Investment Grant Program,'' August 2015, 80 *Fed. Reg.* 46514, August 5, 2015.

g. We deleted former Group 13, Certifications and Assurances for the Fixed Guideway Modernization Program because there is no longer federal funding for that program. As a result, we re-numbered former Groups 14 through 18 as Categories 13 through 17, respectively.

h. In re-numbered Category 13, we have consolidated the Certifications and Assurances for the Buses and Bus Facilities Program into a single set, irrespective of whether the applicant is seeking formula or discretionary funding, or whether the applicant seeks funding appropriated or made available for FY 2016 or FY 2013—2015. Consistent with the FAST Act, we included Certifications for the Low or No Emission Vehicle Deployment Program under MAP–21 in this category because, under the FAST Act, low or no emission vehicle deployment is an eligible activity under the Grants for Buses and Bus Facilities Program

i. In re-numbered Category 14, we removed the Certifications and Assurances for the Urbanized Area Formula Program authorized under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, and for the Job Access and Reverse Commute (JARC) Formula Grant Program authorized under former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, because federal funding is no longer available for those programs.

j. In re-numbered Category 15, we have consolidated the Certifications and Assurances for seniors and individuals with disabilities, irrespective of whether the applicant is seeking funding appropriated or made available for FY 2016 or FY 2013—2015. We have also removed the Certifications and Assurances for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program authorized under former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, and the New Freedom Program authorized under former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, because federal funding is no longer available for those programs.

k. In re-numbered Category 16, we have consolidated the Certifications and Assurances for the Rural Areas Program into a single set irrespective of whether the applicant seeks funding appropriated or made available for FY 2016 or FY 2013—2015. We have also retained the Certifications and Assurances required for the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. 5311(c)(2). In addition, we have removed the Certifications and Assurances for the Formula Grants for Other Than Urbanized Areas Program financed with funding appropriated or made available for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, and the Over-the-Road Bus Accessibility Program financed with funding appropriated or made available for former section 3038 of TEA–21, as amended by former section 3039 of

SAFETEA–LU, 49 U.S.C. 5310 note, because federal funding is no longer available for those programs.

l. We removed former Group 19, Low or No Emission/Clean Fuels Grant Programs, because the Certifications for the Low or No Emission Vehicle Deployment Program have been moved to re-numbered Category 13, the Buses and Bus Facilities Program, and there is no longer federal funding for the Clean Fuels Grant Program, authorized under former 49 U.S.C. 5308.

m. We have transferred former Group 20, the Paul S. Sarbanes Transit in Parks program to Category 22.

n. We have re-numbered former Group 21, the Certifications and Assurances for the State Safety Oversight Grant Program, as Category 18.

o. We have re-numbered former Group 22, the Certifications and Assurances for the Public Transportation Emergency Relief Program, as Category 19, and have added a reference to FTA regulations, ''Emergency Relief,'' 49 CFR part 602.

p. We have re-numbered former Group 23, the Certifications and Assurances for the Expedited Project Delivery Pilot Program, as Category 20. These certifications are for the program authorized by the FAST Act. We removed the Certifications and Assurances for the MAP–21 Expedited Project Delivery Pilot Program because we have no funding for that program.

q. We have re-numbered former Group 24, the Certifications and Assurances for the Infrastructure Finance Programs, as Category 21.

r. We have added a new Group 23, the Certifications and Assurances for Construction Hiring Preferences. These certifications are required by section 192 of division L, title I of the Consolidated Appropriations Act. 2016, Public Law 114–113, which requires you, on behalf of your Applicant, to certify that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR 200.319(b):

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the third party contract requires resides in the jurisdiction where the work will be performed;

2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference; and

3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

6. How do you submit the Certifications and Assurances?

a. Electronic Submission. Except in rare circumstances and if permitted by FTA, you must submit your Applicant's FY 2016 Certifications and Assurances and your attorney's Affirmation in TrAMS. To submit the Certifications and Assurances, you must be registered in TrAMS. TrAMS contains fields for individually selecting among the twenty-three (23) Categories of Certifications and Assurances that apply to your Applicant and also a designated field for selecting all twenty-three (23) Categories, of which only the requirements that apply to you or your Applicant will be enforced.

As an authorized representative of the Applicant, you must enter your personal identification number (PIN), which is your electronic signature, in TrAMS. The Attorney must enter his or her PIN in TrAMS, affirming your Applicant's legal authority to make and comply with the Certifications and Assurances you have selected on its behalf. You may enter your PIN in place of the Attorney's PIN, provided that your Applicant has on file and uploads to TrAMS a similar affirmation that has been written, dated, and signed by its Attorney in FY 2016.

b. Paper Submission. Only in very limited circumstances may your Applicant submit its FY 2016 Certifications and Assurances on paper. For example if the Applicant has demonstrated that it is unable to submit its Certifications and Assurances electronically in TrAMS or is a one-time recipient, and if FTA has agreed in writing to accept your Applicant's Certifications and Assurances on paper, then your Applicant may indicating the Categories of Certifications and Assurances your Applicant is submitting in typewritten hard copy on the Signature Pages.

To do so, you may place a single mark in the designated space to signify your Applicant's agreement to comply with all Categories of Certifications and Assurances to the extent that they apply to it, or select the specific Categories of Certifications and Assurances that apply to your Applicant and its Award. You must obtain your Attorney's signature, whether on the Signature Page or on a separate document that makes the same affirmation as on the Signature Page. In such a case, the Regional Office or the Headquarters Program Office must attach the paper submission to TrAMS.

For more information, you may contact the appropriate FTA Regional or Metropolitan Office.

Authority. 49 U.S.C. chapter 53; the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114–94, December 4, 2015, and; other federal laws administered by FTA; U.S. DOT and FTA regulations codified or to be codified in Title 49, Code of Federal Regulations; and FTA Circulars.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2016–05147 Filed 3–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0107, Notice 2]

Decision That Nonconforming Model Year 2012 Fisker Karma Passenger Cars Are Eligible for Importation

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

ACTION: Grant of petition.

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration that certain model year (MY) 2012 Fisker Karma passenger cars (PCs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States that were certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 2012 Fisker Karma PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on March 3, 2016.

ADDRESSES: For further information contact George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused

admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

Wallace Environmental Testing Laboratories Inc. (WETL) of Houston, Texas (Registered Importer R–90–005), petitioned NHTSA to decide whether MY 2012 Fisker Karma PCs are eligible for importation into the United States. NHTSA published a notice of the petition on December 10, 2015 (80 FR 76741) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

Comments

On January 15, 2015, comments were received from Derek Nelson challenging the petition's representation that off-the-shelf U.S. model components are readily available to replace non-U.S. model components, including passenger seatbelt assemblies, passenger front airbag modules, left knee bolsters, right knee bolsters, and instrument clusters. Mr. Nelson further expressed the opinion that the MY 2012 Fisker Karma passenger cars should be imported only for display or testing purposes, and that, upon completion of display or testing, the vehicles should be exported or destroyed.

On February 9, 2016, David Strader of Karma Automotive, LLC, responded to Mr. Nelson's comments by stating that there are sufficient quantities of U.S. specification, off-the-shelf, safety and instrumentation components available to the general public from authorized service providers in the U.S. He also stated that the list of authorized service providers is available on the Web site *www.karmaautomotive.com.*

Comments and Conclusions

NHTSA has reviewed the petition, the comments from Mr. Nelson and the response to those comments from Mr. Strader, and has concluded that the vehicles covered by the petition are capable of being readily altered to comply with all applicable FMVSS.

However, NHTSA has additionally decided that any RI who imports or modifies one of these vehicles must include in the statement of conformity and associated documents (referred to as a ''conformity package'') it submits to NHTSA under 49 CFR 592.6(d) additional specific proof to confirm that the vehicle was manufactured to conform to, or was successfully altered to conform to, FMVSS No. 208 *Occupant Protection.* This proof must include detailed descriptions of all modifications made to achieve conformity with the standard, including a detailed description of the occupant protection system in place on the vehicle at the time was delivered to the RI and a similarly detailed description of the occupant protection system in place after the vehicle is altered, including photographs of all required labeling. The description must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed on the vehicle, a description of how any computer programming changes were completed, and a description of how compliance was verified after alterations were completed. Photographs (*e.g.,* monitor print screen captures) or report printouts, as practicable, must be submitted as proof that any computer reprogramming was carried out successfully.

In addition to the information specified above, each conformity package must also include evidence showing how the RI verified that any changes it made in loading or reprogramming vehicle software to achieve conformity with each separate FMVSS did not cause the vehicle to fall out of compliance with any other applicable FMVSS.

Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 2012 Fisker Karma passenger cars that were not originally manufactured to comply with all applicable FMVSS are substantially similar to 2012 Fisker Karma PCs manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–577 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

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. 2016–05164 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0022]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection under Office of Management and Budget (OMB) Control No. 2137–0605, titled ''Integrity Management in High Consequence Areas for Operators of Hazardous Liquid Pipelines.'' PHMSA is preparing to request approval from OMB for a renewal of the currently approved information collection.

DATES: Interested persons are invited to submit comments on or before May 9, 2016.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. DOT, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington,

DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2016–0022, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2016–0022.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will be submitting to OMB for renewal and extension. The information collection expires November 30, 2016, and is identified under Control No. 2137–0605, titled: ''Integrity Management in High Consequence Areas for Operators of Hazardous Liquid Pipelines.'' The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Type of request; (4) Abstract of the information collection activity; (5) Description of affected public; (6) Estimate of total annual reporting and recordkeeping burden; and (7) Frequency of collection. PHMSA will request a three-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

Title: Integrity Management in High Consequence Areas for Operators of Hazardous Liquid Pipelines.

OMB Control Number: 2137–0605.

Current Expiration Date: 11/30/2016.

Abstract: Hazardous liquid operators with pipelines located in or that could affect high consequence areas (*i.e.,* commercially navigable waterways, high population areas, other populated areas, and unusually sensitive areas as defined in 49 CFR 195.450) are subject to information collection requirements in the Integrity Management Program provisions of 49 CFR 195.452, including certain notifications and recordkeeping actions.

Affected Public: All pipeline operators of hazardous liquid pipelines located in or that could affect high consequence areas.

Annual Reporting and Recordkeeping Burden:

Annual Responses: 203.

Annual Burden Hours: 325,470.

Frequency of collection: On Occasion.

Comments are invited on:

(a) The need for the proposed collection of information 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 proposed collection of information, including the validity of the methodology and 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC, on March 3, 2016, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking.

[FR Doc. 2016–05159 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

GPS Adjacent Band Compatibility Assessment Testing

AGENCY: Office of the Assistant Secretary for Research and Technology, Department of Transportation.

ACTION: Notice; Request for voluntary participation.

SUMMARY: The Department of Transportation, through the Office of the Assistant Secretary for Research and Technology (OST–R), will begin testing Global Positioning System/Global Navigation Satellite System (''GPS/GNSS'') receivers this April pursuant to the DOT Adjacent Band Compatibility Study (''the Study'') test plan published with this notice. Device testing will take place at the U.S. Army Research Laboratory at the White Sands Missile Range (WSMR) facility in New Mexico.

The Study provides for testing categories of receivers that include aviation (non-certified), cellular, general location/navigation, high precision, timing, networks, and space-based receivers. DOT seeks to include a broad range of devices used in rail, aviation, motor vehicle, maritime, and space transportation safety systems, among a number of other applications of GPS/GNSS. The goal of the Study is to evaluate the adjacent radio frequency band power levels that can be tolerated by GPS/GNSS receivers, and advance the Department's understanding of the extent to which such power levels impact devices used for transportation safety purposes, among other GPS/GNSS applications.

The Study will involve testing of receivers provided by government agencies. In addition, to maximize diversity in the devices tested and breadth of relevant data collected for analysis in the Study, the Department requests voluntary participation in this Study by any interested GPS/GNSS device manufacturers or other parties whose products incorporate GPS/GNSS devices. Such participation could involve provision of GPS/GNSS receivers to DOT for use in testing, provision of data on receiver design to facilitate data collection pursuant to the test plan, and/or on-site commitment and support from manufacturers and other entities providing GPS/GNSS receivers for testing. DOT expects that any onsite commitment and support would take approximately one work week.

FOR FURTHER INFORMATION CONTACT: Any GPS device manufacturer interested in providing such assistance for the adjacent band study should contact

Stephen Mackey at the DOT/OST–R Volpe National Transportation Systems Center at *stephen.mackey@dot.gov* or 617–494–2753 by March 18, 2016.

SUPPLEMENTARY INFORMATION: The final Study test plan published with this notice reflects input the Department obtained from broad public outreach over the past year that included four public meetings with stakeholders on September 18 and December 4, 2014, and March 12 and October 2, 2015, public issuance of a draft test plan on September 9, 2015 (*see* 80 FR 54368), and comments received regarding the test plan.

In addition, recognizing that providing support for the Study may involve sharing information with the Department that GPS/GNSS manufacturers may consider to be confidential business information or otherwise protected from disclosure to the public under the Freedom of Information Act, the Department on November 20, 2015 circulated for review by GPS/GNSS manufacturers and other stakeholders a draft Non-Disclosure Agreement (''NDA'') that manufacturers could enter into with the Department. With this notice the Department also is publishing a revised NDA that takes into account comments submitted by stakeholders. Under this NDA, information the Department receives from GPS/GNSS manufacturers for use in the Study may be shared with other federal agencies and will be protected from unauthorized disclosure or use in accordance with applicable confidentiality laws, such as the Trade Secrets Act, 18 U.S.C. 1905, and may be exempt from disclosure to the public, to the extent permitted by the Freedom of Information Act.

The documents referenced in this Notice and further background can be viewed at: *http://www.gps.gov/spectrum/ABC/.*

Privacy Act: Anyone can search the electronic form of 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 a Privacy Act system of records notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Issued in Washington, DC, on March 3, 2016.

Gregory D. Winfree,

Assistant Secretary for Research and Technology.

[FR Doc. 2016–05247 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2004–16951]

Request for Comments of a Previously Approved Information Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on November 23, 2015 (80 FR 73039). No comments were received.

DATES: Comments must be submitted on or before April 8, 2016.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Vanessa R. Balgobin, (202) 366–9721, Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Title: Exemptions for Air Taxi Operations.

OMB Control Number: 2105–0565.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: Part 298 of Title 14 of the Code of Federal Regulations, Exemptions for Air Taxi Registration, establishes a classification of air carriers known as air taxi operators that offer on-demand passenger service. The regulation exempts these small operators from certain provisions of the Federal statute to permit them to obtain economic authority by filing a one-page, front and back, OST Form 4507, Air Taxi Operator Registration, and Amendments under Part 298 of DOT's Regulations.

DOT expects to receive 200 new air taxi registrations and 2,200 amended air taxi registrations each year, resulting in 2,400 total respondents. Further, DOT expects filers of new registrations to take 1 hour to complete the form, while it should only take 30 minutes to prepare amendments to the form. Thus, the total annual burden is expected to be 1,300 hours.

Affected Public: U.S. air taxi operators.

Number of Respondents: 2,400.

Frequency: On occasion.

Number of Responses: 2,400.

Total Annual Burden: 1,300 hours.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on March 2, 2016.

Habib Azarsina,

OST Privacy & PRA Officer, Office of the Secretary.

[FR Doc. 2016–05248 Filed 3–8–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Disclosure and Reporting of CRA-Related Agreements

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (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).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number.

The OCC is soliciting comment concerning its information collection titled, ''Disclosure and Reporting of CRA-Related Agreements.''

DATES: Comments must be received by May 9, 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: 1557–0219, 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*. 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, OCC 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, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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, without change, OMB approval of the following information collection:

Title: Disclosure and Reporting of CRA-Related Agreements.

OMB Control No.: 1557–0219.

Description: National banks, Federal savings associations, and their affiliates (institutions) occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to their Community Reinvestment Act (CRA) responsibilities. Section 48 of the Federal Deposit Insurance Act (FDI Act)[1] requires disclosure of certain of these agreements and imposes reporting requirements on institutions and other insured depository institutions (IDIs), their affiliates, and NGEPs. As mandated by the FDI Act, the OCC, the Federal Deposit Insurance Corporation, and the Federal Reserve Board issued regulations to implement these disclosure and reporting requirements. The disclosure and reporting provisions of these regulations constitute collections of information under the PRA. The regulation issued by the OCC is codified at 12 CFR part 35, and the collections of information contained in that regulation are known as ''CRA Sunshine.''

Section 48 of the FDI Act applies to written agreements that: (1) Are made in fulfillment of the CRA; (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than $10,000 in a year or loans with an aggregate principal value of more than $50,000 in a year; and (3) are entered into by an IDI or affiliate of an IDI and an NGEP.[2]

The parties to a covered agreement must make the agreement available to the public and the appropriate agency.[3] The parties also must file a report annually with the appropriate agency concerning the disbursement, receipt, and use of funds or other resources under the agreement.[4] The collections of information in CRA Sunshine implement these statutorily mandated disclosure and reporting requirements. The parties to the agreement may request confidential treatment of proprietary and confidential information in an agreement or annual report.[5]

The information collections are found in 12 CFR 35.4(b); 35.6(b)–(d); and 35.7(b) and (f).

[1] 12 U.S.C. 1831y.

[2] 12 U.S.C. 1831y(e).

[3] 12 U.S.C. 1831y(a).

[4] 12 U.S.C. 1831y(b)–(c).

[5] 12 CFR 35.8; *see* 12 U.S.C. 1831y(h)(2)(A).

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 14.

Estimated Total Annual Burden: 1,026.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 3, 2016.

Mary Hoyle Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2016–05208 Filed 3–8–16; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee March 15, 2016, Public Meeting

ACTION: Notice.

SUMMARY: Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for March 15, 2016.

Date: March 15, 2016.

Time: 9:30 a.m. to 4:00 p.m.

Location: Conference Room A, United States Mint, 801 9th Street NW., Washington, DC 20220.

Subject: Review and discussion of candidate designs for the 2017 Boys Town Centennial Commemorative Coin Program; review of a proposed design for the 2017 American Eagle Platinum Proof Coin (20th Anniversary); and a discussion of themes for a proposed

series of bronze national medals to accompany the 2017 World War I Commemorative Coin Program.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: William Norton, United States Mint Liaison to the CCAC, 801 9th Street NW., Washington, DC 20220; or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: March 2, 2016.

Richard A. Peterson,

Deputy Director for Manufacturing and Quality, United States Mint.

[FR Doc. 2016–05178 Filed 3–8–16; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 81 Wednesday,
No. 46 March 9, 2016

Part II

The President

Proclamation 9404—National Consumer Protection Week, 2016

Federal Register
Vol. 81, No. 46
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Presidential Documents

Title 3—

The President

Proclamation 9404 of March 4, 2016

National Consumer Protection Week, 2016

By the President of the United States of America

A Proclamation

After a long road to recovery, our Nation has risen from the depths of recession thanks to the grit and determination of the American people. Ensuring hardworking families feel secure and confident that they can get ahead without being ripped off or getting sucked into vicious cycles of debt was essential to our rebound and is critical to our continuing efforts to build an economy that works better for everyone. When we uphold our country's promise of fairness and opportunity, we all do better, and during National Consumer Protection Week, we reaffirm our fidelity to this ideal by striving to build an economy based on the principles of fair play, equal access, and shared responsibility.

When I took office, big banks that made reckless bets were relying on the American people to clean up after them. That is why my Administration pursued historic Wall Street reform, enacting strong consumer protections and stabilizing the foundation of our country's economic prosperity. We proposed new rules that protect people from unscrupulous lenders—including those engaged in abusive practices involving payday loans and title loans, which too often trap families in unfair and expensive cycles of fees. Additionally, because no one should be saddled with debt before they get started in life, we capped student loan payments at 10 percent of a borrower's monthly income through the Pay As You Earn plan. We also established a Student Aid Bill of Rights that calls for all students to have access to a quality, affordable education and the resources to pay for it, as well as the right to affordable loan payments, quality customer service, reliable information, and equal treatment. And to ensure the American dream can be enjoyed by those who selflessly defend it, we announced updated rules to close loopholes that allowed predatory lenders to demand unfair payments and exorbitant fees from our men and women in uniform and their families.

While Government plays an important role in protecting our people and our financial system, individuals can take steps on their own to detect abuse and safeguard their assets and personal data. As we continue to educate the public on matters of personal finance and inform young people of the dangers of too much debt, consumers should thoroughly read and understand their loan agreements, assess their own financial capacity, and take care to guard against identity theft. To assist in this effort, my Administration will keep working to make online transactions more secure, convenient, and private. For additional information on your rights as a consumer, visit www.NCPW.gov, and to report and recover from identity theft, visit www.IdentityTheft.gov.

Throughout this week, let us celebrate the core values of honesty and fair play by upholding the basic American bargain—that hard work should pay off and responsibility should be rewarded. Together, we can ensure nobody is financially taken advantage of and everybody has an equal opportunity to go as far as their dreams and talents will take them.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 6 through

March 12, 2016, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–05473
Filed 3–8–16; 11:15 am]
Billing code 3295–F6–P

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